

Location: 6154 Dunn Road
Jurisdiction: County-Unincorporated

REQUEST

Rezoning A1 to R40A

Applicant requests a rezoning from A1 Agricultural District to R40A Residential District for one parcel containing approximately 2.00 acres and located at 6154 Dunn Road. This would increase the allowed maximum density from one unit per two acres (i.e., one unit per 87,120 sq. ft.) to one unit per 40,000 square feet, allowing the addition of a manufactured home on the subject site. The applicant's intent is to have two dwelling units on the same parcel so that a mother and daughter can reside close to each other. The addition of a second dwelling unit following a change in zoning will be done via group development. 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:

Linda Weber Davis (owner)

ADDRESS/LOCATION: 6154 Dunn Road. Refer to Exhibit "A", Site Location. REID number: 0570657464000.

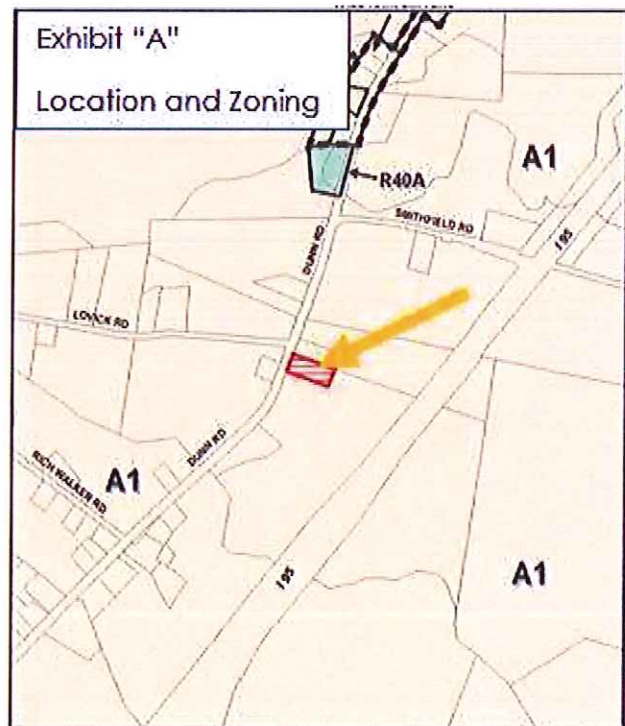
SIZE: 2.00 +/- acres within one parcel. The property has approximately 185 +/- feet of street frontage along the east side of Dunn Road. The property has a depth extending about 471.90 feet.

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

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

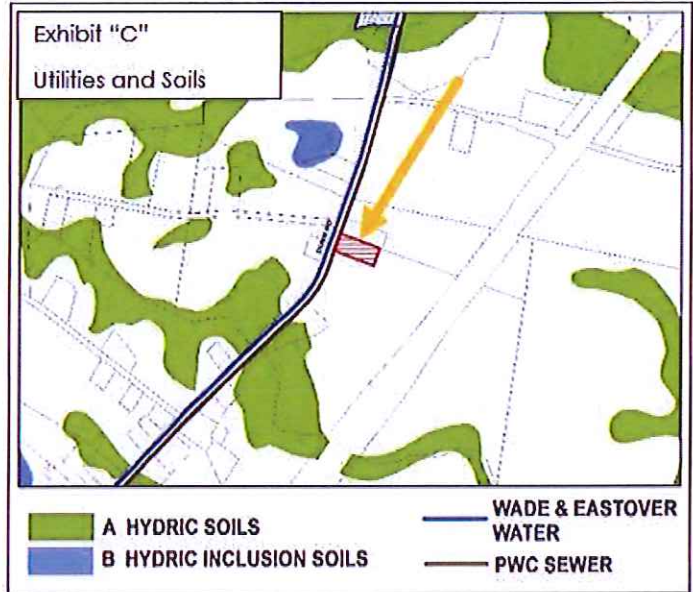
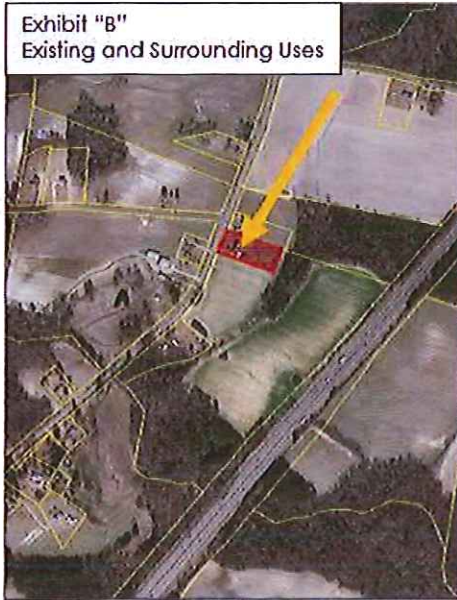
SURROUNDING LAND USE: Exhibit "B" illustrates the following:

- North:** Immediately north of the subject property is a single-family residence. Further north are parcels used for agriculture and partially wooded.
- East:** The abutting lot is Agricultural in use. The abutting property is bounded by I-95 ROW.
- West:** Two single-family residences are across Dunn Rd from the subject property. The primary use of the adjacent lots to the west is agricultural.
- South:** Agricultural use. There is a church on a lot with single-family residence approximately 600 to the south.



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

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



DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:

Minimum Standard	A1 (Existing Zoning)	R40A (Proposed)
Front Yard Setback	50 feet	30 feet
Side Yard Setback	20 feet (one story) 25 feet (two story)	15 feet
Rear Yard Setback	50 feet	35 feet
Lot Area	2 acres (87,120 sq. ft.)	40,000 sq. ft.
Lot Width	100'	100'

Development Potential:

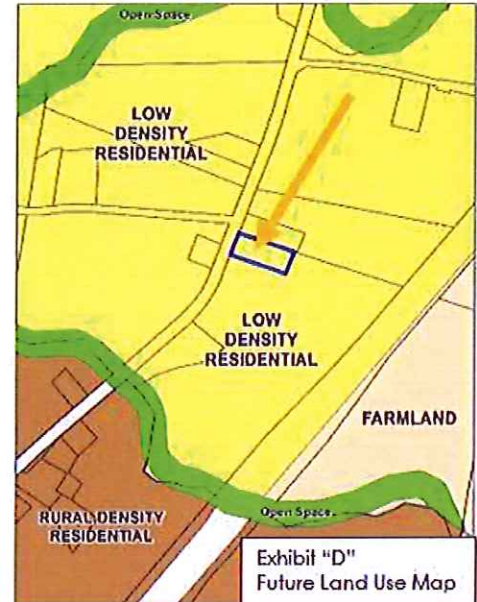
Existing Zoning (A1)	Proposed Zoning (R40A)
1 dwelling unit	2 dwelling units

- Assume 80% of land usable for development after the exclusion of land for roads, driveways, and drainage.
- Calculation: *site acreage* * .8 / *minimum lot size for zone district*
- **Section 202 (A):** When the number of dwelling units permitted on a lot submitted for approval as a group development result in a fraction of a dwelling unit, a fraction of one-half or more shall be considered a dwelling unit, and a fraction of less than one-half shall be disregarded.

COMPREHENSIVE PLANS: Located in the Wade Study Area Land Use Plan (adopted in 2003), the subject property is designated as Low Density Residential (density of 2.2 to 6 units per acre), as shown within Exhibit "D". The One Acre Residential designation, in the Wade Study Area Land Use Plan, calls for associated zoning districts of R7.5 and R15. **Request is consistent with the adopted land use plan.**

APPLICABLE PLAN GOALS/POLICIES:

- Limit the location and amount of Manufactured Housing within the Study Area.
- Provide an opportunity for residential development that would be compatible with the rural areas of the Study Area.



IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

UTILITIES: As demonstrated within Exhibit "C", water and sewer service is available at this location. Connection is not allowed to this force main unless a gravity line is extended from the main to the residential connection.

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

SCHOOLS CAP/ENROLL:

School	Capacity	Enrollment
Eastover Central Elem	540	334
Mac Williams Mid	1270	1076
Cape Fear High	1425	1400

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

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

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

CONDITIONS OF APPROVAL: N/A

CODE DEVIATIONS: N/A

STAFF RECOMMENDATION

In Case P21-45, the Planning and Inspections staff **recommends approval** of the rezoning request from A1 Agricultural District to R40A Residential District and finds that the request is consistent with the Wade Study Area Land Use Plan which calls for Low Density Residential at this location. Staff further finds that recommending approval of the request is reasonable and in the public interest because the R40A Residential District would allow dwelling types and a density that would be compatible and in harmony with the surrounding land use activities and zoning.

Attachments:
Notification Mailing List
Zoning Application

ATTACHMENT – MAILING LIST

BAREFOOT, WESLEY L; & CARLA H
545 WESLEY RD
DUNN, NC 28334

BAGGETT, WILLIE JAMES
6062 DUNN RD
WADE, NC 28395

DAVIS, LINDA W
6154 DUNN RD
WADE, NC 28395

HOLMES, SEAVY LEE ETALS
5764 GOLDSBORO RD
WADE, NC 28395

MADYUN, HAKIM M
6253 DUNN RD
WADE, NC 28395

MCLAURIN, VERNON W JR
6200 DUNN RD
WADE, NC 28395

SASSER, MARY LYNN
1720 JONCEE DR
EASTOVER, NC 28312

TART & TART INC
PO BOX 8
DUNN, NC 28335

WALKR, DAVID R; &
WALKER, MARY WARREN
6137 DUNN RD
WADE, NC 28395

WALKER, THOMAS WARREN; &
WALKER, SARA BUNCE
4026 LOVICK RD
WADE, NC 28395

ATTACHMENT – ZONING APPLICATION



County of Cumberland
◆
Planning & Inspections Department

CASE #: P21-45

PLANNING BOARD
MEETING DATE: 8/17/2021

DATE APPLICATION
SUBMITTED: 06/16/2021

RECEIPT #: 77891

RECEIVED BY: AC

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

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

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

Rezoning Procedure:

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

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

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

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

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

1. Requested Rezoning from A1 to R40A
2. Address of Property to be Rezoned: 10154 Dunn Rd., Wade, NC 28395
3. Location of Property: East of Dunn Rd, South of Smith Field Rd
4. Parcel Identification Number (PIN #) of subject property: 0570657464
(also known as a B. B. Number or Property Tax ID)
5. Acreage: 2.03 Frontage: 185' Depth: 471.90'
6. Water Provider: Well: _____ PWC: _____ Other (name): Wade Water
Town of
7. Septage Provider: Septic Tank PWC _____
8. Deed Book 005370, Page(s) 00338, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: Rural Home
10. Proposed use(s) of the property: Rural home - add a mobile home for daughter on back 1/2 acre of property
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.

Linda Weber Davis
NAME OF OWNER(S) (PRINT OR TYPE)

6154 Dunn Rd., Wade, NC 28395
ADDRESS OF OWNER(S)

910-309-2766
HOME TELEPHONE #

910-678-2589
WORK TELEPHONE #

Linda Weber Davis
NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)

6154 Dunn Rd., Wade, NC 28395
ADDRESS OF AGENT, ATTORNEY, APPLICANT

Wadeover-2000@yahoo.com
E-MAIL

910-309-2766
HOME TELEPHONE #

910-678-2589
WORK TELEPHONE #

Linda Weber Davis
SIGNATURE OF OWNER(S)

Linda Weber Davis
SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

SIGNATURE OF OWNER(S)

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

5378
8338

BK5370PG0338

46465

RECEIVED
11-30-2000 PM 3:28: 2
GEORGE E. TATUM
REGISTER OF DEEDS
CUMBERLAND CO., N.C.

0.00
Excise Tax

Recording Time, Book and Page

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

Mail after recording to Linda W. Davis, 6154 Dunn Road, Wade, NC 28395

This instrument was prepared by John Blackwell, Jr., Attorney at Law

Brief description for the Index

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this day of, 2000, by and between

GRANTOR

Paul S. Davis and wife
Linda W. Davis

GRANTEE

Linda W. Davis
6154 Dunn Road, Wade, NC 28395

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

See attached Exhibit "A" for legal description

By the execution of this deed, the parties agree as follows:

(1) HUSBAND hereby waives and releases any and all rights vested in and to him as the spouse or surviving spouse of WIFE pursuant to the provisions of North Carolina General Statutes Section 29-30 or 50-20 or any other applicable section of the North Carolina General Statutes which vest marital rights or interests to HUSBAND in the subject property.

(2) It is the intention of this Release and Agreement that the WIFE shall hereafter have the right to convey, sell, mortgage or otherwise encumber the above-described subject property without the signature or assent of the HUSBAND as fully and to all intents and purposes as if the parties had never been married to each other.

12

The property hereinabove described was acquired by Grantor by instrument recorded in
Book 4859 Page 767 Cumberland County, NC Registry

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

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

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

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.

By: _____ (Corporate Name) *Paul S. Davis* (SEAL)
 _____ PAUL S. DAVIS
 _____ *Linda W. Davis* (SEAL)
 _____ LINDA W. DAVIS
 _____ (SEAL)
 _____ (SEAL)
 _____ Secretary (Corporate Seal) (SEAL)

USE BLACK INK ONLY



NORTH CAROLINA, Cumberland County.
 I, a Notary Public of the County and State aforesaid, certify that *Paul S. Davis & Linda W. Davis* Grantor,
 personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this *17th* day of *November*, *1980*
 My commission expires: *11-14-82* *Debra J. Lancaster* Notary Public

SEAL-STAMP

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

The foregoing Certificate of *Debra J. Lancaster*

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. Tatam* REGISTER OF DEEDS FOR CUMBERLAND COUNTY,
Robin M. Jones Deputy/Assistant - Register of Deeds
 NO REVENUE

EXHIBIT "A"

BK5370PG0340

Being all of that two acre tract as is shown upon that map prepared by Gary M. Butler, Registered Surveyor, dated May 14, 1993, entitled "Surveyed for Carl Dwight Daughtry," Eastover Township, Cumberland County, North Carolina, to which said map reference is hereby made for a more complete description of said tract, said tract being further described by metes and bounds as follows:

Beginning at an existing iron stake located in the eastern margin of the right-of-way of U.S. 301 Highway (100' R/W), said iron stake also being the northwestern corner of the grantor's land described in Deed Book 451, Page 30, Cumberland County Registry, and the southwestern corner of the McLaurin land as recorded in Deed Book 3764, Page 799, Cumberland County Registry, and runs thence as the dividing line between grantor and McLaurin South 71 degrees 23 minutes East 471.90 feet to an iron stake in the McLaurin line; thence South 22 degrees 12 minutes West 185 feet to an iron stake; thence North 71 degrees 23 minutes West 471.90 feet to an iron stake in the Eastern right-of-way of U.S. Highway 301; thence as the eastern margin of the right-of-way of U.S. Highway 301 North 22 degrees 12 minutes East 185 feet to the point of beginning.

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

REQUEST	Rezoning A1 to R40
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Applicant requests a rezoning from A1 Agricultural District to R40 Residential District for one parcel containing approximately 98.67 acres and located northeast of John B. Carter Road and south of Sids Mill Road. This would increase the allowed density from one unit per two acres (i.e., one per 87,120 sq. ft.) to one unit per 40,000 square feet. The applicant is seeking to develop the property with a single-family residential subdivision with varying lot sizes. This is a conventional rezoning, and no conditions are proposed at this time. Location of the subject property is illustrated in Exhibit "A".

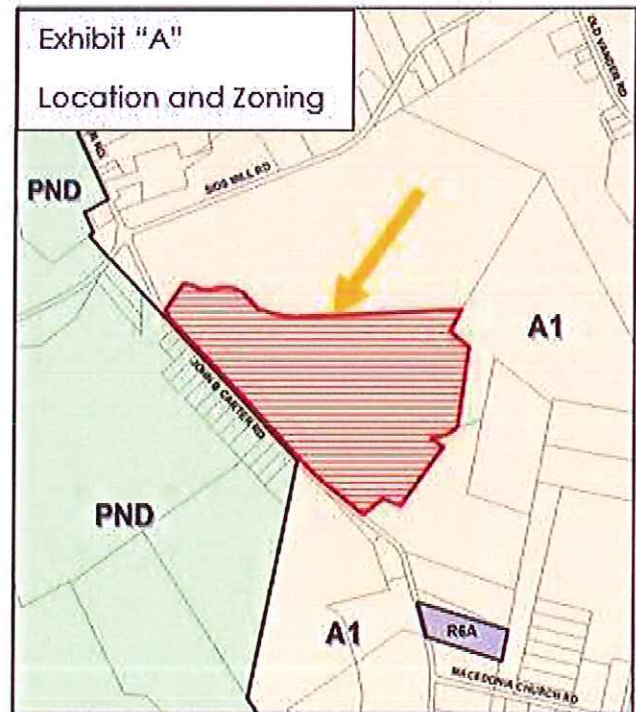
PROPERTY INFORMATION

OWNER/APPLICANT:
 Charles Gardner and Janet Gardner (owners)

ADDRESS/LOCATION: Northeast of John B. Carter Road, and south of Sids Mill Road. Refer to Exhibit "A", Site Location. REID number: 0466606185000.

SIZE: 98.67+/-acres within one parcel. The property has approximately 3000 +/- feet of street frontage along the northeast side of John B. Carter Road. The property has a depth ranging from about 325 feet to 2,375 feet.

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



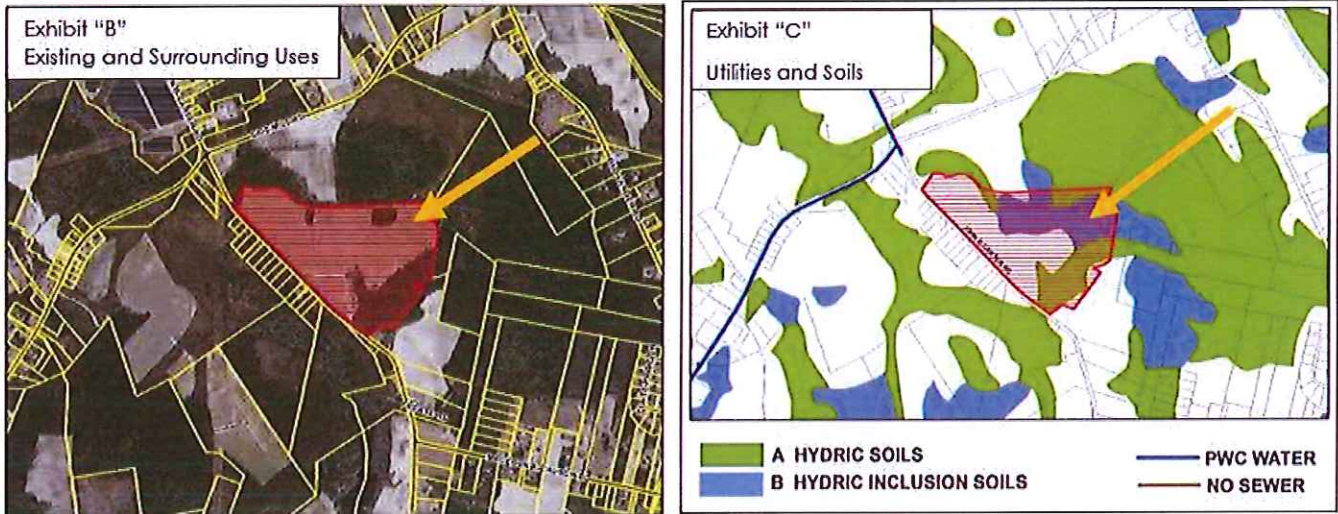
EXISTING LAND USE: The parcel is currently vacant. Exhibit "B" shows the existing use of the subject property.

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

- North:** Agricultural, vacant and wooded. All adjacent properties are zoned A1. North of the intersection of John B. Carter Rd and Sids Mill Rd are electrical substations zoned A1 and a solar farm on property that was zoned PND Planned Neighborhood Development in 1989.
- East:** Vacant and wooded. All adjacent properties are zoned A1.
- West:** Multiple single-family residences line the southwest side of John B. Carter Road. Most of the lots are vacant/wooded. The properties extending southwest were zoned PND Planned Neighborhood Development in 1989.
- South:** Multiple single-family residences/manufactured homes, and vacant/wooded properties.

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

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



DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:

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

Development Potential:

Existing Zoning (A1)	Proposed Zoning (R40)
40 dwelling unit	86 dwelling units

- Assume 80% of land usable for development after the exclusion of land for roads, driveways, and drainage.
- Calculation: *site acreage* * .8 / *minimum lot size for zone district*
- **Section 202 (A):** When the number of dwelling units permitted on a lot submitted for approval as a group development result in a fraction of a dwelling unit, a fraction of one-half or more shall be considered a dwelling unit, and a fraction of less than one-half shall be disregarded.

COMPREHENSIVE PLANS: Located in the Vander Land Use Plan (adopted in 2017), the subject property is designated as Rural Residential (density of 1 unit per acre), as shown within Exhibit "D". The Rural Residential designation, requiring minimum lot size of 40,000 sq. ft., in the Vander Land Use Plan, calls for associated zoning districts of R40, R40A, A1, A1A. **Request is consistent with the adopted land use plan.**



APPLICABLE PLAN GOALS/POLICIES:

- Encourage the use of Low Impact Developments techniques.
- Strengthen and enforce minimum housing standards.
- Promote sidewalks and pedestrian facilities, where appropriate to provide access to facilities such as schools, commercial areas, and recreation facilities.
- Provide and preserve natural vegetation buffer areas between single and multi-story residential and non-residential uses.
- Encourage more than one means of ingress and egress in new residential subdivisions and connectivity to existing subdivisions.

IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

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

TRAFFIC: The subject property sits on John B Carter Road and is identified as a thoroughfare needing improvement 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 CAPACITY/ENROLLMENT:

School	Capacity	Enrollment
Seabrook Elem	310	249
Mac Williams Mid	740	1076
Cape Fear High	1425	1400

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

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

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

CONDITIONS OF APPROVAL: N/A

CODE DEVIATIONS: N/A

STAFF RECOMMENDATION

In Case P21-47, the Planning and Inspections staff **recommends approval** of the rezoning request from A1 Agricultural District to R40 Residential District and find the request is consistent with the Vander Land Use Plan which calls for Rural Residential at this location. Staff further finds that recommending 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

ATTACHMENT – MAILING LIST

ALLISON PROPERTIES INC
2604 FORT BRAGG RD
FAYETTEVILLE, NC 28303

ALLISON PROPERTIES INC
PO BOX 35910
FAYETTEVILLE, NC 28303

ARNOLD, CYNTHIA F; FREASE, GARY
W; & BETTY HALL HEIRS
1304 JOHN B CARTER RD
FAYETTEVILLE, NC 28312

BRIGHT, NATHAN V
922 JOHN B CARTER RD
FAYETTEVILLE, NC 28312

CAIN, JAMES M; & LINDA H
1050 JOHN B CARTER RD
FAYETTEVILLE, NC 28312

CHOI, JAMES UNGSIK; & YONG SUK
6916 TWIN CREEK CT
FAYETTEVILLE, NC 28314

CHRISTMAS, ARNOLD
9156 COLLINS AVE APT 309
SURFSIDE, FL 33154

DUKE ENERGY PROGRESS INC
419 FAYETTEVILLE ST
RALEIGH, NC 27601

EVANS, SUZANNE MCDONALD; &
AMANDA REBEKAH
3226 SIDS MILL RD
FAYETTEVILLE, NC 28312

FOWLER FAMILY OF
CUMBERLAND COUNTY LLC
503 CHARLESTON PL
FAYETTEVILLE, NC 28303

GARDNER, CHARLES T; & JANET K
PO BOX 64076
FAYETTEVILLE, NC 28306

HOLLAND, WILLIAM E; &
NANCY LEONARD
904 HUNTSFORD TER
THOMASVILLE, NC 27360

HORNE, BILLY D
PO BOX 205
FAYETTEVILLE, NC 28302

LOCKLEAR, PERRY L;& HARRIET C.
1242 JOHN B CARTER RD
FAYETTEVILLE, NC 28312

MELVIN-MCDONALD, KIRSTIE
L.;MCDONALD, KENDRICK L.
1138 JOHN B CARTER ROAD
FAYETTEVILLE, NC 28312

OWENS, BENNY A;& ANNETTE M
1106 JOHN B CARTER RD
FAYETTEVILLE, NC 28312

PRIVETT, TAMMY E;& DANIEL W
1090 JOHN B CARTER RD
FAYETTEVILLE, NC 28312

SCOTT, COREY;& JESSICA
946 JOHN B CARTER RD
FAYETTEVILLE, NC 28312

SMITH, GEORGE SCOTT;& MELISSA
HORNE
4225 SIDS MILL RD
FAYETTEVILLE, NC 28312

SOUTH RIVER ELECTRIC MEMBERSHIP
CORP
P O BOX 931
DUNN, NC 28335

STARLING, RUBEN STANFORD JR;&
DEBBIE W
4221 MACEDONIA CHURCH RD
FAYETTEVILLE, NC 28312

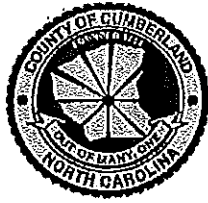
STRICKLAND, GARY L;GARY, L II
4928 SIDS MILL RD
FAYETTEVILLE, NC 28312

TART, MARY LEE B
511 W PEARSALL ST
DUNN, NC 28334

THOMPSON, WILLIS W
PO BOX 730
STEDMAN, NC 28391

VERNON, SHERRY F;FREASE, GARY
W;& BETTY HALL HEIRS
1304 JOHN B CARTER RD
FAYETTEVILLE, NC 28312

ATTACHMENT – ZONING APPLICATION



County of Cumberland
◆
Planning & Inspections Department

CASE #:	<u>P21-47</u>
PLANNING BOARD MEETING DATE:	<u>8/17/21</u>
DATE APPLICATION SUBMITTED:	<u>7/1/21</u>
RECEIPT #:	<u>78113</u>
RECEIVED BY:	<u>ATC</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 \$_____.
(See attached Fee Schedule).

