
AGENDA
CUMBERLAND COUNTY BOARD OF COMMISSIONERS
JUDGE E. MAURICE BRASWELL
CUMBERLAND COUNTY COURTHOUSE - ROOM 118
AUGUST 16, 2021
6:45 PM

INVOCATION - Commissioner Charles Evans

PLEDGE OF ALLEGIANCE -

PUBLIC COMMENT PERIOD

1. APPROVAL OF AGENDA
2. PRESENTATIONS
3. CONSENT AGENDA
 - A. Approval of August 2, 2021 Regular Meeting Minutes
 - B. Approval to Pay Prior Year Invoice
 - C. Approval of Proclamation Extending Congratulations to Major Freddy L. Johnson, Jr.
 - D. Approval of Acceptance of Offer to Purchase Surplus Property Located at 2028 Corrinna Street, Fayetteville
 - E. Approval of Budget Ordinance Amendments for the August 16, 2021 Board of Commissioners' Agenda
 - F. Approval of Cumberland County Board of Commissioners Agenda Session Items
 1. Local Workforce Development Area Annual Plan - Program Year 2021
 2. Removal of Appendix B from the Cumberland County Code of Ordinances
 3. Removal of Late Fees and Fines for Library Materials (Books and Audiovisual) at the Cumberland County Public Library
 4. Fayetteville Area Convention & Visitors Bureau, Inc. (FACVB) Bylaw Change
 5. Amendment to the Personnel Ordinance, Section 501 (f)
 6. Radio Tower Lease Agreement with the North Carolina Department of Agriculture and Consumer Services - Division of Forest Services
 7. Proposed Amendments to Rules 6 and 26 of the Board's Rules of Procedure
 8. Request for Additional Animal Services Veterinary Medical Staff Positions and Associated Budget Ordinance Amendment # B220285
 9. Resolution Supporting the Allocation of Funding for the Cape Fear Regional Theater in the 2021 N. C. State Budget

4. PUBLIC HEARINGS

Uncontested Rezoning Cases

- A. Case P21-26
- B. Case P21-27
- C. Case P21-31 **This Case Has Been Deferred to September 20, 2021**
- D. Case P21-36
- E. Case P21-40
- F. Case P21-44

Contested Rezoning Cases

- G. Case P21-28
- H. Case P21-33 **This Case Has Been Deferred to September 20, 2021**
- I. Case P21-34

5. ITEMS OF BUSINESS

- A. Consideration of Action Taken at the August 10, 2021 Agenda Session to Cease Consideration of Consultant Services for Historic Courthouse Renovations
- B. Consideration of Request for Qualifications (RFQ) for Consultant Services for a General Government Services Building

6. NOMINATIONS

- A. Mid-Carolina Rural Transportation Advisory Committee (RTAC)
- B. Joint Appearance Commission (1 Vacancy)
- C. Regional Land Use Advisory Commission (RLUAC) Board of Directors (1 Vacancy)
- D. Fayetteville Technical Community College Board of Trustees (1 Vacancy)

7. APPOINTMENTS

- A. Senior Citizens Advisory Commission (1 Vacancy)
- B. Board of Adjustment (3 Vacancies)
- C. Transportation Advisory Board (2 Vacancies)
- D. Joint Appearance Commission (1 Vacancy)

8. CLOSED SESSION:

- A. Economic Development Matter(s) Pursuant to NCGS 143.318.11(a)(4)
- B. Personnel Matter(s) Pursuant to NCGS 143-318.11(a)(6)

ADJOURN

WATCH THE MEETING LIVE

THIS MEETING WILL BE STREAMED LIVE THROUGH THE COUNTY'S WEBSITE, CO.CUMBERLAND.NC.US. LOOK FOR THE LINK AT THE TOP OF THE HOMEPAGE.

THE MEETING WILL ALSO BE BROADCAST LIVE ON CCNC-TV SPECTRUM CHANNEL 5

REGULAR BOARD MEETINGS:

September 7, 2021 (Tuesday) - 9:00 AM
September 20, 2021 (Monday) - 6:45 PM
October 4, 2021 (Monday) - 9:00 AM
October 18, 2021 (Monday) - 6:45 PM



FINANCE OFFICE

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF AUGUST 16, 2021

TO: BOARD OF COUNTY COMMISSIONERS

FROM: VICKI EVANS, FINANCE DIRECTOR

DATE: 8/6/2021

SUBJECT: APPROVAL TO PAY PRIOR YEAR INVOICE

BACKGROUND

There is a period of time after June 30th of fiscal year-end in which transactions of the prior fiscal year will continue to be processed (typically until the third week in August). After that cutoff date has passed, a department may still receive a vendor invoice that is payable for services that were rendered, or goods were received in the prior fiscal year. When that occurs, approval by the Board of Commissioners is required prior to payment. The following departmental invoices meet those criteria:

Department: Finance
Vendor: City of Fayetteville
Invoice Date: June 10, 2020
Total Amount: \$40,817.92

RECOMMENDATION / PROPOSED ACTION

Management is requesting approval to pay a prior year invoice for the Finance Department totaling \$40,817.92.

