

AMY H. CANNON  
County Manager



RAWLS HOWARD  
Director

TRACY JACKSON  
Assistant County Manager

DAVID MOON  
Deputy Director

—◆—  
*Planning & Inspections Department*

**2022**

*JOINT PLANNING BOARD*

*DEADLINE/MEETING SCHEDULE*

<u>Application Deadline</u>	<u>Meeting Date (Tuesdays)</u>
Thursday, December 9, 2021	January 18, 2022
Tuesday, January 18, 2022	February 22, 2022
Tuesday, February 15, 2022	March 22, 2022
Tuesday, March 15, 2022	April 19, 2022
Tuesday, April 12, 2022	May 17, 2022
Tuesday, May 17, 2022	June 21, 2022
Tuesday, June 14, 2022	July 19, 2022
Tuesday, July 12, 2022	August 16, 2022
Tuesday, August 16, 2022	September 20, 2022
Tuesday, September 13, 2022	October 18, 2022
Tuesday, October 11, 2022	November 15, 2022
Monday, November 14, 2022	December 20, 2022
Friday, December 9, 2022	January 17, 2023

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

**REQUEST**

Rezoning R10 to C(P)

Applicant requests a rezoning from R10 Residential District to C(P) Planned Commercial District for approximately 0.52 +/- acres located north of Elwood Drive and west of Hope Mills Road. This would allow the property to develop into a retail shopping area and other permitted commercial uses. This is a conventional rezoning, and no conditions are proposed at this time. The applicant has expressed that the intent of this request is to zone the subject site consistent with his surrounding properties. Location of the subject property is illustrated in Exhibit "A".

**PROPERTY INFORMATION**

**OWNER/APPLICANT:**

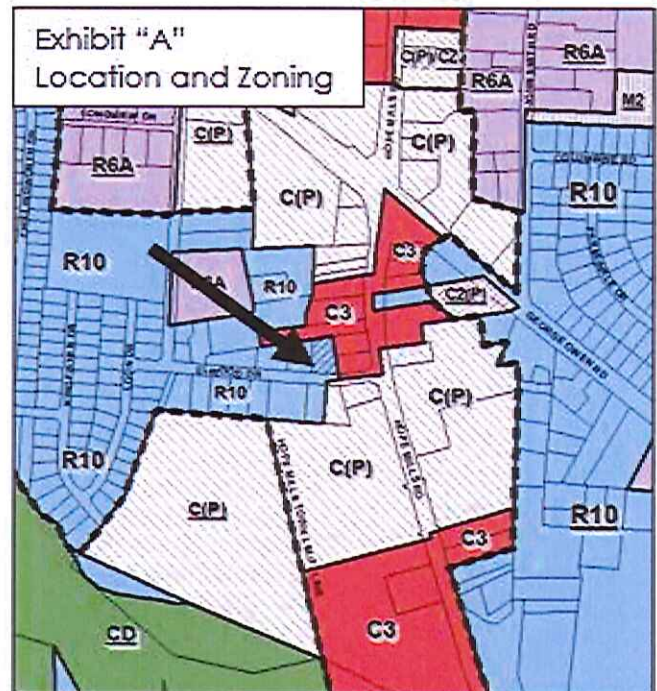
Larry King and Associates (agent) on behalf of Joseph Riddle and Trina Riddle (owners)

**ADDRESS/LOCATION:** Located at north of Elwood Drive and west of Hope Mills Road. Refer to Exhibit "A", Site Location. REID number: 0405923474000.

**SIZE:** 0.52 +/- acres within one parcel. The property has approximately 140 +/- feet of street frontage along the north side of Elwood Drive. The property has a depth extending from approximately 175 feet to 200 feet.

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

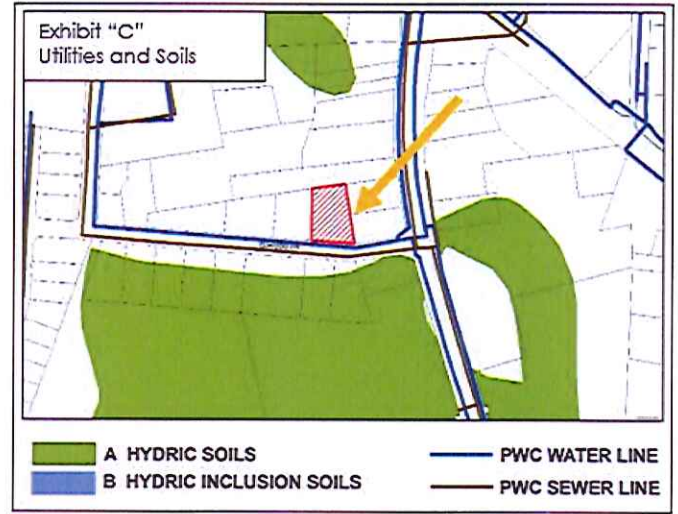
**EXISTING LAND USE:** The parcel is vacant. Exhibit "B" shows the existing use of the subject property.



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

- North:** The property directly abutting to the north is vacant and zoned C3. It is also under the same ownership as the subject parcel. Further north is an ABC liquor store and parking on two lots zoned C3.
- East:** The two parcels directly abutting to the east are vacant, under the same ownership as the subject parcel, and zoned C3. Across Hope Mills Rd is a commercial plaza with lots zoned C3 and C(P).
- West:** Properties to the west are occupied by single-family residences on lots zoned R10.
- South:** Directly south of Elwood Dr. are single-family homes on lots zoned R10. The parcels further south are vacant and zoned C(P). One of the vacant commercially zoned lots is under the same ownership as the subject site with 26.84 acres.

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

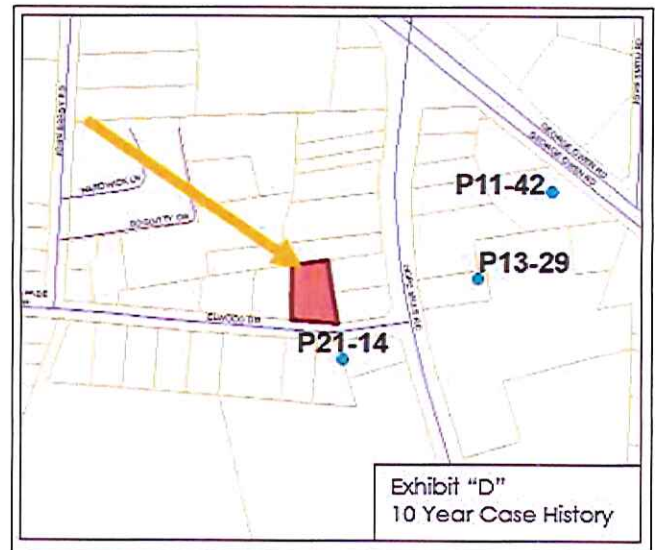


**TEN YEAR ZONE CASE HISTORY:**

Exhibit "D" denotes the location of the area zoning case history described below

- **P11-42:** R10 to C2(P); **Approved;** 1.17 acres
- **P13-29:** C1(P) to C(P); **Approved;** 0.52 acres
- **P21-14:** R10 to C(P); **Approved;** 1.00 acre

**DEVELOPMENT REVIEW:** Subdivision review by the Planning & Inspections Department will be required prior to any division of land. Hope Mills' Planning staff noted that the SW Cumberland Land use Plan designates this property under Low Density Residential land us. However, staff is in support of this request.

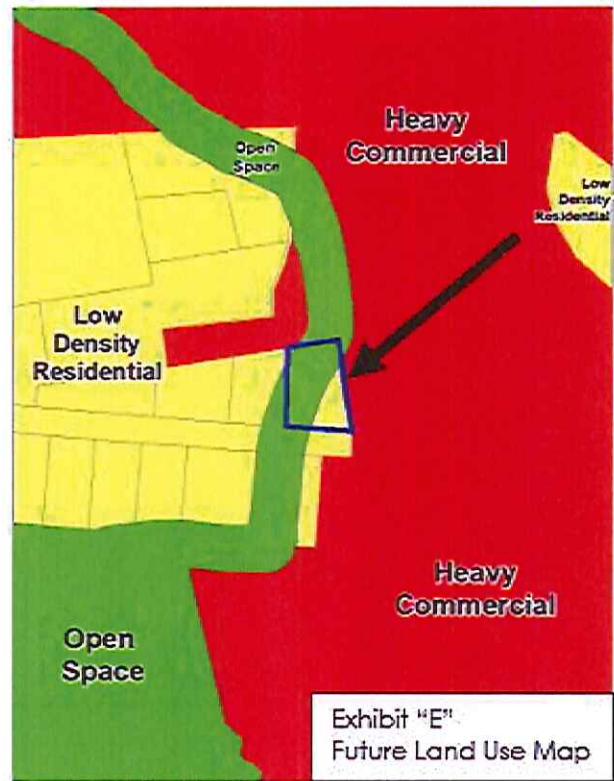


**DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:**

Minimum Standard	R10 (Existing Zoning)	C(P) (Proposed)
Front Yard Setback	30 feet	50 feet from ROW, 80 feet from CL
Side Yard Setback	10 feet: 1 story, 15 feet: 2 story	30 feet
Rear Yard Setback	35 feet	30 feet
Lot Area	7,500 sq. ft.	N/A
Lot Width	75'	N/A

**COMPREHENSIVE PLANS:** Located in the Southwest Cumberland Land Use Plan (2013), the subject property is designated as Low Density Residential and Open Space, as shown within Exhibit "E". The Low Density Residential Designation is defined as having a density of 2.2 to 6 units/acre. The Open Space designation is intended as land used for recreation, natural resource protection and buffer areas. The

Low Density Residential and Open Space designations, in the Southwest Cumberland Land Use Plan, call for the associated zoning districts of R15, R.75, and CD, respectively. **Request is not consistent with the adopted land use plan.** Approval of this zoning request will require a change in future land use classification.



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

**UTILITIES:** PWC water and sewer are available along the frontage of Elwood Drive. The applicant is responsible to determine if these utilities will properly serve their development. Utilities for water are shown on Exhibit "C".

**TRAFFIC:** According to the Fayetteville Area Metropolitan Planning Organization (FAMPO), the subject property sits on Elwood Drive and is identified as a local road in the Metropolitan Transportation Plan. There are no roadway construction improvement projects planned and the subject property will have no significant impact on the Transportation Improvement Plan. In addition, Elwood Drive has no AADT or road capacity data. Due to lack of data and the small scale, the new zoning request does not demand a trip generation. **The new development should not generate enough traffic to significantly impact Elwood Dr.**

**SCHOOLS CAPACITY/ENROLLMENT:**

School	Capacity	Enrollment
Cumb Mills Elem	627	529
Douglas Byrd Mid	768	595
Douglas Byrd High	1466	899

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

**EMERGENCY SERVICES:** The Hope Mills Fire Marshal has reviewed the and stated that any development must meet state fire code.

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

**CONDITIONS OF APPROVAL:** This is a conventional zoning and there are no conditions at this time.

**CODE DEVIATIONS:** No deviations have been identified.

**STAFF RECOMMENDATION**

In Case ZON-21-0015, the Planning and Inspections staff **recommends approval** of the rezoning request from R10 Residential District to C(P) Planned Commercial District. Staff finds the request is not consistent with the Southwest Cumberland Land Use Plan which calls for Low Density Residential and Open Space at this location. However, staff further finds:

- a. Approval is an amendment to the adopted, current Southwest Cumberland Land Use Plan; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request.
- b. The request would provide a definitive demarcation of commercial development for the surrounding neighborhood to the nearby thoroughfare.
- c. The request is reasonable and in the public interest because the C(P) Planned Commercial District would allow commercial uses at an intensity that would be compatible and in harmony with the surrounding land use activities and zoning.

Attachments:  
Notification Mailing List

ATTACHMENT – MAILING LIST

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

BROWN, CHAD JOSEPH;&  
 ERIN HENDRICKS  
 PO BOX 64787  
 FAYETTEVILLE, NC 28306

CULBRETH, BRENDA  
 5690 ELWOOD DR  
 FAYETTEVILLE, NC 28306

CULBRETH, JIMMY L  
 PO BOX 48133  
 CUMBERLAND, NC 28331

CUMBERLAND COUNTY ABC BOARD  
 PO BOX 64957  
 FAYETTEVILLE, NC 28306

CUMBERLAND COUNTY ABC BOARD  
 2720 HOPE MILLS ROAD  
 HOPE MILLS, NC 28348

DANIELS, CLARENCE  
 2094 TOM STARLING RD  
 FAYETTEVILLE, NC 28306

EDGE, RODNEY K  
 5647 ELWOOD DRIVE  
 FAYETTEVILLE, NC 28306

EVERITTE, DONNA L  
 2333 LAKE UPCHURCH DR  
 PARKTON, NC 28371

FOLDESI, THOMAS  
 5719 SHANADOAH DR  
 FAYETTEVILLE, NC 28304

HALL, BARTON THOMAS  
 PO BOX 39  
 WAGRAM, NC 28396

EVERITTE, OTTIS G  
 PO BOX 48112  
 CUMBERLAND, NC 28331

JACKSON ESTATES LLC  
 PO BOX 48704  
 CUMBERLAND, NC 28331

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

LEE, GARY EDWARD;& KATHY DUNN  
 6369 CORNSTALK DR  
 FAYETTEVILLE, NC 28306

MEOLING, JEREMY  
 5667 ELWOOD DR  
 FAYETTEVILLE, NC 28306

MILL VILLAGE, LLC  
 P O BOX 53729  
 FAYETTEVILLE, NC 28305

PITTMAN, VERNON C JR;& VE  
 5506 WINNERS CIR  
 HOPE MILLS, NC 28348

PRATT, ANN MOULE;MCBRIDE, DALE A  
 MOULE;GENESIS 2  
 1216 BROMLEY DR  
 FAYETTEVILLE, NC 28303

RIDDLE COMPANIES INC  
 PO BOX 53729  
 FAYETTEVILLE, NC 28305

RIDDLE, JOSEPH P III;& TRINA T  
 125 GREAT OAKS  
 FAYETTEVILLE, NC 28303

RIDDLE, JOSEPH P III;& TRINA T  
 4200 MORGANTON RD 150  
 FAYETTEVILLE, NC 28314

SHIELDS, FREDERICK D;& WANDA F  
 2911 JOHN BRADY RD  
 HOPE MILLS, NC 28348

TART REALTY & INSURANCE INC  
 908 LILLINGTON HWY  
 SPRING LAKE, NC 28390

TJF COMMERCIAL PROPERTIES LLC  
 5719 SHENANDOAH DR  
 FAYETTEVILLE, NC 28304

TOWNSEND, SHELBY T  
 7132 SIM CANNADY RD  
 HOPE MILLS, NC 28348

WARFIELD, JUDY A  
 5642 ELWOOD DR  
 FAYETTEVILLE, NC 28306

WILLIAMSON, JIMMY DAVID  
 5611 DOGGITTY DR  
 FAYETTEVILLE, NC 28306

WWG & OAG, LLC  
 P O BOX 1064  
 HOPE MILLS, NC 28348

WWG&OAG LLC  
 3402 WIPPERWILL DR  
 FAYETTEVILLE, NC 28306



**Town of Hope Mills**  
*County Planning Department*

CASE NO.: \_\_\_\_\_

ZONING BOARD  
MEETING DATE: \_\_\_\_\_

DATE APPLICATION  
SUBMITTED: \_\_\_\_\_

RECEIPT NO.: \_\_\_\_\_

RECEIVED BY: \_\_\_\_\_

**APPLICATION FOR  
REZONING  
HOPE MILLS ZONING ORDINANCE**

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

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

**Rezoning Procedure:**

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

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

**NOTE: Any revisions, inaccuracies or errors to/on the application may cause the case to be delayed and re-scheduled for the next available Board meeting according to the Board's meeting schedule. Also, the application fee is *nonrefundable* once processing of the application has begun.**

**TO THE ZONING BOARD AND THE TOWN OF HOPE MILLS BOARD OF COMMISSIONERS, HOPE MILLS, NORTH CAROLINA:**

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

1. Requested Rezoning from R100 - Residential to C100 - Commercial

*If the area is a portion of an existing parcel, a written metes and bounds description of only that portion to be considered for rezoning, including the exact acreage must accompany this application along with a copy of the recorded deed and/or plat. If more than one zoning classification is requested, a correct metes and bounds legal description, including acreage, for each bounded area must be submitted.*

2. Address/location of property to be Rezoned: 5624 Elwood Drive

3. Parcel Identification Number (PIN #) of property: 0405-92-3474  
(also known as Tax ID Number or Property Tax ID)

4. Acreage: 0.52 Frontage: 140' Depth: 200'

5. Water Provider: Well: \_\_\_\_\_ PWC: Yes

6. Septage Provider: Septic Tank \_\_\_\_\_ PWC  Other (name) \_\_\_\_\_

7. Deed Book 9814, Page(s) 0286 Cumberland County Register of Deeds. (Attach copy of deed of subject property as it appears in Registry).

8. Existing use(s) of property: Vacant

9. Proposed use(s) of the property: Commercial - adds depth to the corner lot which helps with a current DOT project

10. Do you own any property adjacent to, including across the street from, the property being submitted for rezoning? Yes  No \_\_\_\_\_

If yes, where? 0405-92-5521; 0405-92-5431; 0405-92-4128;  
0405-92-5265; 0405-92-3220

11. Has a violation been issued on this property? Yes \_\_\_\_\_ No xxx

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



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

Joseph P. Riddle III and wife, Trina T. Riddle

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

4200 Morganton Rd, Suite 150, Fayetteville, NC 28314

Complete mailing address of property owner(s)

910-864-3135

Telephone number

Alternative telephone number

riddlecommercial@aol.com

E-mail address

910-864-8078

Fax number

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

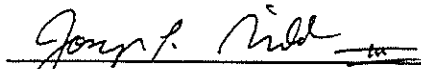
Complete mailing address of agent, attorney, or applicant

Telephone number

Alternative telephone number

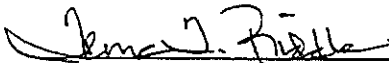
E-mail address

Fax number



Owner's signature  
Joseph P. Riddle, III

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



Owner's signature  
Trina T. Riddle

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

FILED Mar 02, 2016  
 AT 10:39:09 am  
 BOOK 09814  
 START PAGE 0286  
 END PAGE 0287  
 INSTRUMENT # 06070  
 RECORDING \$26.00  
 EXCISE TAX \$150.00

RA

Excise Tax \$150.00

Recording Time, Book and Page

Tax Lot No. \_\_\_\_\_ Parcel Identifier No. 0405-92-3474  
 Verified by \_\_\_\_\_ County on the \_\_\_\_\_ day of \_\_\_\_\_, 2016

~~Mail~~ after recording to: The Law Offices of Lonnie Player, 400 Westwood Shopping Center, Suite 210, Fayetteville, NC 28314

This instrument was prepared by: The Law Offices of Lonnie Player, 400 Westwood Shopping Center, Suite 210, Fayetteville, NC 28314

Brief Description for the index:

5624 Elwood Drive, Hope Mills, NC - LT 45  
 Brower-Bullard Sub (0.52 AC)

## NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made **March 2, 2016**, by and between:

GRANTOR	GRANTEE
<p><b>Jean Jones, unmarried</b></p> <p>Mailing Address:                      6898 Southstaff Road                      Fayetteville, NC 28306</p>	<p><b>JOSEPH P. RIDDLE, III and wife, TRINA T. RIDDLE</b></p> <p>Mailing Address:                      238 North McPherson Church Road                      Fayetteville, NC 28303</p>

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

WITNESSETH, that the 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 Grantee, in fee simple, all that certain lot or parcel of land situated in or near Hope Mills, Cumberland County, North Carolina and more particularly described as follows:

BEING all of Lot 45, as shown on a plat entitled "Brower-Bullard Subdivision", dated 15 March, 1963, prepared by Alfred Cheney, Registered Surveyor, and recorded in Book of Plats 27, page 29, Cumberland County Registry, North Carolina.

The property hereinabove described was acquired by Grantor by instrument recorded in Deed Book 4484, Page 549, Cumberland County Registry.

All or a portion of the property herein conveyed \_\_\_\_\_ includes or X does not include the primary residence of a Grantor.

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

And the Grantor covenants with the Grantee, that Grantor 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:

All easements, restrictions, covenants, and conditions of record, if any, and ad valorem taxes for 2016 which are not yet due and payable.

IN WITNESS WHEREOF, the Grantor(s) have hereunto set her hand and seal, the day and year first above written.

By: Jean Jones (SEAL)  
Jean Jones

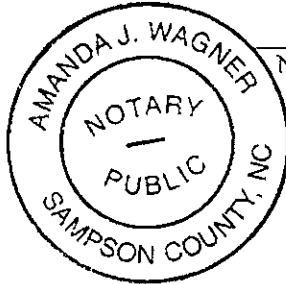
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STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND

I, Amanda J. Wagner, a Notary Public, do hereby certify that JEAN JONES personally came before me this day and voluntarily executed the foregoing.

WITNESS my hand and official seal this 2nd day of March, 2016.

My Commission Expires: 1/19/20



Amanda J. Wagner  
NOTARY PUBLIC

(N.P. SEAL)

**Location:** 3215 John Hall Road  
**Jurisdiction:** County-Unincorporated

<b>REQUEST</b>	<b>Rezoning A1 to R40A</b>
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Applicant requests a rezoning from A1 Agricultural District to R40A Residential District for approximately 2.00 acres and located at 3215 John Hall 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 with a group development review. This is a conventional rezoning, and no conditions are proposed at this time. Location of the subject property is illustrated in Exhibit "A".