Rezoning Procedure:

1. Completed application submitted by the applicant.
2. Notification to surrounding property owners.
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4. Re-notification of interested parties / public hearing advertisement in the newspaper.
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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 A-1 to R40
2. Address of Property to be Rezoned: _____
3. Location of Property: North West of JOHN B CARTER RD
South of 510 MILL RD
4. Parcel Identification Number (PIN #) of subject property: 0466606185000
(also known as Tax ID Number or Property Tax ID)
5. Acreage: 97.00 Frontage: _____ Depth: _____
6. Water Provider: Well: PWC: _____ Other (name): _____
7. Septage Provider: Septic Tank PWC _____
8. Deed Book 10389, Page(s) 00 63, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: AGRICULTURAL
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? 2 LOTS ACROSS JOHN B. CARTER
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.

CHARLES + JANET GARDNER

NAME OF OWNER(S) (PRINT OR TYPE)

PO BOX 64076, FAYETTEVILLE, NC 28306

HOME 5405 LAKEVIEW RD., HOPE MONS, NC 28328

ADDRESS OF OWNER(S)

910-818-4093

HOME TELEPHONE #

910-818-4093

WORK TELEPHONE #

CHARLES T. GARDNER

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

PO BOX 64074 FAYETTEVILLE, NC 28306

ADDRESS OF AGENT, ATTORNEY, APPLICANT

charlestgardner@hotmail.com

E-MAIL

910-818-4093

HOME TELEPHONE #

910-818-4093

WORK TELEPHONE #

Charles T. Gardner

[Signature]

SIGNATURE OF OWNER(S)

SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

SIGNATURE OF OWNER(S)

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

DK10389 00063

FILED
CUMBERLAND COUNTY NC
J. LEE WARREN, JR.
REGISTER OF DEEDS
FILED Oct 12, 2018
AT 10:22:50 am
BOOK 10389
START PAGE 0063
END PAGE 0065
INSTRUMENT # 30246
RECORDING \$26.00
EXCISE TAX (None)
DI

**CORRECTIVE OR SCRIVENER'S AFFIDAVIT FOR
NOTICE OF TYPOGRAPHICAL OR OTHER MINOR ERRORS
[N.C.G.S. 47-36.1]**

Prepared By: Attorney Charles H. Gardner
Return to: Gardner Law Firm, PLLC - P.O. Box 715, Hope Mills, NC 28348

GLF File #11263-18

Each undersigned Affiant, jointly and severally, being first duly sworn, hereby swears or affirms that the General Warranty Deed recorded on May 11, 2006 in Book 7233, Page 284, in the Cumberland County Registry, by and between Hayne Hens Farm, Inc., Grantor, and Charles T. Gardner and wife, Janet K. Gardner, Grantee (The "Gardner deed") and the General Warranty Deed recorded on December 31, 1991 in Book 3738, Page 711, in the Cumberland County Registry, by and between Jonathan Evans, Jr. and wife, Sue McD. Evans, Grantor, and Hayne Hens Farm, Inc., Grantee, (The "Hayne deed") contained typographical or minor error(s); and this Affidavit is made to give notice of the below corrective information:

WHEREAS, with regards to PIN 0466-60-6185 (the "Property"), the last tract described in the Gardner deed, specifically on Page 291 in Book 7233 of the aforesaid registry and the only tract described in the Hayne deed, the 15th directional call in said descriptions contained a minor typographical error attributable to a bad copy of a prior deed of record in the chain of title, said deed being recorded on January 4, 1973 in Book 2363, Page 448, aforesaid registry, by and between A.B. Carter, Jr., J.O. Carter and wife, Eula W. Carter, Grantors, and Jonathan Evans, Jr. and wife, Sue McD. Evans, Grantee (the "Evans deed"); and

WHEREAS, the direction and number of degrees in said 15th call in the Gardner and Hayne deeds read North 31 degrees; and

WHEREAS, the direction and number of degrees in said 15th call in the Gardner and Hayne deeds SHOULD HAVE read North 81 degrees; and

WHEREAS, the 15th call in the Gardner and Hayne deeds SHOULD HAVE read in its entirety: North 81 degrees 55 minutes West 155.51 feet to an iron pipe.

NOW, THEREFORE, the legal description of the property, being identified as Cumberland County parcel identification number 0466-60-6185, in its entirety should have and will from this day

AFFIANT:

HAYNE HENS FARM, INC.

By: Charles T. Gardner
Charles T. Gardner, President

Charles T. Gardner

Charles T. Gardner

Janet K. Gardner

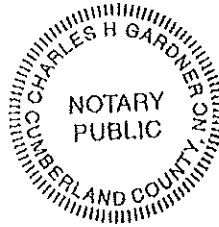
Janet K. Gardner

State of North Carolina County of Cumberland

Sworn to and subscribed before me by Charles T. Gardner, President of Hayne Hens Farm, Inc. and Charles T. Gardner and Janet K. Gardner on October 11, 2018.

CH. H. M.
Signature of Notary Public

My commission expires: July 27, 2023



(N.P. SEAL)

REQUEST

Rezoning C2(P) to C(P)

Applicant requests a rezoning from C2(P) Planned Service and Retail District to C(P) Planned Commercial District for one parcel comprising approximately 0.38 acres and located at 3713 and 3701 Cumberland Road. This would allow the property owners to develop the property with heavy commercial uses. Given an existing legal non-conforming house and the size of the lot, the applicant recognizes few alternatives for low-intensity commercial activity. The intent of the applicant is to establish an outside flea market, which is only permitted as a use by-right within C(P) zoning districts and must be operated by the resident on the subject site and have around ten impermanent tables. 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: Brian Barber and Wendy Barber (owners)

ADDRESS/LOCATION: Located at 3713 and 3701 Cumberland Road. Refer to Exhibit "A", Site Location. REID number: 0415896800000 and 0415895706000.

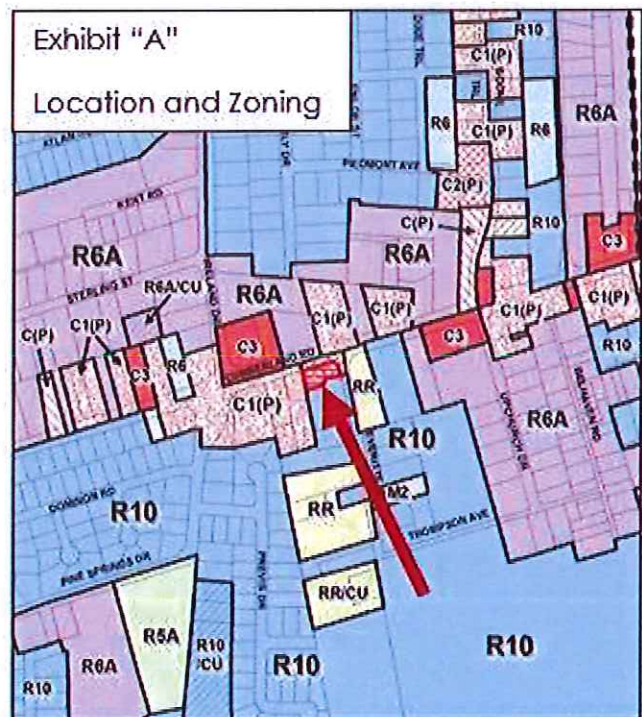
SIZE: 0.38 +/- acres within one parcel. The property has approximately 167+/- feet of street frontage along south side of Cumberland Road. The property has a depth ranging from about 77 feet and 100 feet off Cumberland Road.

EXISTING ZONING: The property is zoned C2(P) Planned Service and Retail District. This district is designed to allow for the nonresidential development of land with service and retail uses not typically considered intrusive to neighboring residential properties or in areas generally requiring a greater degree of restrictions regarding the commercial use of properties.

EXISTING LAND USE: The parcel is residential in use. Exhibit "B" shows the existing use of the subject property.

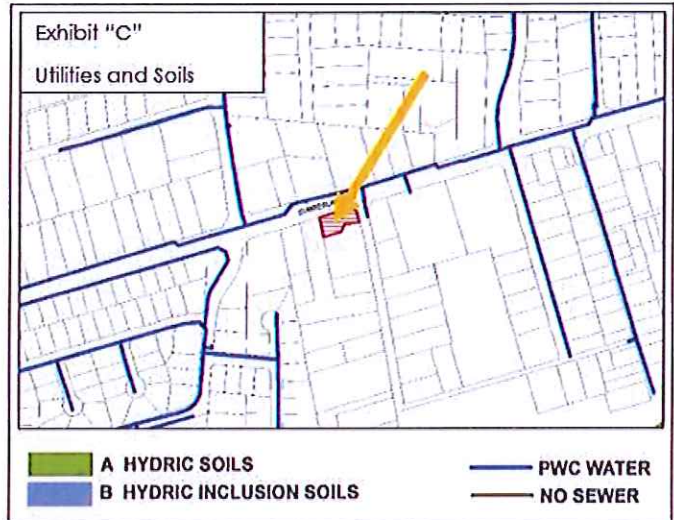
SURROUNDING LAND USE: Exhibit "B" illustrates the following:

- North:** Single-family residences across Cumberland Rd are on properties zoned R6A and C1(P). The general retail use northwest of the subject site is zoned C3 Heavy Commercial.
- East:** Abutting to the east is a church on property zoned RR and R10. Further east are commercial activities on lots zoned C3 as well as single-wide manufactured homes on property zoned R6A.
- West:** Manufactured homes and a farmer's market on parcels zoned C1(P).
- South:** Single-family residences: stick built and manufactured homes.



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

DEVELOPMENT REVIEW: The subject site was recombined into one lot on September 10th, 2020, Plat Book 145, page 33. Site plan review will be required for any development activity.



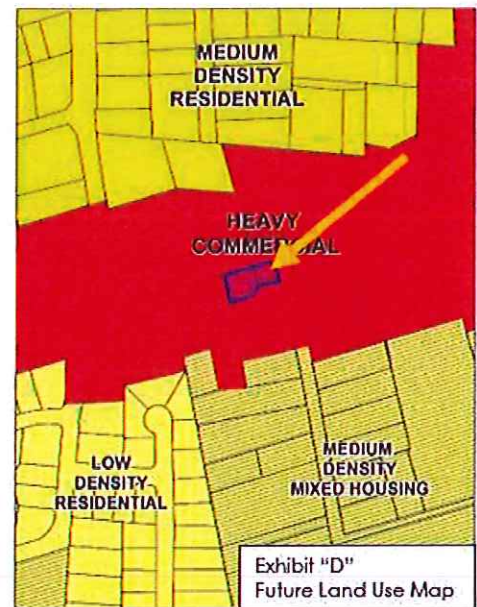
DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:

Minimum Standard	C2(P) (Existing Zoning)	C(P) (Proposed)
Front Yard Setback	50 feet (from ROW) 80 feet (from CL)	50 feet (from ROW) 80 feet (from CL)
Side Yard Setback	30 feet	30 feet
Rear Yard Setback	30 feet	30 feet
Lot Area	N/A	N/A
Lot Width	N/A	N/A

COMPREHENSIVE PLANS: Located in the Southwest Cumberland Land Use Plan (adopted in 2013) & Cumberland Road Business Plan (2018), the subject property is designated as Heavy Commercial. The Heavy Commercial designation, in the South-Central Cumberland Land Use Plan, calls for the associated zoning district of C(P). **Request is consistent with the adopted land use plan.**

APPLICABLE PLAN GOALS/POLICIES:

- All commercial development in an established residential area should be in harmony with the area in scale, size, appearance, and accessibility.
- All commercial development (with the exception of Rural Area Center) shall be required to have public or community water and sewer.
- Commercial development must be constructed so as not to impact the privacy of residential areas on the ground or by air (height).



IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

UTILITIES: Water is available on the east side of the property abutting Everitte Street as shown on Exhibit "C". It is the responsibility of the applicant to determine if these utilities will adequately serve the development. The site is currently served by septic and well.

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

SCHOOLS CAPACITY/ENROLLMENT:

School	Capacity	Enrollment
Cumb Rd Elem	355	281
Douglas Byrd Mid	600	595
Douglas Byrd High	1280	899

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 the applicant must ensure that all fire department access roads requirements are met in accordance with section 503 of the NC 2018 Fire Code where required; submit building plans to scale for new construction and building renovation; ensure emergency responder radio coverage is achieved.

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

CONDITIONS OF APPROVAL: N/A

CODE DEVIATIONS: N/A

STAFF RECOMMENDATION

In Case P21-48, the Planning and Inspections staff **recommends approval** of the rezoning request from C2(P) Planned Service and Retail District to C(P) Planned Commercial District and find the request is consistent with the Southwest Cumberland Land Use Plan & Cumberland Road Business Plan which calls for Heavy Commercial at this location. Staff further finds that recommending approval of the request is reasonable and in the public interest because the C(P) Commercial District would allow commercial activities that would be compatible and in harmony with the surrounding land use activities and zoning along the Cumberland Road Corridor.

Attachments:
Notification Mailing List
Zoning Application

ATTACHMENT – MAILING LIST

BAUCOM, JOSEPH BEIDELSCHIES; &
MICHELINA M
2513 PREVIS RD
FAYETTEVILLE, NC 28306

BARBER, BRIAN V; & WENDY V
3613 BENTWINDS BLUFFS LN
FUQUAY VARINA, NC 27526

BOGDEN, AUDREY M
2660 EVERITTE ST
FAYETTEVILLE, NC 28306

BROWN, MELBA F HEIRS
4649 CHELTENHAM RD
FAYETTEVILLE, NC 28304

BUCKHEAD INVESTMENTS LLC
PO BOX 53309
FAYETTEVILLE, NC 28305

CARDINAL LANDSCAPING, INC
1064 71ST SCHOOL ST
FAYETTEVILLE, NC 28314

CARTER, PATRICIA LOUISE JACKSON
3927 STONE ST
HOPE MILLS, NC 28348

CROCKER, THOMAS R; & DONNA BELL
2625 EVERITTE ST
FAYETTEVILLE, NC 28306

FAYMONT BAPTIST CHURCH TRUSTEE
3663 CUMBERLAND RD
FAYETTEVILLE, NC 28306

FORMONEK, TIM
2664 EVERITTE ST
FAYETTEVILLE, NC 28306

HARDIN, MABEL R
3316 CUMBERLAND RD
FAYETTEVILLE, NC 28306

JOHNSON LIVING TRUST
2416 KIMBERLY DR
FAYETTEVILLE, NC 28306

JSC ENTERPRISES & ASSOC LLC
3668 CUMBERLAND RD
FAYETTEVILLE, NC 28306

KDM SOLO 401K TRUST ROTH F
PO BOX 58375
FAYETTEVILLE, NC 28305

LOUIS, ERNST; & MAYOLINE
2500 PREVIS DR
FAYETTEVILLE, NC 28306

MAITLAND, DONALD J; & PATRICIA B
2409 KIMBERLY DR
FAYETTEVILLE, NC 28306

MARTIN, VICTORIA A
3820 CUMBERLAND RD
FAYETTEVILLE, NC 28306

MARTINEZ, WAYNE F
6015 POSEIDON WAY
HOPE MILLS, NC 28348

MCALLISTER, JOHN N
2510 PREVIS DR
FAYETTEVILLE, NC 28306

MOYLAN, ELAINE B
2660 EVERITTE ST
FAYETTEVILLE, NC 28306

NOBLES, DARYLE E; & DEBORAH, J
2420 KIMBERLY DR
FAYETTEVILLE, NC 28306

RANDOLPH, HOWARD G; & SHARON,
RANDOLPH TAYLOR RS
602 GLENVILLE AVE
FAYETTEVILLE, NC 28303

RIDDLE PROPERTIES LLC
4200 MORGANTON RD 150
FAYETTEVILLE, NC 28314

ROSS, JAMES C; & MARGARET P
2616 EVERITTE ST
FAYETTEVILLE, NC 28306

SIMMONS, THOMAS JOSEPH JR
2668 EVERITTE ST
FAYETTEVILLE, NC 28306

STEEDLY, CAROLYN FAY LIFE ESTATE;&
ROBERT C. LIFE ESTATE
906 MIDDLE RD
FAYETTEVILLE, NC 28312

THE PANTRY REDEVELOPMENT
GROUP LLC
PO BOX 52085 DC-17
PHOENIX, AZ 85072

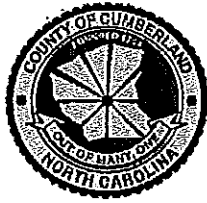
THORNTON, LAWRENCE W
3630 CUMBERLAND RD
FAYETTEVILLE, NC 28306

WALKER, ALVESTER B; & PATRICIA, G
2509 PREVIS DR
FAYETTEVILLE, NC 28306

WATERS, EMERSON;& BLENDA
4409 PINE SPRINGS DR
FAYETTEVILLE, NC 28306

WOOTEN, WILLIAM B
1081 ARMORY RD
PARKTON, NC 28371

ATTACHMENT – ZONING APPLICATION



County of Cumberland
Planning & Inspections Department

CASE #:	<u>P21-48</u>
PLANNING BOARD MEETING DATE:	<u>8/17/2021</u>
DATE APPLICATION SUBMITTED:	<u>July 2nd, 21</u>
RECEIPT #:	<u>78142</u>
RECEIVED BY:	<u>ATC</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 \$_____.
(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 C2(P) to CCP
2. Address of Property to be Rezoned: 3713 Cumberland Rd
3. Location of Property: South of Cumberland Rd & West of Everette St.
4. Parcel Identification Number (PIN #) of subject property: 0415-89-5706, 0415-89-6800
(also known as Tax ID Number or Property Tax ID)
5. Acreage: 0.39 Frontage: _____ Depth: _____
6. Water Provider: Well: PWC: _____ Other (name): _____
7. Septage Provider: Septic Tank PWC _____
8. Deed Book _____, Page(s) _____, 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: Flea Market
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.

Brian V. BARBER
NAME OF OWNER(S) (PRINT OR TYPE)

3613 Bentwinds Bluffs Lane
ADDRESS OF OWNER(S)

919-676-8010 Same
HOME TELEPHONE # WORK TELEPHONE #

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

Same
ADDRESS OF AGENT, ATTORNEY, APPLICANT

BRIAN. BARBER @ DMV HUB . COM
E-MAIL

919-676-8010 Same
HOME TELEPHONE # WORK TELEPHONE #

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

SIGNATURE OF OWNER(S)

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

BK 4394 PG 0193

Prepared by & Mail to: Neil V. Davis, P.O. 40537, Fayetteville, NC 28309-0537 Revenue \$90.00

NORTH CAROLINA
CUMBERLAND COUNTY

51138

WARRANTY DEED

THIS DEED, made this 23rd day of October, by

BESSIE C. COLLINS AND CATHY C. COLLINS (HUDSON) and husband,
JOHN N. HUDSON, JR

herein called Grantor, and

BRIAN V. BARBER AND WIFE, ~~WEDDIE S.~~ BARBER
11 HOWARD STREET
FT RUCKER, AL 36362

RECEIVED
95 OCT 26 AM 9:43
GEORGE E. TATUM
REGISTER OF DEEDS
CUMBERLAND CO., N.C.

herein called Grantee,

all of said State and County;

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 and assigns, certain land described as follows:

PIN # _____

NORTH CAROLINA CUMBERLAND COUNTY TOWNSHIP OF PEARCE'S MILL

BEING all of Lots 2 and 3, JOHN N. HUDSON, JR PROPERTY, according to a plat of same duly recorded in Book of plats 88, Page 8, Cumberland County Registry.

BEING the same property conveyed to Grantor by deed recorded in Book _____, Page _____, aforesaid Registry.

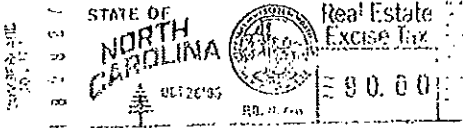
This conveyance is made subject to Restrictive Covenants and easements of record in the aforesaid Registry.

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

And Grantor covenants with Grantee that he is seized of said premises in fee and has the right to convey in fee simple; that the same are free and clear of all encumbrances (except as may be hereinabove stated), and that he does hereby forever warrant and will forever defend the title to the same against the lawful claims of all persons whomsoever.

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.



Revenue 90.00

Bessie C. Collins (SEAL)
BESSIE C. COLLINS

Cathy C. Collins Hudson (SEAL)
CATHY C. COLLINS (HUDSON)

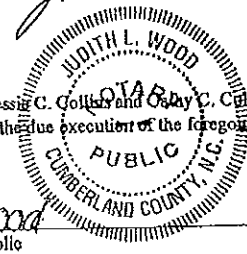
John N. Hudson Jr. (SEAL)
JOHN N. HUDSON, JR

STATE OF NORTH CAROLINA, COUNTY OF CUMBERLAND

I, Judith L. Wood, a Notary Public of Said County and State do hereby certify that Bessie C. Collins and Cathy C. Collins (Hudson) and husband, John N. Hudson, Jr, personally appeared before me this day and acknowledged the due execution of the foregoing instrument. WITNESS my hand and Notarial Seal, this the 23rd day of October, 1995.

My Commission Expires: 03/30/97

Judith L. Wood
Judith L. Wood, Notary Public



The foregoing Certificate(s) of *Judith L. Wood*

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

BK4394PG0193

Prepared by & Mail to: Neil V. Davis, P.O. 40537, Fayetteville, NC 28309-0537 Revenue \$90.00

NORTH CAROLINA
CUMBERLAND COUNTY

51138

WARRANTY DEED

THIS DEED, made this 23rd day of October, by

BESSIE C. COLLINS AND CATHY C. COLLINS (HUDSON) and husband,
JOHN N. HUDSON, JR

herein called Grantor, and

BRIAN V. BARBER AND WIFE, ~~WEDDIE J.~~ BARBER
11 HOWARD STREET
FT RUCKER, AL 36362

RECEIVED
95 OCT 25 AM 9:43
GEORGE E. TATUM
REGISTER OF DEEDS
CUMBERLAND CO., N.C.

43

herein called Grantee,

all of said State and County;

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 and assigns, certain land described as follows:

PIN # _____

NORTH CAROLINA CUMBERLAND COUNTY TOWNSHIP OF PEARCE'S MILL

BEING all of Lots 2 and 3, JOHN N. HUDSON, JR PROPERTY, according to a plat of same duly recorded in Book of plats 88, Page 8, Cumberland County Registry.

BEING the same property conveyed to Grantor by deed recorded in Book _____, Page _____, aforesaid Registry.

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

And Grantor covenants with Grantee that he is seized of said premises in fee and has the right to convey in fee simple; that the same are free and clear of all encumbrances (except as may be hereinabove stated), and that he does hereby forever warrant and will forever defend the title to the same against the lawful claims of all persons whomsoever.

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.

STATE OF NORTH CAROLINA Real Estate Excise Tax 90.00
Revenue 90.00

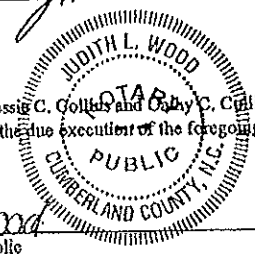
Bessie C Collins (SEAL)
BESSIE C. COLLINS
Cathy C. Collins Hudson (SEAL)
CATHY C. COLLINS (HUDSON)
John N. Hudson Jr. (SEAL)
JOHN N. HUDSON, JR

STATE OF NORTH CAROLINA, COUNTY OF CUMBERLAND

I, Judith L. Wood, a Notary Public of Said County and State do hereby certify that Bessie C. Collins and Cathy C. Collins (Hudson) and husband, John N. Hudson, Jr, personally appeared before me this day and acknowledged the due execution of the foregoing instrument. WITNESS my hand and Notarial Seal, this the 23rd day of October, 1995.

My Commission Expires: 03/30/97

Judith L. Wood, Notary Public



The foregoing Certificate(s) of Judith L. Wood

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

CUMBERLAND COUNTY PLANNING & INSPECTION DEPT.

130 Gillespie/PO Drawer 1829
Fayetteville, NC 28302-1829
(910)321-6636 Fax(910)321-6637

RECEIPT: 78142

Date: 07/02/2021
Received From: BRIAN BARBER INSURANCE AGENCY
Case Number: P21-48

DEV (signs):

ITEM	FEE
PLAT:	
REZONING:	450.00
BOA:	
MISC:	
REC DIST 1:	
REC DIST 2:	
REC DIST 3:	
REC DIST 4:	
REC DIST 6:	
REC DIST 7:	
E-911 MAPS/CD:	
E-911 SIGNS:	
FALCON REC:	
GODWIN REC:	
STEDMAN REC:	
WADE REC:	
EASTOVER REC:	
LINDEN REC:	
SPRING LAKE REC:	

Total Fees: 450.00

Cash: Check: 450.00 8181 CC:

Received By: TORTIZ

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.