ATTACHMENTS:


Description	Type
Prior Year Invoice - Finance	Backup Material

Vicki Evans
Finance Director
General Manager of Financial Services



Robert Tucker
Accounting Supervisor

Ivonne Mendez
Accounting Supervisor

TO: DR. ANGEL WRIGHT LANIER, ASSISTANT COUNTY MANAGER
FROM:  VICKI EVANS, FINANCE DIRECTOR
DATE: AUGUST 6, 2021
SUBJECT: REQUEST TO PAY PRIOR YEAR INVOICE

The City of Fayetteville finance department staff notified our office of a missing payment for hazmat response on August 5, 2021. The missing payment was for the third quarter of fiscal year 2020, totaling \$40,817.92. Staff were unable to determine that the invoice had previously been sent. In the future, to prevent reoccurrence of missing an invoice, a staff person has been assigned to review this account to be certain quarterly payments are made timely and will request the invoice if one has not yet been received. Staff have verified the accuracy of this past due invoice and that the invoice has not been previously paid. Sufficient funds are available in the fiscal year 2021 budget to cover the cost of this past due invoice.

GL coding: 1014295 544832 \$40,817.92



CLERK TO THE BOARD OF COMMISSIONERS

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF AUGUST 16, 2021

TO: BOARD OF COUNTY COMMISSIONERS

FROM: CANDICE H. WHITE, CLERK TO THE BOARD

DATE:

**SUBJECT: APPROVAL OF PROCLAMATION EXTENDING CONGRATULATIONS
TO MAJOR FREDDY L. JOHNSON, JR.**

BACKGROUND

Wesley Fountain, Fayetteville State University Associate Vice Chancellor for Community Relations and Economic Partnership, requested a proclamation for FSU alumnus Major Freddy L. Johnson, Jr. who was appointed by Gov. Roy Cooper as Commander of the State Highway Patrol in April 2021.

RECOMMENDATION / PROPOSED ACTION

Respectfully request approval of the proclamation.

ATTACHMENTS:

Description

Proclamation for Major Freddy L. Johnson, Jr.

Type

Backup Material

roclamation

WHEREAS, Major Freddy L. Johnson, Jr. is a native of Fayetteville and a 1994 graduate of Fayetteville State University with a Bachelor of Science Degree in Criminal Justice; and

WHEREAS, Major Freddy L. Johnson, Jr., a 1996 honor graduate of the Highway Patrol Basic School, began his career as a trooper in Lumberton and served much of his career in Robeson and Cumberland counties; and

WHEREAS, Major Freddy L. Johnson, Jr. was promoted to the rank of Captain in 2013 and Major in 2017; and

WHEREAS, Major Freddy L. Johnson, Jr. is a 2019 graduate of the FBI National Academy Program and a 2006 graduate of the Administrative Officer Management Program at N. C. State University; and

WHEREAS, Major Freddy L. Johnson, Jr. has been the recipient of numerous awards including the N. C. Governor Highway Safety Program's 2016 State Law Enforcement Partner of the Year award, the N. C. Association of Fire Chief's 2016 Fire Officer of the Year award, the Department of Public Safety's Badge of Excellence Award for Outstanding Performance for Planning Oversight of Patrol Operations during the U. S. Open Golf Championship in Pinehurst, and the Highway Patrol's Samaritan Award; and

WHEREAS, Major Freddy L. Johnson, Jr. was appointed as Commander of the N. C. Highway Patrol by N. C. Governor Roy Cooper in April 2021 and will be honored at a reception hosted by Fayetteville State University Chancellor Darrell T. Allison on August 18, 2021.

NOW THEREFORE, We, the Cumberland County Board of Commissioners, do hereby extend congratulations to Major Freddy L. Johnson, Jr. for his appointment as Commander of the N. C. Highway Patrol and salute his distinguished record of service.

Approved this 16th day of August 2021.

*Charles E. Evans, Chairman
Cumberland County Board of Commissioners*



OFFICE OF THE COUNTY ATTORNEY

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF AUGUST 16, 2021

TO: BOARD OF COUNTY COMMISSIONERS

FROM: COUNTY ATTORNEY

DATE: 8/11/2021

**SUBJECT: APPROVAL OF ACCEPTANCE OF OFFER TO PURCHASE SURPLUS
PROPERTY LOCATED AT 2028 CORRINNA STREET, FAYETTEVILLE**

BACKGROUND

The County acquired the real property with PIN 0438-28-2788, being Lot 58, Broadwell Subdivision, Section 2, Plat Book 40, Page 71, located at 2028 Corrinna Street, Fayetteville, at a tax foreclosure sale in 2006 for a purchase price of \$9,479.30. The property is zoned SF6 with a tax value of \$15,000.00. Based on the GIS Mapping and the tax records, there is no structure on the lot. Michael Nepstad on behalf of MDN Rentals, LLC, made an offer to purchase the property for \$9,479.30. If the Board proposes to accept this offer, the proposed sale must be advertised subject to the upset bid process of G. S. § 160A-269. The proposed advertisement is included in the recommendation below.

RECOMMENDATION / PROPOSED ACTION

County Attorney recommends the Board consider the offer of Michael Nepstad on behalf of MDN Rentals, LLC. If the Board proposes to accept the offer, resolve that the described real property is not needed for governmental purposes and direct that it be advertised and sold pursuant to the upset bid process of G. S. § 160A-269.

**CUMBERLAND COUNTY BOARD OF COMMISSIONERS
ADVERTISEMENT OF INTENT TO ACCEPT AN OFFER TO PURCHASE
CERTAIN REAL PROPERTY PURSUANT TO N.C.G.S. § 160A-269**

Take notice that the Board of Commissioners finds the real property with PIN 0438-28-2788, being Lot 58, Broadwell Subdivision, Section 2, Plat Book 40, Page 71, located at 2028 Corrinna Street, Fayetteville, is not needed for governmental purposes and intends to accept an offer to purchase the property for \$9,479.30.