<b>PROPERTY INFORMATION</b>
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**OWNER/APPLICANT:**  
MAPS Surveying, Inc (agent) on behalf of Terry Nance and Amy Nance (owners)

**ADDRESS/LOCATION:** 3215 John Hall Road. Refer to Exhibit "A", Site Location. REID number: 0474617169000.

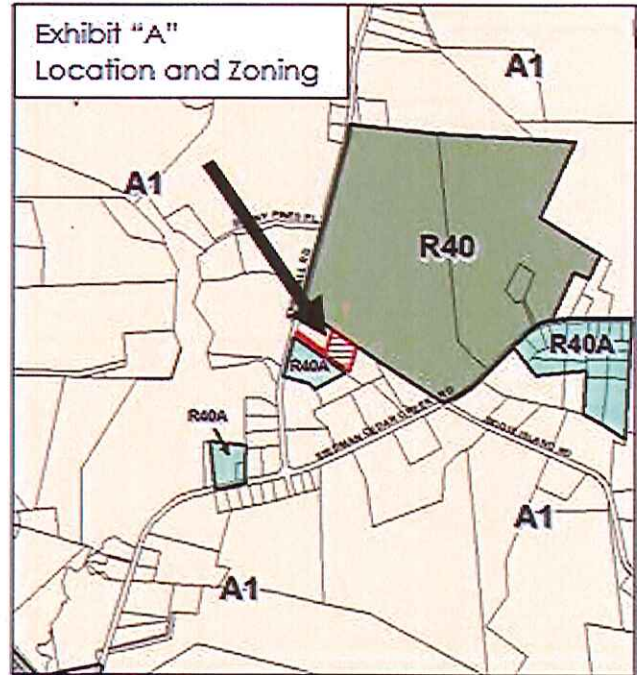
**SIZE:** 2.00 +/- acres within one parcel. The property has approximately 24 +/- feet of street frontage along the west side of John Hill Road. The property has a depth extending about 696 feet.

**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.

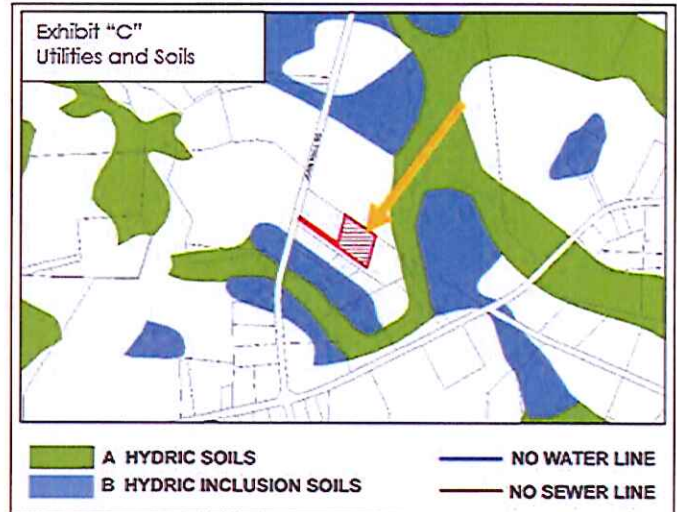
**EXISTING LAND USE:** The parcel is currently residential in use with a single-wide manufactured home on the property. Exhibit "B" shows the existing use of the subject property.

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

- North:** The parcel abutting to the north is Vacant and wooded with approximately 79 acres zoned R40.
- East:** The properties to the east are residential in use with stick-built homes and a single-wide manufactured home on lots zoned A1.
- West:** To the east is a single-family home on a lot zoned A1. Across John Hall Road is land use for agriculture, zoned A1.
- South:** Single-family residences on lots zoned R40A and A1.



**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.

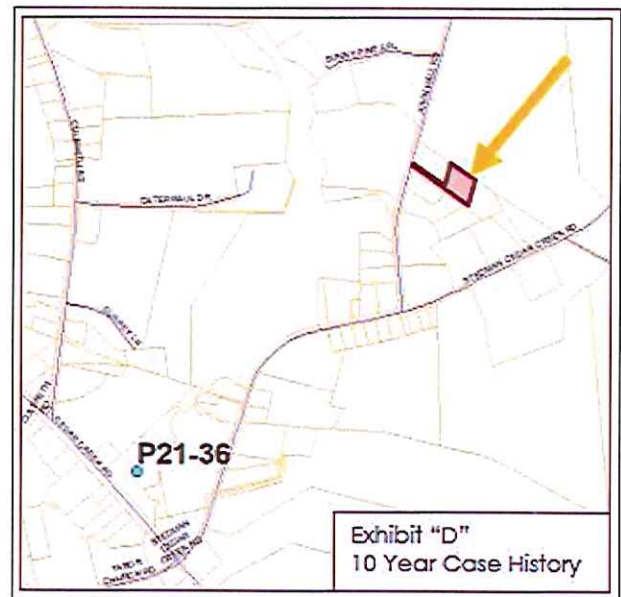


**TEN YEAR ZONE CASE HISTORY:**

Exhibit "D" denotes the location of the area zoning case history described below

- **P21-36: A1 to C(P); DENIED; 12.36 acres**

**DEVELOPMENT REVIEW:** Subdivision review by the Planning & Inspections Department 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	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 Southeast Cumberland Land Use Plan (adopted in 2016), the subject site is designated as Rural Density Residential, as shown within Exhibit "D". The Rural Density Residential designation is intended for development of one or less unit per acre. The associated zoning districts are R40, R40, A1, and A1A. **Request is consistent with the adopted land use plan.**

**APPLICABLE PLAN GOALS/POLICIES:**

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



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

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

**TRAFFIC:** County staff have solicited for comments from the Mid-Carolina RPO but have received none in return.

**SCHOOLS CAPACITY/ENROLLMENT:**

School	Capacity	Enrollment
Seabrook Elem	267	249
Mac Williams Mid	1164	1076
Cape Fear High	1476	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 has reviewed the request and had no comment at this time.

**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:** This is a conventional zoning and there are no conditions at this time.

**CODE DEVIATIONS:** No deviations have been identified.

## STAFF RECOMMENDATION

In Case ZON-21-0018, the Planning and Inspections staff **recommends approval** of the rezoning request from A1 Agricultural District to the R40A Residential District. Staff finds the request is consistent with the Southeast Cumberland Land Use Plan which calls for Rural Density Residential at this location. Staff further finds that recommending approval of the request is reasonable and in the public interest because the R40A Residential District would allow residential uses at a density that would be compatible and in harmony with the surrounding land use activities and zoning.

Attachments:  
Notification Mailing List

ATTACHMENT – MAILING LIST

I  
DOWNING, JOHN FOSTER  
4020 CHANDLER DR  
WILMINGTON, NC 28405

BEAL, KEVIN J; & JENNIFER A  
3550 STEDMAN CEDAR CREEK RD  
FAYETTEVILLE, NC 28312

DOWNING, JOHN FOSTER  
4020 CHANDLER DR  
WILMINGTON, NC 28405

DOWNING, NEIL FOSTER III &  
CRYSTAL FAIRCLOTH-DOWNING  
3544 STEDMAN CEDAR CREEK RD  
FAYETTEVILLE, NC 28312

DOWNING, RICHARD NEIL  
3612 STEDMAN CEDAR CREEK RD  
FAYETTEVILLE, NC 28312

DOWNING, RICHARD NEIL; WANDA S;  
& PHILIP CARTER  
3616 STEDMAN CEDAR CREEK RD  
FAYETTEVILLE, NC 28312

HILL, FRANK; & REGINALD W JR  
3677 STEDMAN CEDAR CREEK RD  
FAYETTEVILLE, NC 28312

HORNE, ROBERT LEE JR; & CAROL B  
3336 JOHN HALL RD  
FAYETTEVILLE, NC 28312

JONES, ARNOLD F  
525 DUNN RD  
FAYETTEVILLE, NC 28312

JONES, ARNOLD F; & LORA S  
3253 JOHN HALL RD  
FAYETTEVILLE, NC 28312

NANCE, TERRY W; & AMY P  
3211 JOHN HALL RD  
FAYETTEVILLE, NC 28312

PREWITT, MERLE R  
2126 CYPRESS LAKES RD  
HOPE MILLS RD, NC 28348

RAMLONGHORN, LLC  
1430 S. MINT ST SUITE 104  
CHARLOTTE, NC 28203

SESSOMS, SAMUEL C JR  
3349 JOHN HALL RD  
FAYETTEVILLE, NC 28312

SPANGLER, DEANA M;  
LAW, BRENNAM  
3368 STEDMAN CEDAR CREEK RD  
FAYETTEVILLE, NC 28312

STINNETT, JERRY L;& TRICIA K  
3561 STEDMAN CEDAR CREEK RD  
FAYETTEVILLE, NC 28312

STRICKLAND, LIEBURN RALPH;  
& SHELBY F  
1894 EVANS DAIRY RD  
FAYETTEVILLE, NC 28312

STRICKLAND, LIEBURN RALPH  
2354 CEDAR CREEK RD  
FAYETTEVILLE, NC 28312

WILLIAMS, MARK W;& ARLEEN K  
3311 JOHN HALL RD  
FAYETTEVILLE, NC 28312

WOOLARD, TROY G;& PAULA P  
3302 JOHN HALL RD  
FAYETTEVILLE, NC 28312



ATTACHMENT – MAILING LIST

I  
DOWNING, JOHN FOSTER  
4020 CHANDLER DR  
WILMINGTON, NC 28405

BEAL, KEVIN J; & JENNIFER A  
3550 STEDMAN CEDAR CREEK RD  
FAYETTEVILLE, NC 28312

DOWNING, JOHN FOSTER  
4020 CHANDLER DR  
WILMINGTON, NC 28405

DOWNING, NEIL FOSTER III &  
CRYSTAL FAIRCLOTH-DOWNING  
3544 STEDMAN CEDAR CREEK RD  
FAYETTEVILLE, NC 28312

DOWNING, RICHARD NEIL  
3612 STEDMAN CEDAR CREEK RD  
FAYETTEVILLE, NC 28312

DOWNING, RICHARD NEIL; WANDA S;  
& PHILIP CARTER  
3616 STEDMAN CEDAR CREEK RD  
FAYETTEVILLE, NC 28312

HILL, FRANK; & REGINALD W JR  
3677 STEDMAN CEDAR CREEK RD  
FAYETTEVILLE, NC 28312

HORNE, ROBERT LEE JR; & CAROL B  
3336 JOHN HALL RD  
FAYETTEVILLE, NC 28312

JONES, ARNOLD F  
525 DUNN RD  
FAYETTEVILLE, NC 28312

JONES, ARNOLD F; & LORA S  
3253 JOHN HALL RD  
FAYETTEVILLE, NC 28312

NANCE, TERRY W; & AMY P  
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STINNETT, JERRY L;& TRICIA K  
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& SHELBY F  
1894 EVANS DAIRY RD  
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2354 CEDAR CREEK RD  
FAYETTEVILLE, NC 28312

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3311 JOHN HALL RD  
FAYETTEVILLE, NC 28312

WOOLARD, TROY G;& PAULA P  
3302 JOHN HALL RD  
FAYETTEVILLE, NC 28312



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

CASE #: \_\_\_\_\_

PLANNING BOARD  
MEETING DATE: \_\_\_\_\_

DATE APPLICATION  
SUBMITTED: \_\_\_\_\_

RECEIPT #: \_\_\_\_\_

RECEIVED BY: \_\_\_\_\_

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

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

1. A copy of the *recorded* deed and/or plat.
2. If a portion(s) of the property is being considered for rezoning, an accurate written legal description of only the area to be considered;
3. A check made payable to "Cumberland County" in the amount of \$ 200.  
(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   AI   to   R40A
2. Address of Property to be Rezoned:   3215 John Hall Rd
3. Location of Property:   1550' North of Intersection of John Hall Rd and Stedman Cedar Creek Rd
4. Parcel Identification Number (PIN #) of subject property:   0474617169000    
(also known as Tax ID Number or Property Tax ID)
5. Acreage:   2.00   Frontage:   21'   Depth:   696.50'
6. Water Provider: Well:  PWC: \_\_\_\_\_ Other (name): \_\_\_\_\_
7. Septage Provider: Septic Tank  PWC \_\_\_\_\_
8. Deed Book   4935-  , Page(s)   859  , Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property:   Residential- Single Family
10. Proposed use(s) of the property:   Residential- Single Family. Rezoning request is for the ability to add one more residence.
11. Do you own any property adjacent to or across the street from this property?  
Yes  No \_\_\_\_\_ If yes, where?   To the West
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.

Terry + Amy Nance  
NAME OF OWNER(S) (PRINT OR TYPE)

3211 John Hall Rd Fay NC 28312  
ADDRESS OF OWNER(S)

336-430-3730                      910-489-8745  
HOME TELEPHONE #                      WORK TELEPHONE #

Michael J. Adams- MAPS Surveying Inc  
NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)

1401 Morganton Rd Fay NC 28305  
ADDRESS OF AGENT, ATTORNEY, APPLICANT

maps @ mapssurveying.com  
E-MAIL

HOME TELEPHONE #                      910-484-6432  
WORK TELEPHONE #

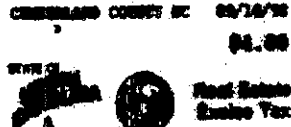
Terry W. Nance  
SIGNATURE OF OWNER(S)

[Signature]  
SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

Amy Nance  
SIGNATURE OF OWNER(S)

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

BK4935PG0859



RECEIVED  
9-14-1998 AM 10:29  
GEORGE E. TATUM  
REGISTER OF DEEDS  
CUMBERLAND CO., N.C.

20

45717

045717

Excise Tax \$ 4.00

Recording Time, Book and Page

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

Mail after recording to ..... Talmage S. Baggett, Jr., PO Drawer 1148, Fayetteville, NC 28302

This instrument was prepared by ..... Talmage S. Baggett, Jr.-Attorney At Law

Brief description for the Index Lot 1, Cedar Creek

### NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this .....11th day of .....September....., 19 98....., by and between

GRANTOR

GRANTEE

Silva-Cut, Inc.  
(A NORTH CAROLINA CORPORATION)

Terry W. Nance and wife,  
Amy P. Nance  
Rt. 9, Box 379-D  
Fayetteville, NC 28301

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

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

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

Being all of Lot 1 as shown on Plat Book 94, Page 15 of the Cumberland County Registry of Deeds.

This property is conveyed subject to restrictive covenants which are described in Deed Book 4305, Page 622.

NO TITLE WORK PERFORMED AT THE TIME OF THIS TRANSACTION.

10-

The property hereinabove described was acquired by Grantor by instrument recorded in .....

A map showing the above described property is recorded in Plat Book 94 page 15.....

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:

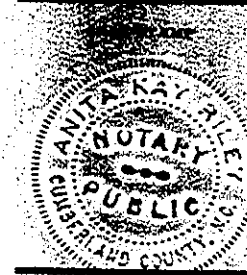
Restrictive Covenants located in Deed Book 4305, Page 622.

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.

Silva-Cut, Inc. (Corporate Name)
BY: Larry W. Downing, President
ATTEST: N.F. Downing, Secretary (Corporate Seal)
USE BLACK INK ONLY



NORTH CAROLINA, \_\_\_\_\_ County.
I, a Notary Public of the County and State aforesaid, certify that \_\_\_\_\_ Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.
My commission expires: \_\_\_\_\_ Notary Public



NORTH CAROLINA, CUMBERLAND County.
I, a Notary Public of the County and State aforesaid, certify that N.F. Downing the Secretary of Silva-Cut, Inc. 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 11th day of September, 1998.
My commission expires: 8/4/2001 Anita Kay Riley Notary Public

The foregoing Certificate(s) of \_\_\_\_\_

The foregoing Certificate(s) of Anita Kay Riley

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,
Rob M Jones Deputy / Assistant - Register of Deeds

Location: 3563 Camden Road  
Jurisdiction: County – Unincorporated,  
Hope Mills MIA

<b>REQUEST</b>	Rezoning R10 and C(P) to C(P)
----------------	-------------------------------

Applicant requests a rezoning from R10 Residential District and C(P) District to C(P) Planned Commercial District for approximately 4.98 +/- acres located at 3563 Camden Road. Approximately 0.77 acres of the subject parcel is assigned a R10 zoning category while the remainder of the parcel – approximately 4.21 acres -- is currently zoned C(P) Commercial. This would allow the property to develop into a retail shopping area and other permitted commercial uses, and this would consolidate the entire parcel into a single zoning district. The applicant's intent is to establish an automotive repair shop and incidental towing services. This is a conventional rezoning, and no conditions are proposed at this time. Location of the subject property is illustrated in Exhibit "A".

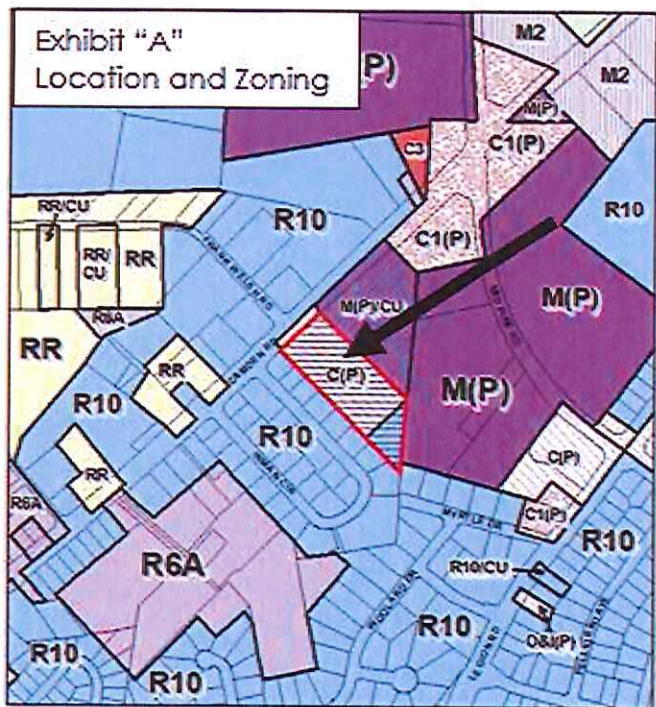
<b>PROPERTY INFORMATION</b>
-----------------------------

**OWNER/APPLICANT:**  
EEB, LLC (owner)

**ADDRESS/LOCATION:** Located at 3563 Camden Road  
Refer to Exhibit "A", Site Location. REID number:  
0425366692000.

**SIZE:** 4.98 +/- acres within one parcel. The property has approximately 279 +/- feet of street frontage along the southeast side of Camden Road. The property has a depth of about 887 feet.

**EXISTING ZONING:** The property is zoned C(P) Planned Commercial District and R10 Residential District. C(P) is designed to assure the grouping of buildings on a parcel of land will constitute a harmonious, efficient and convenient retail shopping area. Site plans assure traffic safety and the harmonious and beneficial relations between the commercial area and contiguous land. The R10 District is a dormant district and has been replaced with the R7.5 Residential District. The R7.5 district is designed primarily for single-family dwellings on lots with a lot of area of 7,500 square feet or above



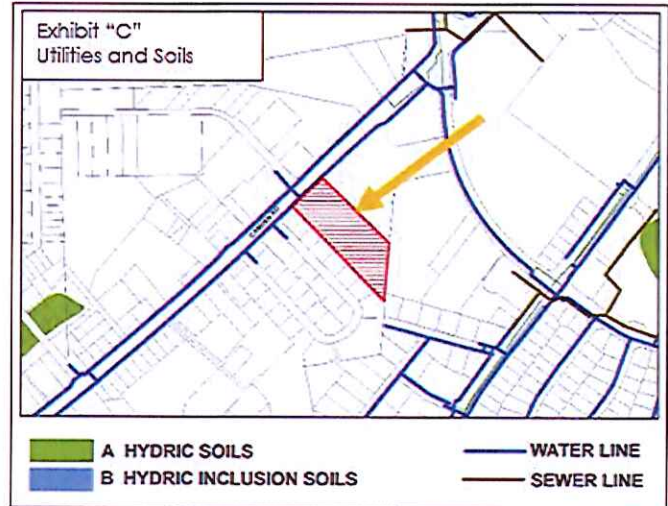
**EXISTING LAND USE:** The parcel is vacant and wooded. Exhibit "B" shows the existing use of the subject property.

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

**North:** Abutting to the north is mini-warehousing activities on lots zoned M(P) CU and M(P). The parcel at the corner of Camden Rd and Mid Pine Rd is vacant and zoned C1(P). North of Camden Rd are residences on lots zoned R10.

- East:** A recycling plant abuts to the east, as well as other industrial properties zoned M(P). A CVS sits at the corner of Mid Pine Rd and Legion Rd, on a lot zoned C(P).
- South:** Several single-family subdivisions abut the subject site to the south on lots zoned R10 and R6A.
- West:** West of Camden Rd are residences on lots zoned R10, RR, and R6A.

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

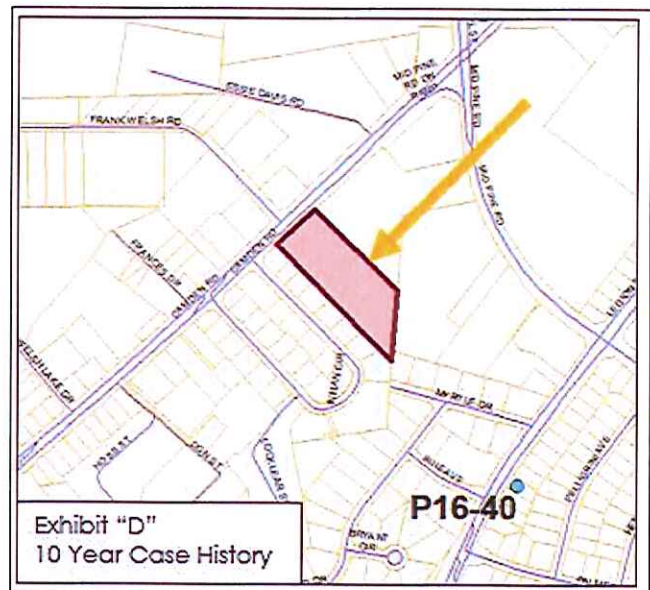


**TEN YEAR ZONE CASE HISTORY:**

Exhibit "D" denotes the location of the area's zoning case history described below:

- **P16-40:** R10 to O&I(P); **Approved;** 0.28 acres

**DEVELOPMENT REVIEW:** Subdivision review by the Planning & Inspections Department will be required prior to any division of land.