BRIAN V. BARBER

NAME OF OWNER(S) (PRINT OR TYPE)

3613 Bentwinds Bluff Lane

ADDRESS OF OWNER(S)

99-676-8010

HOME TELEPHONE #

Some

WORK TELEPHONE #

NA Some

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

Some

ADDRESS OF AGENT, ATTORNEY, APPLICANT

BRIAN.BARBER @ DMV HUB . COM

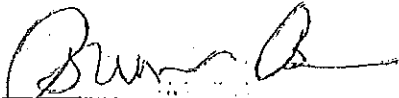
E-MAIL

99-676-8010

HOME TELEPHONE #

Some

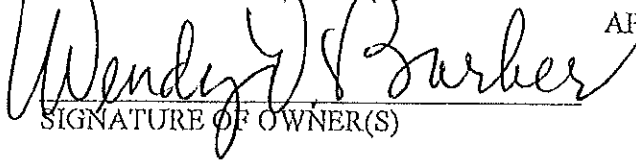
WORK TELEPHONE #



SIGNATURE OF OWNER(S)

NA

SIGNATURE OF AGENT, ATTORNEY OR APPLICANT



SIGNATURE OF OWNER(S)

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

Location: 2380 Yarborough Road
Jurisdiction: County-Unincorporated

REQUEST	Rezoning A1 to R40A
----------------	----------------------------

Applicant requests a rezoning from A1 Agricultural District to R40A Residential District for two parcels approximately 3.42 acres and located at 2380 Yarborough Road. This would increase the allowed density from one unit per two acres (87,120 sq. ft.) to one unit per 40,000 square feet and permit the addition of a manufactured home on the subject site. The intent of this request is to add a manufactured home to the property following a recombination of the two existing parcels and subsequent subdivision of the property into two new lots, as illustrated in Exhibit "E". This is a conventional rezoning, and no conditions are proposed at this time. Location of the subject property is illustrated in Exhibit "A".

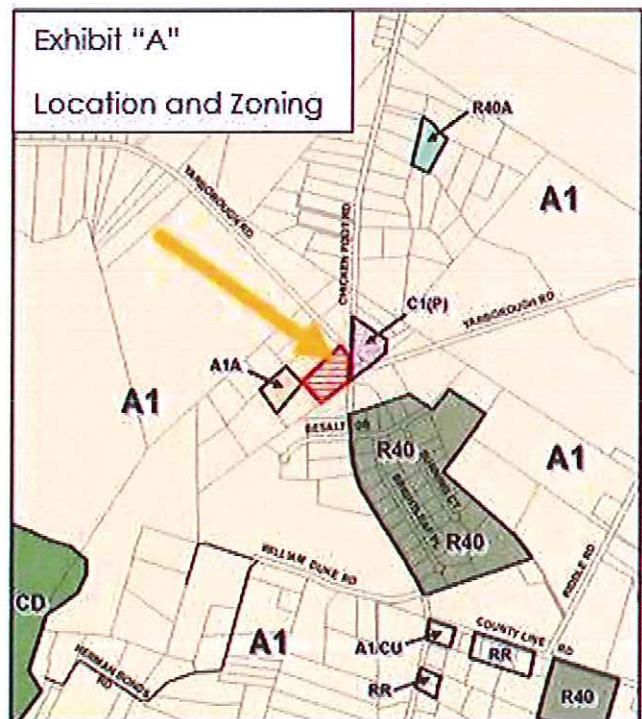
PROPERTY INFORMATION

OWNER/APPLICANT:
Robert J. Spencer (owner)

ADDRESS/LOCATION: 2830 Yarborough Road. Refer to Exhibit "A", Site Location. REID number: 0420837574000.

SIZE: 3.42 +/- acres within two parcels. The property has approximately 129 +/- feet of street frontage along the southwest side of Yarborough Road and approximately 260 +/- feet of street frontage along the west side of Chicken Foot Road. The property has a depth extending about 547.31 feet.

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



EXISTING LAND USE: The parcel is currently residential in use with a double-wide manufactured home on the property. Exhibit "B" shows the existing use of the subject property.

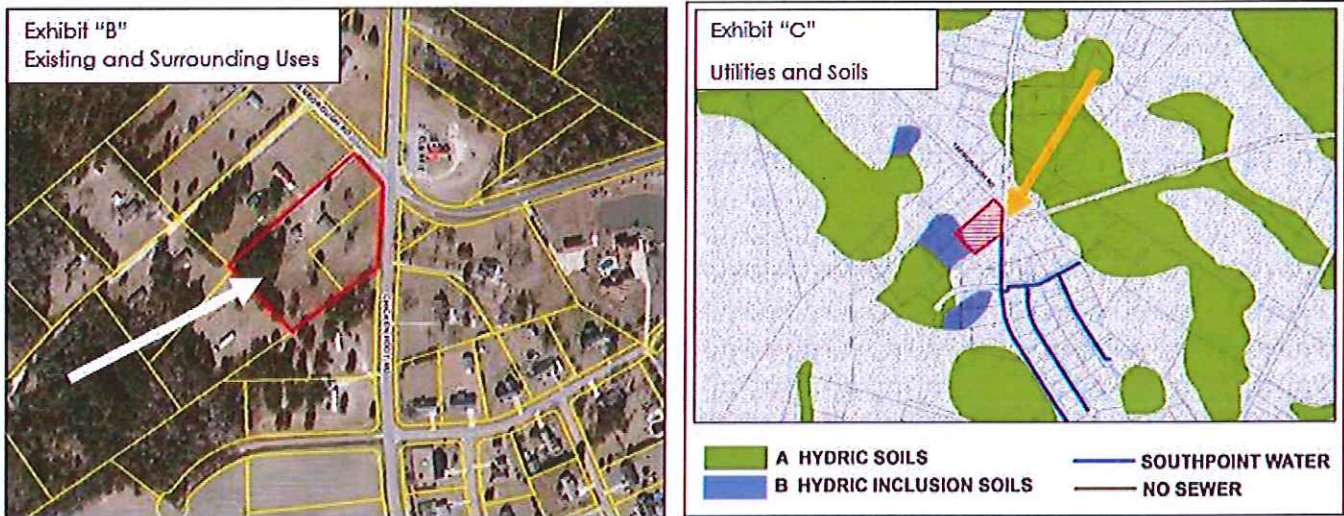
SURROUNDING LAND USE: Exhibit "B" illustrates the following:

- North:** On the northeast corner of Yarborough Rd and Chicken Foot Rd is a restaurant on property zoned C1(P). The remainder on northern properties are residential in use zoned A1.
- East:** Across Chicken Foot Rd there are single-family residences on lots zoned A1.
- West:** There are single-wide and double-wide manufactured homes on property zoned A1.

South: There are multiple single-wide manufactured homes on A1 zoned lots. There is also a subdivision development zoned R40.

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

DEVELOPMENT REVIEW: There is an active subdivision case on this property (21-082). Its approval will be contingent upon a successful rezoning.



DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:

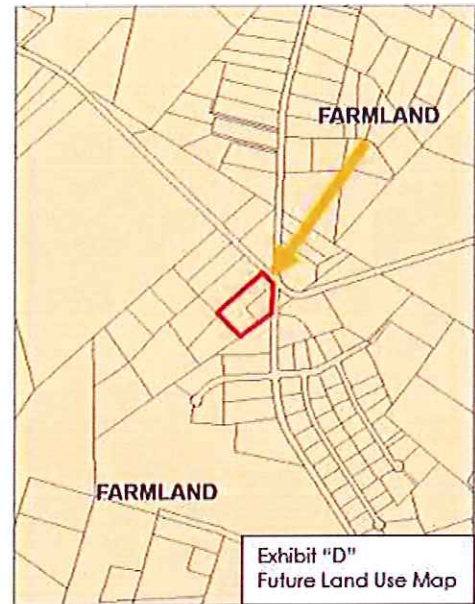
Minimum Standard	A1 (Existing Zoning)	R40A (Proposed)
Front Yard Setback	50 feet	30 feet
Side Yard Setback	20 feet (one story) 25 feet (two story)	15 feet
Rear Yard Setback	50 feet	35 feet
Lot Area	2 acres (87,120 sq. ft.)	40,000 sq. ft.
Lot Width	100'	100'

Development Potential:

Existing Zoning (A1)	Proposed Zoning (R40A)
1 dwelling unit	3 dwelling units

- Assume 80% of land usable for development after the exclusion of land for roads, driveways, and drainage.
- Calculation: *site acreage* * .8 / *minimum lot size for zone district*
- **Section 202 (A):** When the number of dwelling units permitted on a lot submitted for approval as a group development results in a fraction of a dwelling unit, a fraction of one-half or more shall be considered a dwelling unit, and a fraction of less than one-half shall be disregarded.

COMPREHENSIVE PLANS: Located in the South Central Land Use Plan (adopted in 2015), the subject property is designated as Farmland, which intends to preserve and protect farmland and agricultural business, as shown within Exhibit "D". The Farmland designation, in the South Central Land Use Plan, calls for associated zoning districts of A1, or in subdivisions of 10 acres or less, A1A, R40, and R40A. **Request is consistent with the adopted land use plan.**



APPLICABLE PLAN GOALS/POLICIES:

- Promote the concentration of development in areas with sufficient services such as water, sewer, roads, and nearby commercial establishments.

IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

UTILITIES: Water facilities are shown on Exhibit "C". The site would have to be served by septic.

TRAFFIC: The subject property sits on Yarborough 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.

SCHOOLS CAPACITY/ENROLLMENT:

School	Capacity	Enrollment
Gray's Creek Elem	500	394
Gray's Creek Mid	1200	1096
Gary'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 the applicant must ensure that all fire department access roads requirements are met in accordance with section 503 of the NC 2018 Fire Code where required.

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

CONDITIONS OF APPROVAL: N/A

CODE DEVIATIONS: N/A

STAFF RECOMMENDATION

In Case P21-50, the Planning and Inspections staff **recommends approval** of the rezoning request from A1 Agricultural District to R40A Residential District and find the request is consistent with the South Central Land Use Plan which calls for Farmland at this location. Staff further finds that recommending 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:

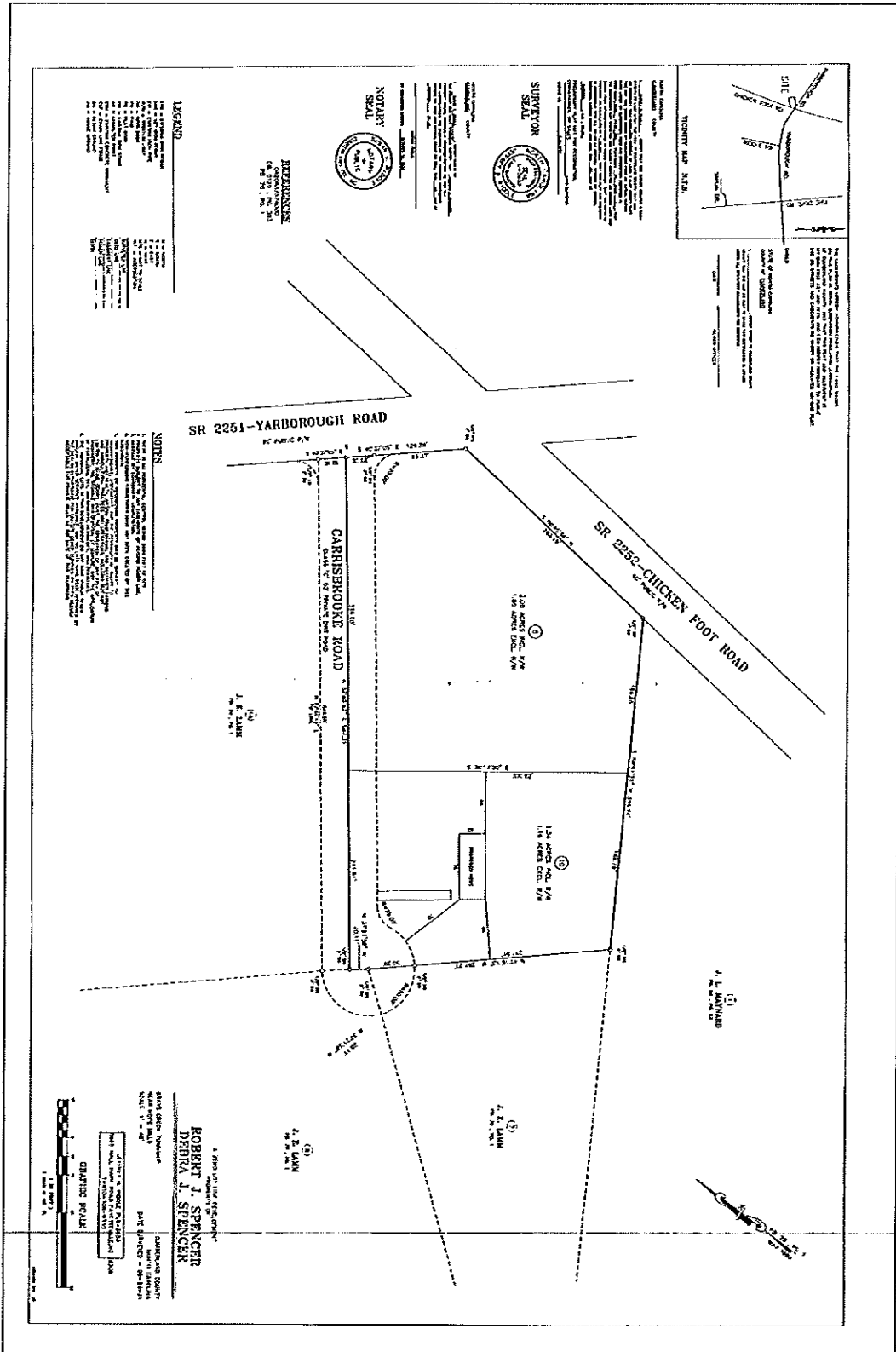
Notification Mailing List

Zoning Application

EXHIBIT "E"

PLOT PLAN

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



ATTACHMENT – MAILING LIST

BARFIELD, JAMES C
4218 CHICKEN FOOT RD
ST PAULS, NC 28384

ADAIR, DUSTY MARIE; &
LAWRENCE EDWIN CARLTON II
1074 BESALT DR
ST PAULS, NC 28384

BASS, SHELTON B; & PEGGY D
2238 BURRIS DR
ST PAULS, NC 28384

BLUE, NEIL L; & GENELLE O
8431 BRIGHTLEAF PL
ST PAULS, NC 28384

BRITT, KATHERINE CARROLL
1478 EBERHARDT RD
ST PAULS, NC 28384

CALERON-TORRES, HUGO; & MARIA
FRANCISCA MONREAL SIERRA
178 EDGEGROVE CIR
ST PAULS, NC 28384

CARTER, ROBERT LOVE; JUDITH,
CARTER HARDISON
8940 STEEPLECHASE DR
LINDEN, NC 28356

CHAPMAN, LISA C
4546 CHICKENFOOT RD
ST PAULS, NC 28384

CHAVIS, ANGELINA
3512 SEAWELL ST
FAYETTEVILLE, NC 28306

COOPER, WAYNE S; LAMB-COOPER,
MARILYN E
20 DEERWOOD LN
PINEHURST, NC 28374

EBERHART, DONNA L
1491 CARRISBROOKE RD
ST PAULS, NC 28384

EDWARDS, CHRIS; &
TRACIE FLOWERS
8404 BRIGHTLEAF PL
ST PAULS, NC 28384

FIELDS, JAMES ALVIN
8413 BRIGHTLEAF PL
ST PAULS, NC 28384

GASQUE, BOBBY LEMUEL;&
ANNETTE REVELS
8404 SUNNING CT
ST PAULS, NC 28384

GAUTHIER, DONALD JOSEPH
74 BENDAS DR
ST PAULS, NC 28384

GILES, FAYZELLE
292 TEDS RD
PARKTON, NC 28371

HENDERSON, NORVELL JR; & MIHAELA
2911 CHICKENFOOT RD
ST PAULS, NC 28384

HORNE, NEIL STANLEY
2336 YARBOROUGH RD
ST PAULS, NC 28384

JOLLY, REBECCA K LIFE ESTATE
4764 E NC 20 HWY
ST PAULS, NC 28384

LEARY, KENNETH J; & MELISIA N
8449 BRIGHTLEAF PL
ST PAULS, NC 28384

LEE, JANICE O
8450 BRIGHTLEAF PL
ST PAULS, NC 28384

MATTHEWS, TANYA
1075 BESALT DR
ST PAULS, NC 28384

MAYNARD, JAMES L;& JEANNA K
7664 TIGERTAIL RD
ST PAULS, NC 28384

MAYNARD, JULIUS; & FRANCES, R
7649 TIGERTAIL RD
SAINT PAULS, NC 28384

MCDONALD, JOHN ALBERT
5000 OWENS WAY 412A
PRINCE GEORGE, VA 23875

MCMILLAN, LATRIECE;& DEONDRA
8424 SUNNING CT
ST PAULS, NC 28384

MEDLOCK, HENRIETTA
2323 YARBOROUGH RD
ST PAULS, NC 28384

MELVIN, THEODORE PRESTON III;&
TRESIA LONG
1021 BESALT DR
ST PAULS, NC 28384

MILLER, JAMES A;& EDNA E
1070 BESALT DR
ST PAULS, NC 28384

MORRISON, SAABQUILLA R;& JOHN T
1035 BESALT DR
SAINT PAULS, NC 28384

MUSSELWHITE, JOHN E
1481 EBERHARDT RD
ST PAULS, NC 28384

NEASBITT, WILLIAM J
1051 BESALT DR
ST PAULS, NC 28384

PATE, DONALD BRUCE JR;& CRYSTAL B
8443 SUNNING CT
SAINT PAULS, NC 28384

PAUL, LEEANN CAROLE;&
GREGORY THOMAS
2354 YARBOROUGH RD
ST PAULS, NC 28384

PIOCUDA, JORGE; & DARLENE
8440 SUNNING CT
ST PAULS, NC 28384

PONCE, ELVIA MARY FLORES
58 POPPY LN
PARKTON, NC 28371

POOLE, JEFFREY RAY;& TERRA B
4427 CHICKEN FOOT RD
ST PAULS, NC 28384

POWELL, SAMMY C;& IVORY M
1009 BESALT DR
ST PAULS, NC 28384

RIDDLE, JOSEPH GLENN
3175 ODOM RD
HOPE MILLS, NC 28348

SCHWEMMER, JOHN G JR
6842 B PRUSSMAN BLV
COLORADO SPRINGS, CO 80902

SELLERS, LAURA L
1065 BESALT DR
ST PAULS, NC 28384

SMITH, STACY D;& COLLEEN C
8429 SUNNING CT
ST PAULS, NC 28384

SPENCER, ROBERT JAMES;&
DEBRA JANE
2380 YARBOROUGH RD
ST PAULS, NC 28384

SPINELLI, JOSEPH A JR;&
REBECCA MARIE
2310 BURRIS DR
SAINT PAULS, NC 28384

SPINELLI, JOSEPH ANTHONY
2310 BURRIS DR
SAINT PAULS, NC 28384

SPIVEY, BRENTON M;&
ANDREA, M INMAN
8420 BRIGHTLEAF PL
ST PAULS, NC 28384

STEWART, BUDDY
4210 CHICKENFOOT RD
ST PAULS, NC 28384

THOMPkins, STEVEN TRENT
1491 EBERHARDT RD
ST PAULS, NC 28384

TYLER, KENNETH LEGRAND;&
PATRICIA MUSSELWHITE
1471 EBERHARDT RD
ST PAULS, NC 28384

ULLOM, DANIEL
2271 SCHOOL RD
HOPE MILLS, NC 28348

WATERS, MARIE D
4441 CHICKEN FOOT RD
ST PAULS, NC 28384

WILKINSON, HENRY LEWIS
697 STONE CROSS DR
SPRING LAKE, NC 28390

YANOTKA, HELEN
835 SOUTHVIEW CIR
FAYETTEVILLE, NC 28311

ATTACHMENT – ZONING APPLICATION



County of Cumberland

Planning & Inspections Department

CASE #: R21-50

PLANNING BOARD
MEETING DATE: 8/17/2021

DATE APPLICATION
SUBMITTED: 7/12/2021

RECEIPT #: 78226

RECEIVED BY: ATC

APPLICATION FOR REZONING REQUEST CUMBERLAND COUNTY ZONING ORDINANCE

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

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

Rezoning Procedure:

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

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

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

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

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

1. Requested Rezoning from A1 to R40A
2. Address of Property to be Rezoned: 2380 Yarborough Road
3. Location of Property: Chicken Foot Road, Yarborough Road
Carrisbrooke Road
4. Parcel Identification Number (PIN #) of subject property: 0420837574000
(also known as Tax ID Number or Property Tax ID) 0420839534000
5. Acreage: 3.42 Frontage: 129.39 Depth: 547.31
6. Water Provider: Well: PWC: _____ Other (name): _____
7. Septage Provider: Septic Tank PWC _____
8. Deed Book 5125, Page(s) 393, 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.

Robert J. Spencer
NAME OF OWNER(S) (PRINT OR TYPE)

2380 Parborough Road
ADDRESS OF OWNER(S)

(910) 759-1814 HOME TELEPHONE # WORK TELEPHONE #

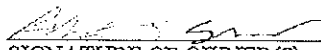
NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)

ADDRESS OF AGENT, ATTORNEY, APPLICANT

kspencer0316@gmail.com
E-MAIL

HOME TELEPHONE # WORK TELEPHONE #

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


SIGNATURE OF OWNER(S)

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

BK5125PG0393

RECEIVED

7-7-1999 AM 11:28

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

131

035084
35084

Excise Tax \$ 0

Recording Time, Book and Page

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

To Grantee
Mail after recording to Bain & McRae, Attorney, P.O. Box 99, Lillington, NC 27546
This instrument was prepared by Bain & McRae, Attorney, P.O. Box 99, Lillington, NC 27546

Brief Description for the index

Lot 6

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this ____ day of May, 1999 by and between

GRANTOR

James Earl Lamm and wife,
Janet F. Lamm
475 Belle Isle Road
Georgetown, SC 29440

GRANTEE

Robert James Spencer and wife,
Debra Jane Spencer
Route 2, Box 323J12
St. Pauls, NC 28384

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

BEING all of Lot No. 6 as shown upon a plat entitled "Subdivision Survey for James E. Lamm and wife, Janet F. Lamm", dated May 30, 1989 and recorded in Plat Book 70, Page 1, Cumberland County Registry. Reference to said pat is hereby made for a more perfect description. 146, 199

The above described lot encumbers a one (1) acre parcel previously conveyed to Grantees by deed which appears of record in Book 3568, Page 061, Cumberland County Registry.

10

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

A map showing the above described property is recorded in Plat Book 70, Page 1, Cumberland County Registry.

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

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

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

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

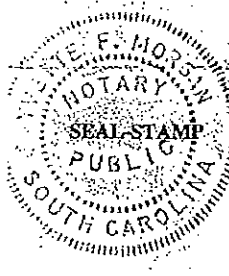
James Earl Lamm (SEAL)
James Earl Lamm

Janet F. Lamm (SEAL)
Janet F. Lamm

President

ATTEST: _____ (SEAL)

Secretary (Corporate Seal)



SOUTH CAROLINA, Georgetown County.
I, a Notary Public of the County and State aforesaid, certify that James Earl Lamm and wife, Janet F. Lamm, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 24th day of May, 1999.

My commission expires: 10/2/07
Yvette F. Morgan
Notary Public

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

My commission expires: // _____
Notary Public

The foregoing Certificate(s) of Yvette F. Morgan

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

GEORGE E. TATUM REGISTER OF DEEDS FOR CUMBERLAND COUNTY,
By: Shirley M. Dail Deputy / Assistant - Register of Deeds NO REVENUE



NORTH CAROLINA
PLANNING & INSPECTIONS

PLANNING STAFF REPORT
REZONING CASE # P21-51
Planning Board Meeting: August 17, 2021

Location: 3200 Natal Street
Jurisdiction: Unincorporated-County

Rezoning R10 to M(P)

REQUEST

Applicant requests a rezoning from R10 Residential District to M(P) Planned Industrial District for approximately 23.72 acres contained within one parcel located at 3200 Natal Street. This would allow the property owners to develop the properties with a nonresidential use. The applicant's intention is to develop the property with warehousing/storage activity as an expansion of use from the primary facility abutting to the east. 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:

Larry King and Associates (agent) on behalf of
Purolator Filters NC, LLC (owner)

ADDRESS/LOCATION: 3200 Natal Street. Refer to
Exhibit "A", Site Location. REID number:
0425295320000.

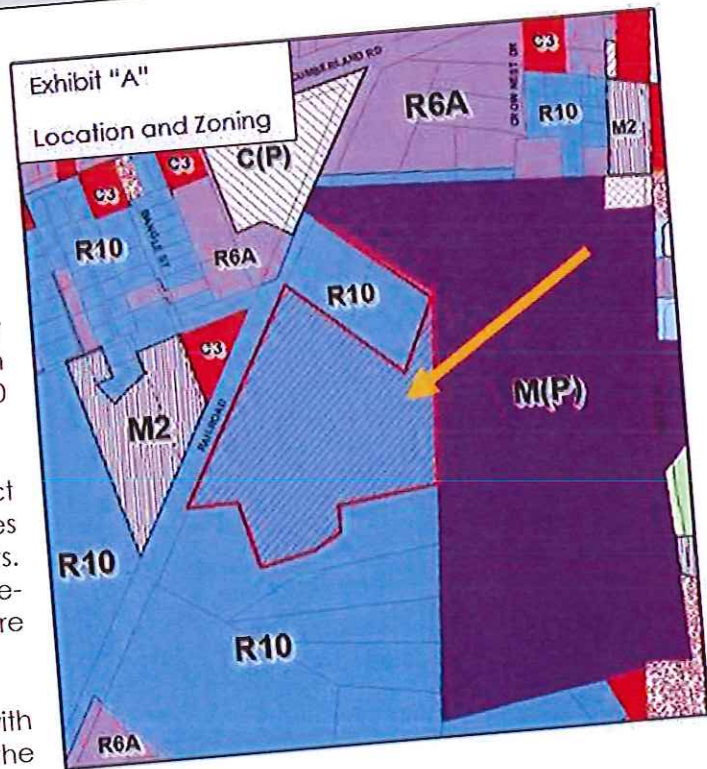
SIZE: 23.72 +/- acres within one parcel. The property
has no street frontage. The subject site has a depth
ranging from approximately 750 feet to about 1300
feet.