Within 10 days of this notice any person may raise the bid by not less than ten percent (10%) of the first one thousand dollars (\$1,000) and five percent (5%) of the remainder by making a five percent (5%) deposit of the bid with the Clerk. This procedure shall be repeated until no further qualifying upset bids are received. The

Board of Commissioners may at any time reject any and all offers. Further details may be obtained from the Office of the County Attorney, Suite 551-Courthouse, Fayetteville, NC 28302.

August __, 2021

Candice White, Clerk to the Board



BUDGET DIVISION

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF AUGUST 16, 2021

TO: BOARD OF COUNTY COMMISSIONERS

FROM: AMY CANNON, COUNTY MANAGER

DATE: 8/10/2021

**SUBJECT: APPROVAL OF BUDGET ORDINANCE AMENDMENTS FOR THE
AUGUST 16, 2021 BOARD OF COMMISSIONERS' AGENDA**

BACKGROUND

Juvenile Crime Prevention Fund 245

1) Juvenile Crime Prevention – Budget Ordinance Amendment B220225 to recognize funding in the amount of \$145,000 from the Division of Juvenile Justice

The Board is requested to approve Budget Ordinance Amendment B220255 in the amount of \$145,000 to increase funding in the Intensive Services Network program. This funding will be used to provide treatment services to at-risk youth who have been referred by the court system.

Please note this amendment requires no additional county funds.

REGARDING THE FOLLOWING ITEMS #2-#11 PLEASE NOTE:

Each fiscal year County departments may have projects that have been approved and initiated but were not complete by the fiscal year end (6/30/21) or items ordered that had not been received by fiscal year end. These projects or items were approved in the Fiscal Year 2021 budget; however, the money was not spent by June 30, 2021.

The following amendments seek to bring those funds forward from FY 2021 into the current fiscal year, allowing departments to complete and pay for these projects and items. These revisions are not using 'new' funds but are recognizing the use of FY21 funds in FY22.

General Fund 101

2) Tax Administration – Budget Ordinance Amendment B220735 to re-appropriate FY21 funds in

the amount of \$164,675

The Board is requested to approve Budget Ordinance Amendment B220735 to re-appropriate FY21 funds in the total amount of \$164,675. \$30,375 represents remaining funds dedicated to a required billing software update and \$134,300 represents tax audits which began in FY21 and were still in process at the end of the fiscal year.

3) Sheriff's Office – Budget Ordinance Amendment B220838 to re-appropriate FY21 funds in the amount of \$222,320

The Board is requested to approve Budget Ordinance Amendment B220838 to re-appropriate FY21 funds in the total amount of \$222,320. \$56,320 represents the Bullet Recovery System and \$166,000 represents the DR Imager projects that were budgeted but not completed in FY21.

4) Central Maintenance and Public Utilities – Budget Ordinance Amendment B220049 to re-appropriate FY21 funds in the amount of \$19,729

The Board is requested to approve Budget Ordinance Amendment B220049 to re-appropriate FY21 funds in the total amount of \$19,729. \$1,159 represents the second phase of the fleet utilization study and \$18,570 represents consulting services for the Engineering Department that were budgeted but not completed in FY21.

5) Emergency Services – Budget Ordinance Amendment B220802 to re-appropriate FY21 funds in the amount of \$35,495

The Board is requested to approve Budget Ordinance Amendment B220802 to re-appropriate FY21 funds in the amount of \$35,495. This amount represents remaining FY21 funds from the Emergency Management Preparedness Grant (EMPG). These funds will be used to provide training, supplies, and equipment for the Emergency Management Division.

6) Emergency Services Grants – Budget Ordinance Amendment B220803 to re-appropriate FY21 funds in the amount of \$15,000

The Board is requested to approve Budget Ordinance Amendment B220803 to re-appropriate FY21 funds in the amount of \$15,000. This amount represents remaining 2020 Homeland Security Grant Program (HSGP) funds. These funds were originally recognized at the October 5, 2020 Board of Commissioners meeting.

7) Register of Deeds Automation – Budget Ordinance Amendment B220038 to re-appropriate FY21 funds in the amount \$100,000

The Board is requested to approve Budget Ordinance Amendment B220038 to re-appropriate FY21 funds in the amount \$100,000. This amount represents funds dedicated to the Register of Deeds Vault Door Renovation Project. This project was originally approved at the June 21, 2021 Board of Commissioners meeting.

Capital Investment Fund 107

8) Capital Investment Fund – Budget Ordinance Amendment B220801 to re-appropriate FY21 funds in the amount of \$487,000

The Board is requested to approve Budget Ordinance Amendment B220801 to re-appropriate FY21 funds in the amount of \$487,000. This amount represents remaining funds dedicated to the Bi-Directional Amplifier Project.

This project was approved at the April 19, 2021 Board of Commissioners meeting.

9) Capital Investment Fund – Budget Ordinance Amendment B220853 to re-appropriate FY21 funds in the amount of \$612,824

The Board is requested to approve Budget Ordinance Amendment B220853 to re-appropriate FY21 funds in the amount of \$612,824. These funds are needed to complete various maintenance and repair projects that were budgeted but not completed in FY21.