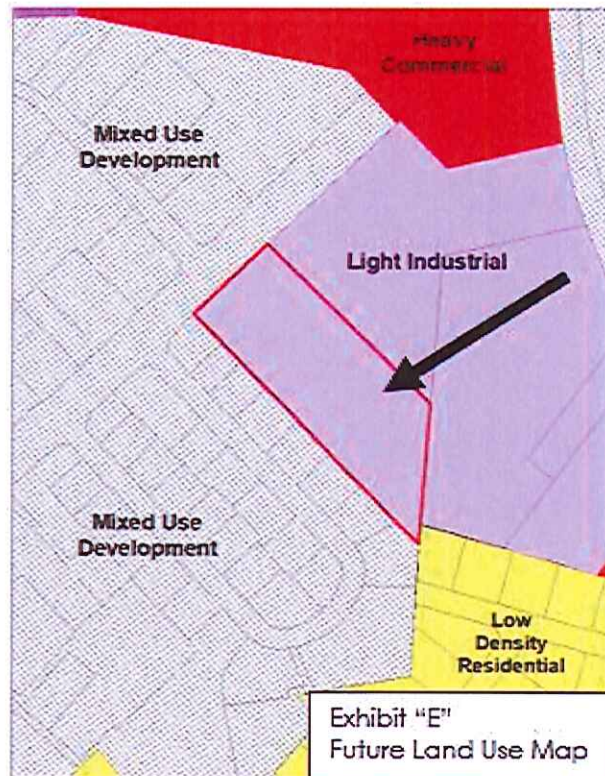
**DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:**

Minimum Standard	R10 (Existing)*	C(P) (Existing)	C(P) (Proposed)
Front Yard Setback	30 feet	50 feet from ROW, 80 feet from CL	50 feet from ROW, 80 feet from CL
Side Yard Setback	10 feet: 1 story, 15 feet: 2 story	30 feet	30 feet
Rear Yard Setback	35 feet	30 feet	30 feet
Lot Area	7,500 sq. ft.	N/A	N/A
Lot Width	75'	N/A	N/A

\*R10 follows the R7.5 dimensional standards.



**COMPREHENSIVE PLANS:** Located in the Southwest Cumberland Land Use Plan (2013), the subject property is designated as Light Industrial, as shown within Exhibit "E". The Light Industrial designation is intended for industrial and manufacturing operations that require a limited amount of land area, infrastructure and access and have very few noxious effects on the surrounding properties. The Light Industrial designation, in the Southwest Cumberland Land Use Plan, calls for the associated zoning district of M1(P). **Request is not consistent with the adopted land use plan.** Approval of this request will require a change in the future land use classification.



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

**UTILITIES:** PWC sewer lines are not next to the property. The nearest PWC sewer line is approximately 875 feet from the subject site. A PWC water line is available along the frontage of Camden Road. It is the applicant's responsibility to determine if this utility will serve their development. Utilities for water are shown on Exhibit "C". This site is in the Hope Mills MIA which will require the extender to enter to an agreement with Hope Mills for desired services.

**TRAFFIC:** According to the Fayetteville Area Metropolitan Planning Organization (FAMPO), the subject property sits on Camden Road and is identified as a minor arterial in the Metropolitan Transportation Plan. Camden Road is identified in the Transportation Improvement Program as U-2810C, a widening project from east of CSX railroad to SR (Owen Drive). Construction is currently in progress. In addition, Camden Rd has a AADT of 15,000 and road capacity of 36,800. Due to lack of data and the small scale, the new zoning request does not demand a trip generation. **The new development should not generate enough traffic to significantly impact Camden Road.**

#### SCHOOLS CAPACITY/ENROLLMENT:

School	Capacity	Enrollment
Elizabeth Cashwell Elem	624	515
Douglas Byrd Mid	768	595
Douglas Byrd High	1466	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. Applicant must ensure emergency responder

radio coverage is achieved. Furthermore, submission of building plans drawn to-scale are required for new construction or renovation. For questions, please contact the Fire Marshal's Office at (910) 321-6737.

**SPECIAL DISTRICTS:** The property is not located within five miles of Fort Bragg Military Base. The subject site is located within the Fayetteville Regional Airport Overlay District. County staff have solicited comments from the Director of the Fayetteville Regional Airport and no response was returned.

**CONDITIONS OF APPROVAL:** This is a conventional zoning and there are no conditions at this time.

**CODE DEVIATIONS:** No deviations have been identified.

#### **STAFF RECOMMENDATION**

In Case ZON-21-0019, the Planning and Inspections staff **recommends approval** of the rezoning request from R10 Residential District and C(P) Planned Commercial District to C(P) Planned Commercial District. Staff finds the request is not consistent with the Southwest Cumberland Land Use Plan which calls for Light Industrial at this location. However, staff finds:

- a. Approval is an amendment to the adopted, current Southwest Cumberland Land Use Plan; and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request.
- b. The request to rezone to C(P) is a good transition and less intensive and would further eliminate potential compatibility concerns associated with light industrial designation and uses.
- c. The request is reasonable and in the public interest because the C(P) Planned Commercial District would allow commercial uses at an intensity that would be compatible and in harmony with the surrounding land use activities and zoning.

Attachments:  
Notification Mailing List

ATTACHMENT – MAILING LIST

BARNES, WILLIAM J JR;& ANN  
842 MYRTLE DR  
HOPE MILLS, NC 28348

ALLEN, MAYA D  
858 MYRTLE DR  
HOPE MILLS, NC 28348

BEST INVESTMENT REALTY, LLC  
501 THISTLEGATE TRL  
RALEIGH, NC 27610

BOSTIC, TANJA R  
3709 STONE ST  
HOPE MILLS, NC 28348

BRITT, CHUCK JASON  
3026 LAKE UPCHURCH DR  
PARKTON, NC 28371

CARTER, CARLA M; & CHARLES L  
3571 INMAN CIR  
FAYETTEVILLE, NC 28306

CHAVIS, DWAYNE E  
127 LOMBARDY VILLAGE RD  
SHANNON, NC 28386

COE, MICHELLE D  
3658 INMAN CIR  
FAYETTEVILLE, NC 28306

COPTISIAS, HATTIE W HEIRS  
3709 CAMDEN RD  
FAYETTEVILLE, NC 28306

DAVIS, BETTY R  
3671 INMAN CIR  
FAYETTEVILLE, NC 28306

COPTSIAS, NICK  
4331 CAMDEN RD  
FAYETTEVILLE, NC 28306

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

DAVIS, CHARLES JONATHAN;TIMOTHY  
RAY;& MITCHELL KEITH  
3375 STATE ST  
FAYETTEVILLE, NC 28306

DAVIS, KATHRYN GRACE HORTON  
3610 CAMDEN RD  
FAYETTEVILLE, NC 28306

DICKES, SAUNDRA KAYE  
3647 INMAN CIR  
FAYETTEVILLE, NC 28306

EARWOOD, MALCOLM DALE;&  
LILLY, FRANKLIN  
3716 CAMDEN RD  
FAYETTEVILLE, NC 28306

EASTOVER ENTERPRISES LLC  
2208 TOM GEDDIE RD  
EASTOVER, NC 28312

EEB HOLDINGS, LLC  
7357 MARINERS LANDING DR  
FAYETTEVILLE, NC 28306

EPPS, DWANDRA  
936 FRANK WELSH RD  
FAYETTEVILLE, NC 28306

FAYETTEVILLE SENIOR CARE, LLC  
5324 MURIEL LN  
BENSALEM, PW 19020

FLAMING SWORD INTERNATIONAL  
MINISTRIES INC  
PO BOX 2183  
FAYETTEVILLE, NC 28302

FTP STORAGE MID PINE LLC  
215 E 58TH ST  
NEW YORK, NY 10022

GARNER, ROBERT E  
2906 WOOLARD DR  
HOPE MILLS, NC 28348

GAUTIER, VERA L  
3670 INMAN CIR  
FAYETTEVILLE, NC 28306

GODWIN, KATHERINE S  
3704 CAMDEN RD  
FAYETTEVILLE, NC 28306

GRIFFITH, CHRISTOPHER M;& BREA  
3601 INMAN CIR  
FAYETTEVILLE, NC 28306

HANSEN, MARY N  
3549 INMAN CIR  
FAYETTEVILLE, NC 28306

HARRELL, KIMBERLY DAWN  
3650 INMAN CIR  
FAYETTEVILLE, NC 28306

HARRELL, WILLIAM H;& ESTELLA, P  
3640 INMAN CIR  
FAYETTEVILLE, NC 28306

HUFF, JOSHUA THOMAS;&  
AMANDA, KAY  
6469 WALDOS BEACH RD  
FAYETTEVILLE, NC 28306

HUNT, DOCK  
PO BOX 2324  
LUMBERTON, NC 28359

JARMAN, CHRISTINA R  
807 BUJE AVE  
HOPE MILLS, NC 28348

JOHNSON, VANCE S  
3242 MID PINE DR  
FAYETTEVILLE, NC 28306

JONES, DORIS B  
2918 WOOLARD DR  
HOPE MILLS, NC 28348

JONES, MARK ANTHONY;&  
SYDNIE EVERITTE  
6207 PITTMAN GROVE CHURCH RD  
RAEFORD, NC 28376

JPR DEVELOPMENT LLC  
PO BOX 53729  
FAYETTEVILLE, NC 28305

LOCKLEAR, MARY C; STONEY,  
ANTHONY R;& ANNA, LEE L JACOBS  
3615 INMAN CIR  
FAYETTEVILLE, NC 28306

LONG, LOUIS FURMAN;& MALL  
3637 METRIC DR  
HOPE MILLS, NC 28348

MARLEY, JAMES C;& WIFE  
3564 INMAN CIR  
FAYETTEVILLE, NC 28306

MATTHEWS, EVELYN HALL  
PO BOX 64192  
FAYETTEVILLE, NC 28306

MCAULEY, MELVIN LEE JR  
2914 WOOLARD DRIVE  
HOPE MILLS, NC 28348

MCLAURIN, STEVEN RAY  
3329 SHEM CREEK DR  
FAYETTEVILLE, NC 28306

MOLNAR, STEVE  
929 FRANK WELSH RD  
FAYETTEVILLE, NC 28306

MORRIS, LAWRENCE E  
3587 INMAN CIR  
FAYETTEVILLE, NC 28306

NAYLOR, ELREZE H LIFE ESTATE  
2902 WOOLARD DR  
HOPE MILLS, NC 28348

ONEAL, STEPHEN CURTIS  
3588 INMAN CIR  
FAYETTEVILLE, NC 28306

PALMER, GUY FRANKLIN;&  
JOAN SHARON  
857 MYRTLE DR  
HOPE MILLS, NC 28348

PRINCE, JAMES LARRY;&  
ANNIE DAPHINE ROSS  
843 MYRTLE DR  
HOPE MILLS, NC 28348

RIDDLE, JOSEPH P III;& TRINA T  
238 N MCPHERSON CHURCH RD  
FAYETTEVILLE, NC 28303

RIVERA, ORLANDO SR.;& ADA  
3562 CAMDEN RD  
FAYETTEVILLE, NC 28306

SIMMONS, NORMAN B  
3602 INMAN CIR  
FAYETTEVILLE, NC 28306

SOLTREN VILLANUEVA, LUIS JAVIER;&  
CYNTHIA, ALACAN VIERA  
944 FRANCES DR  
FAYETTEVILLE, NC 28306

SONOCO RECYCLING LLC  
1 N SECOND ST  
HARTSVILLE, SC 29550

SORRELLS, ROGER L JR;&  
LISA D BYERLY  
3637 INMAN CIR  
FAYETTEVILLE, NC 28306

STEFANKO, JUVANCIA;&  
PHILLIP M EDMONDSON  
5416 AHOSKIE DR  
HOPE MILLS, NC 28348

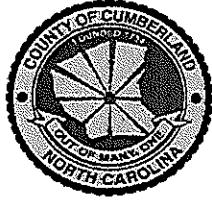
TALLEY INVESTMENTS, LLC;&  
AOM II LLC  
P O BOX 361  
FAYETTEVILLE, NC 28302

TAYLOR, BRADLEY S;& MARY A.  
806 BUJE AVE  
HOPE MILLS, NC 28348

TEW, RUSSELL R;& SHIRLEY R  
817 MYRTLE DR  
HOPE MILLS, NC 28348

TRIPP, DALE ANN LIFE ESTATE  
339 CHARLES ST  
FAYETTEVILLE, NC 28306

WILLIS, EDWARD RAY;& RUBY  
3536 INMAN CIR  
FAYETTEVILLE, NC 28306



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

CASE #: \_\_\_\_\_

PLANNING BOARD  
MEETING DATE: \_\_\_\_\_

DATE APPLICATION  
SUBMITTED: \_\_\_\_\_

RECEIPT #: \_\_\_\_\_

RECEIVED BY: \_\_\_\_\_

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

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

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

Rezoning Procedure:

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

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

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

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

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

1. Requested Rezoning from R10 to C(P) *(entire property)*
2. Address of Property to be Rezoned: 3563 Camden Rd Fayetteville NC 28302
3. Location of Property: South side of Camden Rd just before mid pine rd and next to storage king USA
4. Parcel Identification Number (PIN #) of subject property: 0425-36-6692  
(also known as Tax ID Number or Property Tax ID)
5. Acreage: 4.98 Frontage: 295' Depth: 883'
6. Water Provider: Well: \_\_\_\_\_ PWC: \_\_\_\_\_ Other (name): \_\_\_\_\_
7. Septage Provider: Septic Tank \_\_\_\_\_ PWC \_\_\_\_\_
8. Deed Book 11153, Page(s) 0126-0129, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: undeveloped lot
10. Proposed use(s) of the property: planning to build an automotive maintenance garage with light duty towing service.
11. Do you own any property adjacent to or across the street from this property?  
Yes \_\_\_\_\_ No X If yes, where? \_\_\_\_\_
12. Has a violation been issued on this property? Yes \_\_\_\_\_ No X

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

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

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

EEB Holdings LLC

NAME OF OWNER(S) (PRINT OR TYPE)

7357 Mariners Landing Dr Fayetteville NC 28306

ADDRESS OF OWNER(S)

HOME TELEPHONE #

408 712 0245

WORK TELEPHONE #

Benjamin Borger

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

7357 Mariners Landing Dr

ADDRESS OF AGENT, ATTORNEY, APPLICANT

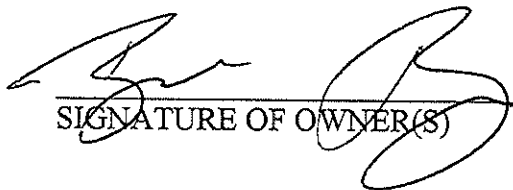
benborger@me.com

E-MAIL

HOME TELEPHONE #

408 712 0245

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."

**RECEIPT (REC-001543-2021)  
FOR CUMBERLAND COUNTY, NC**

**BILLING CONTACT**

Kenneth Smith  
Smith Site Consultants, PLLC.  
121 Bulittle Drive  
Linden, Nc 28356



Reference Number	Fee Name	Transaction Type	Payment Method	Amount Paid
ZON-21-0019	Rezoning - Requested other districts (general)	Fee Payment	Credit Card	\$450.00
3563 Camden Rd Fay, NC 28306			<b>SUB TOTAL</b>	<b>\$450.00</b>
			<b>TOTAL</b>	<b>\$450.00</b>



FILED  
 CUMBERLAND COUNTY NC  
 J. LEE WARREN, JR.  
 REGISTER OF DEEDS  
 FILED Jun 14, 2021  
 AT 11:01:14 am  
 BOOK 11153  
 START PAGE 0126  
 END PAGE 0129  
 INSTRUMENT # 27434  
 RECORDING \$26.00  
 EXCISE TAX \$700.00  
 KC

**NORTH CAROLINA GENERAL WARRANTY DEED  
 PREPARED WITHOUT TITLE EXAMINATION**

**Excise Tax: \$700.00**

Parcel Identifier No. 0425-36-6692 Verified by \_\_\_\_\_ County on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_

By: \_\_\_\_\_  
 Myself to: Attorney Rebecca F. Person

This instrument was prepared by: The Real Estate Law Firm, 2919 Brezewood Avenue, Suite 300, Fayetteville, NC 28303

Brief description for the Index: "See Exhibit A"

THIS DEED made this 2nd day of June, 2021, by and between

GRANTOR	GRANTEE
Mary W. Sutton, widow 1859 Kings Landing Rd Hampstead NC 28463	EEB Holdings, LLC a North Carolina limited liability company 7357 Mariners Landing Drive Fayetteville NC 28306

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

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context. WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot, parcel of land or condominium unit situated in the City of Fayetteville, Pearces Mill Township, Cumberland County, North Carolina and more particularly described as follows:

" See Exhibit A"

Parcel ID: 0425-36-6692

Property Address: 3563 Camden Road, Fayetteville, NC 28306

The property hereinabove described was acquired by Grantor by instrument recorded in Book 2171 page 175.

All or a portion of the property herein conveyed \_\_\_\_\_ includes or  does not include the primary residence of a Grantor. 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, other than the following exceptions:

~~SUBJECT TO ALL EASEMENTS, RIGHTS, RESERVATIONS, COVENANTS, CONDITIONS, RESTRICTIONS, AND ENCUMBRANCES OF RECORD AND UNRECORDED, AND TO THE EXTENT PERMITTED BY LAW, THE GRANTOR Warrants and defends the title against the lawful claims of all persons whomsoever, other than the following exceptions:~~  
See Exhibit B

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

Mary W Sutton A/K/A Mary Welsh Sutton by A/F Sharon Marie Sutton (SEAL)  
Print/Type Name: Mary W. Sutton A/K/A Mary Welsh Sutton by A/F Sharon Marie Sutton

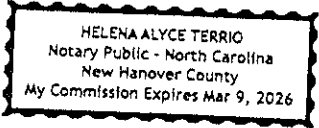
STATE OF NC  
COUNTY OF Fender

I, Helena Alyce Terrio, a Notary Public for said County and State, do hereby certify that Sharon Marie Sutton individually and as attorney in fact for Mary W. Sutton A/K/A Mary Welsh Sutton, personally appeared before me this day and being by me duly sworn, says that he executed the foregoing and annexed instrument for and in behalf of the said Mary W. Sutton A/K/A Mary Welsh Sutton, and that their authority to execute and acknowledge said instrument is contained in an instrument duly executed, acknowledged, and recorded in the office of the Register of Deeds in the county of Cumberland, State of North Carolina and that this instrument was executed under and by virtue of the authority given by said instrument granting her power of attorney.

I do further certify that the said Sharon Marie Sutton acknowledged the due execution of the foregoing and annexed instrument for the purposes therein expressed for and in behalf of the said Mary W. Sutton A/K/A Mary Welsh Sutton.

Witness my hand and official seal, this the June 8, 2021.

Helena Alyce Terrio  
Notary Public -  
My Commission Expires: 3/9/2026



(N.P. SEAL)

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

## EXHIBIT A

BEGINNING at an iron stake in the eastern margin of the Camden Road, said road sometimes being known as the Old Wire Road, said stake being approximately 1.7 miles South of the intersection of the eastern margin of the said Camden Road with the southern margin of the Cumberland Mills Road; and running thence South 42 degrees 20 minutes East with the Glenn Kline line 638.2 feet to an old iron stake and pine pointers; thence South 4.44 minutes West and with the line of the land owned by the Durham Joint Stock Land Bank 386.9 feet to an old iron stake and pine pointers; thence with the Fisher and Breece lines North 42 degrees 01 minutes West 902.2 feet to an iron stake in the eastern margin of the aforesaid Camden Road; thence with the eastern margin of said road North 48 degrees 35 minutes East 282 feet to the point of BEGINNING. Containing 4.85 acres, the aforesaid description being in accordance with a survey made by Paul G. Nystrom, Registered Surveyor, dated October 29, 1947. And being the same property described in deed recorded in Book 2171, Page 175 and Book 510, Page 155, of the Cumberland County Registry.

EXHIBIT "B"

1. Taxes for the year 2021, and subsequent years, not yet due and payable.
2. Right of way to City of Fayetteville recorded in Book 566 at Page 33.
3. Easement(s) to AT&T recorded in Book 4597 at Page 277.
4. Judgment of condemnation by North Carolina Department of Transportation in Book 8994 at Page 889.
5. Any inaccuracy in the area, square footage, or acreage of Land described in Schedule A or attached plat, if any. The Company does not insure the area, square footage, or acreage of the Land.
6. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land. Paragraph 2 (c) of the Covered Risks is hereby deleted.

Parcel ID: 0425-36-6692

Property Address: 3563 Camden Road, Fayetteville, NC 28306

Legal Description

JJ-36906-21-SF/35

**REQUEST**

Rezoning PND to RR

Applicant requests a rezoning from PND Planned Neighborhood Development District to RR Rural Residential District for two parcels of approximately 1.81 acres combined and located at 412 Slocomb Road. The PND zoning currently assigned to the subject site and the surrounding area originates from case P74-35, which was an initial zoning of 332 acres. No development appears to have occurred from the PND zoning. This request would correctly align with the existing use and introduce an allowed residential density of one unit per 20,000 square feet. The intent of the property owner is to develop a dwelling unit on one of the recently recombined lots as found in plat book & page: 00147-0086. Location of the subject property is illustrated in Exhibit "A".