EXISTING ZONING: The parcel is zoned R10, this district
zoning is a dormant district and requires
corresponding to R7.5 zoning district requirements.
R7.5 Residential district is designed primarily for single-
family dwellings on lots with a lot area of 7,500 square
feet or above.

EXISTING LAND USE: The parcel is currently vacant with
a large public utility easement. Exhibit "B" shows the
existing use of the subject property.

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

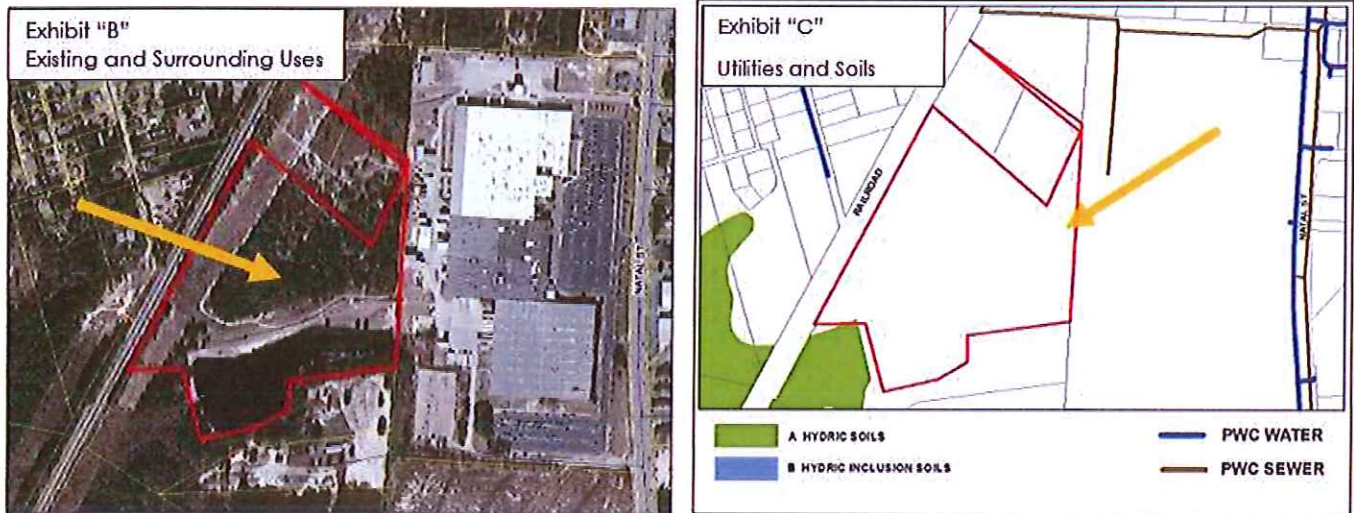
- North:** The properties to the north are similarly vacant with the same substantial PUE southeast of the railroad tracks. The noted properties are zoned R10, M(P), and R6A.
- East:** The adjacent property is a manufacturing facility under the same ownership as the subject site, and zoned M(P). On the same parcel is an electrical substation.
- West:** Across the railroad tracks are a variety of residential structures like manufactured homes and stick built on land zoned R6A and R10 and a church zoned C(P). There is also an automotive service and communications tower on separate lots abutting the railroad tracks directly to the east of the subject site. Both lots are zoned C3 Heavy Commercial District and M2. M2 is a dormant district which has been replaced by M(P).



South: Most of the southern adjacent parcels are vacant and wooded. However, there is one lot used for a single-family residence. All properties are zoned R10.

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

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



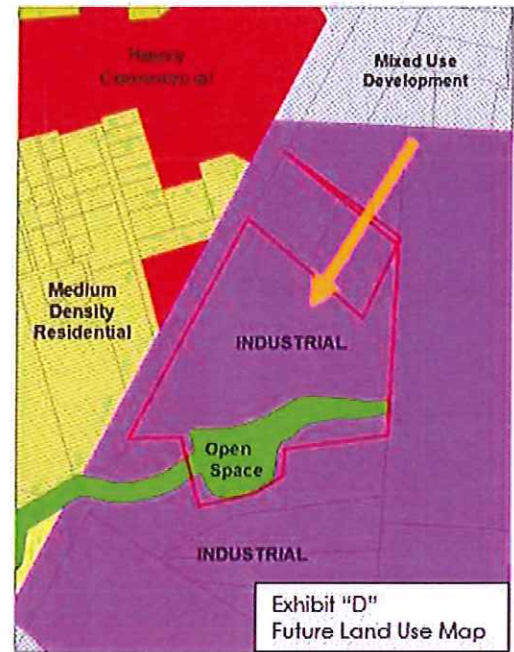
DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:

Minimum Standard	R10 (Existing Zoning)/Defers to R7.5	M(P) (Proposed)
Front Yard Setback	30 feet	130 feet (from ROW) 130 feet (from CL)
Side Yard Setback	10 feet (one story) 15 feet (two story)	50 feet
Rear Yard Setback	35 feet	50 feet
Lot Area	7,500 sq. ft.	N/A
Lot Width	75 feet	N/A

COMPREHENSIVE PLANS: Located in the Southwest Cumberland Land Use Plan (adopted in 2013), the subject property is designated as Industrial and Open Space. The Industrial designation, in the Southwest Cumberland Land Use Plan, is intended for uses that promote a diversity of clean and high tech industrial/manufacturing enterprises that have adequate infrastructure and ensures compatibility of land uses and calls for associated zoning districts of M1(P) and M(P). **Request is consistent with adopted land use plan.**

APPLICABLE PLAN GOALS/POLICIES:

- Locate industries and manufacturing enterprises in areas that have adequate infrastructure (rail, water, sewer, natural gas, roads, mass transit, etc.) and land area for buffering, vehicular and pedestrian circulation, landscaping, and is compatible with the character of the Area.
- Promote economic cooperation and coordination between all levels of public and private agencies in recruiting and retaining industries and manufacturing enterprises.



IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

UTILITIES: PWC water and sewer utilities are available along the frontage of Natal Street and the western and southern sides of property. It is the responsibility of the applicant to determine if these utilities will adequately serve their development. Utilities for water and sewer are shown on Exhibit "C".

TRAFFIC: The subject property sits on Natal Street 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.

SCHOOLS CAPACITY/ENROLLMENT:

School	Capacity	Enrollment
Cumberland Rd Elem	355	281
Douglas Byrd Mid	600	595
Douglas Byrd High	1280	899

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 building plans, drawn to scale, must be submitted for new construction and building renovation projects. The developer must also ensure that all fire department access roads requirements are met in accordance with section 503 of the NC 2018 Fire Code where required and ensure emergency responder radio coverage is achieved.

SPECIAL DISTRICTS: The property is not within five miles of Fort Bragg Military Base but is located within the Fayetteville Regional Airport Overlay District. Staff has not yet received any comment from a representative from the Fayetteville Regional Airport.

CONDITIONS OF APPROVAL: N/A

CODE DEVIATIONS: N/A

STAFF RECOMMENDATION

In Case P21-51, the Planning and Inspections staff **recommends approval** of the rezoning request from R10 Residential District to M(P) Planned Industrial District and find the request is consistent with the Southwest Cumberland Land Use Plan which calls for Industrial and Open Space at this location. Staff further finds that recommending approval of the request is reasonable and in the public interest as the district requested is in harmony and compatible with surrounding existing land uses and zoning.

Attachments:

Notification Mailing List
Zoning Application

ATTACHMENT – MAILING LIST

ALLEN, ISAAC R TRUSTEE
PO BOX 151
WADE, NC 28395

ABDULLAH, PHAYLEN
8237 SHOREWAY DR
FAYETTEVILLE, NC 28304

BORDEAUX, CONGREGATION OF
JEHOVAH WITNESSESS TRUSTEES
3265 CUMBERLAND RD
FAYETTEVILLE, NC 28306

BORDEAUX, CONGREGATION OF
JEHOVAH WITNESSESS TRUSTEES
2910 THORP DR
FAYETTEVILLE, NC 28306

CRAIG, GORDON L; GERTRUD,
STRASSNER COFFEY
211 MAYFAIR ST
FAYETTEVILLE, NC 28306

DAVIS, CHARLES J; TIMOTHY R; &
MITCHELL K
3375 STATE ST
FAYETTEVILLE, NC 28306

FORMER CLEAN AIR HOLDING CO INC
2243 CORNING RD
ELMIRA HEIGHTS, NY 14903

GIBBS, HENRY JR
7505 COLERIDGE DR
FAYETTEVILLE, NC 28304

GULLICKSON, CELIA
205 LAWNDAL ST
FAYETTEVILLE, NC 28306

HALL, JANE & EARL
300 MAYFAIR ST
FAYETTEVILLE, NC 28306

JACOBS, ANTHONY; VIVIAN;
KENNETH; & CONNIE
3287 CUMBERLAND RD
FAYETTEVILLE, NC 28306

K& JS PROPERTIES LLC;
TPGM PROPERTIES LLC
PO BOX 53729
FAYETTEVILLE, NC 28305

MALLOY, RICHARD; & TONYA
206 LAWNDAL ST
FAYETTEVILLE, NC 28306

MANESS, RICHARD BLAKE
6804 BRISTLE BARK CT
WENDELL, NC 27591

MCDONALD, THOMAS WAYNE;
& PATRICIA A
7654 KING RD
FAYETTEVILLE, NC 28306

PACKER, DONNA LYNN
209 LAWNDAL ST
FAYETTEVILLE, NC 28306

PUROLATOR FILTERS NA LLC
3200 NATAL RD
FAYETTEVILLE, NC 28306

SMITH, ELLEN JACOBS; JACOBS, ROBERT
LEE; OSBORNE,
ELIZABETH NICOLE
758 SLOCOMB RD
FAYETTEVILLE, NC 28311

WHITTING, THELMA ALLEN V
6491 SHARON KAY CT
ALEXANDRIA, VA 22310

WHITTING, THERESA; ALLEN, ISAAC
THURMAN; ALLEN, DOROTHY; WHITTING,
GARY W; ALLEN, ISAAC R TRUSTEE
6509 10TH ST A1
ALEXANDRIA, VA 22307

ATTACHMENT – ZONING APPLICATION



County of Cumberland
◆
Planning & Inspections Department

CASE #: P21-51
PLANNING BOARD
MEETING DATE: 8/17/21
DATE APPLICATION
SUBMITTED: 7/14/21
RECEIPT #: 78260
RECEIVED BY: ATC

**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 \$ 918.75.
(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 R10 to M(P)
2. Address of Property to be Rezoned: 3200 NATAL RD, FAYETTEVILLE, NC 28306
3. Location of Property: 23.72 ACRES TO THE WEST OF THE PUROLATOR FILTERS PROPERTY AND TO THE EAST OF THE RAILROAD
4. Parcel Identification Number (PIN #) of subject property: 0425295320000 (also known as Tax ID Number or Property Tax ID)
5. Acreage: 23.72 ACRES Frontage: 0.0 FEET Depth: 1200 +/- FEET
6. Water Provider: Well: _____ PWC: X Other (name): _____
7. Septage Provider: Septic Tank _____ PWC X
TRACT 2 ONLY
8. Deed Book 7204, Page(s) 837, 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: WAREHOUSE/PRIVATE STORAGE
11. Do you own any property adjacent to or across the street from this property?
Yes X No _____ If yes, where? ADJACENT
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.

PUROLATOR FILTERS NC LLC

NAME OF OWNER(S) (PRINT OR TYPE)

3200 NATAL STREET, FAYETTEVILLE, NC 28306

ADDRESS OF OWNER(S)

HOME TELEPHONE #

TODD BROSKO 704.906.4210

WORK TELEPHONE #

LORI EPLER @ LARRY KING & ASSOCIATES, RLS, PA

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

PO BOX 53787, FAYETTEVILLE, NC 38405

ADDRESS OF AGENT, ATTORNEY, APPLICANT

LEPLER@LKANDA.COM

E-MAIL

HOME TELEPHONE #

WORK TELEPHONE #

Todd Brosko

SIGNATURE OF OWNER(S)
MGR. REAL ESTATE AMERICAS

SIGNATURE OF AGENT, ATTORNEY OR
APPLICANT

SIGNATURE OF OWNER(S)

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

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

PUROLATOR FILTERS NC LLC

NAME OF OWNER(S) (PRINT OR TYPE)

3200 NATAL STREET, FAYETTEVILLE, NC 28306

ADDRESS OF OWNER(S)

HOME TELEPHONE #

TODD BROSKO 704.906.4210

WORK TELEPHONE #

LORI EPLER @ LARRY KING & ASSOCIATES, RLS, PA

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

PO BOX 53787, FAYETTEVILLE, NC 38405

ADDRESS OF AGENT, ATTORNEY, APPLICANT

LEPLER@LKANDA.COM

E-MAIL

HOME TELEPHONE #

WORK TELEPHONE #



SIGNATURE OF OWNER(S)
MGR. REAL ESTATE AMERICAS



SIGNATURE OF AGENT, ATTORNEY OR
APPLICANT

SIGNATURE OF OWNER(S)

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

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BK 7204 PG 837

(N.P SEAL)

44.00 US

017347

RECEIVED

4-13-2006 AM 10:06:23

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

CUMBERLAND COUNTY NC 04/13/2006

\$24400.00



Real Estate
Excise Tax

Excise Tax 524,400.00

Recording Time, Book and Page

Tax Lot No. _____

Parcel Identifier No. _____

Verified By _____ County on the _____ day of _____, 2006

by _____

After recording, return to: →
Sharon Nieland
LandAmerica Commercial Services
201 S. College Street, Suite 1590
Charlotte, NC 28244

Reaves & Reaves, PLLC
Attorneys at Law
PO Box 53187
Fayetteville, NC 28305

Mail after recording to _____

This instrument was prepared by Alston & Bird LLP, 101 South Tryon Street, Suite 4000, Charlotte, NC 28280

Brief description for the Index

3200 Natal Street, Fayetteville, NC

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 28 day of March, 2006, by and between

GRANTOR

ARVINMERITOR FILTERS OPERATING CO., LLC
(formerly known as Purolator Products NA, LLC and
Purolator Products NA, Inc.)
c/o ArvinMeritor, Inc.
2135 West Maple Road
Troy, Michigan 48084-7186

GRANTEE

PUROLATOR FILTERS NA LLC (formerly known
as Filters North America LLC)
3200 Natal Street
Fayetteville, North Carolina 28306

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

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

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BK 7204 PG 838

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 Fayetteville, Cumberland County, North Carolina and more particularly described on Exhibit A attached hereto and made a part hereof:

The property hereinabove described was acquired by Grantor by instruments recorded in the Cumberland County, North Carolina Land Records at Book 3251, Page 805; Book 4668, Page 578; Book 3074, Page 311; and Book 5437, Page 38

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

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

Title to the property hereinabove described is subject to the following exceptions: all matters of record; ad valorem taxes for 2006 and subsequent years and a certain unrecorded lease to Purolator Employees Federal Credit Union dated as of April 7, 1994, as amended on July 27, 1994.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

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

(USE BLACK INK ONLY)

ARVINMERITOR FILTERS OPERATING CO., LLC

By: *John A. Crable*
Name: John A. Crable
Title: Vice President

STATE OF NEW YORK

COUNTY OF NEW YORK

I, David P. Speciner, a Notary Public of the County of New York and State of New York, certify that John A. Crable, either being personally known to me or proven by satisfactory evidence (said evidence being David's License), personally appeared before me this day and acknowledged that he is Vice President of ArvinMeritor Filters Operating Co., LLC, a Delaware limited liability company, and that he, as Vice President, being authorized to do so, voluntarily executed the foregoing on behalf of the corporation for the purposes stated therein.

WITNESS my hand and official stamp or seal, this 29th day of March, 2006.

David P. Speciner
Notary Public DAVID SPECINER
(Type or Print Name)

My Commission Expires:

DAVID SPECINER
Notary Public, State of New York
No. 01SP4834858
Qualified In New York County
Commission Expires June 30, 2007

The foregoing Certificate(s) _____

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
COUNTY
By _____ Deputy/Assistant-Register of Deeds

EXHIBIT ATract 1

Beginning at a new iron pipe on the western right of way of Natal Street (S.R. 1344) (VARIABLE R/W), said point being South 64° 36' 46" West 7,554.68 feet from NCGS monument "INNIS", said monument having NC grid coordinates (NAD 83) of N=461,719.293, E=2,031,076.676, thence leaving said right of way North 86° 38' 21" West 132.66 feet to an existing concrete monument, thence North 86° 37' 21" West 1,051.82 feet to an existing rebar, thence North 03° 34' 12" East 128.41 feet to an existing concrete monument, thence North 03° 18' 44" East 300.05 feet to an existing concrete monument, thence North 03° 23' 54" East 539.32 feet to an existing iron pipe, thence North 02° 52' 59" East 988.39 feet to an existing concrete monument, thence South 86° 54' 59" East 630.29 feet to an existing concrete monument, thence South 86° 30' 01" East 472.37 feet to a concrete monument on the western right of way of Natal Street (S.R. 1344) (VARIABLE R/W), thence with said right of way, South 03° 14' 19" West 902.57 feet to a new iron pipe, thence along a curve to the left having a radius of 5,784.76 feet, an arc length of 692.52 feet, and a chord bearing and distance of South 00° 11' 28" East 692.11 feet to a new iron pipe, thence South 03° 37' 17" East 367.71 feet to the point and place of Beginning containing 50.141 acres more or less.

Tract 2

Beginning at an existing iron pipe, the beginning and northwest corner of the tract of which this is a part, said corner being located 100.45 feet southeast of the centerline of the SCL Railroad lines southbound track and runs thence South 51 degrees 38 minutes 36 seconds East 712.07 feet to an existing concrete monument, the northeast corner of the tract of which this is a part and in the western line of the lands of Purolator, Inc.; thence as the original east line of this tract South 03 degrees 11 minutes 38 seconds West 934.81 feet to an existing iron pipe, Allen's northeast corner of first tract in Deed Book 2279, Page 573; thence as Allen's north line South 81 degrees 36 minutes 14 seconds West 515.31 feet to an existing drive shaft; thence South 02 degrees 38 minutes 35 seconds West 131.92 feet to an existing drive shaft in a southeast corner of Tomlinson's third tract in Deed Book 2279, Page 573; thence as the lines of Tomlinson's tract South 59 degrees 10 minutes 07 seconds West 170.16 feet to an iron pipe; thence South 76 degrees 48 minutes 38 seconds West 281.80 feet to an existing pump pipe, the southwest corner of Tomlinson's tract in Deed Book 2279, Page 573; thence North 15 degrees 32 minutes 22 seconds West 357.95 feet to an existing iron pipe, the northeast corner of Allen's second tract in Deed Book 2279, Page 573; thence as Allen's north line South 87 degrees 16 minutes 38 seconds West 222.86 feet to an iron pipe located 100 feet southeast of the centerline of the SCL Railroad southbound track; thence as the original west line of the tract of which this is a part and being parallel to and 100 feet southeast of the centerline of the SCL Railroad southbound track North 28 degrees 09 minutes 56 seconds East 1220.95 feet to an existing iron pipe the most western corner of the lands of James Patterson as conveyed to him by deed recorded in Deed Book 907, Page 317; thence with and beyond his southwest line South 49 degrees 02 minutes 46 seconds East 730.40 feet to an existing iron pipe, the most southern corner of lands conveyed to James Patterson by deed recorded in Deed Book 931, Page 73; thence as Patterson's southeast line of Deed Book 931, Page 73, North 28 degrees 16 minutes 55 seconds East 366.10 feet to an existing iron pipe, the most eastern corner of Patterson's land in Deed Book 931, Page 73, and said iron pipe located 3.44 feet west of the east line of the tract herein described; thence with and beyond Patterson's northeast line of Deed Book 931, Page 73, North 49 degrees 03 minutes 55 seconds West 731.80 feet to an existing iron pipe, the most northern corner of Patterson's land in Deed Book 907, page 317, said corner also being the BEGINNING corner of the tract herein described

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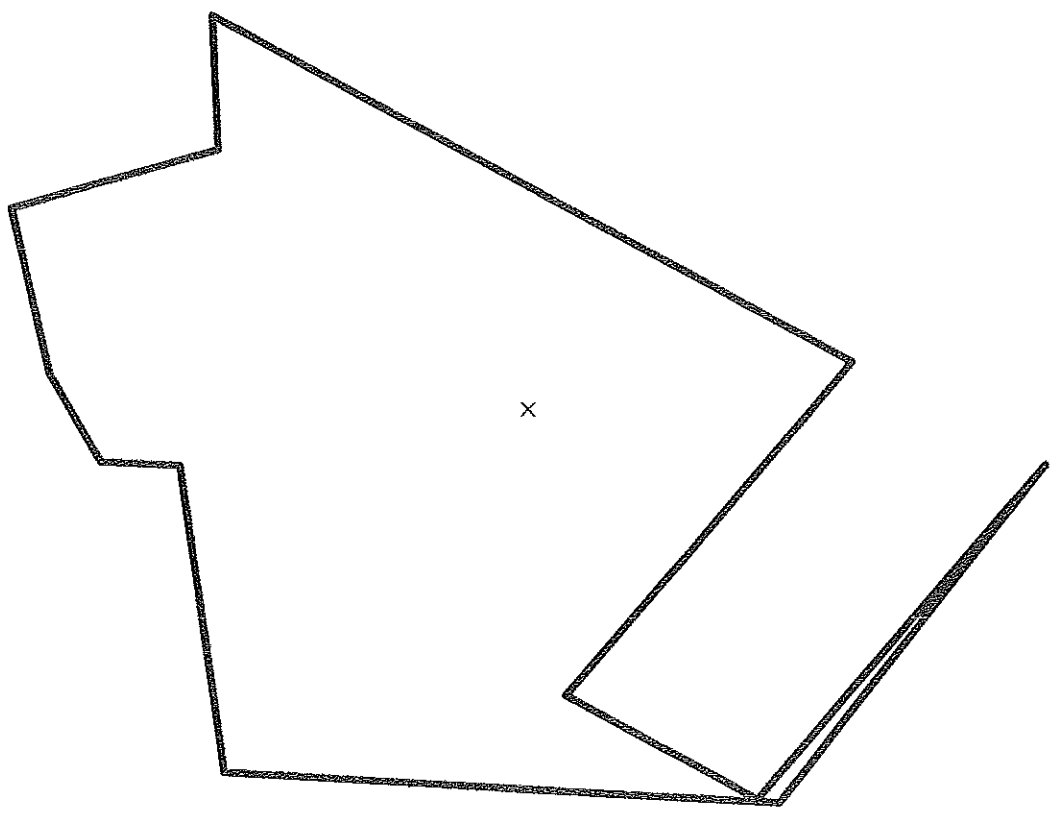
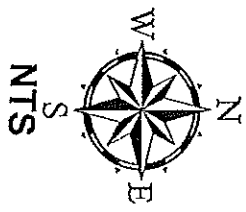
BK 7204 PG 841

containing 23.72 acres as surveyed by Rose and Purcell, Inc., in May, 1985, using Deed North Meridian and being a portion of the lands recorded in Deed Book 977, Page 187, and all the lands conveyed by deed recorded in Deed Book 2279, Page 573, third tract, Cumberland County Registry.

Tract 3

BEGINNING AT A POINT, SAID POINT BEING THE NORTHWESTERN CORNER OF THE TRACT BELONGING TO PUROLATOR, INC., A PLAT OF WHICH IS RECORDED IN PLAT BOOK 35, PAGE 6, CUMBERLAND COUNTY, NORTH CAROLINA REGISTRY; THENCE WITH THE PUROLATOR LINE SOUTH 2 DEGREES 53 MINUTES 48 SECONDS WEST 593.20 FEET; THENCE WITH THE BOUNDARY OF THE ORIGINAL TRACT, NORTH 51 DEGREES 39 MINUTES WEST 732.15 FEET TO THE EASTERN MARGIN OF THE RIGHT-OF-WAY OF THE SEABOARD-COASTLINE RAILROAD; THENCE WITH SAID RIGHT-OF-WAY NORTH 28 DEGREES 14 MINUTES 09 SECONDS EAST 188.40 FEET; THENCE SOUTH 86 DEGREES 54 MINUTES 32 SECONDS EAST 515.77 FEET TO THE BEGINNING.

See Rider A and Rider B attached hereto for corporate merger information involving Grantor.