Crown Center Fund 600

10) Crown Center – Budget Ordinance Amendment B220051 to re-appropriate FY21 funds in the amount of \$13,988

The Board is requested to approve Budget Ordinance Amendment B220051 to re-appropriate FY21 funds in the amount of \$13,988. These funds are needed to complete the Crown Swale Repair Design project that was budgeted but not completed in FY21.

NORCRESS Water and Sewer Fund 605

11) NORCRESS Water and Sewer Fund – Budget Ordinance Amendment B220052 to re-appropriate FY21 funds in the amount of \$1,800

The Board is requested to approve Budget Ordinance B220052 to re-appropriate FY21 funds in the amount of \$1,800. These funds are needed to complete the NORCRESS Utility Easement Appraisal Project budgeted but not completed in FY21.

RECOMMENDATION / PROPOSED ACTION

Approve Budget Ordinance Amendments



OFFICE OF THE COUNTY MANAGER

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF AUGUST 16, 2021

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JUSTIN HEMBREE, EXECUTIVE DIRECTOR, MID-CAROLINA COUNCIL OF GOVERNMENTS

DATE: 8/9/2021

SUBJECT: LOCAL WORKFORCE DEVELOPMENT AREA ANNUAL PLAN - PROGRAM YEAR 2021

BACKGROUND

The Workforce Innovation and Opportunity Act (WIOA) requires each Workforce Development Board (WDB) to develop and submit, in partnership with the Chief Local Elected Official (i.e., Chairman of the Local Board of County Commissioners), a comprehensive four-year plan. Four-Year Plans were submitted in 2020. Annually, each WDB is to provide updates to the Comprehensive Four-Year Plan (PY 2020). The WIOA Program Year (PY) 2021 Plan provides current plan year updates which will be effective July 1, 2021 - June 30, 2022 and will include all current local policies. The Comprehensive Four-Year Plan (PY 2020) must be maintained and updated as appropriate. The PY 2021 Plan includes information related to the WDB Overview, NCWorks Career Center, WIOA Title I Programs (Adult and Dislocated Worker Services and Youth Services), and Local Innovations. The complete document and attachments are available for review at:

<https://www.cumberlandcountync.gov/departments/career-center-group/career-center/local-area-plan>

According to WDB staff, the plan was posted as required for thirty (30) days for public review and comment. The Cumberland County Workforce Development Board Chair has signed and is submitting the attached signatory page for execution by the Chairman to the Board of Commissioners.

RECOMMENDATION / PROPOSED ACTION

At the August 10, 2021 Agenda Session meeting the Board of Commissioners approved placing the proposed actions on the consent agenda at the August 16, 2021 Board of Commissioners meeting:

- Approve the PY 2021 Cumberland County Local Workforce Development Area Plan and with the Chairman to the Board of Commissioners signature executing the document



PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF AUGUST 16, 2021

TO: BOARD OF COUNTY COMMISSIONERS

FROM: RAWLS HOWARD, DIRECTOR OF PLANNING AND INSPECTIONS

DATE: 8/3/2021

**SUBJECT: REMOVAL OF APPENDIX B FROM THE CUMBERLAND COUNTY
CODE OF ORDINANCES**

BACKGROUND

As part of the 160D updates to the County's Zoning and Subdivision ordinances earlier this year, it was discovered that the County Code of Ordinances contains an Appendix B, which houses the County's subdivision standards, and that it is redundant and duplicative of an already existing stand-alone subdivision ordinance.

The Planning and Inspections Department has been utilizing the stand-alone subdivision ordinance for years and has the ordinance posted on the department's website. As such, staff believes there is no need for the duplicate language to be in the Code of Ordinances and that it should be removed. There is a precedent for this as an identical action was taken to remove Appendix A in the Code of Ordinances that previously held the County's zoning regulations. The redundant zoning regulations were removed with a note inserted to direct the public to the Planning and Inspections Department. Staff is requesting an identical action be taken for the subdivision regulations. Being that there is no change in the ordinance language, there is no public hearing required for this action.

Similar to the action taken to amend the zoning ordinance, and if deemed appropriate by the Board of Commissioners, staff recommends the following sentence be inserted to replace the current language in the Appendix B location:

"At the county's instruction the subdivision ordinance is not set out herein but is on file and available for inspection in the office of the planning department of the county."

RECOMMENDATION / PROPOSED ACTION

This item was presented at the August 10, 2021 Board of Commissioners' Agenda Session Meeting and approved to move forward to the August 16, 2021 Regular Meeting as a Consent Agenda Item. Staff

recommends the Board of County Commissioners remove Appendix B from the County Code of Ordinances.

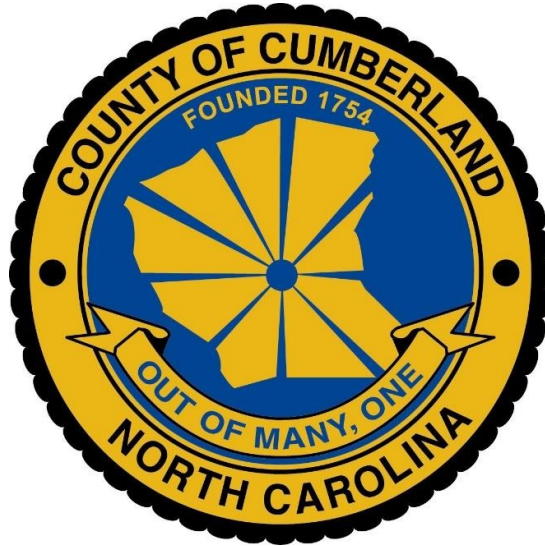
ATTACHMENTS:

Description

Type

County Subdivision Ordinance

Backup Material



SUBDIVISION ORDINANCE

CUMBERLAND COUNTY

NORTH CAROLINA

ORIGINALLY ADOPTED: JULY 1, 1970
AMENDED: AUGUST 18, 2008
EFFECTIVE: AUGUST 19, 2008
AMENDED AND REWRITTEN: June 21, 2021



CUMBERLAND COUNTY JOINT PLANNING BOARD

COUNTY SUBDIVISION ORDINANCE

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ARTICLE XX ADMINISTRATIVE PROVISIONS

SECTION 2001. PURPOSE.