**PROPERTY INFORMATION**

**OWNER/APPLICANT:**

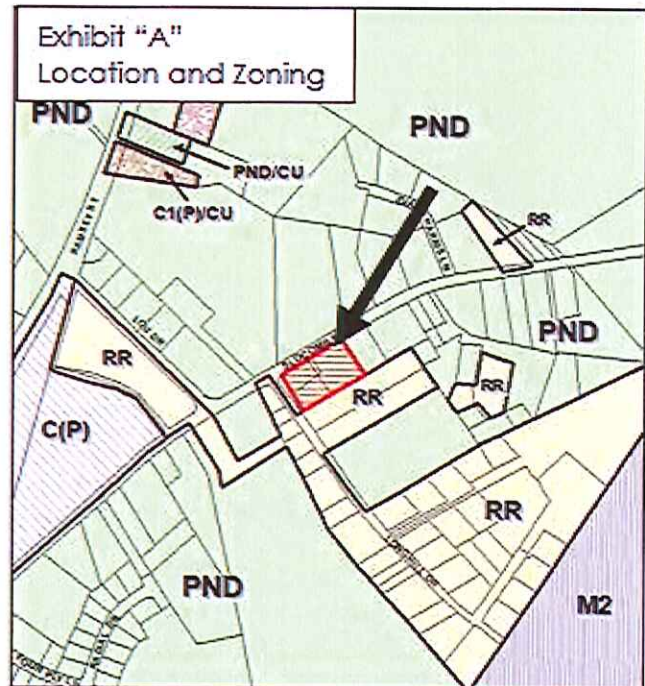
William Lee Elliott and Dessie F. Elliott (owners)

**ADDRESS/LOCATION:** 412 Slocomb Road. Refer to Exhibit "A", Site Location. REID number: 0542501983000 & 0542408850000.

**SIZE:** 1.81 +/- acres within two parcels. The property has approximately 367 +/- feet of street frontage along the south side of Slocomb Road. The property has a depth extending about 224 feet.

**EXISTING ZONING:** The subject property is currently zoned PND Planned Neighborhood Development District. This district is designed for the planned development of various residential densities concurrent with neighborhood-oriented uses in a single project.

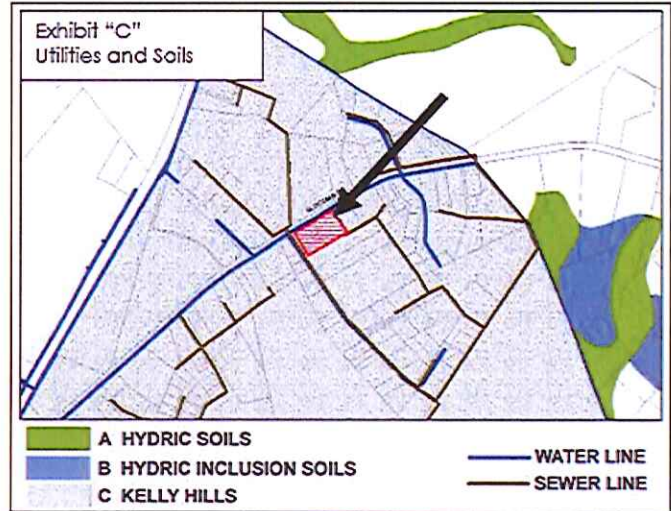
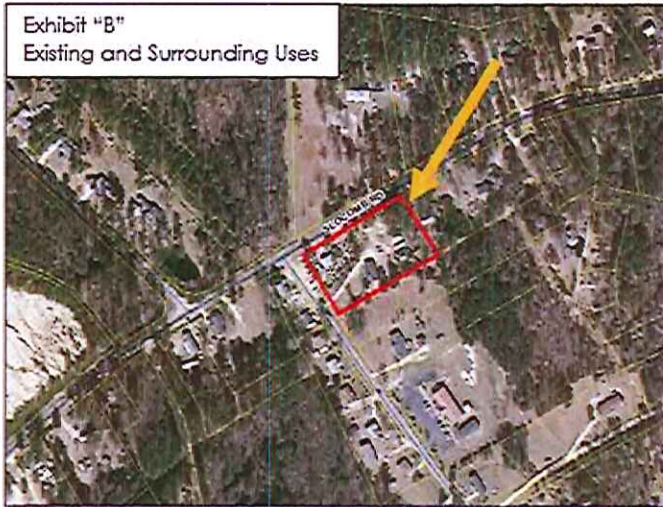
**EXISTING LAND USE:** The parcel is occupied by a double-wide manufactured home. Exhibit "B" shows the existing use of the subject property.



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

- North:** Single-family residences about the northside of Slocomb Rd with lots zoned PND.
- East:** East of the subject site are single-family residences and vacant lots zoned PND and RR.
- West:** West of the subject site are single-family residences and vacant lots zoned PND, RR, and C(P).
- South:** A vacant lot directly abuts the subject site to the south zoned RR. Further south are single-family residences, a church, and manufactured homes on lots zoned PND and RR.

**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.

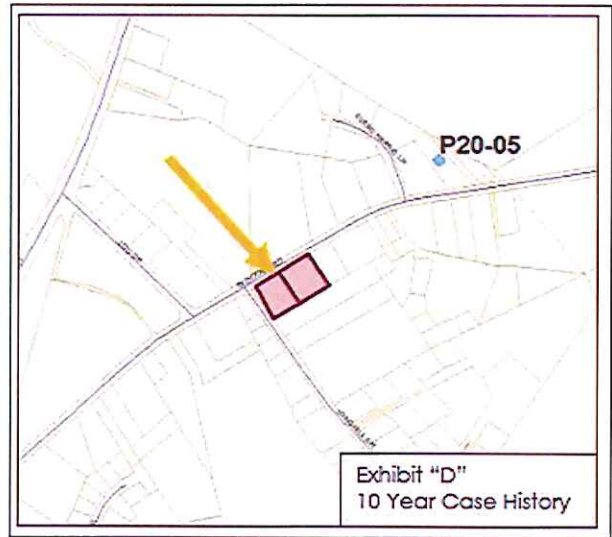


**TEN YEAR ZONE CASE HISOTRY:**

Exhibit "D" denotes the location of the zoning case history described below.

- **P20-05:** PND to RR; **Approved;** 1.1 acres

**DEVELOPMENT REVIEW:** Subdivision review by County Planning & Inspections will be required before any development.



**DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:**

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

**Development Potential:**

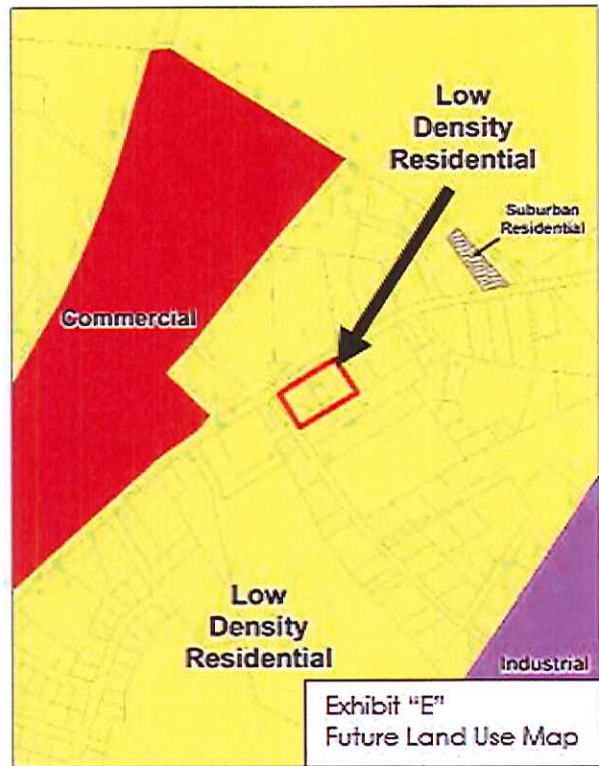
Existing Zoning (PND)	Proposed Zoning (RR)
N/A	2 dwelling units

- 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 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 North Central Cumberland Land Use Plan (2011), the subject property is designated as Low Density Residential, which is intended for residential properties having a density of 2.2 to 6 units/acre, as shown within Exhibit "E". The Low Density Residential designation, in the North Central Land Use Plan, calls for associated zoning districts of R15 and R7.5. **Request is not consistent with the adopted land use plan.** Approval of this zoning request will require a change in future land use classification.

**APPLICABLE PLAN GOALS/POLICIES:**

- Provide a complete range of residential housing types and locations that are limited in density and sustained by adequate infrastructure (highways, water, sewer, community facilities & services), that provides flexibility for creative residential development; that accommodates the present and future needs of the residents; and preserves the agricultural economy and resources, the environment, open space and rural character.



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

**UTILITIES:** PWC water and sewer lines are available along the frontage of Slocomb Road. It is the applicant's responsibility to determine if this utility will serve their development. Sanitary Sewer is provided to this area by Cumberland County Public Utilities through the Kelly Hills/Slocomb Road Water and Sewer District. Utilities for water and sewer are shown on Exhibit "C".

**TRAFFIC:** According to the Fayetteville Area Metropolitan Planning Organization (FAMPO), the subject property sits on Slocomb Rd and is identified as a local road in the Metropolitan Transportation Plan. There are no roadway construction improvement projects planned and the subject property will have no significant impact on the Transportation Improvement Program. In addition, Slocomb Rd has a AADT of 1,600 and no road capacity data. Due to lack of data and the small scale, the new zoning request does not demand a trip generation. **The new development should not generate enough traffic to significantly impact Slocomb Rd.**

**SCHOOLS CAPACITY/ENROLLMENT:**

School	Capacity	Enrollment
Long Hill Elem	516	413
Pine Forest Mid	804	791
Pine Forest High	1712	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 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:** This is a conventional zoning and there are no conditions at this time.

**CODE DEVIATIONS:** No deviations have been identified.

#### **STAFF RECOMMENDATION**

In Case ZON-21-0020, the Planning and Inspections staff **recommends approval** of the rezoning request from PND Planned Neighborhood Development District to the RR Rural Residential District. Staff finds the request is not consistent with the North Central Cumberland Land Use Plan which calls for Low Density Residential at this location. However, staff finds:

- a. Approval is an amendment to the adopted, current North Central Cumberland Land Use Plan and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request.
- b. The request would allow minimum lot sizes that are above what the land use plan calls for.
- c. The request is reasonable and in the public interest because the RR Rural Residential District would allow residential uses at a density that would be compatible and in harmony with the surrounding land use activities and zoning.

Attachments:

Notification Mailing List



## ATTACHMENT – MAILING LIST

I  
ALVARADO, SAMUEL  
246 LONGHILL DR  
FAYETTEVILLE, NC 28311

ALFORD, CC  
496 SLOCOMB RD  
FAYETTEVILLE, NC 28311

BRADLEY, ROSE E  
433 DEROSE DR  
FAYETTEVILLE, NC 28311

CAPE FEAR RIVER HOLDINGS LLC  
505 FORSYTHE ST  
FAYETTEVILLE, NC 28304

CITY OF FAYETTEVILLE  
955 WILMINGTON RD  
FAYETTEVILLE, NC 28301

COLE, STACY O  
513 PARLIAMENT LAND  
NEWPORT NEWS, VA 23608

CUMBERLAND COUNTY SHRINE  
CLUB HOLDING CORPORATION  
PO BOX 556  
FAYETTEVILLE, NC 28302

CURRIE, WILLIAM C; ELIZA J; &  
WILLIAM B  
163 LOFTON DR  
FAYETTEVILLE, NC 28311

ELLIOTT, FRANKLIN DRAKE; & FLORA  
260 LONGHILL RD  
FAYETTEVILLE, NC 28311

ELLIOTT, JAMES D  
445 SLOCOMB RD  
FAYETTEVILLE, NC 28311

ELLIOTT, SAMUEL W  
1015 LANDAU RD  
FAYETTEVILLE, NC 28311

ELLIOTT, SHANISE ANN  
5402 HAMPTON RD  
FAYETTEVILLE, NC 28311

EVANS, CHARLES;& SHIRLEY  
7057 EVANS HARRIS LN  
FAYETTEVILLE, NC 28311

FANN, YVONNE  
513 FARM ST  
WADLEY, GA 30477

FARMER, DWAYNE;& PAMELA E  
548 HILLIARD DR  
FAYETTEVILLE, NC 28311

FLEMING, VALERIA  
477 SLOCOMB RD  
FAYETTEVILLE, NC 28311

FOSTER, CONSTANCE R  
488 SLOCOMB RD  
FAYETTEVILLE, NC 28311

HARRIS, JAMES;& SHIRLEY  
7073 EVANS HARRIS LN  
FAYETTEVILLE, NC 28311

HENLEY, MICHAEL WAYNE;&  
MARILYN CHERYL  
1238 ANDREWS RD  
FAYETTEVILLE, NC 28311

HINES, G;& WIFE  
2017 TRINITY AVE  
BARSTOW, CA 92311

JOHNSON, JAMAUL;& JACINTA  
1384 JOSSIE ST  
FAYETTEVILLE, NC 28311

LOFTIN, LEONZA LIFE ESTATE;&  
WILLIE E LIFE ESTATE  
491 SLOCOMB RD  
LINDEN, NC 28311

LUCKY MMMM VENTURE LLC  
13021 BAYBRIAR DR  
RALEIGH, NC 27613

MCCLENDON, DONALD;& SAMANTHA  
492 SLOCOMB RD  
FAYETTEVILLE, NC 28311

MCKETHAN, CALLIE  
496 SLOCOMB RD  
FAYETTEVILLE, NC 28311

O&I REAL ESTATE LLC  
378 SLOCOMB RD  
FAYETTEVILLE, NC 28311

OLDHAM, GERALD  
169 LOU DR  
FAYETTEVILLE, NC 28311

PENNE, JOHN H.  
468 SLOCOMB RD  
FAYETTEVILLE, NC 28311

PERFECTING THE SAINTS  
MINISTRIES INC  
PO BOX 9399  
FAYETTEVILLE, NC 28311

RAY, DOROTHY JEAN  
226 LONGHILL DR  
FAYETTEVILLE, NC 28311

SPENCE, REBECCA JOYNER  
3322 DECILLION RD  
EASTOVER, NC 28312

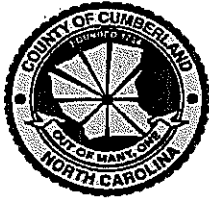
TEW, CLARENCE;& JANICE  
6136 LOCHVIEW DRIVE  
FAYETTEVILLE, NC 28311

WHITE, BRIAN L  
PO BOX 1206  
HARRISBURG, NC 28075

WHITE, JERRY L;& DORIS M  
245 LONGHILL DR  
FAYETTEVILLE, NC 28311

WILLIAMS, AMOS  
4602 S 55TH ST APT 59  
TACOMA, WA 98409

WILLIAMS, LARRY  
261 KINGS CREEK DR 104  
FAYETTEVILLE, NC 28311



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

CASE #: ZON-0021-20

PLANNING BOARD  
MEETING DATE: 11/16/21

DATE APPLICATION  
SUBMITTED: \_\_\_\_\_

RECEIPT #: \_\_\_\_\_

RECEIVED BY: \_\_\_\_\_

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

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

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

**Rezoning Procedure:**


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

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

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**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 PLD to RR
2. Address of Property to be Rezoned: 412 Slecomb Rd Fay, NC 28311
3. Location of Property: South of Slecomb Rd east of Longhill Dr.
4. Parcel Identification Number (PIN #) of subject property: 0542-40-8850  
(also known as Tax ID Number or Property Tax ID) 0542-50-0800
5. Acreage: 1.81 Frontage: 367 Depth: 224
6. Water Provider: Well: \_\_\_\_\_ PWC:  Other (name): other
7. Septage Provider: Septic Tank \_\_\_\_\_ PWC \_\_\_\_\_ 
8. Deed Book 10403, Page(s) 615, 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.

Wilbert Lee Elliott Jr.  
NAME OF OWNER(S) (PRINT OR TYPE)

217 Longhill Dr. Fayetteville NC 28311  
ADDRESS OF OWNER(S)

910-308-1118  
HOME TELEPHONE #

910-584-2469  
WORK TELEPHONE #

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

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

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

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

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

W. Lee Elliott Jr.  
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  
 CUMBERLAND COUNTY NC  
 J. LEE WARREN, JR.  
 REGISTER OF DEEDS  
 FILED Nov 06, 2018  
 AT 01:26:06 pm  
 BOOK 10402  
 START PAGE 0615  
 END PAGE 0616  
 INSTRUMENT # 32820  
 RECORDING \$26.00  
 EXCISE TAX (None)  
 AH

Prepared By and Return To: Attorney Steve Bunce  
 Return: Wilbert Elliott  
 Without Title Examination or Tax Advice

File #46157-18

Revenue Stamps \$None

Tax Pin Number: 0542-40-8784

**NORTH CAROLINA**

**GENERAL WARRANTY DEED**

**CUMBERLAND COUNTY**

THIS DEED made and entered into this 16th day of October, 2018, by and between **Wilbert Lee Elliott, Sr.** also known as **Wilbert Lee Elliott and wife, Dessie F. Elliott**, hereinafter called "Grantor," whose mailing address is 8640 Tangletree Drive, Linden, NC 28356 and **Wilbert Lee Elliott, Jr.**, whose mailing address is 217 Long Hill Drive, Fayetteville, NC 28311, hereinafter called "Grantee".

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

**WITNESSETH:**

The Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple (with the exceptions hereinafter stated, if any), all the certain tract or parcel of land situated in the City of Cumberland in Carvers Creek Township, Cumberland County, North Carolina, and more particularly described as follows:

**BEGINNING** at a stake in the Southern margin of the Slocumb Road at a point 94.4 feet Northeast of the intersection of said Slocumb Road with Beck Branch, said point being also the intersection of the Eastern margin of a twenty-foot road with the Southern margin of the aforesaid road; thence with the said Eastern margin of the twenty-foot road South 29 degrees 45 minutes West 230.5 feet; thence North 62 degrees 40 minutes East 200 feet; thence North 29 degrees 45 minutes West 230.5 feet to a stake in the Southern margin of Slocumb Road South 62 degrees 40 minutes West 200 feet to the beginning.

For history of Title, see Book 3260, Page 765 of the Cumberland County Registry. See also Book 510, Page 307 of the Cumberland County Registry.

This property does not include the primary residence of the Grantor(s).

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

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, if any.

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

- a. County and/or Municipal Zoning Ordinances, Rules and Regulations.
- b. Restrictive Covenants, Easements and Rights of Way of record.
- c. Ad Valorem Taxes.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands, the day and year first above written.

Wilbert Lee Elliott, Sr.  
 Wilbert Lee Elliott, Sr. also known as Wilbert Lee Elliott

Dessie F. Elliott  
 Dessie F. Elliott

STATE OF NORTH CAROLINA

COUNTY OF CUMBERLAND

I certify that the following person(s) personally appeared before me this day each acknowledging to me that he or she signed the foregoing document: Wilbert Lee Elliott, Sr. also known as Wilbert Lee Elliott and Dessie F. Elliott

Date: 11/6/2018

Willie King  
 Notary Public Signature

Willie King  
 Printed Name of Notary Public

My Commission Expires: 8-30-2019

(N.P. SEAL)

**Location:** 4176 Legion Road  
**Jurisdiction:** Hope Mills

<b>REQUEST</b>	<b>Rezoning R10 to C(P)/CZ</b>
----------------	--------------------------------

Applicant requests a rezoning from R10 Residential District to C(P) Planned Commercial District/CZ Conditional Zoning District for Motor Vehicle Repair within a maximum of three-bay, 1700 sq. ft. building on approximately 0.57 +/- acres located at 4176 Legion Road. Location of the subject property is illustrated in Exhibit "A". This rezoning would allow a change in use from the existing single-family residence to the proposed vehicle repair service activity. This is a conditional rezoning with use and development conditions and a site plan (Refer to Exhibit "F").

<b>PROPERTY INFORMATION</b>
-----------------------------

**OWNER/APPLICANT:**

The John R. McAdams Company, Inc. (agent) on behalf of Roger and Pamela Bedsole (owners)

**ADDRESS/LOCATION:** Located at 4176 Legion Road. Refer to Exhibit "A", Site Location. REID number: 0424096174000.

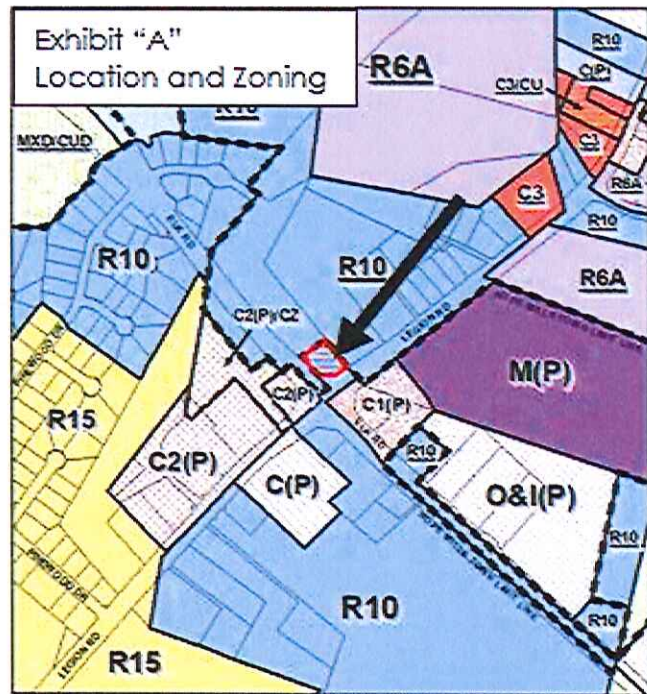
**SIZE:** 0.57 +/- acres within one parcel. The property has approximately 157 +/- feet of street frontage along the northeast side of Elk Road, approximately 133 +/- feet of street frontage along the northwest side of Legion Road. The property has a depth of approximately 188 feet.