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BK 7204 PG 842
RIDER A

SOSID: 0210681
Date Filed: 3/3/2005 3:40:00 PM
Elaine F. Marshall
North Carolina Secretary of State
C200505300541

State of North Carolina
Department of the Secretary of State

APPLICATION FOR CERTIFICATE OF WITHDRAWAL
BY REASON OF MERGER, CONSOLIDATION
OR CONVERSION

Pursuant to §55-15-21, §55A-15-21, § 57C-7-12, or § 59-909, as applicable, of the General Statutes of North Carolina, the undersigned entity, as the surviving or resulting entity in a statutory merger, consolidation or conversion hereby applies to the Secretary of State for a Certificate of Withdrawal for the foreign entity(ies) authorized to transact business or conduct affairs in the State of North Carolina named below, whose separate existence has ceased as a result of the merger, consolidation or conversion, and for that purpose submits the following statement:

1. The name of the surviving or resulting entity is: Purofator Products NA, LLC
2. a. The surviving or resulting entity is incorporated, organized or created under the laws of: Delaware
b. The type of entity of the surviving or resulting entity: Limited Liability Company
3. The surviving or resulting entity is not authorized to transact business or conduct affairs in the State of North Carolina.
4. The name of each foreign entity authorized to transact business in North Carolina (and its fictitious name used in the State of North Carolina, if different from its official name) is: Purofator Products NA, Inc.
a. The name of the state or country under whose law each such entity was incorporated, organized or created is: Delaware
b. The type of entity of each foreign entity: corporation
5. The surviving or resulting entity hereby consents that service of process based on any cause of action arising in the State of North Carolina, or arising out of business transacted or affairs conducted in this State during the time each foreign entity was authorized to transact business or conduct affairs in this State may thereafter be made by service thereof on the Secretary of State.
6. The mailing address to which the Secretary of State may mail a copy of any process served pursuant to the paragraph above is:
C/O CT Corporation System
Address 225 Hillsborough Street
City, State, Zip Code Raleigh NC 27603
7. The surviving or resulting entity hereby agrees to notify the Secretary of State in the future of any change in its mailing address.
8. Attached hereto is a copy of the articles of merger, consolidation or conversion or a certificate reciting the facts of the merger, consolidation or conversion duly authenticated by the Secretary of State or other official having custody of records of such entities in the state or country under the laws of which such merger was effected.

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BK 7204 PG 843

9. This application will be effective upon filing, unless a date and/or time is specified here: _____

This the 7th day of February, 2005

Purolator Products NA, LLC

Name of Surviving/Resulting Entity

Vernon G. Baker, II

Signature

Vernon G. Baker, II/VP & Secretary / MANAGER

Type or Print Name and Title

NOTES

1. Filing fee is \$10. This application must be filed with the Secretary of State. The application must be accompanied by a copy of the articles of merger, consolidation or conversion or a certificate reciting the facts of the merger, consolidation or conversion duly authenticated by the Secretary of State or other official having custody of the records of such entities in the state or country under the laws of which the foreign entity was organized, incorporated or created.
2. This form is to be used only if the surviving corporation is not authorized to transact business or conduct affairs in North Carolina.

(Revised January 2000)
CORPORATIONS DIVISION

P O. BOX 29622

(Form L-15)
RALEIGH, NC 27626-0622

Delaware

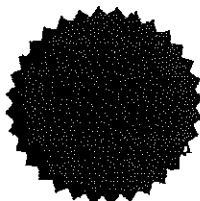
PAGE 1

The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE DO HEREBY CERTIFY THAT THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF CONVERSION OF A DELAWARE CORPORATION UNDER THE NAME OF "PUROLATOR PRODUCTS NA, INC." TO A DELAWARE LIMITED LIABILITY COMPANY, CHANGING ITS NAME FROM "PUROLATOR PRODUCTS NA, INC." TO "PUROLATOR PRODUCTS NA, LLC", FILED IN THIS OFFICE ON THE TWENTY-SIXTH DAY OF OCTOBER, A.D. 2004, AT 4:48 O'CLOCK P.M.

2114851 8100V

050169911



Harriet Smith Windsor
Harriet Smith Windsor, Secretary of State
AUTHENTICATION: 3710440

DATE: 02-28-05

7204
0845

BK 7204 PG 845

10-26-2004 04:26PM FROM: Miller Canfield Troy Office

2498792001

T-848 P 002/005 F-858

STATE OF DELAWARE
CERTIFICATE OF CONVERSION
FROM A CORPORATION
TO A LIMITED LIABILITY COMPANY
PURSUANT TO SECTION
266 OF THE DELAWARE GENERAL
CORPORATION LAW

1. The name of the corporation immediately prior to filing this Certificate is Purolator Products NA, Inc.
2. The corporation is formed under the laws of Delaware.
3. The date the Certificate of Incorporation was filed is January 14, 1987.
4. The name of the limited liability company as set forth in the Certificate of Formation is Purolator Products NA, LLC.
5. The conversion has been approved in accordance with the provisions of Section 266.

PUROLATOR PRODUCTS NA, INC.

By: 

Name: John A. Crable

Title: Vice President and Assistant Secretary

BHLLH:450179,1\110425-00024

State of Delaware
Secretary of State
Division of Corporations
Delivered 04:48 PM 10/26/2004
FILED 04:48 PM 10/26/2004
SRV 040773682 - 2114851 FILE

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BK 7204 PG 846
RIDER B

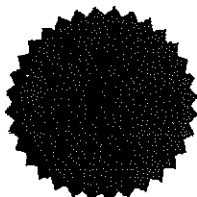
Delaware

PAGE 1

The First State

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "PUROLATOR PRODUCTS NA, LLC", CHANGING ITS NAME FROM "PUROLATOR PRODUCTS NA, LLC" TO "ARVINMERITOR FILTERS OPERATING CO., LLC", FILED IN THIS OFFICE ON THE THIRTIETH DAY OF MARCH, A.D. 2006, AT 1:57 O'CLOCK P.M.

2114851 8100
060302707



Harriet Smith Windsor
Harriet Smith Windsor, Secretary of State
AUTHENTICATION: 4633334

DATE: 03-30-06

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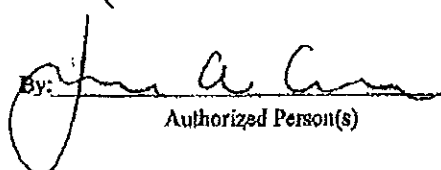
State of Delaware
Secretary of State
Division of Corporations
Delivered 01:58 PM 03/30/2006
FILED 01:57 PM 03/30/2006
SRV 060302707 - 2114851 ELLR

**STATE OF DELAWARE
CERTIFICATE OF AMENDMENT**

1. Name of Limited Liability Company: Parolator Products NA, LLC

2. The Certificate of Formation of the limited liability company is hereby amended as follows: The name of the limited liability company is ArviaMeritor Filters Operating Co., LLC

IN WITNESS WHEREOF, the undersigned have executed this Certificate on the 30th day of March, A.D. 2006.

By: 
Authorized Person(s)

Name: John A. Crable, V.P. and Assistant Secretary

Print or Type

REQUEST

Rezoning R10 to C(P)

Applicant requests a rezoning from R10 Residential District to C(P) Planned Commercial District for approximately 1.49 acres within two parcels located at 1506 North Bragg Boulevard. This district is designed to assure the grouping of buildings on a parcel of land constitutes a harmonious, efficient, and convenient retail shopping area. Any change of use of the property to commercial will require approval of a site plan. After flood damage to the home on the property following hurricanes Mathew and Florence, no one sought residence there. The applicant's request is intended to help sell the property due to the prevalence of commercial zones and uses in the area. 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:

David Darden (agent) on behalf of Iris Darden (owner)

ADDRESS/LOCATION: 1506 North Bragg Boulevard. Refer to Exhibit "A", Site Location. REID number: 0502447320000 and 0502447244000.

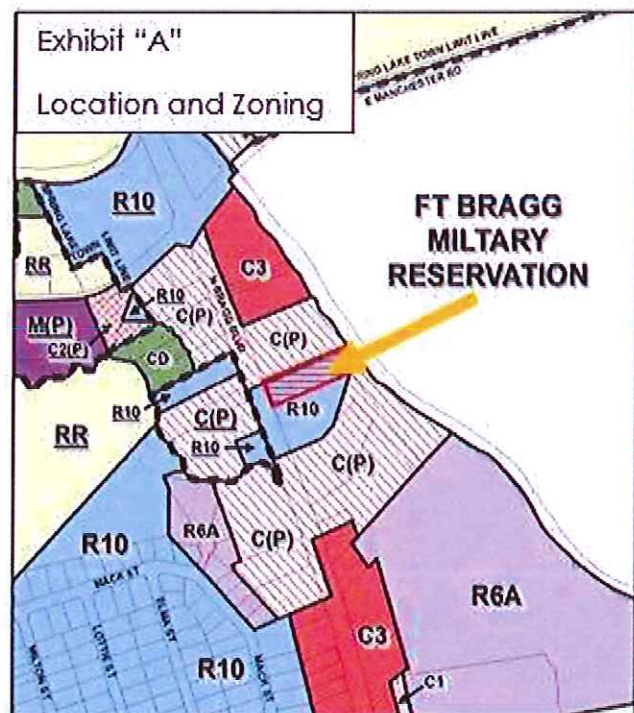
SIZE: 1.49 +/- acres within two parcels. The properties have approximately 139+/- feet of street frontage along the east side of North Bragg Blvd. The subject site has a depth extending about 490 feet.

EXISTING ZONING: The parcel is zoned R10. This district zoning is a dormant district and corresponds to R7.5 zoning district requirements. R7.5 Residential district is designed primarily for single-family dwellings on lots with an area of 7,500 square feet or greater.

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

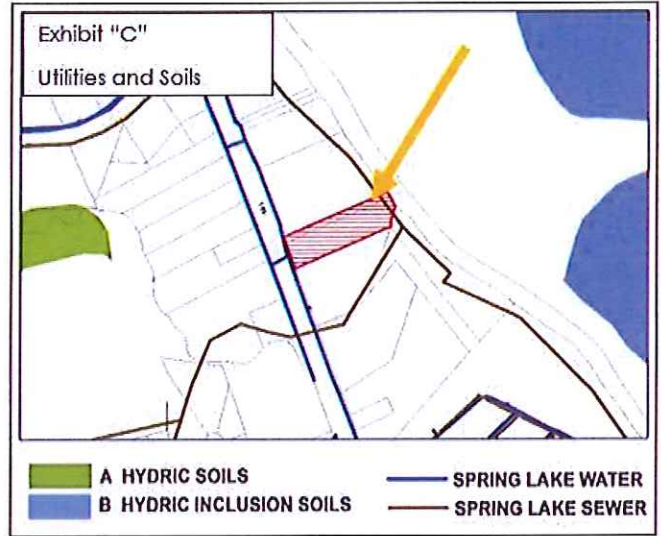
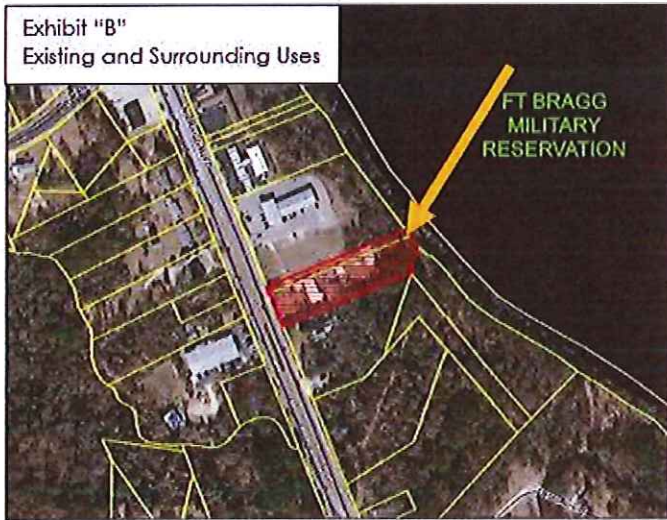
SURROUNDING LAND USE: Exhibit "B" illustrates the following:

- North:** A fitness center abuts the subject site directly to the north on property zoned C(P). Further north is a gas station similarly zoned C3 Heavy Commercial. Other adjacent properties are wooded, vacant land.
- East:** Vacant and wooded. There is a large parcel which is an extension of Fort Bragg.
- West:** Across N. Bragg Blvd are multiple single-family residences on property zoned R10, C(P), and C2(P). There are Firearms sales business across N. Bragg Blvd zoned C(P).
- South:** One single-family residence zoned R10. The adjacent parcels are primarily vacant and wooded zoned C(P).



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

DEVELOPMENT REVIEW: A recombination and site plan review will be required prior to development.



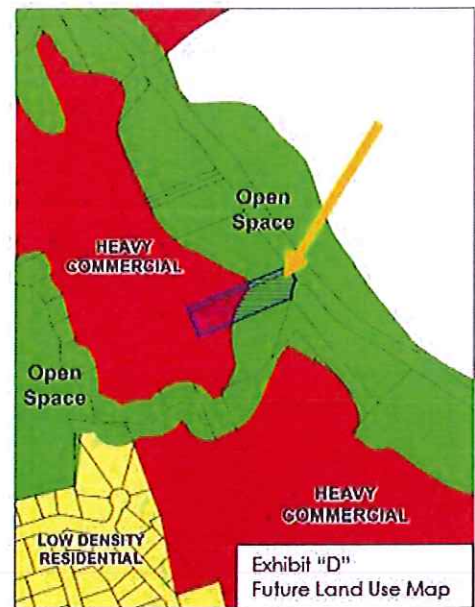
DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:

Minimum Standard	R10 (Existing Zoning)/Defers to R7.5	C(P) (Proposed)
Front Yard Setback	30 feet	50 feet (from ROW) 80 feet (from CL)
Side Yard Setback	10 feet (one story) 15 feet (two story)	30 feet
Rear Yard Setback	35 feet	30 feet
Lot Area	7,500 sq. ft.	N/A
Lot Width	75 feet	N/A

COMPREHENSIVE PLANS: Located in the Spring Lake Area Detailed Land Use Plan (adopted in 2002), the subject properties are designated as Heavy Commercial and Open Space. The Heavy Commercial designation associated with the Spring Lake Area Detailed Land Use Plan, provides for a wide variety of retail, wholesale and commercial businesses. Further, it calls for the associated zoning district of C(P) Planned Commercial District. The Open Space designation is applied to the northeastern half of the subject site within the Little River flood hazard zone, and is assigned to land used for recreation, natural resource protection and buffer areas. The zoning district associated with Open Space designation is CD Conservancy District. **Request is consistent with adopted land use plan.**

APPLICABLE PLAN GOALS/POLICIES:

- Promote a concept of locating commercial development in nodes such, as existing strip centers along major thoroughfares, or at the intersection of thoroughfares and discourage the creation of any new strip commercial areas.
- Provide sufficient land area at a variety of locations to support new or expanding commercial development.



- Create a commercial atmosphere that fosters small business and business start-ups.
- Open Space is recommended for the 100-year flood area along all streams and rivers, drainage areas with ten (10) feet on both sides without the 100-year flood area designation, and all parks and recreation areas.

IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

UTILITIES: Water and sewer lines are shown on Exhibit "C".

TRAFFIC: The subject property sits on Bragg Boulevard and is identified as an existing expressway in the Metropolitan Transportation Plan. No construction projects are currently planned, and the subject property will have no impact on the Transportation Improvement Plan.

SCHOOLS CAPACITY/ENROLLMENT:

School	Capacity	Enrollment
Manchester Elem	340	319
Spring Lake Mid	700	439
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 building plans, drawn to scale, will have to be submitted for new construction and building renovation projects. Also, the development must ensure that all fire department access roads requirements are met in accordance with section 503 of the NC 2018 Fire Code where required and ensure emergency responder radio coverage is achieved.

RULAC: Following an examination of the zone case materials by the RLUAC staff and Board of Directors (PINs: 0502447320000 and 0502447244000), and recognizing that their findings are non-binding on Cumberland County, the RLUAC Board of Directors finds that:

- The eastern portion of the site, in closest proximity to the Little River, is identified as being Important to Conserve based on its Biodiversity and Wildlife Habitat rating. This area is essentially coterminous with the floodplain area on the site, and the owner / developer is encouraged to preserve this portion of the site in a natural state.
- The entire site is situated beneath 14 CFR Part 77 Airfield Imaginary Surfaces (approach / departure and transitional surfaces) associated with the runway at Pope Field. While there is not an assumed impact to military operations, the petitioner should be aware that this area is subject to military aircraft overflight and potential limitations on tall structures in accordance with FAA guidance.
- The outer edge of the 60+ dB DNL noise contour associated with Pope Field is in close proximity to this site. Transitioning from residential zoning to nonresidential zoning should improve the compatibility of the site with the noise environment, but the petitioner should be aware that aviation noise may still impact any noise-sensitive non-residential uses established on the site

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

CONDITIONS OF APPROVAL: N/A

CODE DEVIATIONS: N/A

STAFF RECOMMENDATION

In Case P21-46, the Planning and Inspections staff **recommends approval** of the rezoning request from R10 Residential District to C(P) Planned Commercial District and find the request is consistent with the Spring Lake Area Land Use Plan which calls for Heavy Commercial and Open Space at this location. Staff further finds that recommending approval of the request is reasonable and in the public interest because the C(P) Commercial District would allow commercial activities that would be compatible and in harmony with the surrounding land use activities and zoning.

Attachments:

Notification Mailing List

Zoning Application

ATTACHMENT – MAILING LIST

FRENCH, LASHONDA S
915 LEXIS WALK CIR
SPRING LAKE, NC 28390

DARDEN, IRIS W
3983 FINAL APPROACH DR
EASTOVER, NC 28312

GOINS, DANIEL L; CYNTHIA A; &
ALICE G POWERS
434 SWAN ISLAND CT
FAYETTEVILLE, NC 28311

HARKINS, MARTHA R
47 HUNTERS CHASE
DALLAS, GA 30157

HATLEY, CHRISTOPHER DAVID
1503 N BRAGG BLVD
SPRING LAKE, NC 28390

HINNANT, JAMES; & PENNAPA
61 NASSAU LN
SANFORD, NC 27332

MCCOY, DOROTHY R
914 LEXIS WALK CIR
SPRING LAKE, NC 28390

MEYER, STEPHEN; MANGEL, CAROL;
MEYER, DONALD;
GOINS, CYNTHIA TRUSTEE;
434 SWAN ISLAND CT
FAYETTEVILLE, NC 28311

POWERS, BETTY; KATHRYN, L WRIGHT
1787 ROANOKE RD
FAYETTEVILLE, NC 28304

REES ELISABETH; & MARK OWEN;
COOK, JOAN; & ALEXANDER; CHAFFEE,
FREDRIC H JR
617 TEABERRY HILL RD
BOONE, NC 28607

ROGUE PLANTATION, LLC
1530 N BRAGG BLVD
SPRING LAKE, NC 28390

SIMMONS, RUTH DARDEN HEIRS
150 D ASHFORD AVE
FAYETTEVILLE, NC 28305

SMITH, JERRY M; & JEAN M
803 CHALEYBEATE SPRING RD
ANGIER, NC 27501

SPRING LAKE D & amp; H INC.
1554 N BRAGG BLVD
SPRING LAKE, NC 28390

TAJ ENTERPRISES INC
508 LEVENHALL DR
FAYETTEVILLE, NC 28314

TOP HAT RENTALS & amp;
PROPERTIES LLC
1503 N BRAGG BLV
SPRING LAKE, NC 28390

W & amp; R LLC
1738 SWANN ST
FAYETTEVILLE, NC 28303

WOODARD, BERRY E; &
PHYLIS WOODARD STETLER
1795 E LONG LEAF DR
PINEHURST, NC 28374

WOODARD, PEGGY R TRUSTEE
434 SWAN ISLAND CT
FAYETTEVILLE, NC 28311

WRIGHT, KATHRYN L
1787 ROANOKE RD
FAYETTEVILLE, NC 28304

GERSTENBERG, FACHON; MEYERS,
KARMA; LAWRENCE, PAMELA
617 TEABERRY HILL RD
BOONE, NC 28607

WOODARD, PEGGY; GOINS, DANIEL;
POWERS, ALICE; COTE, GENEVA
434 SWAN ISLAND CT
FAYETTEVILLE, NC 28311

ATTACHMENT – ZONING APPLICATION



TOWN OF SPRING LAKE
◆
BOARD OF ALDERMEN

CASE #: P21-46

PLANNING BOARD
MEETING DATE: 8/17/2021

DATE APPLICATION
SUBMITTED: 6/22/2021

RECEIPT #: 77963

RECEIVED BY: ATC

Application for
TOWN OF SPRING LAKE
REZONING REQUEST

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

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

Rezoning Procedure:

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

The County Planning Staff will advise on zoning options, inform applicants of development requirements and answer questions regarding the application and rezoning process. For questions or assistance, call the Land Use Codes Section at (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 Joint Planning Board meeting according to the Board's meeting schedule. Also, the application fee is *nonrefundable*.

Local Code Reference: Town of Spring Lake Chapter 42-Zoning

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 R10 to CP
2. Address of Property to be Rezoned: 1506 N. BRAGG BLVD.
3. Location of Property: SPRING LAKE, NC 28390
4. Parcel Identification Number (PIN #) of subject property: 0502-44-7320
(also known as Tax ID Number or Property Tax ID) 0502-44-7244-HOUSE
5. Acreage: 1.49 Frontage: 139' Depth: 495'
6. Water Provider: Well: _____ PWC: _____ Other (name): SPRING LAKE
7. Septage Provider: Septic Tank _____ PWC _____
8. Deed Book 002 868, Page(s) 00827, 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: C.P.
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 County Planning Staff is available for advice on completing this application; however, they are not authorized to complete 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.

IRIS W. DARDEN
NAME OF OWNER(S) (PRINT OR TYPE)

3983 FINAL APPROACH DR. EASTOVER, NC 28312
ADDRESS OF OWNER(S)

dKdarden@gmail.com (SON)
E-MAIL

910-497-5418 HOME TELEPHONE # 910-223-8663 (SON'S CELL) ~~WORK TELEPHONE #~~

IRIS W. DARDEN
NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)

3983 FINAL APPROACH DR. EASTOVER, NC, 28312
ADDRESS OF AGENT, ATTORNEY, APPLICANT

dKdarden@gmail.com (SON)
E-MAIL

910-497-5418 HOME TELEPHONE # 910-223-8663 (SON'S CELL) ~~WORK TELEPHONE #~~

David K. Darden, Jr
SIGNATURE OF OWNER(S)

David K. Darden, Jr
SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

SIGNATURE OF OWNER(S)

Upon submission, the content of this application becomes "public record".

BOOK 868 PAGE 93

NORTH CAROLINA

CUMBERLAND COUNTY

WARRANTY DEED

THIS DEED, made this 12th day of May, 1961,
by TROY DARDEN and wife BERNICE T. DARDEN

herein called Grantor,

to DAVID K. DARDEN and wife IRIS W. DARDEN

herein called Grantee,

all of said State and County,

WITNESSETH THAT: Grantor, for ten dollars and other valuable consideration, 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:

NORTH CAROLINA

CUMBERLAND COUNTY

TOWNSHIP OF MANCHESTER

Lots 18 and 19 in the sub-division of the W. G. Robertson Estate located in Manchester Township, North Carolina, as per plat of the W. R. McDuffie, Registered Surveyor, recorded in the office of the Register of Deeds for Cumberland County, North Carolina, in Plat Book 13, page 2.

For further reference to title see deed dated 23 March 1951 from Georgiana B. McFayden, widow, et al. to Troy Darden and wife of record in Book 557, page 386, and deed dated 30 January 1954 from J. E. Sharpe and wife, et al. to Troy Darden and wife of record in Book 647, page 52, both in aforesaid public registry.

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

And Grantor covenants with Grantee that he is seized of said premises in fee and has right to convey in fee simple: that the same are free and clear of all encumbrances,

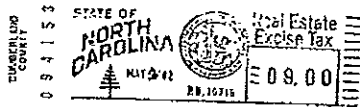
and that he does hereby forever warrant and will forever defend the title to the same against the lawful claims of all persons whomsoever.

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.

Troy Darden (SEAL)

Bernice T. Darden (SEAL)



2868 PAGE 827

Excise Tax \$9.00

Recording Time, Book and Page

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

Mall after recording to Mr. & Mrs. David K. Darden, 1506 Hwy. 87 North,
Spring Lake, North Carolina 28390

This instrument was prepared by George B. Herndon, Jr., Attorney

Brief description for the Index

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 28th day of April, 1982, by and between

GRANTOR
J. E. SHARPE and wife,
EVE A. SHARPE

GRANTEE
DAVID K. DARDEN and wife,
IRIS W. DARDEN

1506 Hwy. 87 North
Spring Lake, NC 28390

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

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

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

BEGINNING at an iron stake in the northeastern margin of North Carolina Highway Number 87 South 19 degrees 40 minutes East 900.0 feet from its intersection with the southeastern margin of the paved highway leading to Sanford, the northwest corner of lot number 19 and the southwest corner of lot number 20, and said beginning point being the beginning corner of that tract sold by Jesse D. Sharpe, Widower, to J. E. Sharpe and wife, Eve Ann Sharpe, as recorded in Deed Book 1196, Page 203, Cumberland County Registry, and of which this description is a part, and runs thence from said beginning point and the northeast margin of said Highway 87 North 19 degrees 40 minutes West 25.0 feet; thence a new line parallel to and 25 feet northward from the dividing line of lots 19 and 20 as shown on the plat of the subdivision of the W. G. Robertson Estate lands, as shown on record in Plat Book 13, Page 2, Cumberland County Registry, North 70 degrees 20 minutes East 492.0 feet to a point on the southwest edge of Lower Little River; thence with the edge of Lower Little River South 39 degrees 36 minutes East 26.60 feet to an iron stake at the southeast corner of lot 20, and the north-

NORTH CAROLINA

DURABLE POWER OF ATTORNEY

CUMBERLAND COUNTY

Know all men by these presents, that I IRIS WILLIAMS DARDEN, the undersigned, of Cumberland County of North Carolina hereby make, constitute and appoint, **DAVID KENNETH DARDEN, JR.** (with full power of substitution and revocation) my true and lawful attorney-in-fact for me and in my name, place and stead to do and perform for me anything of any character which I might do or perform if I were personally present and acting. Without in any way diminishing the broad general power just conferred, which is believed and intended to include all of the following, as well as other powers not mentioned, I specifically grant my attorney-in-fact all of the powers set forth in North Carolina General Statute 32A-2 which is hereby incorporated by reference as it exists as of the date that I execute this power and, in addition thereto, the following powers:

(1) **Real Property Transactions.** To lease, purchase, option, exchange and acquire; to agree, bargain, and contract for the lease, purchase, option, exchange and acquisition of; to accept, take, receive, collect, hold and possess any interest in real or personal property whatsoever, tangible or intangible, including bond (registered or unregistered or eligible for redemption at par in payment of federal estate tax), stock dividends, proceeds or other distributions connected therewith, on such terms and conditions, and other such covenants, as said attorney-in-fact shall deem proper; and to maintain, repair, improve, manage, operate, conserve, insure, rent, sell, dispose of, convey, subject to liens, mortgage, subject to deeds of trust, and in any way or manner deal with all or any part of any interest in such property, under such terms and conditions, and under such covenants, as it shall deem proper.