The purpose of this ordinance is to establish regulations and procedures for the platting, recording and development of real property within Cumberland County. The Board of Commissioners of Cumberland County hereby find these regulations and procedures necessary in order to promote the orderly development of the County; provide for the coordination and dedication of streets and thoroughfares; provide for the reservation or dedication of land for other public purposes, as set forth herein; promote the proper installation of streets, public utilities and other community facilities, promote the eventual elimination of unsafe and unsanitary conditions arising from improper land subdivision and development; ensure proper description, identification, monumentation and recording of subdivided properties; and generally promote the public health, safety and general welfare. **State Statute Reference:** N.C. GEN. STAT., Chapter 160D, Local Planning and Development Regulation

SECTION 2002. TITLE.

This ordinance shall be known and may be cited as the Cumberland County Subdivision and Development Ordinance” or “Cumberland County Subdivision Ordinance.”
(Amd. 12-19-11)

SECTION 2003. AUTHORITY AND ENACTMENT.

The Board of Commissioners of Cumberland County, pursuant to the authority conferred by Chapter 160D, Article 8, of the General Statutes of North Carolina, does hereby ordain and enact into law these articles and sections.

SECTION 2004. JURISDICTION.

This ordinance shall control the subdivision and development of land, as defined herein, lying within the boundaries of Cumberland County, except to the extent of lawful subdivision regulations by any municipality in the County as authorized by law.

SECTION 2005. APPLICATION.

All preliminary plans and final plats for the subdivision, as defined herein, of land shall conform to the requirements of this ordinance and the County Zoning Ordinance and shall be submitted in accordance with the procedures and specifications established within the ordinances. Plans for developments, such as manufactured home parks, group developments, zero lot line, townhomes, and condominiums (unit ownership) shall be submitted in the same manner as and are subject to these provisions the same as other subdivision plats or plans.

SECTION 2006. ORDINANCE ADMINISTRATOR.

The Board of Commissioners of Cumberland County, as permitted by N.C. GEN. STAT. § 160D-801 *et seq.*, delegates to the Cumberland County Planning & Inspections Director, or the director's designee, authority to grant preliminary development plan and final plat approval in accordance with the provisions of this ordinance, with appeal of the Cumberland County Planning & Inspections Director's final decision to be heard and decided by the Cumberland County Planning Board.

SECTION 2007. STAFF CONFLICT-OF-INTEREST.

No Cumberland County Planning & Inspections staff member shall make a final decision on an administrative decision required by the Cumberland County Subdivision Ordinance and NC General Statute Chapter 160D if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship.

(Amd. 6-21-21)

SECTION 2007. PLANS/PLATS APPROVAL REQUIRED.

After the effective date of this ordinance, or the effective date of any subsequent amendment thereto, no subdivision plat or development plan of properties, as defined herein, within the jurisdiction of this ordinance and the County Zoning Ordinance, shall be permitted, filed or recorded until it shall have been submitted to and approved by the Planning and Inspections Department as hereinafter provided; no permit shall be issued for the development of any land until such time as the development plan or subdivision plat has been finally approved and if applicable, recorded with the County Register of Deeds or until such time as the plan has received formal approval where a final plat is not required; and no land shall be sold or transferred by reference to a subdivision plat, except those recorded prior to the effective date of this ordinance, that has not been approved

and recorded in accordance with the provisions of this ordinance.

SECTION 2008. FEES.

For each preliminary or development plan, final plat, and any site plan as required under the County Zoning Ordinance, the owner or agent of said property shall pay a nonrefundable filing fee to “Cumberland County” in accordance with a fee schedule approved by the County Commissioners.

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ARTICLE XXI

INTERPRETATIONS, CALCULATIONS AND DEFINITIONS

The interpretation of terms, methods of measurement, and definitions contained in this article shall be observed and applied when construing and applying this ordinance, except when the context clearly indicates otherwise. Words not otherwise defined shall be construed and applied given their customary and ordinary meaning.

SECTION 2101. INTERPRETATIONS OF COMMON TERMS AND WORDS.

For the purpose of interpreting certain words or terms contained within this ordinance and unless otherwise expressly stated, the following shall apply:

- A. Words used in the present tense include the future tense. Words used in the singular tense include the plural, and words used in the plural tense include the singular, unless the natural construction of the wording indicates otherwise.
- B. The word “shall” is always mandatory and not discretionary.
- C. The word “may” is permissive.
- D. The word “person” includes any firm, association, organization, partnership, corporation, trust or company, or any other legal entity, as well as an individual.
- E. The word “lot” shall include the words “piece,” “parcel,” “tract” or “plot.”
- F. The phrase “used for” shall include the phrases “arranged for,” “designed for,” “intended for” and “occupied for.”
- G. Any reference to an “article” or “section” shall mean an article or section of this ordinance, unless otherwise specified.

SECTION 2102. METHODS OF CALCULATION.