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

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

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

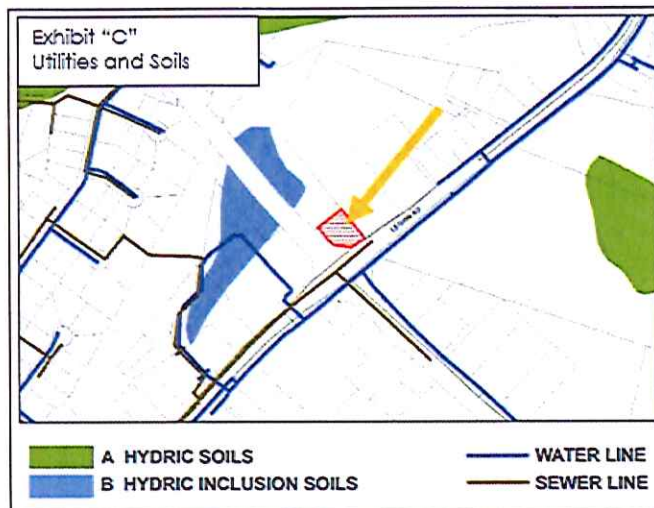
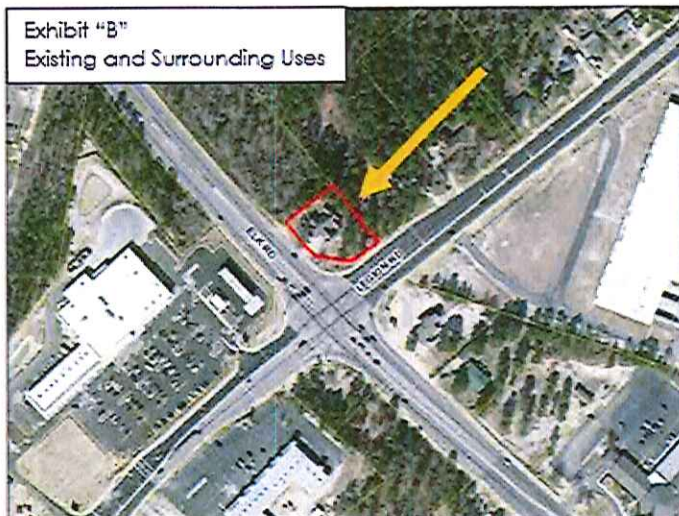
- North:** The properties direct to the north of the subject site are primarily wooded and zoned R10. Approximately 730 feet to the north is the Pinewood Lakes Subdivision, zoned R10.
- East:** The parcels abutting to the east are occupied by single-family residences on lots zoned R10. On the south side of Legion Rd is the Elk Yarn Mills Plant, housing multiple commercial/industrial uses, on property zoned M(P).
- West:** West of Elk Rd is a Walmart, zoned C2(P) and C2(P)/CZ. Further west is the Pinewood Lake subdivision, with lots zoned R10 and R15.





**South:** South of the subject site, across Legion Rd, is a commercial property zoned C1(P). Across the intersection is a commercial plaza, zoned C(P). It is buffered from Elk Rd by vacant lots zoned R10.

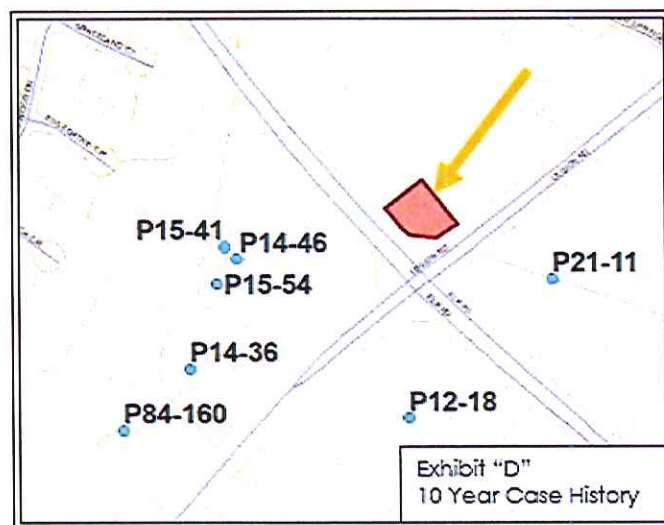
**OTHER SITE CHARACTERISTICS:** The site is not located in a Watershed or a Special Flood Hazard Area according to the County Engineering Department. The subject property, as delineated in Exhibit "C", illustrates no presence of hydric or hydric inclusion soils.



**TEN YEAR ZONE CASE HISTORY:**

Exhibit "D" denotes the location of the area zoning case history described below

- **P12-18:** R10, C1(P), and C(P) to C(P); **Approved;** 4.01 acres
- **P84-160:** Initial to C2(1P) & R5A; **Approved R15;** 7.00 acres
- **P14-36:** R15 & R10 to C2(P); **Approved;** 8.59 acres
- **P14-46:** Initial to C2(P); **Initial Zoning Failed;** 2.86 acres
- **P15-41:** Initial to C2(P); **Denied;** 2.86 acres
- **P15-54:** Initial to C2(P)/CZ; **Approved;** 2.86 acres
- **P21-11:** C(P), R10, & M(P) to C1(P)); **Approved;** 2.54 acres



**DEVELOPMENT REVIEW:** Subdivision review by the Planning & Inspections Department will be required prior to any division of land. County staff have reached out to Hope Mills staff and have received no comment.

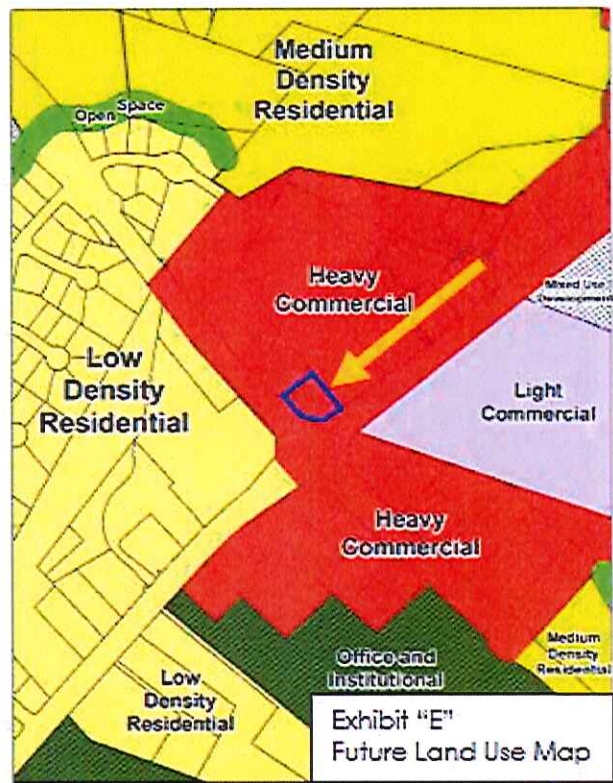
**DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:**

Minimum Standard	R10 (Existing Zoning)	C(P) (Required)	C(P)/CZ (Proposed)
Front Yard Setback	30 feet	50 ft or 80 feet from the street center line.	20 feet from ROW
Side Yard Setback	10 feet: 1 story, 15 feet: 2 story	30 feet	15 feet
Rear Yard Setback	35 feet	30 feet	15 feet
Lot Area	7,500 sq. ft.	No minimum	N/A
Lot Width	75'	N/A	N/A

**COMPREHENSIVE PLANS:** This site is located within the Southwest Cumberland Land Use Plan (2013), designated Heavy Commercial, as shown in Exhibit "E". The Heavy Commercial designation is intended to provide a wide variety of retail, wholesale and commercial businesses. The associated zoning district for the Heavy Commercial classification is C(P). **Request is consistent with the adopted land use plan.**

**APPLICABLE PLAN GOALS/POLICIES:**

- Concentrate regional and community oriented commercial development in nodes at major intersections.)
- Commercial development must be constructed so as not to impact the privacy of residential areas on the ground or by air (height).
- All commercial development (with the exception of Rural Area Center) shall be required to have public or community water and sewer.
- Traffic and parking generated by commercial activities should be oriented away from residential areas.



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

**UTILITIES:** PWC water and sewer are available along the frontage of Legion Road. It is the applicant's responsibility to determine if this utility will serve their development. Utilities for water are shown on Exhibit "C".

**TRAFFIC:** According to the Fayetteville Area Metropolitan Planning Organization (FAMPO), the subject property sits on Legion Road and is identified as a minor arterial in the Metropolitan Transportation Plan. There are no roadway construction improvement projects planned and the subject property will have no significant impact on the Transportation Improvement Program. In addition, Legion Rd has a AADT of 17,000 and road capacity of 38,100. Due to lack of data and the small scale, the new zoning request does not demand a trip generation. **The new development should not generate enough traffic to significantly impact Legion Road.**

**SCHOOLS CAPACITY/ENROLLMENT:**

School	Capacity	Enrollment
Ed Baldwin Elem	638	595
South View Mid	847	648
South View High	1871	1400

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

**EMERGENCY SERVICES:** County staff have solicited comments from the Hope Mills Fire Marshal and have received none in return.

**SPECIAL DISTRICTS:** The property is not located within five miles of Fort Bragg Military Base. The subject site is located within the Fayetteville Regional Airport Overlay District. County staff have solicited comments from the Director of the Fayetteville Regional Airport and have received none in return.

**CONDITIONS OF APPROVAL:** As the rezoning request is for Conditional Zoning, Exhibit "F" includes conditions and site plan 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's explanations for the requested code deviations are found in Exhibit "G". Below is a summary of the major deviations requested by the applicant and appearing on the site plan.

a. *Setbacks.* Code requires a minimum front yard setback of 50 feet, site plan provides 20 feet. Sides yard setback minimum is 30 feet, site plan provides 15 feet. Rear yard setback minimum is 30 feet, site plan provides 15 feet.

b. *Signs.*

- o Code allows maximum of one ground sign, site plan proposes two freestanding signs.
- o Applicant requests freestanding signs to be setback 5 feet instead of the Code-required minimum of 10 feet.
- o Applicant proposes each freestanding sign to be a maximum of 100 square feet for a total of up to 200 square feet for the proposed two freestanding signs; the code only allows a maximum of 100 square feet for freestanding sign .
- o Applicant proposed four wall signs but Code allows only one wall sign for the site.

c. *Landscape buffers.* Code requires a minimum 10-foot wide buffer along street, site plan provides an 8-foot wide buffer.

#### **STAFF RECOMMENDATION**

In Case ZON-21-0023, the Planning and Inspections staff **recommends approval** of the rezoning request from R10 Residential District to the C(P) Planned Commercial District/CZ Conditional Zoning District. Staff finds the request is consistent with the Southwest Cumberland Land Use 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) Planned Commercial District/CZ Conditional Zoning District would allow commercial uses at an intensity that would be compatible and in harmony with the surrounding land use activities and zoning.

Attachments:  
Notification Mailing List

**EXHIBIT "F"**  
**DRAFT CONDITIONS OF APPROVAL**  
*Case: ZON-21-0023*

**C(P) PLANNED COMMERCIAL/CZ CONDITIONAL ZONING DISTRICT**  
**MOTOR VEHICLE REPAIR WITHIN A 1700 SQ. FT BUILDING**

**DRAFT**

**Ordinance Related Conditions**

REID: 0424096174000 Acres:0.57 +/-

**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.
2. A Landscape Plan shall be submitted to and approved by the Town of Hope Mills planning department prior to any site clearing or grading or construction activity.

**Permit-Related:**

3. 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.
4. 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.
5. Connection to public water and sewer is required, the Public Works Commission (PWC) must approve water and sewer plans prior to application for any permits. A copy of the PWC approval must be provided to the Hope Mills Inspections Department/Planning Department at the time of application for building/zoning permits. (Section 86A-406 (1), Public Water and Sewer Systems Hope Mills Subdivision Ordinance)
6. 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.
7. 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.
8. A Certificate of Occupancy will not be issued until the Hope Mills Stormwater Department inspects the site and certifies that it has been developed in accordance with the approved drainage plans.
9. A *Certificate of Occupancy* will not be issued until the Town Planner inspects the site and certifies that the site is developed in accordance with the approved plans.
10. The developer must obtain a driveway permit from the Hope Mills Street Department and NC Department of Transportation (NCDOT). 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 NCCDOT Division 6 / District 2 office at the numbers listed on the bottom of this conditional approval.

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

**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:**

11. Use of the property is approved for indoor motor vehicle repair uses and is subject to the Conditional Use Site Plan appearing in Exhibit "A". All uses occurring on the subject site and other related provisions of the Hope Mills Subdivision Ordinance and Zoning Ordinance for the C(P) zoning district must be complied with, as applicable, unless otherwise set forth in this conditional use ordinance.
12. All corner lots and lots fronting more than one street must provide front yard setbacks from each street consistent with the site plan appearing in Exhibit "A" unless otherwise approved in the site plan appearing in Exhibit "A". Where the standards set forth herein differ from the Zoning Code, this conditional use ordinance shall supersede.
13. 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.)
14. The small stream standards set forth in Section 42-133, Hope Mills Flood Damage Prevention Chapter, shall be complied with during construction and upon completion of development within this subdivision as enforced by the Hope Mills Stormwater Department.
15. "Elk Road" must be labeled as "SR NC162" and "Legion Road" must be labeled as "SR 1132" on all future plans.
16. Curbs and gutters must meet the NC Department of Transportation's (NCDOT) standards and specifications. Rolled concrete curb, if required, must not be less than 24 inches in width. (Section 86A-404(16) (b) (3), Curbs and Gutters, Hope Mills Subdivision Ordinance)
17. A drainage permit from the Town of Hope Mills Stormwater Department is required for any development or redevelopment that will construct, alter, repair, relocate, or demolish any storm sewer natural watercourse, or other drainage facility. The standards used for the design and construction of all stormwater drainage structures and/or stormwater BMP facilities shall be in accordance with the "Town of Hope Mills Stormwater Design Standards", the Design Manual, and shall be subject to the requirements of Chapter 67 Article III.
18. 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)
19. The owner/developer shall secure and maintain any on-site detention/retention basin required by the Town or NCDEQ, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation.
20. Turn lanes may be required by the Hope Mills Street Department and NC Department of Transportation (NCDOT).

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

21. A solid buffer must be provided and maintained along the northeast property line where this tract/site abuts 4164 Legion Road in accordance with the provisions of Section 102A-1202(g), Buffer Requirements, Hope Mills Zoning Ordinance unless otherwise approved within the site plan appearing in Exhibit "A". (Note: Chain link fencing cannot be used to satisfy the buffer requirement.)
22. All dumpster, garbage, and utility areas shall be located on concrete pads and screened on a minimum of three sides.

23. All required off-street parking spaces shall be a minimum of 9' x 20' and shall be surfaced, with a permanent material such as asphalt or concrete, and striped prior to application for the building final inspection. A minimum of 8 off-street parking spaces is required for this development. (Section 102A-1302, Off-street parking, Hope Mills Zoning Ordinance.)
24. 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.

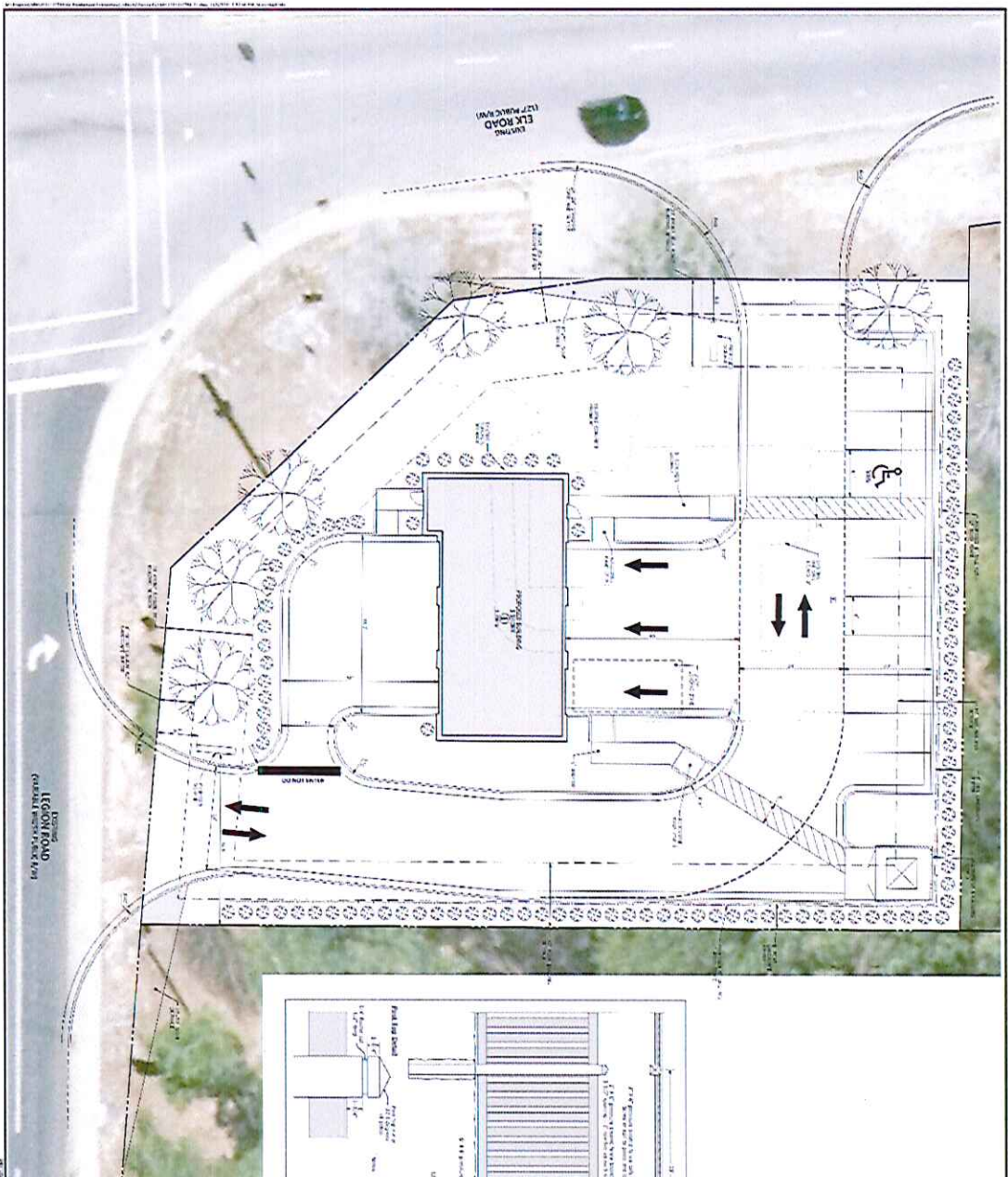
**Advisories:**

25. 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.
26. 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.
27. 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.
31. Cross access easements should be considered and provided for connection to abutting properties.

**Other Relevant Conditions:**

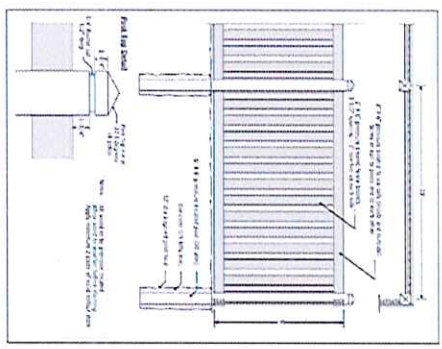
28. This conditional approval is contingent upon continued compliance with the Town's Subdivision and Zoning Ordinance and the site plan appearing in Exhibit "A".

**EXHIBIT "A" (OF EXHIBIT "F"), CONDITIONAL ZONING  
Conditional Zoning Site Plan (Case ZON-21-0023)**



**GENERAL NOTES:**

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE INTERNATIONAL PLUMBING CODE (IPC).
2. ALL UTILITIES SHALL BE DEPTH MARKED AND PROTECTED.
3. ALL EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED.
4. ALL EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED.
5. ALL EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED.
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10. ALL EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED.



**REVISIONS**

NO.	DATE	DESCRIPTION
1	11/11/2011	ISSUED FOR PERMIT

**PLAN INFORMATION**

PROJECT NO. 20110101  
 DATE 11/11/2011  
 DRAWN BY J. H. HARRIS  
 CHECKED BY J. H. HARRIS  
 SCALE 1/8" = 1'-0"

**SHEET**

**E1**

**SITE EXHIBIT**

**STRICKLAND BROTHERS**  
**OIL CHANGE**  
**ZONING EXHIBIT**  
 HOPE MILLS, NC

**McADAMS**  
 REAL ESTATE  
 REAL ESTATE



# EXHIBIT "G"

## Explanation of Code Deviations



CONDITIONAL ZONING STATEMENT > N3 REAL ESTATE

October 15, 2021

Chancer McLaughlin  
Development & Planning Administrator  
5770 Rockfish Road  
Hope Mills, North Carolina 28346

Property Information:

Address: 4176 Legion Road, Hope Mills, NC 28348  
PIN: 0424-09-6174  
Acreage: .57

Current Zoning: R10

Proposed Zoning: C(P)/ CZ

Reason for Conditional Zoning:

The size of the property to be developed is too small to adhere to the C(P) setbacks. We are requesting Conditional Zoning to allow for revised setbacks and signage requirements that serves the property and function of the proposed oil change business at the corner of Legion Road and Elk Road.

The property is an irregular shaped corner lot with a chamfered corner. See site plan and application for dimensions.

The proposed use is in line with the Town of Hope Mills Proposed Land Use Plan for zoning heavy commercial.

The proposed business, Strickland Brothers Oil Change, has a brand identity with signage helping impart services available. Signage package will be by others.