(2) **Banking Transactions.** To make, receive, sign, endorse, execute, acknowledge, deliver, and possess checks, drafts, bills of exchange, letters of credit, notes, stock certificates, other negotiable instruments of any character, withdrawal receipts and deposit instruments relating to accounts or deposits in, or certificates of deposit of, banks, savings and loan or other institutions or associations on my behalf whether such accounts, deposits or certificates are in my own name or held jointly with another.

(3) **Safe Deposits.** To have free access at any time to any safe deposit box or vault which I have leased in my name, wherever the same may be located, and to place property in and remove property from same.

(4) **Insurance Transactions.** To exercise or perform any act, power, duty, right or obligation in regard to any contract of real estate, homeowners, life, accident, health, disability, liability, personal property or automobile insurance or any combination of such insurance procured by me; to procure new, different or additional contracts of insurance for me and to designate the beneficiary of any such contract of insurance; and to purchase, apply for and make affidavits with respect to any lost original securities bond

(or similar coverage) required as a condition precedent to the issuance of replacement securities.

(5) Estate Transactions. To receive, hold and possess all legacies, bequests and devises as are owned by or due, owing, payable or belonging to me.

(6) Personal Relationships and Affairs. To do all acts necessary for maintaining my customary standard of living and my spouse and my dependent children; to provide medical, dental and surgical care, hospitalization, nursing and custodial care for me and such persons; to allow such members of my family as it deems best to use my household furniture and furnishings and other personal belongings or to store, sell or dispose of same; to continue whatever provision I have made for me and such persons with respect to automobiles or other means of transportation; to continue the discharge of any services or duties I have assumed with respect to any parent, relative, or friend of mine; to continue any program of giving to individuals at the same level (whether or not that giving program included gifts subject to federal or state transfer taxes); and to continue payments incidental to membership or affiliation in any church, club, society, order or other organization, or to continue contributions thereto in accordance with my prior custom.

(7) Tax, Social Security and Unemployment. To prepare, execute, acknowledge upon oath and file all tax, social security, unemployment insurance and information returns required by the laws of the United States, any state or subdivision thereof or any foreign government; to prepare, execute and file all other papers and instruments which it determines to be desirable or necessary to safeguard me against violation of any law or other governmental regulation; to represent me personally, or through attorneys of its selection with respect to any matter before the Internal Revenue Service and Department of Revenue of any estate or any court relative to taxes owed, allegedly owed or paid by me or on my behalf; and to pay, compromise, contest or apply for refunds in connection with any taxes or assessments for which I am or may be liable.

(8) Legal Authority. To request, ask, demand, sue for, recover, collect and to have, use and take all lawful means and equitable and legal remedies, procedures and writs in my name for the collection and recovery of any property, interest in property, and any rights of mine, including all sums of money, debts, dues, accounts, insurance proceeds, legacies, devises, bequests, interest, dividends, annuities and any other interests as are owed by or due, owing, payable or belonging to me (whether such sums are due me by the government of the United States or any subdivision thereof); to adjust, sell, compromise, arbitrate or otherwise agree for me respecting the same; to make, execute and deliver for me all endorsements, releases, receipts or other sufficient discharges for the same; and to make oaths, acknowledgments and verifications in my name.

(9) Debts. To pay, adjust and settle any legitimate and just claims or debts which may be due and owing by me at any time; and to credit payment of or cancel any note, mortgage, or deed of trust, or other obligation to me upon proper payment being made,

whether in full or by way of compromise or settlement, on evidence thereof satisfactory to my attorney-in-fact being furnished.

(10) Borrowing. To borrow on my behalf and in my name such funds as it deems advisable; to give notes or other evidence of the debt therefor at such rate or rates of interest as it deems advisable; and to pledge, mortgage, or otherwise encumber as security therefor any property of any kind, real, personal, or mixed, owned by me, as it may in its discretion select.

(11) Nominee Name. To effect all transactions in its name as attorney-in-fact, in my name or in the name of any nominee of my attorney-in-fact.

(12) Invest and Reinvest. To invest and reinvest without restriction any of my money or other property of whatever kind coming into its possession or known to belong to me, whether income or principal, in such manner as it may deem fit and proper and to execute any instruments necessary to accomplish these purposes, including but not limited to the power, in its discretion, to transfer and convey any or all of my property to a trust which I may have established as grantor. I hereby authorize it to retain any property owned by me without regard to any requirement of diversification or otherwise imposed by law or governmental regulation and without liability for any loss or decrease in value of any such property while retained by it and to exercise by proxy or otherwise any voting rights I may have in shares of stock.

The powers herein granted shall be deemed continuing and relate as fully to any property which I may hereafter acquire as to any property which I may now own and may be exercised repeatedly. In the event my attorney-in-fact will occupy, from a legal standpoint, positions in which a conflict of interest is either real or apparent, I hereby declare that the existence of any conflict of whatever nature or however arising shall not in any manner limit any of the powers herein conferred.

I hereby ratify and confirm all that which my attorney-in-fact shall lawfully do or cause to be done by it by virtue of the powers herein conferred upon it, and I direct that during my lifetime my attorney-in-fact shall not be required to make or give any inventories, appraisals, accounts or reports to any court or to give bond, but shall keep full and accurate records for all transactions for me as my attorney-in-fact and of all my property and the disposition thereof, and shall render to me, if competent, or to my spouse or oldest adult child or nearest living relative, if I shall be incompetent or incapacitated, at least annually, inventories and accounts of all such transactions. At my death an inventory and a final account of all such transactions shall be delivered to the personal representative of my estate, together with all property of mine included in such final inventory.

My attorney-in-fact shall receive no compensation for services hereunder. This power of attorney shall not be affected by my subsequent incapacity or mental incompetence and is executed pursuant to the provisions of Chapter 32A of the North Carolina General Statutes.

Iris Williams Darden
Iris Williams Darden

Signed and sealed this the 26 day of September, 2018.

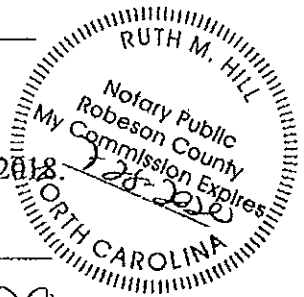
Perry Oxendine
WITNESS
Brenda Carter
WITNESS

NORTH CAROLINA
CUMBERLAND COUNTY

On this 26 day of September, 2018, personally appeared before me, the said Iris Williams Darden, to me known and known to be to be the person described in and who executed the foregoing instrument, and he acknowledged that he executed the same and, being duly sworn by me, made oath that the statements in the foregoing instrument are true.

STATE OF NORTH CAROLINA
COUNTY OF Cumberland

Sworn and subscribed before me
this the 26 day of September, 2018.
Ruth M. Hill
NOTARY PUBLIC
My commission expires: 7-28-2020



Location: 5330 Church Street
Jurisdiction: Town of Hope Mills

REQUEST **Rezoning R10 to C(P)/CZ**

Applicant requests a rezoning of approximately 1.26 +/- acres located at 5330 Church Street from R10 Residential District to C(P) Planned Commercial District/CZ Conditional Zoning District for a utility tower up to 120 feet in height. This would allow expansion of the existing public utility use on the property. The purpose of the tower will be communicative which will ensure rapid power outage response. Duke Energy (owner) has no intention of colocation regarding other communication devices with outside services. This is a conditional rezoning with conditions proposed (Refer to Exhibit "F") with a site plan (The required site plan is shown in Exhibit "E" as well as the proposed elevation plan in Exhibit "G" of the Staff Report).

PROPERTY INFORMATION

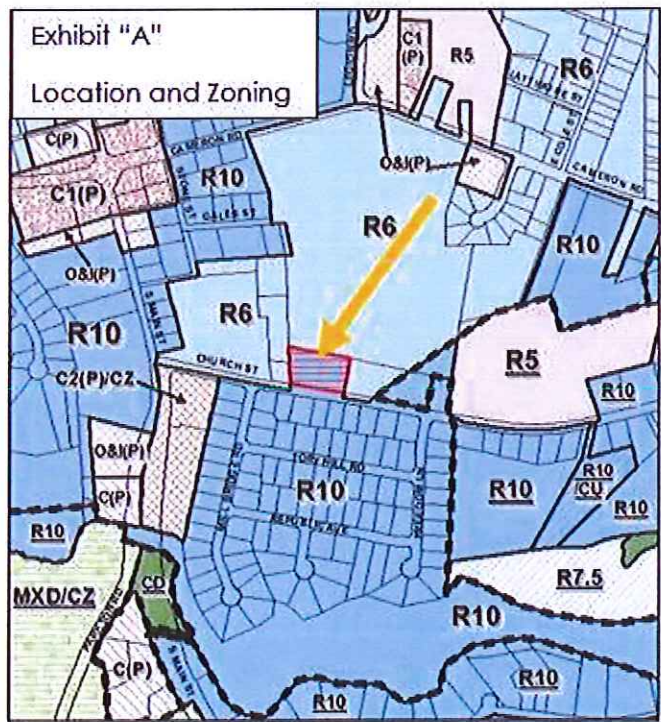
OWNER/APPLICANT:
Tower Engineering Professionals (agent) on behalf of Duke Energy (owner)

ADDRESS/LOCATION: Located at 5330 Church Street Refer to Exhibit "A", Site Location. REID number: 0414718467000.

SIZE: 1.26 +/- acres within one parcel. The property has approximately 280 +/- feet of street frontage along the north side of Church Street. The property has a depth of about 184 feet.

EXISTING ZONING: The property is zoned R10 Residential District which is a dormant district and has been replaced with R7.5 Residential District. This district is designed primarily for single-family dwellings on lots with a lot area of 7,500 square feet or above

EXISTING LAND USE: The parcel is occupied by an electrical substation. Exhibit "B" shows the existing use of the subject property.

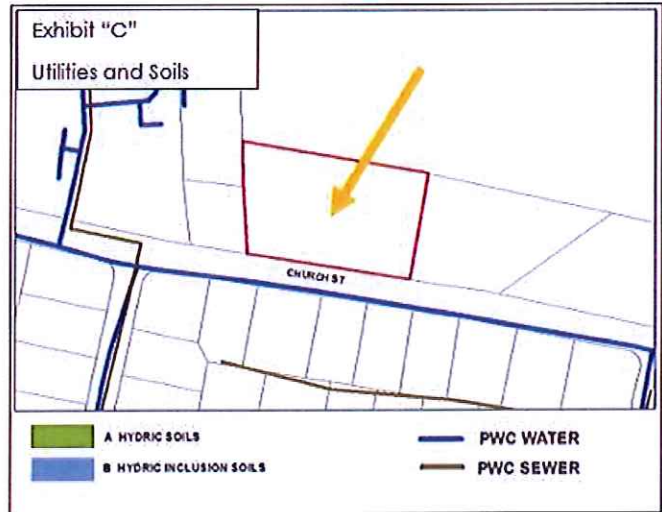
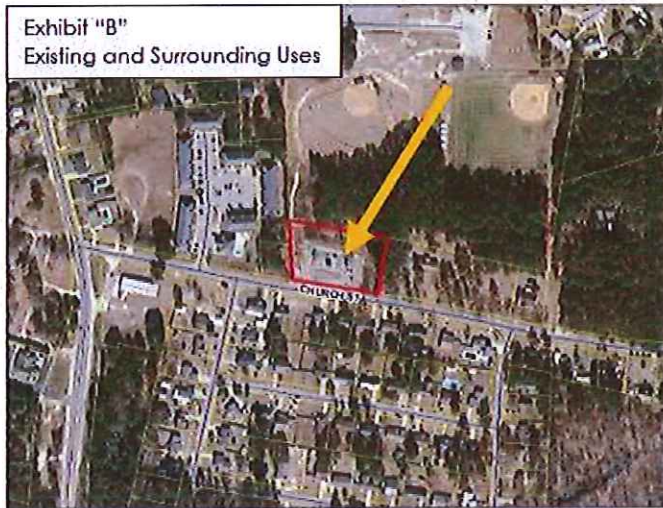


SURROUNDING LAND USE: Exhibit "B" illustrates the following:

- North:** Hope Mills Middle School on a lot zoned R6.
- East:** Two single family residences abut the subject site on parcels zoned R6 and R10. The parcel beyond the residential lots is primarily wooded except for one communication tower approximately 940 feet from the subject site, on property zoned R5.
- West:** The properties immediately abutting to the east are developed with multi-family apartments zoned R6. Further east is a Dollar General zoned C2(P)/CZ and single-family subdivisions on property zoned R10.
- South:** Single-family subdivision, Creekbend, zoned R10.

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

DEVELOPMENT REVIEW: Subdivision review will be required prior to any division of land. County staff have reached out to Hope Mills staff and have received no comment.



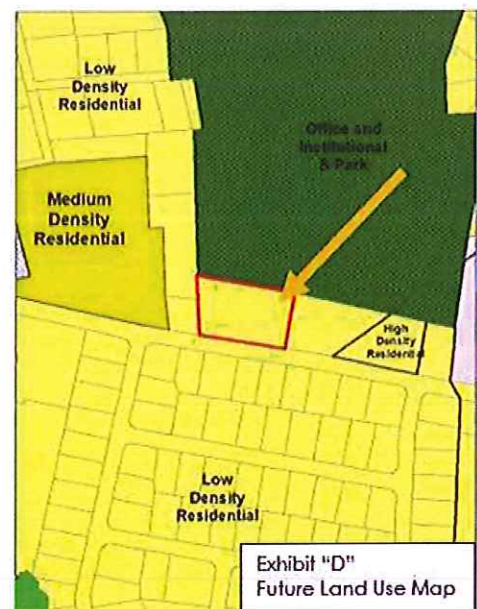
DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:

Minimum Standard	RR (Existing Zoning)	C(P) (Proposed)
Front Yard Setback	30 feet	50 feet from ROW, 80 feet from CL
Side Yard Setback	15 feet	30 feet (60' for 120' tower)
Rear Yard Setback	35 feet	30 feet (60' for 120' tower)
Lot Area	20,000 sq. ft.	N/A
Lot Width	100'	N/A

COMPREHENSIVE PLANS: Located in the Southwest Cumberland Land Use Plan (adopted in 2013), the subject property is designated as Low Density Residential, (defined as land used for recreation, natural resource protection and buffer areas.), as shown within Exhibit "D". The Low Density Residential designation, in the Southwest Cumberland Land Use Plan, calls for associated zoning districts R7.5 and R15. **Request is not consistent with the adopted land use map.** If the zoning change is approved, the most appropriate future land use map amendment is Office and Institutional & Park.

APPLICABLE PLAN GOALS/POLICIES:

- Maintain the stability, character and density of existing sound neighborhoods.
- Protect existing residential areas from encroachment of non-residential uses



IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

UTILITIES: PWC sewer utility is not available. PWC water utility is available along the Church Street frontage. It is the applicant's responsibility to determine if these utilities will serve their development. Utilities for water are shown on Exhibit "C".

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

SCHOOLS CAPACITY/ENROLLMENT:

School	Capacity	Enrollment
Ed Baldwin Elem	790	595
Hope Mills Mid	740	508
South View High	1800	1400

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

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

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

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

CODE DEVIATIONS: The applicant has requested that the proposed tower to be allowed to deviate from the landscaping buffer requirements, Sec. 102A-1026 (f), to ensure unobstructed views of the entire utility complex. This request would also enable site safety by reducing the amount of foliage beneath power lines on site.

STAFF RECOMMENDATION

In Case P21-52, the Planning and Inspections staff **recommends approval** of the rezoning request from R10 Residential District to C(P) Planned Commercial District/CZ Conditional Zoning District, including the zoning conditions and site plan, for a utility tower up to 120 feet in height and finds:

- a. The approval is an amendment to the adopted, current Southwest Cumberland Land Use Plan and the Board of Commissioners should not require any additional request or application for amendment to said map,
- b. That recommending approval of the request is reasonable and in the public interest because the tower is used for communicative purposes to facilitate rapid power response, and
- c. That the request is both beneficial and integral in managing the operation of the existing electrical substation and distribution network.

Attachments:
Notification Mailing List
Zoning Application

EXHIBIT "E"

SUBDIVISION PLAN

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

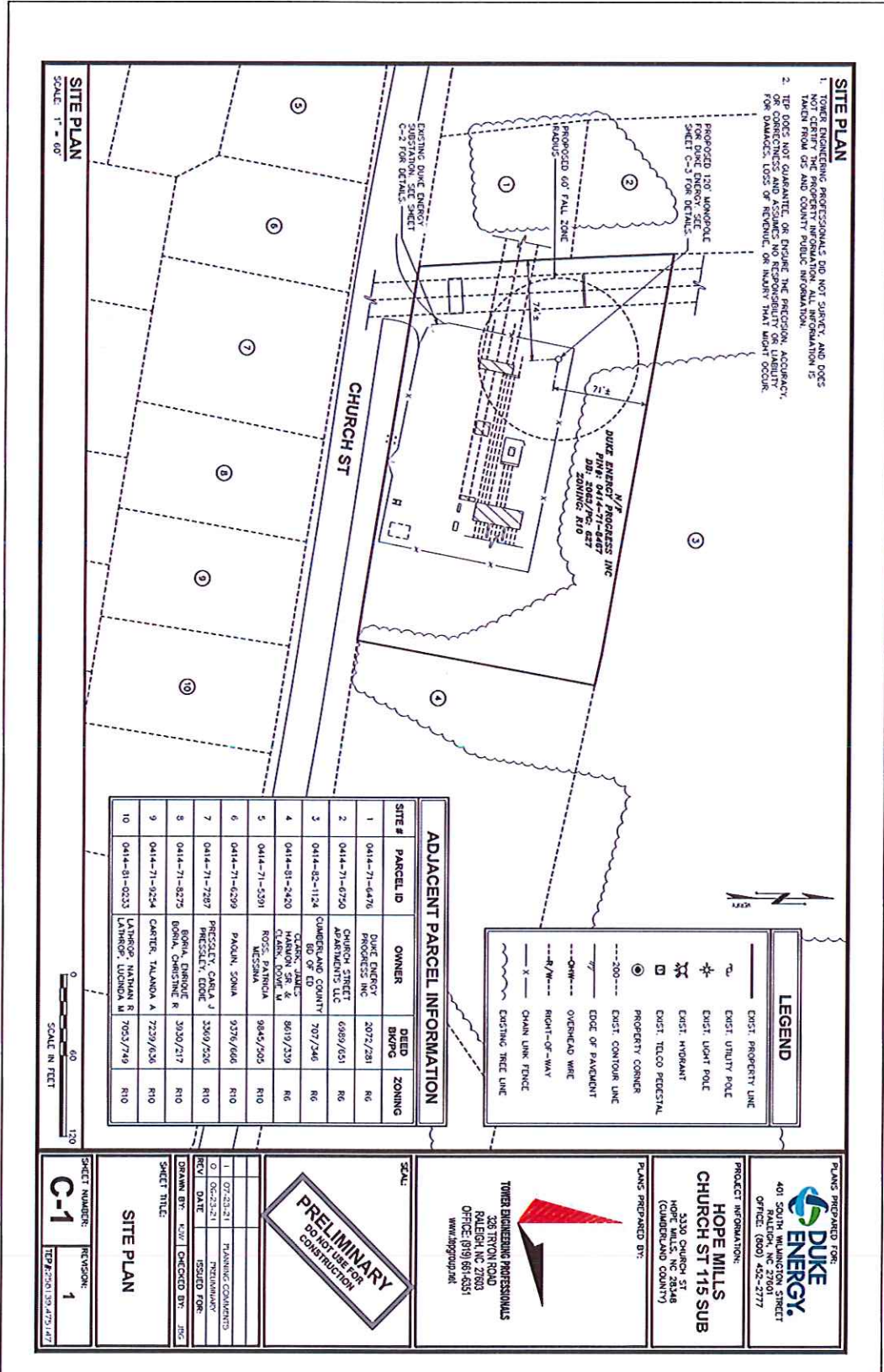
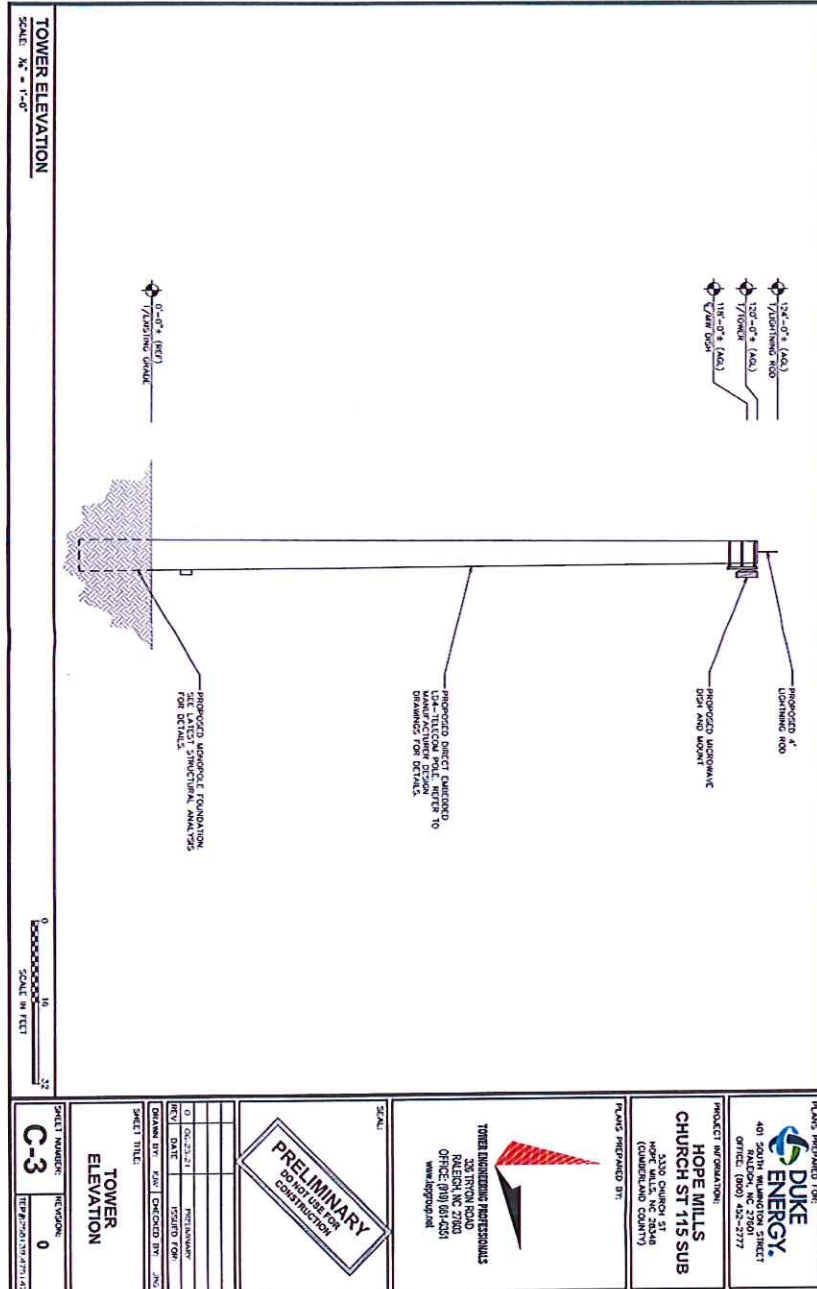


EXHIBIT "G"

ELEVATION PLAN

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



PLANS PREPARED FOR
DUKE ENERGY
 401 SOUTH WILMINGTON STREET
 WILMINGTON, NC 28402
 OFFICE (910) 236-2777

PROJECT INFORMATION:
HOPE MILLS CHURCH ST 115 SUB
 3330 CHURCH ST
 HOPE MILLS, NC 28348
 (WILMINGTON COUNTY)

PLANS PREPARED BY:
TOWER ENGINEERING PROFESSIONALS
 305 TRIVION ROAD
 RALEIGH, NC 27603
 OFFICE: (919) 681-4351
 www.towereng.com

PRELIMINARY
 DO NOT USE FOR
 CONSTRUCTION

DATE	DESCRIPTION
06-23-21	PRELIMINARY
DRAWN BY: KSW	CHECKED BY: JNC

SHEET NUMBER: **C-3** OF 0
 SHEET TITLE: **TOWER ELEVATION**
 SCALE: 1/8" = 1'-0"

EXHIBIT "F"
DRAFT CONDITIONS OF APPROVAL

C(P) PLANNED COMMERCIAL DISTRICT/CZ CONDITIONAL ZONING
DISTRICT

DRAFT

CASE P21-52

Ordinance Related Conditions
UTILITY TOWER UP TO 120 FEET HIGH

Pre- Permit Related:

1. The Town of Hope Mills has tree preservation provisions in their ordinance; the developer must contact Chancer McLaughlin, Hope Mills Town Planner concerning the removal of trees from this site prior to obtaining a tree removal permit.