The rules set out herein shall be used to enforce and apply this ordinance, unless such rules are inconsistent with specific criteria contained within an individual article or section. If a discrepancy arises between the following methods and any specific section elsewherein this ordinance, the standards of the specific section shall prevail.

A. *Fractional requirements.* When any requirement of this ordinance results in a fraction of a unit, a fraction of one-half or more shall be considered a whole unit, and a fraction of less than one-half shall be disregarded. 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.

B. *Computation of time.* The time within which an act is to be completed shall be computed by excluding the first day and including the last day; if the last day is a Saturday, Sunday or legal holiday recognized by the County, that day shall also be excluded.

C. *Calculation of measurement.* The spatial separations required by this ordinance shall be calculated as follows:

1. Distance is calculated by drawing a straight line from the closest point on the perimeter of the exterior wall of the site being measured to the closest point of the property line in question.

2. Separation of structures is calculated by drawing a straight line from the closest point on the perimeter of the exterior wall, structure or bay to another exterior wall, structure, bay, well, or septic, as applicable.

3. Separation of uses is calculated by drawing a straight line from the closest point of the property boundary to the nearest property boundary line, which contains the use requiring the separation.

4. Area is calculated by applying the standard mathematical formulas, applying common conversion factors as necessary.

SECTION 2103. DEFINITIONS OF SPECIFIC TERMS AND WORDS.

In further amplification and for clarity of interpretation of the context, the following definitions of word usage shall apply:

Abutting/Contiguous: Having property or district lines in common, i.e., two lots are abutting if they have any portion of any property line in common. Lots are also considered to be abutting if they are directly opposite each other and separated by a street, alley, railroad right-of-way, navigable stream or other water source.

Access: A means of approaching/entering or exiting/leaving a property. Access also includes ingress, the right to enter and egress, and the right to leave.

Administrative decision: Decisions made in the implementation, administration, or enforcement of development regulations that involves the determination of facts and the application of objective standards set forth in local government development regulations.

Alley: A private right-of-way primarily designed to serve as a secondary access to the side or rear of those properties whose principal frontage is on a street and is not intended for general traffic.

Alter: To make any change, addition or modification in construction, occupancy or use.

Apartment: A room or suite of rooms intended for use as a residence by a single household or family. Such a dwelling unit may be located in an apartment house, duplex, or as an accessory use in a single home or a commercial building.

Berm: Any elongated earthen mound designed or constructed to separate, screen or buffer adjacent land uses.

Board of Commissioners or Commissioners: The Cumberland County Board of Commissioners.

Buffer: An opaque fence, wall, berm, hedge or other natural planting, or a combination thereof, restricting the view from adjoining streets and/or abutting properties thus providing a functional and/or visual separation of uses of property.

Buildable Area (Buildable Envelope): The space remaining on a lot after the minimum open space requirements (yards, setbacks, etc.) have been met.

Building: Any structure used or intended for supporting or sheltering any use or occupancy.

Building Footprint: The portion of a lot's area that is enclosed by the foundation of buildings, plus any cantilevered upper floor, stoops, porches, chimneys, decks, etc.

Building, Principal (Main): A building in which the principal use is conducted for the lot on which it is situated.

Building, Setbacks: The minimum distance from all property and/or right-of-way lines to the closest projection of the exterior face of buildings, walls or other forms of construction (i.e. decks, landings, terraces, and porches, etc.).

Building Site: A building site shall be that property intended for conveyance to a fee simple owner after the construction thereon of a single-family residence or business and shall be sufficient in size to contain the structure to be constructed thereon and any other proposed components of the property that are to be conveyed.

Cemetery: As defined in Chapter 65, Article 9, of the General Statutes of North Carolina, any one or a combination of more than one of the following in a place used or to be used and dedicated or designed for cemetery purposes:

- A. Grave spaces or burial park for earth interment;
- B. Mausoleum; and
- C. Columbarium.

Cemetery Grave Space: A space of ground in a cemetery intended to be used for the interment in the ground of the remains of a deceased person.

Certificate of Occupancy: Official certification that a premise conforms to the provisions of this ordinance, the County Zoning Ordinance and N.C. Building Code and may be used or occupied. Such a certificate is granted for new construction or for alterations or additions to existing structures or a change in use. Unless such a certificate is issued, a structure cannot be occupied, but a certificate may be issued for a portion of a structure ready for occupancy, such as separate dwelling or commercial units in a structure with multiple units.

Common Area: Land and any other portion of a development not individually owned or dedicated for public use, which is designed and intended for the use or enjoyment of the residents of the development.

Condominium (Unit Ownership) Development: A project, governed by the Unit Ownership provisions of this ordinance and regulated by the *NC Unit Ownership Act*, N. C. GEN. STAT. 47A-1, *et seq.*, consisting of multiple individually owned units in a multi-unit structure with jointly owned undivided interest in common of the land on which the structure(s) stand and other shared areas and facilities (common area).

Conservancy: Any legally established incorporated entity, whether for profit or nonprofit, whose organization is dedicated to the protection of the environment and natural resources.

County: Cumberland County.

Crosswalk: A right-of-way dedicated to public use, which cuts across a right- of-way to facilitate pedestrian access to adjacent streets and properties.

Dedication: A gift from by the owner of property to another party without any consideration being given for the transfer. Since a transfer of property is involved, the dedication shall be accomplished by written instrument and is completed with an acceptance.

Density: The average number of families, persons, housing units or buildings per unit of land.