Deviation from existing zoning:

Hope Mills Zoning Ordinance, Sec. 102A-1204. District Dimensional Provisions

C(P) Setbacks:

Minimum Lot & Building Street Setback:

- There are building setback requirements for nonresidential uses in C(P) zoning districts.
  - Front: From R/W line: 50', From Street Centerline: 80'
  - Side: 30'
  - Rear: 30'

- Side yard exception. In the C(P) planned local business district where the lot has a width of 150 feet or less at the front yard setback line, the minimum side yard width requirements shall apply only to one side if the opposite side is also zoned for commercial or industrial uses.

Conditional Zoning Proposed:

Front: 20' Building, 8' Landscaping Buffer  
Street Side: 20' Building, 8' Landscaping Buffer  
Side: 15' Building, 6' Landscaping Buffer  
Rear: 15' Building, 6' Landscaping Buffer

Hope Mills Zoning Ordinance, Sec. 102A-1406 (b)(3) a,b, Signs Permitted by District C(P) Signage:

(3) C2(P) planned retail and service district and C(P) planned commercial district. Except for billboards (off-premises) signs which are regulated by Section 102A-1407, signs in the C2(P) and C(P) districts shall be regulated as follows:

a. Sites with no more than two occupants may have one freestanding sign.

This sign shall have a maximum size of 100 square feet in area. Sites with more than two occupants but less than ten occupants may have two freestanding signs. Each sign shall have a maximum size of 100 square feet in area. Sites with more than ten occupants may have two freestanding signs, each with a maximum size of 100 square feet in area; or one freestanding sign with a maximum size of 200 square feet in area. Sites with more than ten occupants may have an additional ten square feet of freestanding sign area for each occupant over ten, with a total maximum freestanding sign area not to exceed 400 square feet. On corner lots, one additional freestanding sign is allowed on the side street frontage, not to exceed 100 square feet in area. Freestanding signs shall be located in accordance with the criteria found in Sec. 102A-1405.

b. One attached sign is allowed per occupant, not to exceed two square feet in area for each front foot of structure that the occupant occupies. In the event a strip shopping center is designed in such a manner that the end unit or end units front the right-of-way and the store front faces an internal parking lot, the end unit or end units may place one additional attached sign on the side facing the right-of-way, provided that the overall combined square footage of the attached signs do not exceed two square feet in area for each front foot of the structure that the occupant occupies. On sites where a canopy exceeds the building size, the canopy size may be used to determine the permitted attached sign area. Attached signs may be placed on any side of the building.

Proposed Signage:

Detached Signage

2 Freestanding Signs not to exceed 100 square feet each, request setback reduction to 5'

Attached Signage- Franchise Standard

225 square feet Total per Street Facing Elevation

Attached signage square footage allowance to be allotted by need to the following:

3 Attached Logo Signs (1 Legion Rd., 1 Elk Rd., 1 Interior)

1 Attached Building Sign

6 Banner Signs at Work Bays

Thank you for the opportunity to submit these conditions for your review.

Stan Wingo

Sincerely,  
MCADAMS



Stan Wingo, AICP, LEED GA  
Director, National Brands

October 25, 2021

Aaron Calloway  
Town of Hope Mills/Cumberland County  
5770 Rockfish Road  
Hope Mills, North Carolina 28346

**Re: Rezoning Justification – 4176 Legion Road**

Dear Mr. Calloway,

We are writing this memo of justification to request the rezoning of 0.57 acre on the NW corner of Legion Road and Elk Road (4176 Legion Road) from R-10 Residential to C(P)-CZ - Planned Commercial Conditional. We propose the rezoning of this parcel on behalf of our clients, N3 Real Estate. The current zoning designation on the property restricts redevelopment of the site and we propose C(P)-CZ Commercial as a more flexible district.

The Town of Hope Mills Proposed Land Use Plan designates this area as Heavy Commercial. It is our understanding that the intent of this district is to promote commercial development along major thoroughfares with a focus on service-oriented retail and convenience goods. The proposed use falls within this use category and aligns with the proposed land use plan. Residential land uses on this corner parcel are no longer viable due to the high level of vehicular traffic, widening/right-of-way expansion, and continued commercial focus along this corridor.

Due to the size of the parcel and aforementioned right-of-way expansion the site is currently not viable for redevelopment without flexibility through Conditional Zoning. Based on discussion with Town staff we respectfully request the following conditions:

- Proposed front setback minimum of 20ft.
- Proposed streetscape planting width minimum of 8ft.
- Two freestanding signs (one per street frontage).
- Allowance of wall signage facing both street frontages.
- Perimeter buffer of 8ft. with wooden privacy fence.

The primary land uses in the surrounding area are a mix of commercial tenants, including several auto-oriented commercial uses within close proximity. A convenience store with fuel sales is located directly across Elk Road from the subject property. An auto dealership is located across Legion Road, with several other retail and commercial service uses in close proximity. Amending the zoning classification on the subject property will allow for flexibility to redevelop the site to a new commercial use that will be compatible with the surrounding area.

Based on consistency with the Town Future Land Use plan and compatibility with adjacent land uses we feel the rezoning of this property to C(P)-CZ Planned Commercial is a more appropriate zoning classification and would promote the redevelopment of this site. The conditions proposed will allow for the development of the site with safe vehicular circulation, adherence with ADA compliance and minimum parking standards.

We appreciate your correspondence on our initial submittal; should you have any questions or require further information please do not hesitate to reach out.

Sincerely,  
**MCADAMS**



Stan Wingo, AICP, LEED GA  
Director, National Brands

October 27, 2021

Chancer McLaughlin  
Development & Planning Administrator  
5770 Rockfish Road  
Hope Mills, North Carolina 28346

Property Information:

Address: 4176 Legion Road, Hope Mills, North Carolina 28348  
PIN: 0424-09-6174  
Acreage: .57

Current Zoning: R10

Proposed Zoning: C(P)/ CZ

Reasons for Conditional Zoning:

To further clarify the need for the deviations from the code for the development of this property, please see below:

- The adjoining properties have not been annexed into the Town of Hope Mills and this parcel is an "island site."
- The current zoning R10 Residential, is not a current Zoning District in the Town of Hope Mills Zoning Ordinance.
- Map 67 Town of Hope Mills Proposed Land Use Plan shows the Long -Term use as Heavy Commercial and will need to be rezoned to be consistent with the Proposed Land Use Plan. The proposed C(P) rezoning allows the property to be **developed "to cater to the ordinary shopping needs of the immediate neighborhood with emphasis on convenience goods" (Section 102A-302(c)(1), Town of Hope Mills Zoning ordinance). The requested deviations allow for the development of the property that will result in a business that serves the public purpose.**
- This is a small site, 0.58 acres with frontage on 2 streets, Legion Road and Elk Road, with a mitered corner at the intersection. The double street frontage with the typical street setbacks, 50 feet from both streets, and 30-foot side and rear setbacks, leaves a small area for a building area making a layout and traffic circulation difficult depending on the proposed use.

- There are also perimeter landscape buffer requirements and streetscape requirements that limit the developable area.
- The proposed street setback reduction from typical C(P) setbacks of 50 feet to the proposed 20 feet allows greater flexibility for building location and onsite traffic flow. Without this reduction, the proposed building would encroach into the building setbacks of Elk Road and the mitered intersection.
- The proposed streetscape landscape reduction from 10 feet to 8 feet allows for traffic circulation departing the service bays.
- Since this is a corner location, two free standing signs are requested, one along each road, where the ordinance allows one sign for the site.
- An increase in wall signage is requested to allow building identification signs oriented to both streets and banner signs to direct traffic into the service bays.
- The reduction in perimeter buffer from 20 feet to 8 feet with a solid wood fence finished on both sides is to provide traffic aisles, parking and dumpster location. The proposed parking would be located adjacent to the NCDOT parcel and not the residential parcel. The dumpster would be located in the northeast corner of the site, away from street view and screened.

Thank you for the opportunity to submit these conditions for your review.

Stan Wingo

Sincerely,

**MCADAMS**



Stan Wingo, AICP, LEED GA  
Director, National Brands

ATTACHMENT – MAILING LIST

I  
BEDSOLE, ROGER M JR;& PAMELA S  
4176 LEGION RD  
HOPE MILLS, NC 28348

AGREE HOPE MILLS NC LLC  
PO BOX 8050-0555  
BENTONVILLE, AR 70716

CE PROPERTIES LLC  
PO BOX 715  
HOPE MILLS, NC 28348

COFFMAN, DAVID LEE  
4251 LEGION RD 103  
HOPE MILLS, NC 28348

DOVE, MYRON KENT; JUDY;  
JOHN D JR; GAIL;& KIMBERLY MCGILL  
TRUSTEE  
8001 SHILLINGSTONE PL  
RALEIGH, NC 27615

HART, JOHN E; DOLORES HART LEE;  
SHERRY HART HILL  
4164 LEGION RD  
HOPE MILLS, NC 28348

JONES, PAUL RUSSELL III  
4112 LEGION RD  
HOPE MILLS, NC 28348

LEE, DOLORES H  
1220 ROCK SPRINGS DR  
MELBOURNE, FL 32940

LEE, GERALD W HEIRS  
4140 LEGION RD  
HOPE MILLS, NC 28348

LEGION ROSAD INVESTMENTS LLC;  
MURRAY, DAVID C; MURRAY,  
KIMBERLY M; QUEENSWAY LLC  
121 S COOL SPRINGS ST  
FAYETTEVILLE, NC 28301

LUCKY K LLC  
18214 W LISBON LN  
SURPRISE, AZ 85388

MULROONEY, GARY S  
500 EAGLES LANDING  
EAST TAWAKONI, TX 75472

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

RIDDLE, DOROTHY M;& EDWARD R  
4031 ELK RD  
HOPE MILLS, NC 28348

SOUTHVIEW BAPTIST CHURCH OF  
HOPE MILLS INC  
4089 ELK RD  
HOPE MILLS, NC 28348

TOWN OF HOPE MILLS  
5770 ROCKFISH RD  
HOPE MILLS, NC 28348



<b>REQUEST</b>	<b>Rezoning RR and C1(P) to C1(P)</b>
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Applicant requests a rezoning from RR Rural Residential District and C1(P) Planned Local Business District to C1(P) Planned Local Business District for approximately 0.84 +/- acres located at 5254 and 5242 Maxwell Road. This would allow the property to develop into a retail shopping area and other permitted commercial uses. The intent of the applicant is to establish mini-warehousing activity by merging a parcel currently zoned C1(P) and combining it with an abutting parcel currently zoned RR Residential. This is a conventional rezoning, and no conditions are proposed at this time. Both parcels are owned by the applicant. Location of the subject property is illustrated in Exhibit "A".

<b>PROPERTY INFORMATION</b>
-----------------------------

**OWNER/APPLICANT:**  
 William McPhail (owner)

**ADDRESS/LOCATION:** Located at 5254 and 5242 Maxwell Road. Refer to Exhibit "A", Site Location. REID number: 0477717143000.

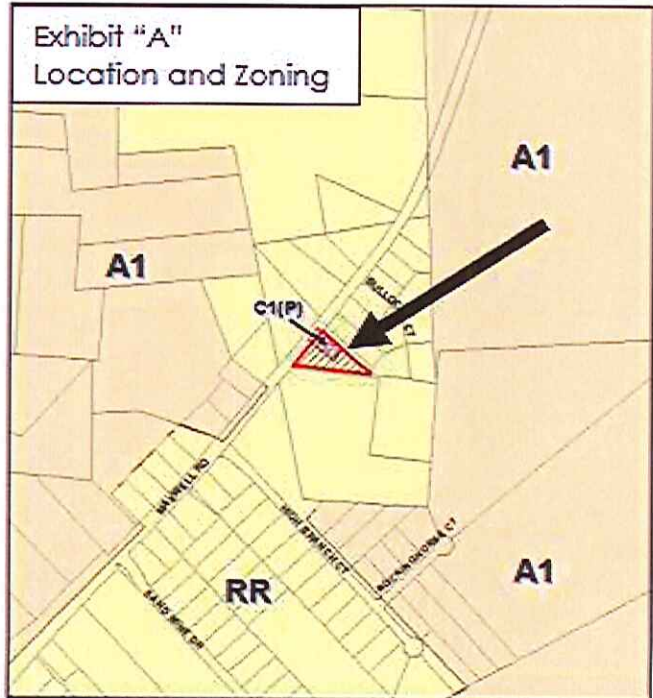
**SIZE:** 0.84 +/- acres within one parcel. The property has approximately 230 +/- feet of street frontage along the southeast side of Maxwell Road. The property has a depth of about 330 feet. Portion of the parcel currently zoned C1(P) contains approximately 0.27 acres, or 32% of the parcel area. The remainder of the parcel that is currently zoned RR contains .57 acres or 24,829 sq. ft.

**EXISTING ZONING:** The property is zoned RR Rural Residential District and C1(P) Planned Local Business District. The RR district is designed for traditional rural use with lots of 20,000 square feet or above. The principal use of the land is for suburban density residential, including manufactured housing units, and agricultural purposes. These districts are intended to ensure that residential development not having access to public water supplies and dependent upon septic tanks for sewage disposal will occur at a sufficiently low density to provide for a healthful environment. The C1(P) district is designed to cater to the ordinary shopping needs of the immediate neighborhood with emphasis on convenience goods. This district is customarily located adjacent to an arterial street and generally surrounded by residential areas.

**EXISTING LAND USE:** The parcel is occupied by a vacant commercial structure which is being demolished. Exhibit "B" shows the existing use of the subject property.

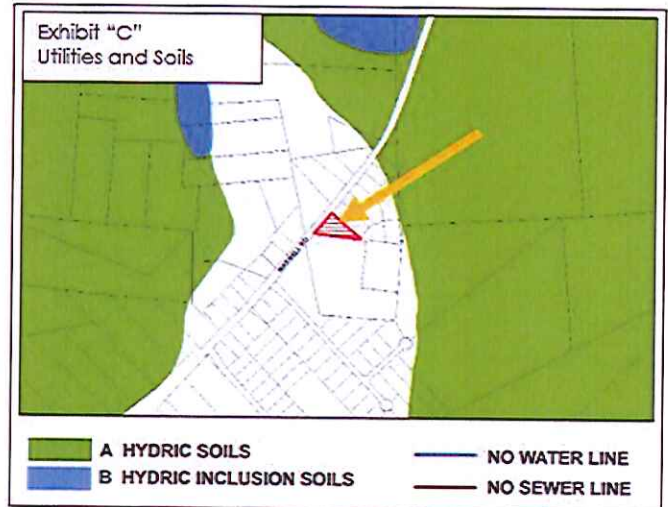
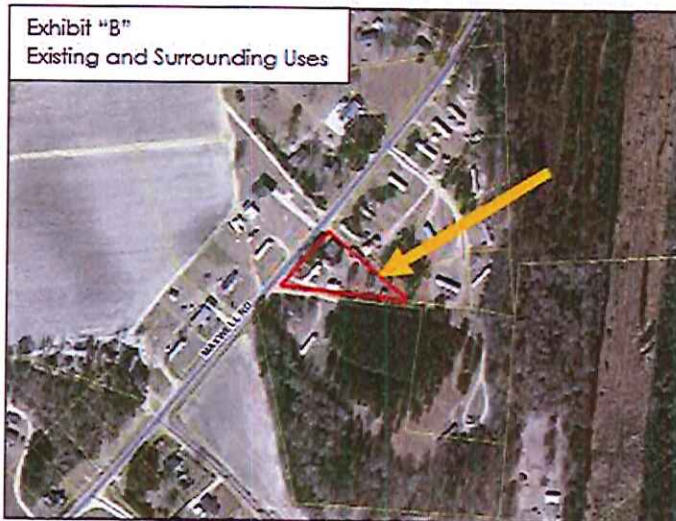
**SURROUNDING LAND USE:** Exhibit "B" illustrates the following:

**North:** Single-family residences and single-wide manufactured homes on properties zoned RR.



- East:** Single-wide manufactured homes on lots zoned RR. Further east are vacant and wooded properties zoned A1.
- West:** West of Maxwell Rd are single and double-wide manufactured homes on lots zoned RR and A1. Further west lots are used for agriculture and zoned A1.
- South:** Directly south is a 7.98-acre lot which is primarily wooded except for on single-wide manufactured home and is zoned RR. Further south is the Colts Ridge subdivision, consisting of double-wide manufactured homes on lots zoned RR and A1.

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

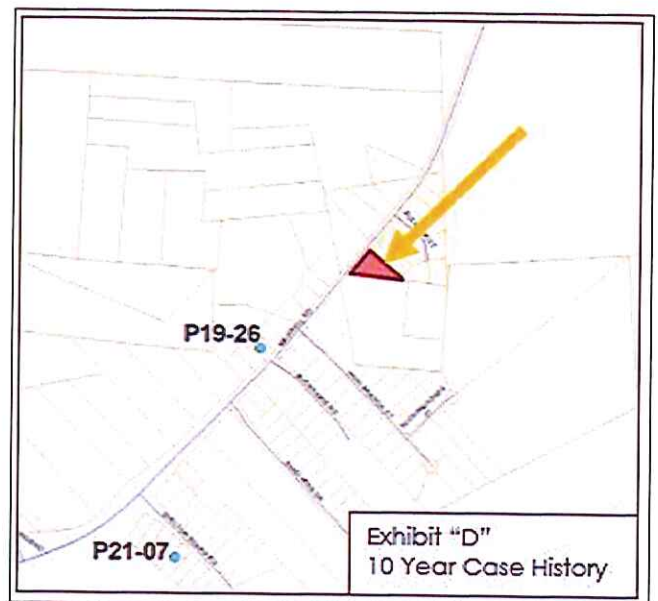


**TEN YEAR ZONE CASE HISTORY:**

Exhibit "D" denotes the location of the area zoning case history described below

- **P19-26:** A1 to RR; **Approved;** 2.53 acres
- **P21-07:** C(P) to RR; **Approved;** 4.26 acres

**DEVELOPMENT REVIEW:** There is an active subdivision case on this property (DEV-0042-21). Its approval will be contingent upon a successful rezoning

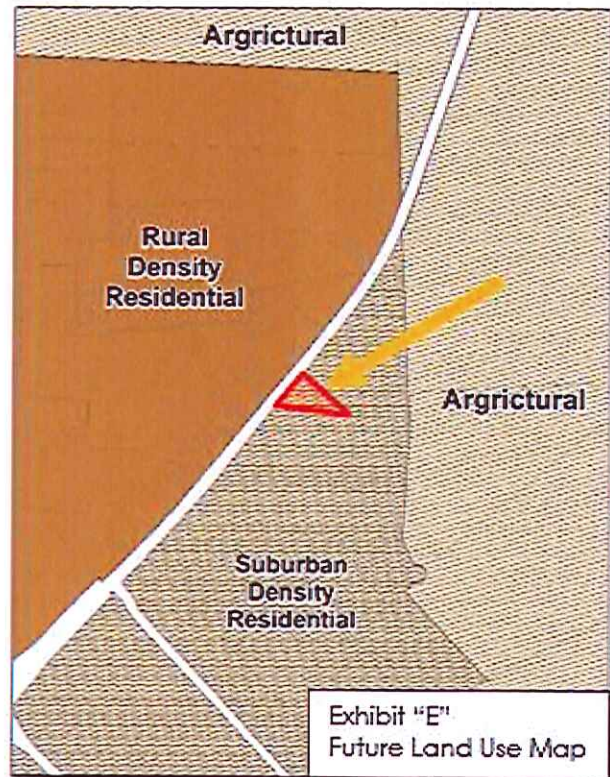


**DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:**

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: 1 story; 15 feet: 2 story	30 feet
Rear Yard Setback	35 feet	30 feet
Lot Area	20,000 sq. ft.	N/A
Lot Width	100'	N/A

Minimum yard setbacks were applied to the triangular portion of the parcel that abuts Maxwell Road and that is zoned RR. Based on this analysis, sufficient developable area exists to accommodate at least a 2,500 sq. ft. foundation for a single-family home with a 50' by 50' width and depth.

**COMPREHENSIVE PLANS:** Located in the Stedman Land Use Plan (2020), the subject property is designated as Suburban Density Residential, as shown within Exhibit "E". Suburban Density Residential is intended to allow for a denser, neighborhood type residential developments with no more than one unit per 20,000 square feet, or approximately 0.46 acres. Septic systems may be utilized based on soil type, lot size, and distance from public sewer. The associated zoning districts for this land use classification are R30, R30A, R20, R20A, RR, CD, R40, and R40A. **Request is not consistent with the adopted land use plan.** Approval of this request will require a change in future land use classification.



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

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

**TRAFFIC:** County staff have solicited for comments from the Mid-Carolina RPO but have received none in return.

**SCHOOLS CAPACITY/ENROLLMENT:**

School	Capacity	Enrollment
Armstrong Elem	441	361
Mac Williams Mid	1164	1076
Cape Fear High	1476	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. Furthermore, submission of building plans drawn to-scale are required for new construction or renovation. For questions, please contact the Fire Marshal's Office at (910) 321-6737.

**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:** This is a conventional zoning and there are no conditions at this time.

**CODE DEVIATIONS:** No deviations have been identified.

#### **STAFF RECOMMENDATION**

In Case ZON-21-0017, the Planning and Inspections staff **recommends denial** of the rezoning request from RR Rural Residential District and C1(P) Planned Local Business District to C1(P) Planned Local Business District. Staff finds the request is not consistent with the Stedman Land Use Plan which calls for Suburban Density Residential at this location. Staff further finds the request is not reasonable and not in the public interest because the C1(P) Planned Local Business District would allow commercial uses at an intensity that would not be compatible, in character, and in harmony with the surrounding land use activities and zoning.