Permit-Related:

2. The owner/developer(s) of these lots must obtain detailed instructions on provisions of the Hope Mills Zoning Ordinance and building/zoning permits required to place any structure within this development from the Hope Mills Inspection Department/Planning Department, in Town Hall at 5770 Rockfish Road. For additional information, the developer should contact a Town Planner.
3. The Town's Plan Review Committee requirements must be complied with and in the event any significant changes to the site plan are necessary to satisfy the Plan Review Committee's requirements, re-submittal of the site plan may be required.
4. New development that will disturb one acre or more of land or is part of a larger common plan of development that will disturb one acre or more of land is subject to the Post-Construction Stormwater Management Permitting Program administered by the Hope Mills Stormwater Department. If one acre or more of land is to be disturbed, prior to the issuance of any building/zoning permits for this site a copy of the Town's Stormwater Management Permit must be provided to the Hope Mills Inspections Department/Planning Department.
5. For any new development, the developer must/may have to provide the Hope Mills Inspections Department/Planning Department with an approved NC Department of Environmental Quality (NCDEQ) sedimentation and erosion control plan (S&E) prior to any application for permits. (Note: If any retention/detention basins are required for state approval of this plan, then three copies of a revised plan must be submitted and approved by Planning & Inspections prior to application for any building/zoning permits.) A copy of the NCDEQ approval must be provided to the Hope Mills Town Inspections Department/Planning Department at the time of application for any building/zoning permits.
6. The developer must provide a site-specific address and tax parcel number to the Hope Mills Inspections Department/Planning Department at the time of building/zoning permit application.
7. Prior to issuance of a building permit for the tower, the applicant/owner or developer must submit to Town's Inspections Department, drawings sealed by a licensed engineer and a

certification letter from the licensed engineer who prepared the plans that the tower will meet all applicable Federal, State and local building codes and structural standards.

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

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.

Site-Related:

9. All uses, dimensions, setbacks and other related provisions of the Hope Mills Subdivision Ordinance and Zoning Ordinance for the C(P) Planned Commercial/CZ Conditional Zoning district must be complied with, as appearing with the conceptual site plan and elevation plan appearing in Exhibit "A" (sheets C-1 and C-3).
10. 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 XIV of the Hope Mills 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.)
11. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 86A-406(c), Underground utilities required, Hope Mills Subdivision Ordinance)
12. The owner/developer shall secure and maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation.
13. All lighting is required to be directed internally within this development and comply with the provisions of Section 102A-1202(m), Outdoor Lighting, Hope Mills Zoning Ordinance.
14. The owner/developer is responsible and liable for maintenance and upkeep of this site, all structures, and appurtenances, to include ensuring that the site is kept free of litter and debris, all grass areas mowed, all buffers and shrubbery kept trim and maintained, so that the site remains in a constant state of being aesthetically and environmentally pleasing.
15. In the event the tower is not used for a period of six months, the tower shall be considered abandoned and must be removed. The owner of the tower is required to remove any abandoned, unused or structurally unsound tower within 90 days of receiving notice requiring removal. The Hope Mills Chief Building Inspector may establish a shorter period of time for removal in the event the tower is determined to be structurally unsound.

Advisories:

16. 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.
17. The developer's subsequent application for permits upon receipt of these conditions of approval constitutes the developer's understanding and acceptance of the conditions of approval for this development.
18. 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.

Other Relevant Conditions:

19. This conditional approval is contingent upon continued compliance with the Town's Subdivision and Zoning Ordinances.

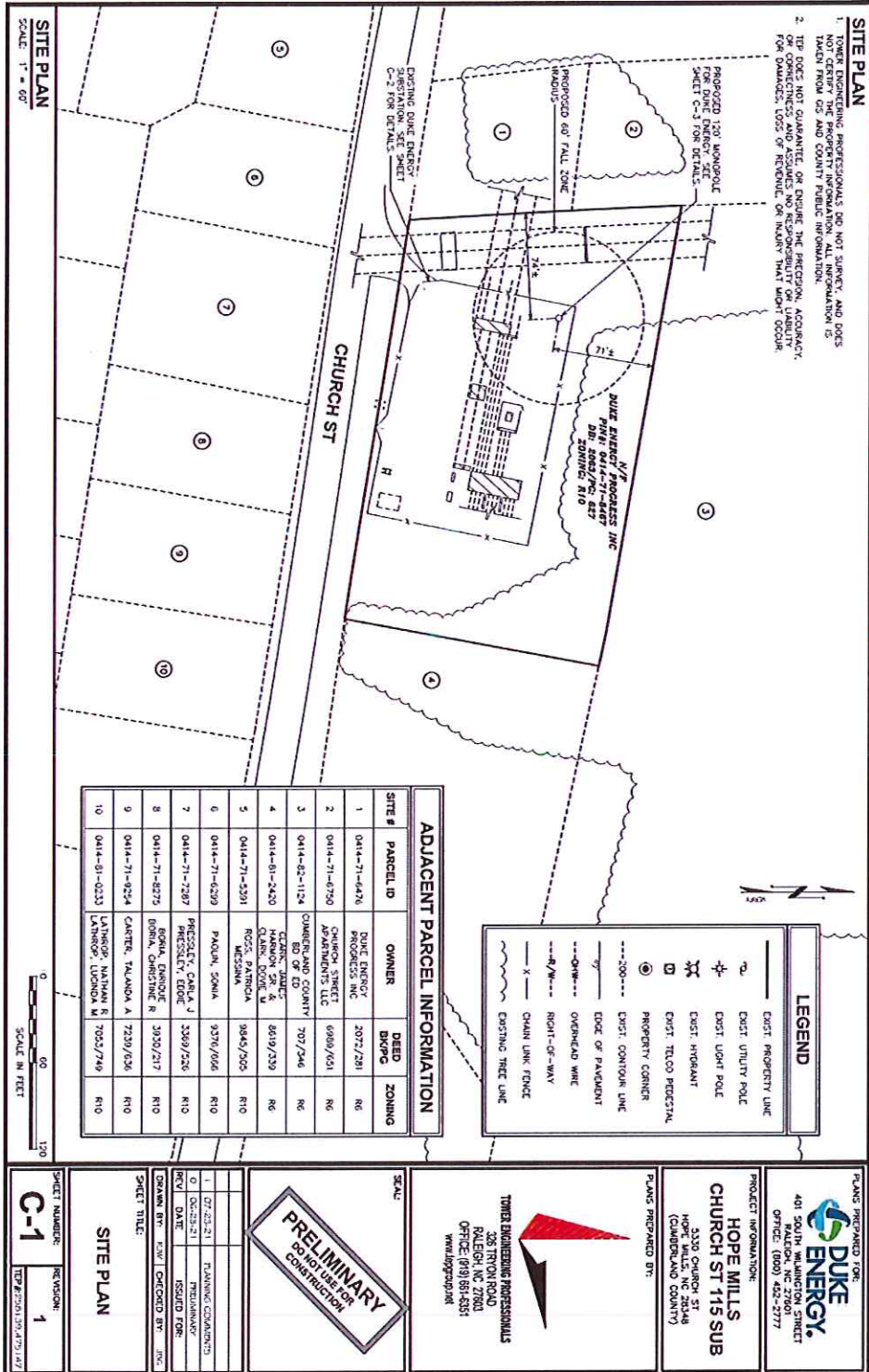
If you need clarification of any conditions, please contact Ed Byrne at 910-678-7609 or Betty Lynd at 910-678-7605; otherwise, contact the appropriate agency at the contact numbers below.

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

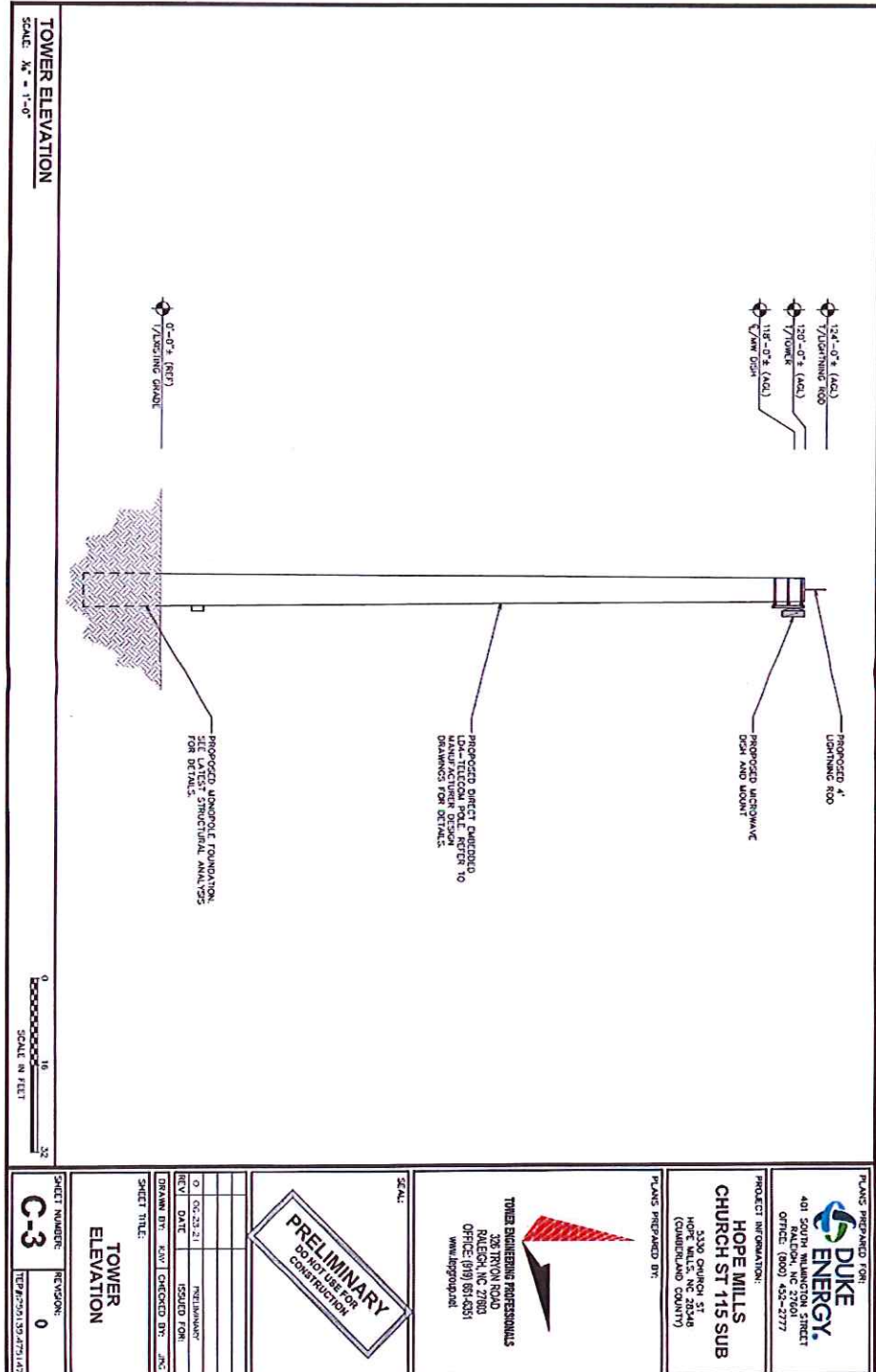
Current Planning Manager:	Aristotle Shinas	678-7605	tshinas@co.cumberland.nc.us
Subdivision/Site Plan/Plat	Jaimie Walters	678-7609	jwalters@co.cumberland.nc.us
County Health Department:	Fred Thomas	433-3692	fthomas@co.cumberland.nc.us
Food & Lodging Env. Health:	Fred Thomas	433-3692	fthomas@co.cumberland.nc.us
Ground Water Issues:	Fred Thomas	433-3692	fthomas@co.cumberland.nc.us
Fayetteville Airport Director	Brad Whited	433-1160	bwhited@ci.fay.nc.us
PWC:	Joe Glass	223-4740	joe.glass@faypwc.com
	Sam Powers	223-4370	sam.powers@faypwc.com
Town of Hope Mills:		424-4555*	
Town Clerk:	Jane Starling		jstarling@townofhopemills.com
Planner – Zoning Permits	Chancer McLaughlin		cmclaughlin@townofhopemills.com
Chief Building Inspector:	David Reeves		dreeves@townofhopemills.com
Stormwater/Flood Administrator:	Beth Brown		eabrown@townofhopemills.com
Zoning Inspector:	Chancer McLaughlin		cmclaughlin@townofhopemills.com
Fire Marshal	Robert Carter		rcarter@townofhopemills.com
Public Works – Streets/sidewalks	Don Sisko		dsisko@townofhopemills.com
US Postal Service	Jennifer Way	704-393-4412	Jennifer.L.Way@usps.gov
Corp of Engineers (wetlands):	Emily Greer	251-4049	emily.c.greer@usace.army.mil
NCDEQ (E&S):	Leland Cottrell	433-3393	leland.cottrell@ncdenr.gov
US Fish & Wildlife Services	Susan Miller	695-3323	susan_miller@fws.gov
Location Services:			
Site-Specific Address:	Will Phipps	678-7616	wphipps@co.cumberland.nc.us
Street Naming/Signs:	Diane Shelton	678-7665	dshelton@co.cumberland.nc.us
Tax Parcel Numbers:		678-7549	
NCDOT (driveways/curb-cuts):	Troy Baker	364-0601	tlbaker@ncdot.gov
NCDOT (subdivision roads):	Earl C. Locklear	364-0601	elocklear@ncdot.gov
Transportation Planning:	Katrina Evans	678 7614	kevans@co.cumberland.nc.us
N.C. Division of Water Quality:	Annette Lucas	919-807-6381	annette.lucas@ncdenr.gov

*This is the main telephone number for the Town of Hope Mills; once connected, the caller will be directed to the various departments.

EXHIBIT "A"
Case P21-52 Conditional Use Site Plan



Case P21-52 Conditional Use Elevation Plan



ATTACHMENT – MAILING LIST

BEARSKIN HOLDINGS, LLC;CAROLINA
WAREHOUSE LEASING LLC
PO BOX 715
HOPE MILLS, NC 28348

BARDON, TYRONEJ; & SARAH
4104 MILLS BRIDGE RD
HOPE MILLS, NC 28348

BERRIER, JOAN KNIGHT
5326 REPUBLIC AVE
HOPE MILLS, NC 28348

BEST INVESTMENT REALTY LLC
501 THISTLEGATE TRAIL
RALEIGH, NC 27610

BORIA, ENRIQUE; & CHRISTINE R V
5329 CHURCH ST
HOPE MILLS, NC 28348

BROOKS, RICHARD S
5333 TORY HILL RD
HOPE MILLS, NC 28348

CARR, RICHARD E
004108 MILLS BRIDGE RD
HOPE MILLS, NC 28348

CARTER, TALANDA A
5325 CHURCH ST
HOPE MILLS, NC 28348

CHURCH STREET APARTMENTS LLC
PO BOX 25640
FAYETTEVILLE, NC 28314

CHURCH STREET APARTMENTS LLC
6506 DENTAL LN 201
FAYETTEVILLE, NC 28314

CLARK, JAMES H JR
5924 CHURCH ST
HOPE MILLS, NC 28348

CLARK, JAMES HARMON SR &
DOVIE M
5320 CHURCH ST
HOPE MILLS, NC 28348

COLVIG, JARED J; & BRIANNE
5314 REPUBLIC AVE
HOPE MILLS, NC 28348

CORDOVA, STACEY GUY; & OTTONIEL
ALVARADO
5330 TROY HILL RD
HOPE MILLS, NC 28348

CROCKETT, WILLIAM J; & EMILY F
5335 TORY HILL RD
HOPE MILLS, NC 28348

CUMBERLAND COUNTY BD OF ED
PO BOX 2357
FAYETTEVILLE, NC 28302

DUKE ENERGY PROGRESS INC
419 FAYETTEVILLE ST
RALEIGH, NC 27601

FARRA, ELIZABETH ANN LIFE ESTATE
4112 MILL BRIDGE RD
HOPE MILLS, NC 28348

GAUL, THOMAS J
5407 GALES ST
HOPE MILLS, NC 28348

GOINS, RICKY L; & JOYCE S
4116 MILL BRIDGE RD
HOPE MILLS, NC 28348

GRAYBILL, KEITH P; & MARY J
5831 LAGU PL
FAYETTEVILLE, NC 28314

GREGORY, WALTER A
4065 STONE ST
HOPE MILLS, NC 28348

GUILETTE, PATRICK A
4101 FREEDOM LN
HOPE MILLS, NC 28348

HAIR, JERRY D;& CYLINDA L
5441 GALES ST
HOPE MILLS, NC 28348

HARDIN, FORREST T; & DARLENE
203 FONDERN DR
HOPE MILLS, NC 28348

HEREDIA, CHARLES JR I; & MARITZA
5314 TORY HILL RD
HOPE MILLS, NC 28348

HERRERA, ALEXANDER L
5318 TORY HILL RD
HOPE MILLS, NC 28348

HOLLOMAN, KENNETH; & JILL
4093 S MAIN ST
HOPE MILLS, NC 28348

HUGHES, JERRIME A; & KATOYIA
5309 TORY HILL RD
HOPE MILLS, NC 28348

JOHNSON, PATRICIA MCCORQUODOLE
LIFE ESTATE
5269 CHURCH ST
HOPE MILLS, NC 28348

JOHNSTONE, LYNN M;& WILLIAM A SR
5313 CHURCH ST
HOPE MILLS, NC 28348

KIRK, TERO; & CALESHA
5308 TORY HILL RD
HOPE MILLS, NC 28348

KOWALCZYK, RICHARD R
5338 REPUBLIC AVE
HOPE MILLS, NC 28348

LATHROP, NATHAN R; & LUCINDA M
5321 CHURCH ST
HOPE MILLS, NC 28348

LONG, JOHN W JR
4118 MILL BRIDGE RD
HOPE MILLS, NC 28348

MANCEAUX, ALEX J; & ALLISON N
146 ANCELET LN
RAYNE, LA 70578

MCFIELD, CHARMAN L
5322 TORY HILL RD
HOPE MILLS, NC 28348

MCLAURIN, JOSHUA B
5324 REPUBLIC AVE
HOPE MILLS, NC 28348

MELTON, DENISE L
5321 TORRY HILL RD
HOPE MILLS, NC 28348

MERCADO, VICTOR; & NADIA
4103 FREEDOM LN
HOPE MILLS, NC 28348

MILLER, STEPHEN L
5317 CHURCH ST
HOPE MILLS, NC 28348

MONTGOMERY, DONNA D; & ROGER
4105 MILL BRIDGE RD
HOPE MILLS, NC 28348

NICHOLS, CHEYENNA; & BRANDON
4105 FREEDOM LN
HOPE MILLS, NC 28348

NICHOLS, DANNY W; & CYNTHIA T
4109 MILL BRIDGE RD
HOPE MILLS, NC 28348

PAOLIN, SONIA
4103 FREEDOM LN
HOPE MILLS, NC 28348

PARKER, ROBIN K
4113 MILL BRIDGE RD
HOPE MILLS, NC 28348

PEYTON, TOSCHA
5326 TORY HILL RD
HOPE MILLS, NC 28348

PIONEER COMPANIES, LLC
2075 JUNIPER LAKE RD
WEST END, NC 27376

PITTS, SCOTT; & AMANDA
5309 CHURCH ST
HOPE MILLS, NC 28348

PONS, JENNIFER C
5313 TORY HILL RD
HOPE MILLS, NC 28348

PRESSLEY, CARLA J; & EDDIE MCGIRT
5333 CHURCH ST
HOPE MILLS, NC 28348

PRICE'S REAL ESTATE COMPANY, LLC
P O BOX 1603
KNIGHTDALE, NC 27545

ROBBINS, THOMAS M JR; & KATHY L
5317 TORY HILL RD
HOPE MILLS, NC 28348

ROPER, NANCY G
4083 S MAIN ST
HOPE MILLS, NC 28348

ROSS, PATRICIA MESSINA
5341 CHURCH ST
HOPE MILLS, NC 28348

SANDERS, GARY CURTIS JR
4121 MILL BRIDGE RD
HOPE MILLS, NC 28348

SCOTT, TINA M
5328 TORY HILL RD
HOPE MILLS, NC 28348

SPIVEY, RONALD FRANKLIN
5329 TORY HILL RD
HOPE MILLS, NC 28348

STAFFORD, ANTONIA L; & HEATHER N
5322 REPUBLIC AVE
HOPE MILLS, NC 28348

STEVENS, BRANDON
5334 TORY HILL RD
HOPE MILLS, NC 28348

THOMAS, DEDRIC
4110 MILL BRIDGE RD
HOPE MILLS, NC 28348

THOMPSON, ROBERT W; & WANDA J
5404 PALM CIR
FAYETTEVILLE, NC 28304

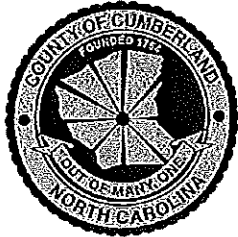
TINGLE, CATHERINE A
4107 FREEDON LN
HOPE MILLS, NC 28348

VEGA, RUBEN;&
ADRIANA RODRIGUEZ I
2937 BRADY RD
FAYETTEVILLE, NC 28306

WAKEFIELD, JUSTIN; & ERIN E
5318 REPUBLIC AVE
HOPE MILLS, NC 28348

WILLIAMS, FRANKIE D JR; & FELICIA E
5330 REPUBLIC AVE
HOPE MILLS, NC 28348

ATTACHMENT – ZONING APPLICATION



County of Cumberland

Planning & Inspections Department

CASE #:	<u>021-52</u>
PLANNING BOARD MEETING DATE:	<u>8/17/21</u>
DATE APPLICATION SUBMITTED:	<u>7/14/21</u>
RECEIPT #:	<u>78266</u>
RECEIVED BY:	<u>ATC</u>

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 \$ 3,700 (See attached Fee Schedule)

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

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

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

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

1. Applicant/Agent Ryan Woods
2. Address: 326 Tryon Rd, Raleigh, NC Zip Code 27603
3. Telephone: (Home) (919) 943-0397 (primary) (Work) (919) 661-6351
4. Location of Property: 5330 Church St, Hope Mills, NC 28348
5. Parcel Identification Number (PIN #) of subject property: 0414-71-8467
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 1.283 AC Frontage: ~280' Depth: ~185'
7. Water Provider: N/a Septage Provider: N/a
8. Deed Book 2063, Page(s) 627, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: Public Utility
10. Proposed use(s) of the property: Public Utility, the new tower will not change the use. The tower will be used to monitor the site for Duke Energy and allow them to provide better services to the area.

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 (1) Adj. Parcel is owned: 0414-71-6476
12. Has a violation been issued on this property? Yes No
13. It is requested that the foregoing property be rezoned FROM: R10

TO: (Select one)

- Conditional Zoning District, with an underlying zoning district of CP
(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.)

The proposed change will be from the existing R10 zoning to CP. This will allow Duke Energy's proposed monopole installation to be allowed by right. This tower will be used to aid Duke Energy's ability to monitor their substation and should prove useful specifically during power outages.

- 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.

The area for the tower is the only portion that needs to be changed. The substation is existing. This approximate square footage for the tower and trenching is 20 SQFT.

2. DIMENSIONAL REQUIREMENTS:

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

The proposed setbacks are listed on the attached Site Plan. We will not meet the full setbacks and would like to request leniency for this. The proposed monopole must be located in the substation to serve its purpose. Additionally, it's height is needed for line of sight to its corresponding tower equipment it is interfacing with.

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

No parking will be added there is already existing parking for the substation. No changes will be made.

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

No signs will be put up during the installation of the monopole. Should the need for a sign arise, Duke Energy will follow all regulation set forth in Article XIII.

4. LANDSCAPE AND BUFFER REQUIREMENTS:

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

No new landscaping will be done at the substation. For security reasons, Duke Energy wants to be able to see into their substation and not have it obscured by shrubbery. Additionally, adding landscaping under transmission lines can be a safety hazard.

- 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.**

See site plan for existing natural vegetation buffer. No landscaping will be added. See response above.

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.

This addition to the substation will not change the hours of operation or number employees that visit the site. The monopole will function autonomously and will be monitored remotely once installed.

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.

Dale Brooks Agent

NAME OF OWNER(S) (PRINT OR TYPE)

550 South Tryon St Charlotte, NC 28201

ADDRESS OF OWNER(S)

Dale.brooks@duke-energy.com

E-MAIL

704.868.6302

same

HOME TELEPHONE

WORK TELEPHONE

Dale Brooks Agent
SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)

Tower Engineering Professionals - Ryan Woods

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

326 Tryon Rd, Raleigh, NC 27603

ADDRESS OF AGENT, ATTORNEY, APPLICANT

(919) 943-0397

(919) 661-6351

HOME TELEPHONE

WORK TELEPHONE

rjwoods@tepgroup.net
E-MAIL ADDRESS

FAX NUMBER

Ryan Woods
SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

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

Prepared by Charles D. Barham, Jr., Attorney at Law, Raleigh, N. C.