Determination: A written, final and binding order, requirement, or determination regarding an administrative decision.

Development: Any land disturbing activity subject to the provisions of this ordinance resulting in new construction of a principal structure on a lot, addition to an existing principal structure that results in a fifty percent or more increase in size to the existing principal structure, or a subdivision of land. *(Amd. 12-19-11)*

Driveway: A private access way, the use of which is limited to persons residing, employed or otherwise using or visiting the parcel in which it is located.

Dwelling: A building that contains one or more dwelling units used, intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes.

Dwelling, Multiple-Family: A residence designed for or occupied by two or more families consisting of two or more dwelling units.

Dwelling, Single-Family: A detached residence designed for or occupied by one family only and consisting of one dwelling unit.

Dwelling Unit: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Easement: A right given or reserved by the owner of land for specific limited use of the owner's land.

Farmland Protection Area: An area defined and adopted by the Board of Commissioners as denoted on the Land Use Plan Map for protection of the agricultural industry; the rural character; and the preservation of farmland.

Group Development: A group of two or more principal uses, structures, or dwelling units occupying, built on, or intended to occur on a single lot, tract, or parcel of land.

Health Department: The Cumberland County Public Health Department, which includes County Environmental Health.

High Density: Residential development having a density of 15 or more dwelling units per acre. (*Amd. 12-19-11*)

High Voltage Line: Any electrical line 25kv or greater.

Highway Plan: A plan, formally known as “Fayetteville Area Metropolitan Planning Organization Highway Plan,” that provides and defines a functional system of streets permitting travel from origins to destinations with directness, ease and safety. Different streets in this system are designed and called on to perform specific functions, thus minimizing the traffic and land service conflict.

Land Area, Gross: The square footage of an entire site included within the external boundary of the property to be developed.

Land Area, Net: The square footage of an entire site, excluding public and private rights-of-way, required to meet the minimum zoning district dimensional provisions as required by the County’s Zoning Ordinance, for which the property is zoned.

Lot: A parcel of land occupied or intended for occupancy, by a principal structure or group of principal structures together with any accessory structures, including such yards, open spaces, width, and area as are required by this ordinance and the County Zoning Ordinance, either shown on a plat of record or described by metes and bounds and recorded with the County Register of Deeds.

Lot, Corner: A lot abutting the intersection of two or more streets, or a lot abutting a curved street or streets, in which streets have an angle of intersection of not more than 135 degrees.

Lot, Depth: The depth of a lot is the average distance between the front and back lot lines excluding street rights-of-way.

Lot, Flag: A lot where the main body of the lot is separated from the street giving access

to the property, but which has an included strip of land at least 20 feet in width connecting the lot to the street, thus providing lot access.

Lot, Frontage: The linear feet of property measured along the property line that abuts a public street. On a private street, the distance is measured along the right-of-way line adjoining the street.

Lot, Interior: A lot other than a corner or periphery lot.

Lot Lines: The lines bounding a lot; where a lot of record includes a public right-of-way, the lot lines are presumed not to extend into the right-of-way.

Lot, Periphery: A lot with one or more property line(s) comprising at least a portion of the boundary of the property to be subdivided or developed.

Lot, Through: A lot, other than a corner lot, having frontage on two parallel or approximately parallel streets or a corner lot having frontage on three or more streets.

Lot Width: The straight-line distance between the points where the building setback line intersects two side lot lines.

Lot of Record: A part of a subdivision or other development, a plat of which has been recorded in the office of the County Register of Deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the Register of Deeds and, if applicable, meets all requirements of this ordinance.

Low Density: Residential development having a density of 2.2 to six dwelling units per acre.
(Amd. 12-19-11)

Manufactured Home: A structure designed to be used as a dwelling unit, which has been constructed and labeled indicating compliance with the U.S. Department of Housing and Urban Development (HUD) administered *National Manufactured Housing Construction and Safety Standards Act of 1974*, as amended.

Manufactured Home, Class A: A dwelling unit constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development (HUD) that were in effect at the time of construction and that satisfies the following additional criteria:

A. The manufactured home has a length not exceeding four times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis;

B. The pitch of the roof of the manufactured home has a minimum vertical rise of 2.2 feet for each 12 feet of horizontal run and the roof is finished with a type of shingle that is commonly used in standard residential construction;

C. All roof structures shall provide an eave projection of no less than six inches, which may include a gutter;

D. The exterior siding consists predominantly of vinyl or aluminum horizontal lap siding (whose reflectivity does not exceed that of gloss white paint) or wood or hardboard siding, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction;

E. The manufactured home is set up in accordance with the standards set by the N.C. Department of Insurance (NCDI) and a continuous permanent masonry foundation, or permanent masonry curtain wall, un-pierced except for required ventilation and access, is installed under the manufactured home;

F. Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the N. C. Department of Insurance (NCDI), attached firmly to the primary structure and anchored securely to the ground; and

G. The moving hitch, wheels and axles, and transporting lights have been removed.

Manufactured Home, Class B: A dwelling unit constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development (HUD) that were in effect at the time of construction, but that does not satisfy all of the criteria necessary to qualify the dwelling unit as a Class A manufactured home.

Manufactured Home, Class C: Any manufactured home that does not meet the definitional criteria of a Class A or Class B manufactured home.

Manufactured Home Park: Any site or tract of land with more than two spaces intended to be occupied or occupied by manufactured homes, regardless of whether a charge is made for such services. Manufactured home parks may include recreational facilities and other incidental structures necessary to support the residents of the park.