Attachments:  
Notification Mailing List

ATTACHMENT – MAILING LIST

BELL, DONALD E  
4950 HIGH BRANCH CT  
STEDMAN, NC 28391

BAYVIEW LOAN SERVICING, LLC  
4425 PONCE DE LEON BLVD, 5<sup>TH</sup> FL  
CORAL GABLES, FL 33146

BOLICK, ELIZABETH COOK  
4920 HIGH BRANCH CT  
STEDMAN, NC 28391

BROWN, TRACI N; SPINOSA, ROBERT  
630 ROCKINGHORSE CT  
STEDMAN, NC 28391

BULLOCK, HOMER C  
PO BOX 1382  
FAYETTEVILLE, NC 28302

BULLOCK, LINDA FAY  
5353 MAXWELL RD  
STEDMAN, NC 28391

BULLOCK, WAYNE L; & TAMI L  
5259 MAXWELL RD  
STEDMAN, NC 28391

BURROUGHS, SHARI MARIE;  
OTOOLE, KATHLEEN MARIE  
4940 HIGH BRANCH CT  
STEDMAN, NC 28391

CANO, INDALECIO ALEJO;  
ISABEL RAMOS PASCUAL  
5211 MAXWELL RD  
STEDMAN, NC 28391

CHAVIS, ADAM K;  
STACIE SILVA  
4970 HIGH BRANCH CT  
STEDMAN, NC 28391

DAVIS, PHILLIP T  
1702 MIDDLE RD  
EASTOVER, NC 28312

DUNN CAPITAL LLC  
202 W STONEYBROOK CT  
BENSON, NC 27504

FAIRCLOTH, MEGAN COURTNEY  
4961 HIGH BRANCH COURT  
STEDMAN, NC 28391

FINCH, PERRY S; & KIMBERLY B  
1390 BUB SHUMPERT RD  
PELION, SC 29123

FRICK, CINDY L  
5176 MAXWELL RD  
STEDMAN, NC 28391

GIENIEWSKI, BODGAN B; & ROBIN L  
5195 HUMMINGBIRD PL  
FAYETTEVILLE, NC 28312

GUTHARY, BERNETTA  
636 MONAGAN ST  
FAYETTEVILLE, NC 28301

HOLDING, AKEEM M; SMITH-HOLDING,  
CHRISTINA  
5145 MAXWELL RD  
STEDMAN, NC 28391

HOLLOWAY, LORI D  
4930 HIGH BRANCH CT  
STEDMAN, NC 28391

LAMPMAN, CECILE  
4951 HIGH BRANCH CT  
STEDMAN, NC 28391

LEGOTINO, JOSEPH; & LILLIAN F  
621 ROCKINGHORSE CT  
STEDMAN, NC 28391

MATTHEWS, DENTON; MATTHEWS,  
LUNETTE LIFE ESTATE  
5236 MAXWELL RD  
STEDMAN, NC 28391

MCLEOD, SHIRLEY  
4114 DRAUGHON RD  
EASTOVER, NC 28312

MCPHAIL, WILLIAM  
366 CARROLL STORE RD  
AUTRYVILLE, NC 28318

OLIVER, GREGORY C; & SHEILA C  
5285 MAXWELL RD  
STEDMAN, NC 28391

OLIVER, SHEILA B; BULLOCK,  
REBECCA C  
5285 MAXWELL RD  
STEDMAN, NC 28391

OXENDINE, JAMIE R  
4971 HIGH BRANCH CT  
STEDMAN, NC 28391

PERCIVAL LAND & TIMBER LLC  
PO BOX 3610  
ALBANY, GA 31706

PILOT, DARRYL; & SHELISE TSAI  
5159 MAXWELL ROAD  
STEDMAN, NC 28391

RADNOTHY, LOUIS MICHAEL; & ANNE  
KATHERINE  
4528 PORT ELLEN DR  
FAYETTEVILLE, NC 28312

REYNOLDS, JAMES H JR  
620 ROCKINGHORSE CT  
STEDMAN, NC 28391

ROUSSEAU, CHRISTIAN JEANO  
5177 MAXWELL RD  
STEDMAN, NC 28391

SHARP, AMANDA LYNN  
4960 HIGH BRANCH CT  
STEDMAN, NC 28391

SHARPE, BRYAN T;& JAIME J  
4980 HIGH BRANCH CT  
STEDMAN, NC 28391

SPILLERS, MATTHEW;& HALEY R  
5129 MAXWELL ROAD  
STEDMAN, NC 28391

STRICKLAND HOMES OF FAY INC  
PO BOX 2273  
FAYETTEVILLE, NC 28302

VIAN, ROGER D;& LETTIE S  
631 ROCKINGHORSE CT  
STEDMAN, NC 28391

VONCANNON, JOHNNIE;& BETTY  
651 ROCKINGHORSE CT  
STEDMAN, NC 28391

WILSON, JAMES A;& DONNA M  
5117 MAXWELL RD  
STEDMAN, NC 28391

WISNIEWSKI, ERIK G.  
5137 MAXWELL ROAD  
STEDMAN, NC 28391



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

CASE #: \_\_\_\_\_

PLANNING BOARD  
MEETING DATE: \_\_\_\_\_

DATE APPLICATION  
SUBMITTED: Oct 20 2021

RECEIPT #: \_\_\_\_\_

RECEIVED BY: \_\_\_\_\_

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

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

1. A copy of the *recorded* deed and/or plat.
2. If a portion(s) of the property is being considered for rezoning, an accurate written legal description of only the area to be considered;
3. A check made payable to "Cumberland County" in the amount of \$ 450.  
(See attached Fee Schedule).

Rezoning Procedure:

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

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

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

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

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

1. Requested Rezoning from RR to C1(P) C1(P)
2. Address of Property to be Rezoned: 5242 Maxwell Rd Steves NC 283
3. Location of Property: Leaving hwy 24 getting on to Maxwell Rd about 2 miles out on the Right.
4. Parcel Identification Number (PIN #) of subject property: 0477-71-7145  
(also known as Tax ID Number or Property Tax ID)
5. Acreage: .58 Frontage: 338.84' Depth: 417'
6. Water Provider: Well: yes PWC: no Other (name): \_\_\_\_\_
7. Septage Provider: Septic Tank None PWC \_\_\_\_\_
8. Deed Book 88, Page(s) 170, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: nothing is on the property now
10. Proposed use(s) of the property: mini storage units on 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.

William Mcphail  
NAME OF OWNER(S) (PRINT OR TYPE)

366 Carroll Stue Rd Autryville NC 28318  
ADDRESS OF OWNER(S)

966 214 1412  
HOME TELEPHONE #

214 1412  
WORK TELEPHONE #

Rebecca F Pearson  
NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)

231 Fairway Dr  
ADDRESS OF AGENT, ATTORNEY, APPLICANT

Wil 32386 @ Yahoo .com  
E-MAIL

910 214 1412  
HOME TELEPHONE #

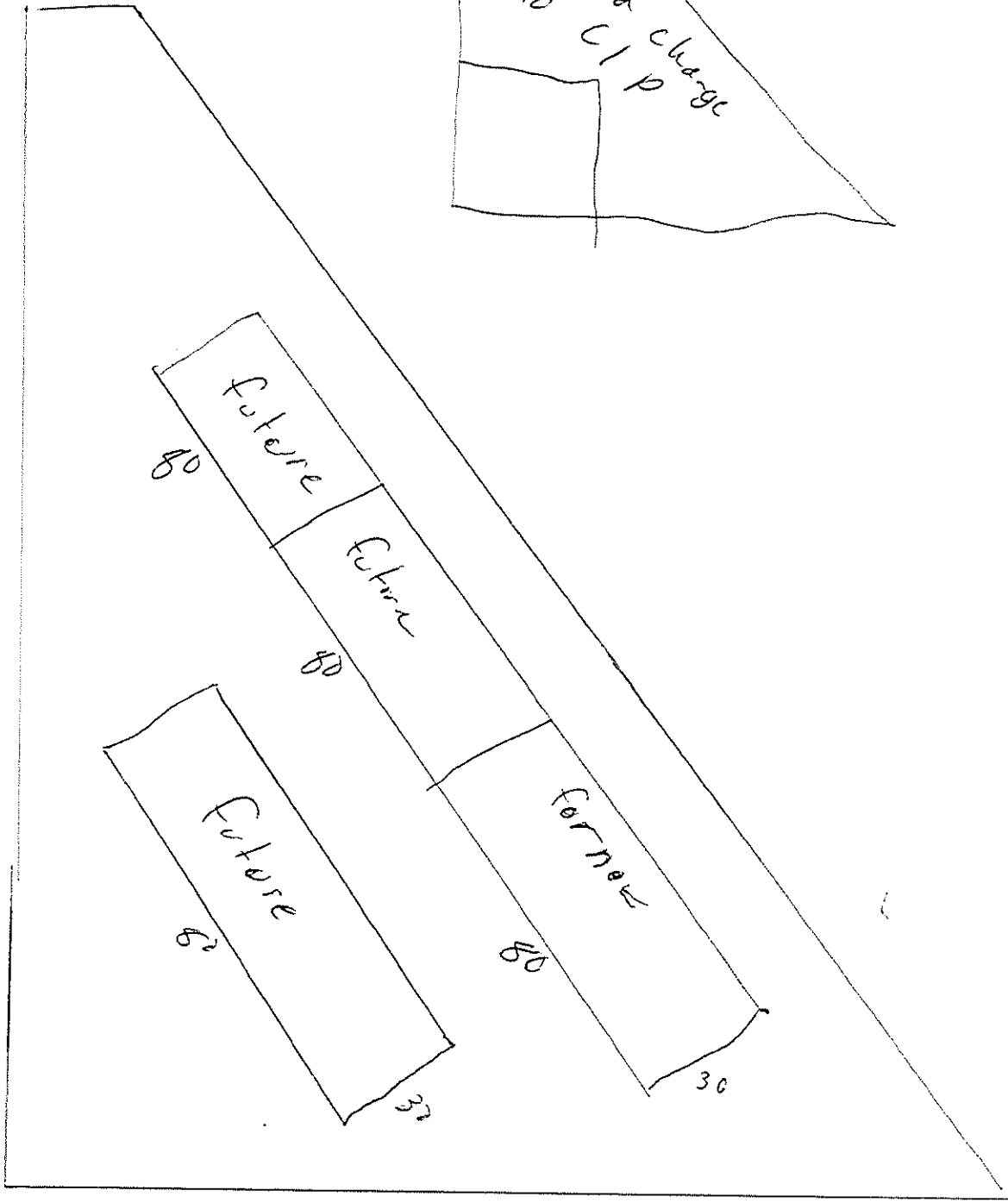
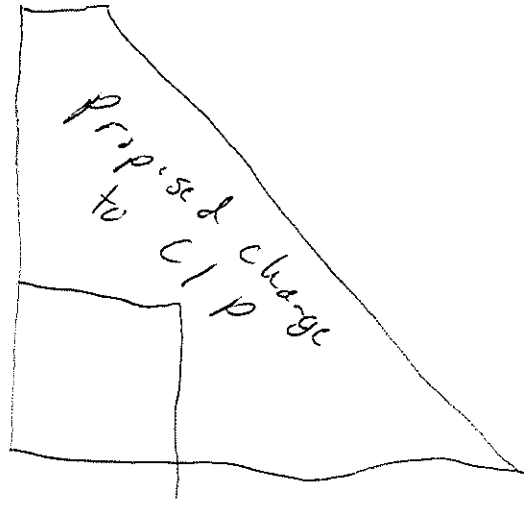
WORK TELEPHONE #

[Signature]  
SIGNATURE OF OWNER(S)

[Signature]  
SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

[Signature]  
SIGNATURE OF OWNER(S)

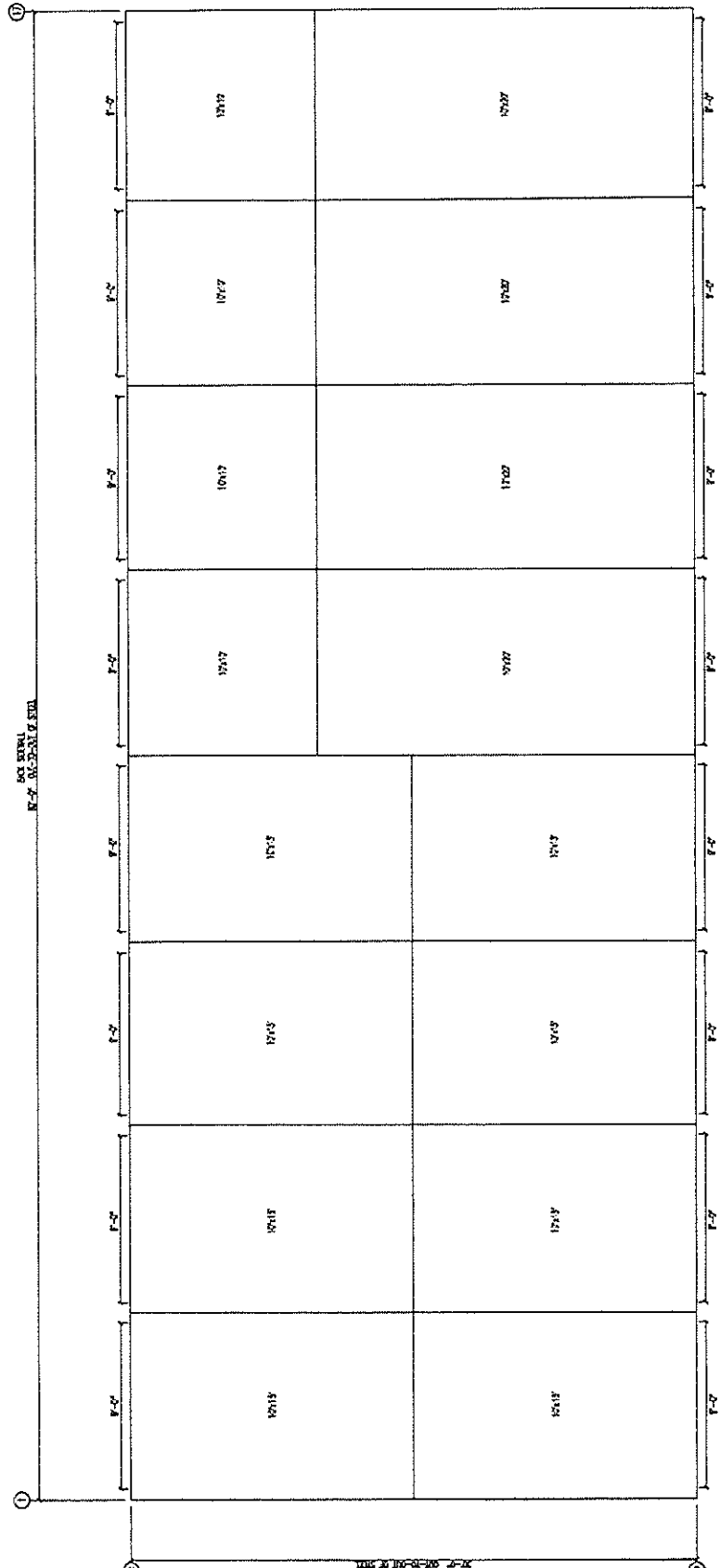
The contents of this application, upon submission, become "public record."



PEAK STEEL BUILDINGS  
PO Box 1225  
Madison, GA 30650

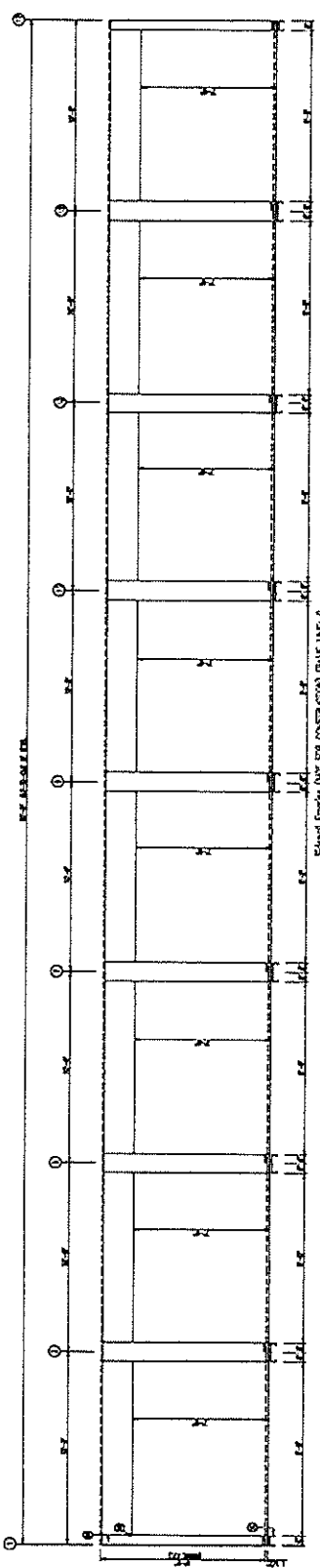
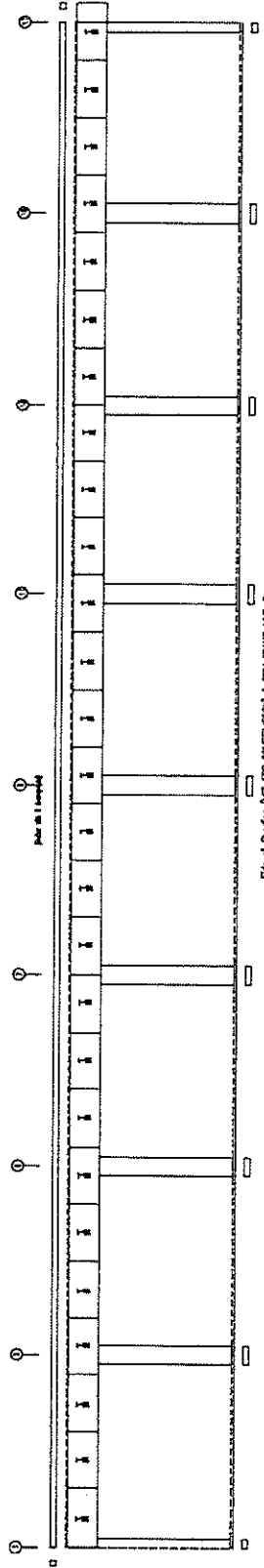
PROJECT: McPhaulWilliam  
SIZE: 30.0 x 80.0 x 8.5

CONFORMANCE AND PERFORMANCE INFORMATION  
THESE DIMENSIONS ARE THE BOLT AND COLLAR  
DIMENSIONS OF THE BULKHEAD AND MUST BE  
MAINTAINED TO THE BULKHEAD DIMENSIONS TO  
ENSURE THE PROTECTION OF THESE DIMENSIONS TO  
THE BULKHEAD DIMENSIONS TO THE BULKHEAD



FLOOR PLAN

SEE GENERAL  
NOTES



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, utility easements, permits, and rights of way as the same may appear of record.

If initialed, the property includes the primary residence of at least one of the Grantors. (NC GS § 105-317.2) \_\_\_\_\_

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal effective the day and year first above written.

By: Sheila B. Oliver (SEAL)  
Name: Sheila B. Oliver

By: Gregory C. Oliver (SEAL)  
Name: Gregory C. Oliver

STATE OF NORTH CAROLINA

COUNTY OF CUMBERLAND

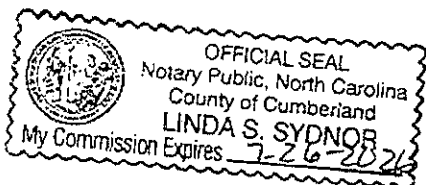
I certify that the following person(s) personally appeared before me this day and I have personal knowledge of the identity of the principal(s) or have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph or a credible witness has sworn to the identity of the principal(s); each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Name of Principal: Sheila B. Oliver and Gregory C. Oliver

Date: 9/9/2021

Linda S. Sydnor  
Linda S. Sydnor, Notary Public

Printed Name of Notary Public

My Commission Expires: 7/26/2026



FILED Sep 10, 2021  
AT 02:10:42 PM  
BOOK 11246  
START PAGE 0018  
END PAGE 0019  
INSTRUMENT # 42407  
RECORDING \$26.00  
EXCISE TAX \$50.00

**NORTH CAROLINA GENERAL WARRANTY DEED**

Excise Tax \$50.00

RFP File # 6568-1

Parcel Identifier No.: 0477-71-7143

Prepared by/Return to: Rebecca F. Person, PLLC

Brief Description for the Index: Lots 1 & 2 Property of Jerome Bullock

THIS DEED made this 9th day of September, 2021 by and between:

GRANTOR	GRANTEE
Sheila B. Oliver and husband, Gregory C. Oliver  Mailing Address: 5285 Maxwell Road Stedman, NC 28391	William McPhail  Property Address: 5246 Maxwell Road Stedman, NC 28391  Mailing Address: 366 Carroll Store Road Autryville, NC 28318

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

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

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

BEING all of Lots 1 & 2 as shown on a plat entitled "Property of Jerome Bullock and wife, Rebecca C. Bullock," according to a plat of the same duly recorded in Plat Book 88, Page 170 of the Cumberland County Registry, North Carolina.

The property hereinabove described was acquired by instrument recorded in Deed Book 5454, Page 384 of the Cumberland County Registry, North Carolina.

A map showing the above described property is recorded in Plat Book 88, Page 170 of the Cumberland County Registry, North Carolina.

Submitted electronically by "Rebecca F. Person, PLLC" in compliance with North Carolina statutes governing recordable documents and the terms of the submitter agreement with the Cumberland County Register of Deeds.

<b>REQUEST</b>	<b>Rezoning RR to R6</b>
----------------	--------------------------

Applicant requests a rezoning from RR Rural Residential District to R6 Residential District for approximately 30.55 +/- acres located south of Corporation Drive and west of Chicken Foot Road. This would allow an increase in residential density from one dwelling unit per 20,000 square feet to a minimum of one dwelling unit per 6,000 square feet. The subject parcels of this request are intended to be part of a subdivision following the annexation into Hope Mills and initial zoning of the approximately 45 +/- acres abutting to the east into the Town of Hope Mills. This is a conventional rezoning, and no conditions are proposed at this time. Location of the subject property is illustrated in Exhibit "A".