NORTH CAROLINA
 CUMBERLAND COUNTY

THIS DEED, made and entered into this 23 day of OCTOBER, 1967, by and between E. C. PATE and wife, Lillie M. Pate of Cumberland County, North Carolina, parties of the first part, and CAROLINA POWER & LIGHT COMPANY, a corporation organized and existing under the laws of the State of North Carolina, with its principal office in the City of Raleigh, North Carolina, party of the second part,

W I T N E S S E T H:

That the parties of the first part, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, receipt of which is hereby duly acknowledged, have bargained, sold, and conveyed, and hereby do bargain, sell, and convey unto the said Carolina Power & Light Company, party of the second part, its successors and assigns, the following described tract or parcel of land, lying and being in Rockfish Township, Cumberland County, North Carolina:

Beginning at a pump strainer marking the southwestern corner of E. C. Pate's 3.46-acre tract, the beginning point being located in the northern edge of the right of way for Church Street; and runs thence, along and with the western property line of said Pate tract, North 00 degree 12 seconds East 187.50 feet to an iron pipe marking the northwestern corner of said Pate tract and a southwestern corner of The Cumberland County Board of Education; thence, along and with the northern property line of said Pate tract and a southern property line of The Cumberland County Board of Education, South 75 degrees 30 minutes East 326.80 feet to a stake; thence South 14 degrees 30 minutes West 181.36 feet to an iron pipe in the northern edge of the right of way for said Church Street; and thence, along and with the northern edge of said Church Street, North 75 degrees 30 minutes West 279.12 feet to the beginning point, containing 1.26 acres, more or less, as shown and described on Carolina Power & Light Company Drawing No. RA-13052.

TO HAVE AND TO HOLD the above-described tract or parcel of land, together with all privileges and appurtenances thereunto belonging to the said Carolina Power & Light Company, party of the second part, its successors and assigns, in fee simple forever.



NORTH CAROLINA

PLANNING & INSPECTIONS

DEFERRED FROM THE JULY 20 JPB MEETING

PLANNING STAFF REPORT

REZONING CASE # P21-39

Planning Board Meeting: August 17 20, 2021 (Deferred from July 20, 2021)

Location: I-95/McCollum Ln

Jurisdiction: Town of Wade

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

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

PROPERTY INFORMATION

OWNER/APPLICANT:

Shiva Real Estate (owner)/ Town of Wade (applicant)

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

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

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

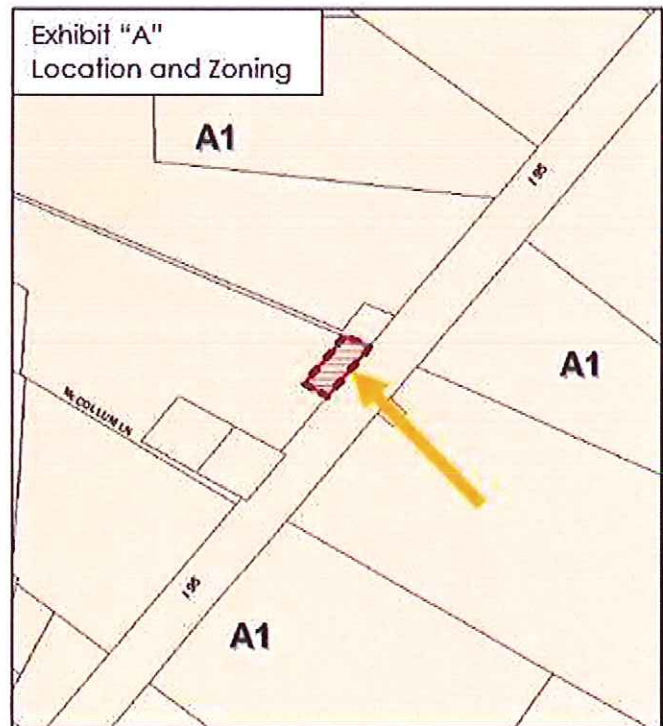
EXISTING LAND USE: The parcel is vacant with exception of an existing billboard. Exhibit "B" shows the existing use of the subject property.

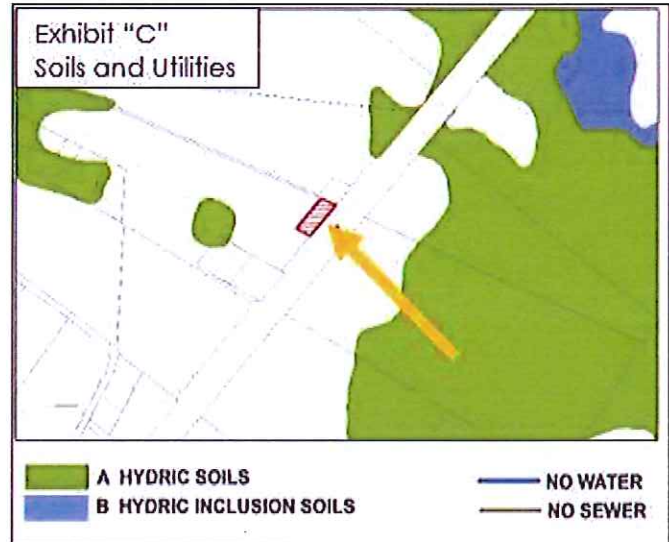
SURROUNDING LAND USE: Exhibit "B" illustrates the following:

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

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

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





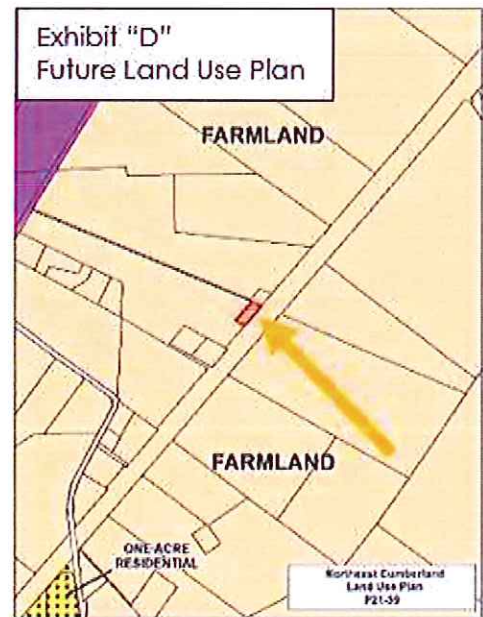
DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:

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

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

APPLICABLE PLAN GOALS/POLICIES:

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



IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITES

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

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

SCHOOLS CAPACITY/ENROLLMENT:

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

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

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

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

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

CONDITIONS OF APPROVAL: N/A

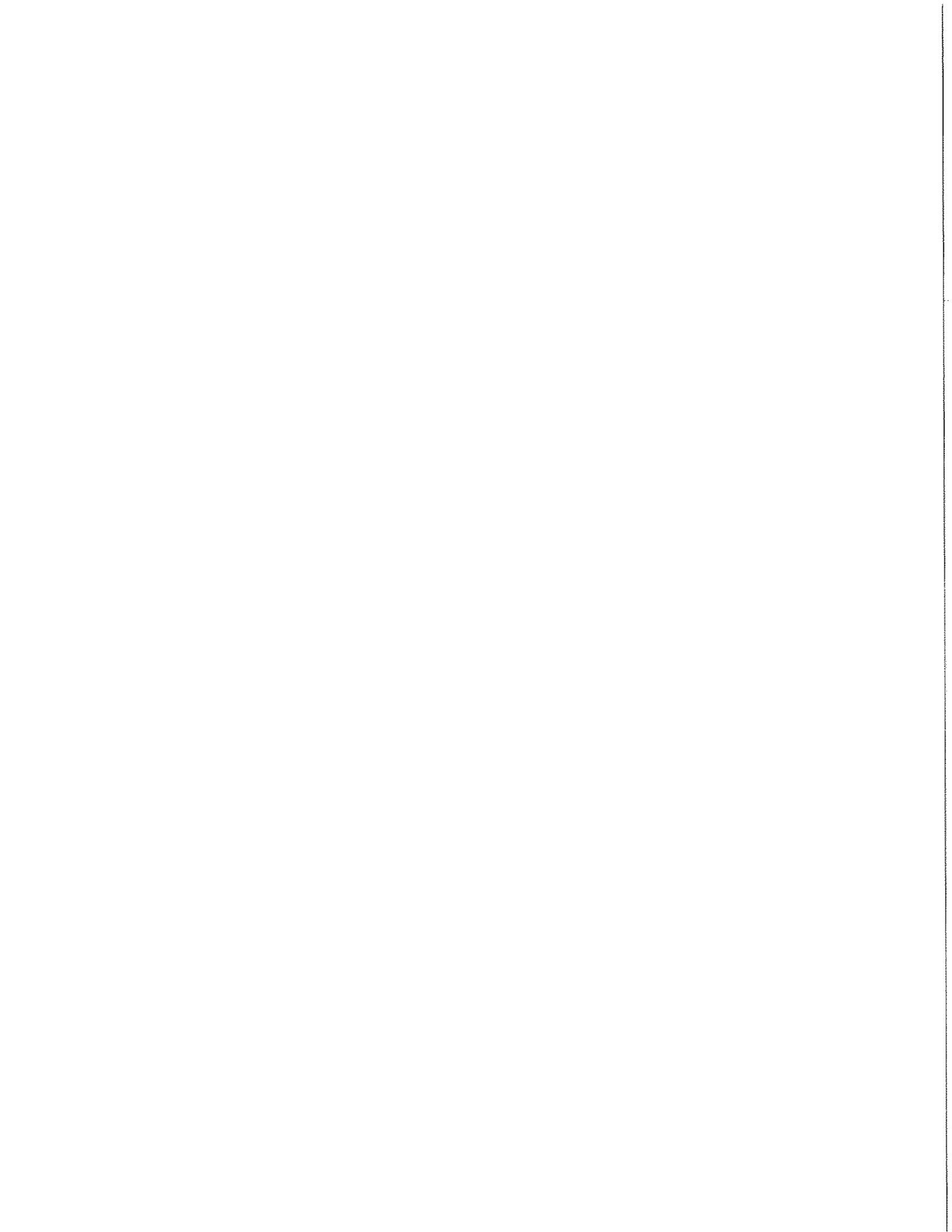
CODE DEVIATIONS: N/A

STAFF RECOMMENDATION

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

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

Attachments:
Notification Mailing List
Zoning Application



ATTACHMENT – NOTIFICATION MAILING LIST

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

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

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

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

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

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

ZONING APPLICATION

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

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

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

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

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

Shiva Real Estate LLC

Name of Owner(s) (Print or Type)

6569 Wade Stedman Rd, Wade, NC 28395

Address of Owner(s)

910-644-5155

Work Telephone #

Home Telephone #

RAJ BANSAL 227 @ GMAIL.COM

E-Mail

Town of Wade

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

PO Box 127 Wade NC 28395

Address of Agent, Attorney, Applicant

townofwade@nc.tn.com

E-Mail

910-485-3502

Work Telephone #

Home Telephone #

Joseph Divo

Signature of Agent, Attorney or Applicant

Signature of Owner(s)

Signature of Owner(s)

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

Dear respected Inspections Department and the Cumberland County joint planning board,

I, Shivraj Bansal owner of the property located near I-95 and McCollum Lane (case# P21-39) do not wish to amend my application to be a conditional zoning. I need this billboard up ASAP and I can not waste anymore time.

Sincerely,
Shivraj Bansal

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

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

GENERAL WARRANTY DEED

REVENUE: No Revenue

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

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

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

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

NORTH CAROLINA

COUNTY OF CUMBERLAND

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

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

and

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

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

WITNESSETH

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

See Exhibit "A" attached hereto and incorporated herein.

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

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

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

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

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

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

Shivraj Kumar Bansal (SEAL)
Shivraj Kumar Bansal

Ketki Hari Bansal (SEAL)
Ketki Hari Bansal

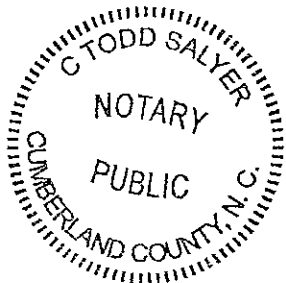
STATE OF NORTH CAROLINA
CUMBERLAND COUNTY

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

Shivraj Kumar Bansal and wife, Ketki Hari Bansal

This the 24 day of April, 2017.

(place notary seal here – pursuant to NCGS10B-37 Notarial seal is to appear “near” the notary’s signature)



G. Todd Salyer
Notary
My Commission expires: 9/25/17

EXHIBIT A

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

Easement Granted:

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

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

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

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



NORTH CAROLINA

PLANNING & INSPECTIONS

DEFERRED FROM THE JULY 20 JPB MEETING

PLANNING STAFF REPORT

REZONING CASE # P21-43

Planning Board Meeting: August 17 20, 2021 (Deferred from July 20, 2021)

Location: 3662 Gabe Smith Road

Jurisdiction: County-Unincorporated

REQUEST	Rezoning R40A to RR
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Applicant requests a rezoning of one parcel, approximately 1.42 acres located at 3662 Gabe Smith Road, from R40A Residential District to RR Residential District. The change of zoning would increase the allowed density from 1 unit per 40,000 sq. ft. to 1 unit per 20,000 sq. ft. This is a conventional rezoning, and no conditions are proposed at this time. Location of the subject property is illustrated in Exhibit "A".

PROPERTY INFORMATION

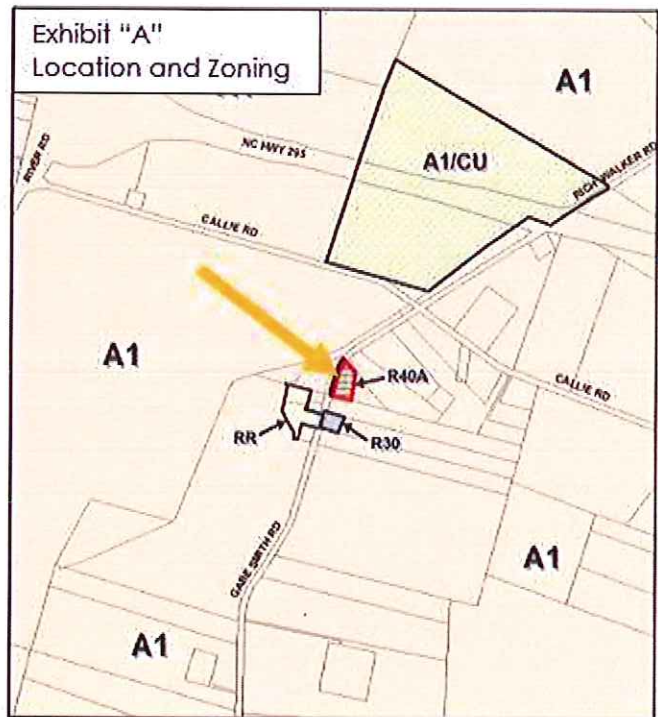
OWNER/APPLICANT: Rose Jones (owner)

ADDRESS/LOCATION: 3662 Gabe Smith Road. Refer to Exhibit "A", Site Location. REID number: 0550459785000.

SIZE: 1.42 +/- acres within one parcel. The property has approximately 380 +/- feet of street frontage along the east side of Gabe Smith Road. The property has a depth ranging from approximately 156 feet to 200 feet.

EXISTING ZONING: The subject site is zoned R40A Residential District. This district is intended primarily for single-family dwelling units including the use of manufactured homes on individual lots with a lot area of 40,000 square feet or larger.

EXISTING LAND USE: The parcel is currently residential in use. Exhibit "B" shows the existing use of the subject property.



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

North: Agricultural.

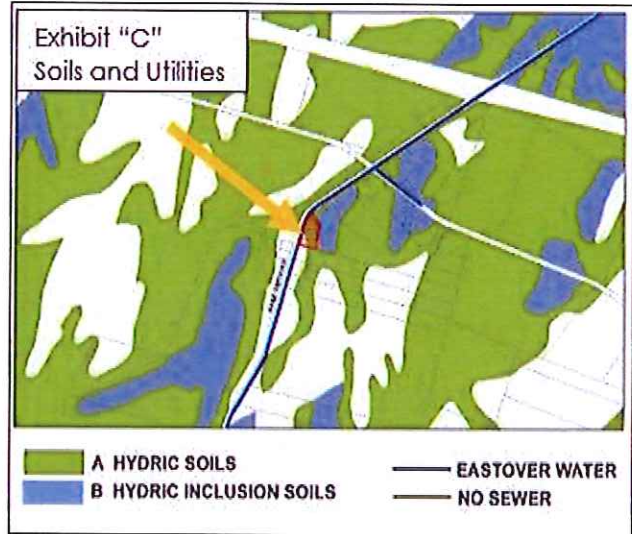
East: A single-family residence is directly abutting the subject site. However, the properties to the east are primarily vacant and wooded.

West: Single-family residences are built on parcels across Gabe Smith Rd with a wide variety of lot sizes. Two of the adjacent residential properties are zoned RR Rural Residential District.

South: The abutting property is vacant and wooded. Further south are lots with residential development within largely wooded areas.

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

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



DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:

Minimum Standard	R40A (Existing Zoning)	RR (Proposed)
Front Yard Setback	30 feet	30 feet
Side Yard Setback	15 feet	15 feet
Rear Yard Setback	35 feet	35 feet
Lot Area	40,000 sq. ft.	20,000 sq. ft.
Lot Width	100'	100'

COMPREHENSIVE PLANS: Located in the Eastover Area Land Use Plan Area (Adopted 2018), the subject property is designated as Rural Density Residential Maximum Density 30,000 sq. ft. (density allowed by the designation is 1-1.45 units per acre). The Rural Density Residential Maximum Density, in the Eastover Area Land Use Plan, calls for associated zoning districts of R30, R30A, R40, R40A. **Request is not consistent with the adopted land use plan.**

APPLICABLE PLAN GOALS/POLICIES:

- Encourage the use of low impact developments techniques.
- Promote sidewalks and pedestrian facilities, where appropriate to provide access to facilities such as schools, commercial areas, and recreation facilities.
- Provide and preserve natural vegetative buffer areas between single and multistory residential development and non-residential uses.



IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

UTILITIES: Eastover Water is available along the Gabe Smith Road frontage. Utilities for water are shown on Exhibit "C". The site would have to be served by septic.

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

SCHOOL CAPACITY/ENROLLMENT:

School	Capacity	Enrollment
Elizabeth Cashwell Elem	800	515
Mac Williams Mid	1270	1076
Cape Fear High	1425	1400

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

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

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

CONDITIONS OF APPROVAL: N/A

CODE DEVIATIONS: N/A

STAFF RECOMMENDATION

In Case P21-43, the Planning and Inspections staff **recommends denial** of the rezoning request from R40A Residential District to RR Residential District and finds the request inconsistent with the Eastover Area Land Use Plan (2018), which calls for Rural Density Residential Maximum Density at this location. Staff further finds that recommending denying of the request is reasonable and in the public interest because the RR Residential District would allow one residential dwelling unit per 20,000 sq. ft. and a density that would not be compatible or harmony with the surrounding land uses or zoning in the area.

- Attachments:
Notification Mailing List
Zoning Application

ATTACHMENT – NOTIFICATION MAILING LIST

ELLIOTT, HILDA R
3659 GABE SMITH RD
WADE, NC 28395

FAIRCLOTH, JAMES M; & SYLVIA W
4632 YADKIN RD
FAYETTEVILLE, NC 28303

●
JONES, ROSE BOATWRIGHT
3662 GABE SMITH RD
WADE, NC 28395

MCARTHUR, ELAZZOA MARTIN-DE-
PORUS
3637 GABE SMITH RD
WADE, NC 28395

ADAMS, DONELL JUNIOR; &
TORANIQUE LEINA
1212 JEREENS CREEK RD
FAYETTEVILLE, NC 28312

COOPER, ROBERT E
2699 RIVER RD
FAYETTEVILLE, NC 28312

COPENING, DEMETRIC TERRELL;
MELVIN, T'NIKA
117 MULLINS AVE
FAYETTEVILLE, NC 28301

ELLIOTT, BERTHA KING
2140 RICH WALKER RD
WADE, NC 28395

ELLIOTT, DAVID
3694 GABE SMITH RD
WADE, NC 28395

ELLIOTT, HILDA R
3659 GABE SMITH RD
WADE, NC 28395

LAMBERT, RICHMOND P JR; & MARY F
PO BOX 186
WADE, NC 28395

MCALLISTER, EDDIE G HEIRS
2304 VESTAL AVE
FAYETTEVILLE, NC 28301

MARTHUR, ANTHONY NEILL
3633 GABE SMITH RD
WADE, NC 28395

MARTHUR, ERIC A
3599 GABE SMITH RD
WADE, NC 28395

MARTHUR, HUBERT
3627 GABE SMITH RD
WADE, NC 28395

MARTHUR, TONYA
3611 GABE SMITH RD
WADE, NC 28395

MCLAURIN, ESTHER S
6009 KINGSLAND DR
FAYETTEVILLE, NC 28306

PARKER, FANNIE S; & RAYMOND JR
8076 E PHIRNE RD
GLEN BURNIE, MD 21061

BOWYER SAMUELW; & FRANCE
PO BOX 53186
FAYETTEVILLE, NC 28305

ZONING APPLICATION



County of Cumberland

Planning & Inspections Department

CASE #: P21-43

PLANNING BOARD
MEETING DATE: 7/20/2021

DATE APPLICATION
SUBMITTED: 06/14/2021

RECEIPT #: 77866

RECEIVED BY: _____

APPLICATION FOR REZONING REQUEST CUMBERLAND COUNTY ZONING ORDINANCE

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

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

Rezoning Procedure:

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

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

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

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

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

1. Requested Rezoning from RA10A to Box Home R-30 RR
2. Address of Property to be Rezoned: 3662 Gabe Smith Rd
3. Location of Property: SR 1719 - Gabe Smith Road
4. Parcel Identification Number (PIN #) of subject property: MB 0550-45-9785-
(also known as Tax ID Number or Property Tax ID)
5. Acreage: 1.42 Frontage: 380± Depth: 210±
6. Water Provider: Well: _____ PWC: _____ Other (name): Eastover Water
7. Septage Provider: Septic Tank PWC _____
8. Deed Book 11,104, Page(s) 84, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: Residential
10. Proposed use(s) of the property: Residential
11. Do you own any property adjacent to or across the street from this property?
Yes _____ No If yes, where? _____
12. Has a violation been issued on this property? Yes _____ No

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

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

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

Rose B. Jones
NAME OF OWNER(S) (PRINT OR TYPE)

3662 Gabe Smith Rd. Wade, NC 28395
ADDRESS OF OWNER(S)

706-495-1188 HOME TELEPHONE # WORK TELEPHONE #

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

ADDRESS OF AGENT, ATTORNEY, APPLICANT

Rosemarie031760@gmail.com
E-MAIL

HOME TELEPHONE # WORK TELEPHONE #

Rose B. Jones SIGNATURE OF OWNER(S) SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

SIGNATURE OF OWNER(S)

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

FILED Apr 27, 2021
AT 11:59:03 AM
BOOK 11104
START PAGE 0084
END PAGE 0086
INSTRUMENT # 19485
RECORDING \$26.00
EXCISE TAX \$0.00

Excise Tax: 00.00

NORTH CAROLINA QUITCLAIM DEED

This instrument prepared by: Jennifer Kirby Fincher, PLLC, PO Box 53674, Fayetteville, NC 28305
Brief description for the Index: 1 LT TAYLOR LD VAC (1.5 AC) **WITHOUT TITLE EXAMINATION **

This Deed made this 16th day of April, 2021, by and between Grantor and Grantee
The designation Grantor and Grantee as used herein shall include all parties, their heirs, successors and assigns and shall include singular, plural, masculine, feminine or neuter as required by context.

Grantor: Annie Lee Boatwright, widowed	Grantee: Rose Boatwright Jones, widowed 3662 Gabe Smith Road Wade, NC 28395
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Transfer of Ownership: Grantor, for a valuable consideration paid by Grantee, the receipt of which is hereby acknowledged, has remised and released and does hereby remise, release and forever quitclaim to Grantee, the property described below:
Parcel ID No.: 0550-45-9785

The legal description of the Property:

See attached Exhibit A.

*History of title: Annie Lee Boatright took title with husband Thadius Boatright on August 17, 1971. Thadius Boatright died on August 10, 2011 (Cumberland County Estate No. 11-E-1379).

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

- a. County and/or Municipal Zoning Ordinances, Rules and Regulations.
- b. Restrictions, Easements and Rights of way of record
- c. Current year Cumberland County Ad Valorem Taxes

Grantor makes no warranty, express or implied, as to title to the Property.

TO HAVE AND TO HOLD the said property and all privileges and appurtenances (rights) belonging to the Grantee.

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

Annie Lee Boatwright
Annie Lee Boatwright

Seal
KATHARINE B BELL
NOTARY PUBLIC
JOHNSTON COUNTY, NC
My Commission Expires 4-29-2023

State of North Carolina, County of Johnston
I, Katharine B Bell, a Notary Public of the County of Johnston and
State aforesaid, certify Annie Lee Boatwright, Grantor, personally came before me this
day and acknowledged the execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 10th day of April, 2021.

My Commission Expires: 4-29-23

Katharine B Bell
Notary Public

The foregoing Certificate(s) of

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

_____ Register of Deeds for
_____ County

By _____ Deputy/Assistant – Register of Deeds.

EXHIBIT "A"

BEGINNING at an iron stake in the intersection of the Southern line of the original tract of which this is a part with the Eastern margin of State Road #1719, and runs thence as said Southern line, South 67 degrees 00 minutes East 198.00 feet to a stake; thence North 14 degrees 08 minutes East 259.00 feet to a stake; thence North 35 degrees 19 minutes West 156.25 feet to an iron stake in the Eastern margin of State Road # 1719; thence as said Eastern margin, South 25 degrees 04 minutes West 331.18 feet to the point of beginning. Being a part of the 35.1 acre tract conveyed to Seth Smith as per deed recorded in Book 643, Page 75, Cumberland County Registry. And being the same land described in deed dated November 3, 1967 from Seth Smith, widower, to Booker T. Halder, recorded in Book 2064, Page 197, Cumberland County Registry.