<b>PROPERTY INFORMATION</b>
-----------------------------

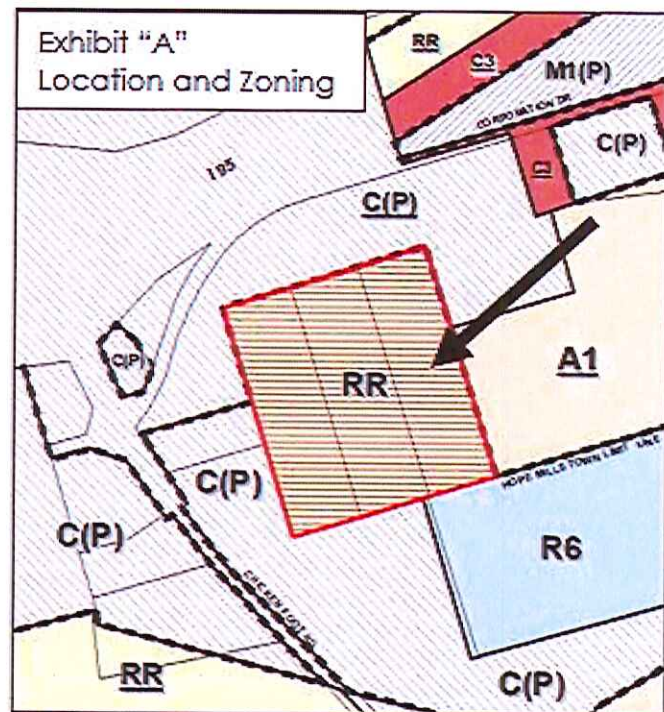
**OWNER/APPLICANT:**

Drafting and Design Services, Inc. (agent) on behalf of Charles and Nancy Maxwell (owners)

**ADDRESS/LOCATION:** Located south of Corporation Drive and east of Chicken Foot Road. Refer to Exhibit "A", Site Location. REID number: 0423511963000, 0423418812000 & 0423414771000.

**SIZE:** 30.55 +/- acres within three parcels. The property has no current street frontage. The parcels will be served by the internal street system of the proposed subdivision. The properties have a depth of about 1,230 feet.

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



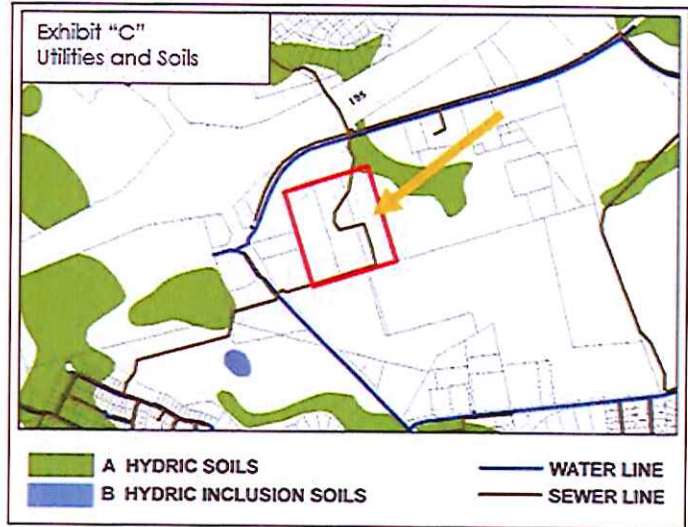
**EXISTING LAND USE:** The parcels are vacant. Exhibit "B" shows the existing use of the subject property.

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

- North:** The property abutting to the north of the subject site is vacant, wooded, and zoned C(P). Further north is Corporation Dr abutting the I-95 ROW.
- East:** The 40-acre parcel to the east is under the same ownership as the subject site and is intended to become the eastern half of the future subdivision at this site post annexation into Hope Mills and initial zoning.

- West:** Vacant lots and parcels with commercial uses zoned C(P) buffer the subject site from Chicken Foot Rd.
- South:** South of the subject site is a vacant lot zoned C(P) and the parcels which comprised the 110-acre initial zoning to R6 from ZON-21-0010, following annexation into Hope Mills.

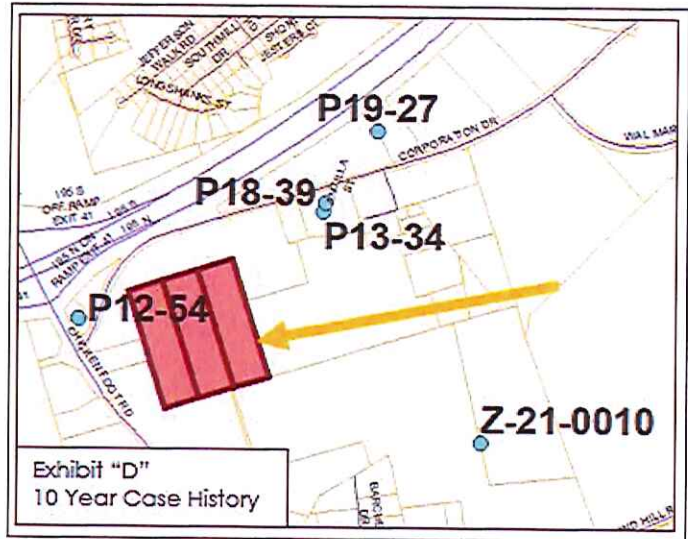
**OTHER SITE CHARACTERISTICS:** The site is not located in a Watershed or a Special Flood Hazard Area. The subject property, as delineated in Exhibit "C", illustrates no presence of hydric or hydric inclusion soils.



**TEN YEAR ZONE CASE HISTORY:**

Exhibit "D" denotes the location of the zoning case history described below.

- **P12-54:** Initial to C(P); **Approved;** 1.34 acres
- **P13-34:** C3 to M(P); **Withdrawn;** 4.93 acres
- **P18-39:** Initial to C(P); **Approved;** 4.93 acres
- **P19-27:** C3 & C(P) to M(P); **Approved;** 77.3 acres
- **ZON-32-0010:** Initial to R6; **Approved;** 110.89 acres



**DEVELOPMENT REVIEW:** Subdivision review by County Planning & Inspections 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)	R6 (Proposed)
Front Yard Setback	30 feet	25 feet
Side Yard Setback	15 feet	10 feet: 1 story, 12 feet: 2 story
Rear Yard Setback	35 feet	30 feet
Lot Area	20,000 sq. ft.	6,000 sq. ft
Lot Width	100'	60'

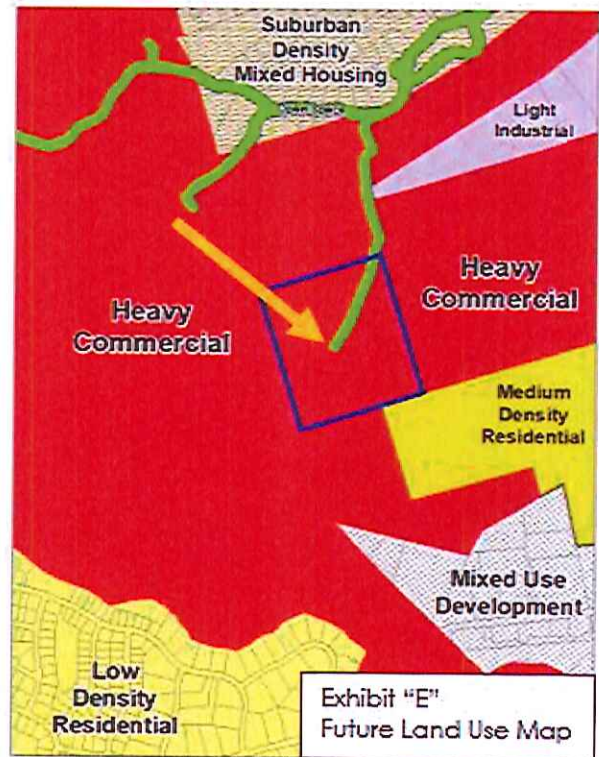


**DEVELOPMENT POTENTIAL:**

Existing Zoning (RR)	Proposed Zoning (R6)
53 dwelling units	177 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:** This site is located within the Southwest Cumberland Land Use Plan (2013), designated Heavy Commercial and Open Space, as shown in Exhibit "E". The Heavy Commercial designation is intended to provide a wide variety of retail, wholesale and commercial businesses. While the Open Space Designation is intended for land used for recreation, natural resource protection and buffer areas. The associated zoning districts for both classifications are C(P) and CD, respectively. **Request is not consistent with the adopted land use plan.** Approval of this request will require a change in future land use classification.



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

**UTILITIES:** A PWC sewer line is available on the subject site. A PWC water line is available along the frontages of Corporation Dr and Chicken Foot Rd. It is the applicant's responsibility to determine if this utility will adequately serve their development. Utilities for water and sewer are shown on Exhibit "C".

**TRAFFIC:** According to the Fayetteville Area Metropolitan Planning Organization (FAMPO), the subject property sits on Corporation Drive and is identified as a local road in the Metropolitan Transportation Plan. There are no roadway construction improvement projects planned and the subject property will have no significant impact on the Transportation Improvement Program. In addition, Corporation Drive has a AADT of 2,800 and no road capacity data. Due to lack of data and the small scale, the new zoning request does not demand a trip generation. **The new development should not generate enough traffic to significantly impact Corporation Drive.**

**SCHOOLS CAPACITY/ENROLLMENT:**

School	Capacity	Enrollment
Gallberry Farm Elem	884	853
Gray's Creek Mid	1083	1096
Gray's Creek High	1517	1343

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

**EMERGENCY SERVICES:** County staff have solicited comments from the Hope Mills Fire Marshal and have received none in return.

**SPECIAL DISTRICTS:** The property is not located within five miles of Fort Bragg Military Base. The subject site is located within the Fayetteville Regional Airport Overlay District. County staff have solicited comments from the Director of the Fayetteville Regional Airport and have received none in return.

**CONDITIONS OF APPROVAL:** This is a conventional zoning and there are no conditions at this time.

**CODE DEVIATIONS:** No deviations have been identified.

**OTHER AGENCY OR LOCAL GOVERNMENT COMMENTS:** No comments were received from the Town of Hope Mills or State agencies during the staff and agency coordination review process.

**STAFF RECOMMENDATION**

In Case ZON-21-0022, the Planning and Inspections staff **recommends denial** of the rezoning request from RR Rural Residential District to the R6 Residential District. Staff finds the request is not consistent with the Southwest Cumberland Land Use Plan which calls for Heavy Commercial and Open Space at this location. Staff finds that the request is unreasonable and not in the public interest because the R6 Rural Residential District would allow residential intrusion within a commercial interchange node and would not be compatible and in harmony with the existing surrounding land use activities and zoning.

Attachments:  
Notification Mailing List

ATTACHMENT – MAILING LIST

BARKER GALLBERRY FARMS LLC  
5556 BRAXTON RD  
HOPE MILLS, NC 28348

AOM INVESTMENTS LLC  
PO BOX 361  
FAYETTEVILLE, NC 28302

BRUCE BARCLAY CAMERON FOUNDATION  
INC; WILLIAMS LIBERTY POINT LLC  
2709 THORNGROVE CT STE 1  
FAYETTEVILLE, NC 28303

HALL, JERRY; & JACQUELYN  
2344 PARK GARDEN CT  
FAYETTEVILL, NC 28306

HOPE SPRINGS REAL ESTATE  
HOLDINGS LLC  
4725 LAKE WHEELER RD  
RALEIGH, NC 27603

HORNER, CHARLES L; JANICE H  
MELTON; JACK R HORNER  
1853 FABER ST  
FAYETTEVILLE, NC 28304

LANE AVENUE ASSOCIATES LLC  
67 MOUNTAIN BLVD 201  
WARREN, NJ 07059

MAXWELL, CHARLES; & NANCY  
PO BOX 405  
HOPE MILLS, NC 28348

MWMP INVESTMENTS LLC  
PO BOX 361  
FAYETTEVILLE, NC 28302

MWMP INVESTMENTS LLC; AOM II  
LLC; MCCAULEY & amp; MCDONALD  
INVESTMENTS INC  
PO BOX 654  
FAYETTEVILLE, NC 28302

WOOD, WAYMON W TRUSTEE, MARGARET  
C TRUSTEE; KENNEDY, CHARLES  
DARRELL; DONALDSON, SARA; CASHWELL,  
HELEN C TRUSTEE; HOLT  
231 WOODSTREAM CIRCLE  
MOORESVILLE, NC 28117

PAUL, ELIZABETH C; CASHWELL, MICHAEL  
B; STEVEN N; ANGUS DIXON; JOHNSON,  
EMILY; CASHWELL, LAUCLIN, FRASCHE,  
MARY; BRADLEY, PRUDENCE  
231 WOODSTREAM CIRCLE  
MOORESVILLE, NC 28117

HENRY WALTER JR; &  
WILLIAM DEROSSETT II  
231 WOODSTREAM CIRCLE  
MOORESVILLE, NC 28117

PELICAN PROPERTY HOLDINGS  
LLC; GREAT OAKS PROPERTY  
HOLDINGS LLC; CAMERON CO LLC  
2709 THORNGROVE CT  
FAYETTEVILLE, NC 28303



**Town of Hope Mills**  
*County Planning Department*

CASE NO.:	_____
ZONING BOARD MEETING DATE:	_____
DATE APPLICATION SUBMITTED:	_____
RECEIPT NO.:	_____
RECEIVED BY:	_____

**APPLICATION FOR  
REZONING  
HOPE MILLS ZONING ORDINANCE**

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

1. A copy of the *recorded* deed and/or plat;
2. If portion(s) of an existing tract is/are being submitted for rezoning, an accurate written legal description of only the area to be considered for the rezoning; and
3. A check made payable to "Cumberland County" in the amount of \$ 600.00.  
(See attached Fee Schedule).

Rezoning Procedure:

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

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

**NOTE: Any revisions, inaccuracies or errors to/on the application may cause the case to be delayed and re-scheduled for the next available Board meeting according to the Board's meeting schedule. Also, the application fee is *nonrefundable* once processing of the application has begun.**

**TO THE ZONING BOARD AND THE TOWN OF HOPE MILLS BOARD OF COMMISSIONERS, HOPE MILLS, NORTH CAROLINA:**

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

1. Requested Rezoning from RR to R-6

*If the area is a portion of an existing parcel, a written metes and bounds description of only that portion to be considered for rezoning, including the exact acreage must accompany this application along with a copy of the recorded deed and/or plat. If more than one zoning classification is requested, a correct metes and bounds legal description, including acreage, for each bounded area must be submitted.*

2. Address/location of property to be Rezoned: 0 Corporation Drive - Hope Mills
3. Parcel Identification Number (PIN #) of property: 0423-41-4771; 0423-41-8812; 0423-51-1963  
(also known as Tax ID Number or Property Tax ID)
4. Acreage: 30.55 Frontage: 720.64 Depth: 1226.37
5. Water Provider: Well: \_\_\_\_\_ PWC: x
6. Septage Provider: Septic Tank \_\_\_\_\_ PWC x Other (name) \_\_\_\_\_
7. Deed Book 3878;7415, Page(s) 0331;0625 Cumberland County Register of Deeds. (Attach copy of deed of subject property as it appears in Registry).
8. Existing use(s) of property: Farmland
9. Proposed use(s) of the property: Residential
10. Do you own any property adjacent to, including across the street from, the property being submitted for rezoning? Yes x No \_\_\_\_\_  
If yes, where? adjacent to the East
11. Has a violation been issued on this property? Yes \_\_\_\_\_ No x

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

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

CHARLES STACY MAXWELL TRUSTEE; CHARLES S MAXWEL ;NANCY W MAXWELL,  
Property owner(s)' name (print or type)

P.O Box 405 - Hope Mills, NC 28348  
Complete mailing address of property owner(s)

(910) 624-1966  
Telephone number Alternative telephone number

chuck@grantmurrayre.com  
E-mail address Fax number


Drafting and Design Services, Inc. - Michael Blakley  
Agent, attorney, or applicant (other than property owner) (print or type)

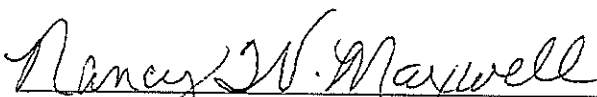
6728 Carbonton Road - Sanford, NC 27330  
Complete mailing address of agent, attorney, or applicant

(919) 499-8759  
Telephone number Alternative telephone number

draftinganddesign@ymail.com  
E-mail address Fax number

  
Owner's signature

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

  
Owner's signature

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

(N.P. SEAL)  
17 RF

054563

RECEIVED

11- 9-2006 AM 8:29:58

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

Tax Lot No.: out of 0423-41-8821

Parcel Identifier Number:

Excise Tax: \$0.00

Mail after recording to: Grantee

This instrument was prepared by: Wishart, Norris, Henninger & Pittman, P.A. (JBH)  
6832 Morrison Boulevard  
Charlotte, NC 28211  
57164.001

Brief description for the Index: Lot 1, Plat Book 118, Page 88

**NORTH CAROLINA SPECIAL WARRANTY DEED**

THIS DEED made this 25 day of October, 2006, by and between

GRANTOR	GRANTEE
Charles S. Maxwell	Charles Stacy Maxwell, Trustee or successor of the Charles Stacy Maxwell Charitable Remainder Trust, UTA dated 10/25/06
	<u>Mailing address:</u>
	4950 Cameron Road Hope Mills, NC 28348

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

That certain tract or parcel of land containing 10.16 acres and being all of Lot No. 1 as shown on plat entitled "Property of Charles S. Maxwell and wife, Nancy W. Maxwell" as recorded in Plat Book 118, page 88, Cumberland County, North Carolina Registry.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 3878, Page 331.

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.

Nancy W. Maxwell joins in the execution of this Deed solely to release or waive her marital interest in the Property (if any) under North Carolina law and for no other purpose. And by this joinder she is not claiming any real estate ownership in the Property.

And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, except for the exceptions hereinafter stated.

Excepting restrictions, easements of record and ad valorem taxes for 2006 and subsequent years, not yet due and payable.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand the day and year first above written.

Charles S. Maxwell  
Charles S. Maxwell

Nancy W. Maxwell  
Nancy W. Maxwell

---

STATE OF NORTH CAROLINA, COUNTY OF MECKLENBURG

I, certify that the following persons 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 the capacity indicated: Charles S. Maxwell and Nancy W. Maxwell.

Witness my hand and official seal or stamp this the 25 day of October, 2006.

My commission expires: 10-10-2010

Candace J. Bullback  
Notary Public

[Notarial Seal]

Print name: Candace J. Bullback

---

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

REGISTER OF DEEDS FOR CUMBERLAND COUNTY

By: \_\_\_\_\_ Deputy/Assistant Register of Deeds.

---



STATE OF NORTH CAROLINA  
NOV 24 1992  
5-3-77  
BK3878PG0331  
Real Estate  
Excise Tax  
100.00  
228457

RECEIVED  
92 NOV 24 PM 2:38  
GEORGE E. TATUM  
REGISTER OF DEEDS  
CUMBERLAND CO., N.C.

Excise Tax \$100.00  
Recording Time, Book and Page  
Tax Lot No. Parcel Identifier No. 0423-41-7777  
Verified by County on the day of 19

Mall after recording to J.B. Rouse, III, 1300-A Pamaloe Drive, Fayetteville, NC 28303  
This instrument was prepared by J.B. Rouse, III  
Brief description for the Index  
30.55 AC Slaughter Land

### NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 23rd day of November, 1992, by and between

<p><b>GRANTOR</b> DELMA CUMMINGS and husband, WILBERT CUMMINGS</p>	<p><b>GRANTEE</b> CHARLES S. MAXWELL and wife, NANCY W. MAXWELL 5330 Cameron Road Hope Mills, NC 28348</p>
--	--

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.  
The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.  
WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated near the City of Fayetteville, Rockfish Township, Cumberland County, North Carolina and more particularly described as follows:

BEGINNING at a stake with dogwood pointers, G.W. Arnett's corner and the southern corner of the 100-acre tract of Aaron McNeill and running thence with Arnett's line and past his corner North 20 degrees West 18.26 chains to a corner of a tract formerly Brown's later owned by C.A. Johnson; thence with his line North 70 degrees East 16.42 chains to a stake in a branch; thence South 20 degrees East 18.26 chains to a stake, the southeast corner of the aforesaid Aaron McNeill tract; thence with that line South 70 degrees West 16.42 chains to the BEGINNING, containing 30 acres, more or less, being a portion of the tract shown on a plat entitled "Edna Chavis Slaughter" duly recorded in Book of Plats 51, Page 67, in the Cumberland County Registry.

/kc

1338

BK 3878 PG 0332

The property hereinabove described was acquired by Grantor by Instrument recorded in .S.L.E. 229; Book 537, .....  
Page 10.

A map showing the above described property is recorded in Plat Book 51 ..... page 67 .....  
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:

Easements, restrictions, or rights-of-way as may appear of record.

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

..... (Corporate Name) .....  
BY: .....  
..... President .....  
ATTEST: .....  
..... Secretary (Corporate Seal) .....  
DELMA CUMMINGS ..... (SEAL)  
*Delma Cummings*  
WILBERT CUMMINGS ..... (SEAL)  
*Delma Cummings*  
..... (SEAL)



USE BLACK INK ONLY  
NORTH CAROLINA, CUMBERLAND County.  
I, a Notary Public of the County and State aforesaid, certify that Delma Cummings and  
Wilbert Cummings Grantor,  
personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my  
hand and official stamp or seal, this 23 day of November, 1982.  
My commission expires: 5-12-84 James B. House II 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(s) of James B. House II  
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: Viola S. Baker Deputy/Assistant - Register of Deeds