Manufactured Home Space: A plot of land within a manufactured home park designed for

the accommodation of a single manufactured home.

Medium Density: Residential development having a density of greater than six and less than 15 dwelling units per acre.

(Amd. 12-19-11)

Municipal Influence Area: An area within the County's jurisdiction, and outside any municipalities' corporate limits, that is assigned by the County Commissioners to a specific municipality where certain development standards of that municipality shall be applicable. The official *Municipal Influence Area Map* for each municipality shall be filed with the appropriate Town Clerk and the Clerk to the County Board of Commissioners and shall be maintained by the Planning and Inspections Department.

N.C. Department of Transportation (NCDOT): The local district office of the North Carolina Department of Transportation.

Open Space: The land used for recreation, natural resource protection, amenities and/or buffer areas. Open space may include, but is not limited to, un-improved walkways, recreation areas, playgrounds, wooded areas, greenways and watercourses.

Ordinance: This document, the Cumberland County Subdivision and Development Ordinance, including any amendments thereto and whenever the effective date of the ordinance is referred to, the reference includes the original effective date and the effective date of any amendments.

(Amd. 12-19-11)

Parks and Recreation Director: The individual charged with overseeing the Fayetteville-Cumberland Parks and Recreation Department within a specific area; this definition also includes a designee of the Parks and Recreation Director, or where there is no Parks and Recreation Department, the official designated for the purpose by that affected jurisdiction's governing board.

Parks and Recreation Master Plan: The officially adopted document that is the vision of what the County's parks and recreation program and facilities could be in the future, as well as, a plan to make the initiatives written in the plan happen based upon available resources at any given time.

Planning Board (also known as "Joint Planning Board" or "County Planning Board"): A planning and advisory board established by the County Board of Commissioners, comprised of appointed members, who make recommendations to the Board of County Commissioners and other governing bodies on planning and land use matters. The board's official title is "Cumberland County Joint Planning Board".

Planning and Inspections Department: The department established by the County Board of Commissioners, responsible for and tasked with planning and land use matters for the County.

Planning and Inspections Director: The individual responsible for the leadership of the Cumberland County Planning and Inspections Department, and who serves as advisor to the Cumberland County Joint Planning Board.

Planning and Inspections Staff: The staff members assigned to the Planning and Inspections Department who, under the supervision of the Planning and Inspections Director, supports the Cumberland County Joint Planning Board and the County on planning and land use matters.

Plat/Plan: A preliminary or final map, usually of land which is to be or has been subdivided or otherwise developed, showing the location, boundaries, and ownership of properties; the location, bearing and length of every street and alley line, lot line and easement boundary line; and such other information as may be necessary to determine whether a proposed subdivision or other development meets all required standards of this ordinance and other applicable rules and regulations of the County.

Premises: A lot and the structure or structures located on it or the use or uses occurring on it.

Principal Structure/Principal Use: The primary building(s), purpose(s) or function(s) that a parcel or structure serves or is intended to serve.

Private Water System: Any water system that is not public and does not meet the definition for “Public Water Supply” below.

Public Water/Sewer Systems: Includes any municipal, county, sanitary district, community, and privately-owned water and/or sewer systems as regulated and controlled by the N. C. State Utilities Commission and the Health Department.

Public Water Supply: A water provider that has 15 or more connections or serves more than 25 customers and is regulated by the State of North Carolina.

A. *Community water.* Serves 15 or more connections or serves more than 25 year round residents (example: rest home).

B. *Non-community water.* Serves 25 of the same individuals six or more months out of the year (example: school or day care facility).

C. *Transient non-community water.* Serves 25 or more individuals at least 60 days out of the year, not necessarily by the same individuals.

D. *Purchased water system.* Water purchased from a public water supply.

Public Way: Any street, alley or similar parcel of land, which is deeded, dedicated or otherwise permanently appropriated to the citizens for their use.

Quasi-judicial hearing/decision: A hearing where the decision is involving the finding of facts regarding a specific application of development regulation and that requires the exercise of discretion when applying the standards of the regulation. (*Amd. 6-21-21*)

Reservation: A reservation of land does not involve any transfer of property rights; it simply constitutes an obligation to keep property free from development for a period of time for a specific purpose.

Right-of-Way: An area owned and maintained by the County, any municipality, the State of North Carolina, the Federal government, a public utility, a railroad or a private entity or individual for the placement of such utilities and/or facilities for the passage of vehicles or pedestrians, including roads, pedestrian walkways, utilities or railroads.

Rural density: Residential development having density of one or less dwelling units per acre. (*Amd. 12-19-11*)

Setback: The required distance between every structure with other structures, whether on the same or separate lots, and every structure and the lot lines of the lot on which it is located.

Sidewalk: An improved pedestrian surface that is typically located adjacent to a roadway and/or is intended to facilitate pedestrian access from one point to another.

Site Plan: A scaled drawing depicting uses and structures proposed for a parcel of land as required by this ordinance. It includes such things as lot lines, streets, building sites and setbacks, means of access, parking, reserved open space, building footprints, major landscape features—both natural and manmade—and, depending on requirements, the locations of proposed utility lines. The specific criteria for site plans are found in County Zoning Ordinance.

Site-Specific Vesting Plan: A plan used to determine development vested rights. This plan can include, but is not limited to, a subdivision plat, a site plan, a preliminary or general development plan, a special use permit, a conditional zoning, or any other development approval as recognized by the County. (*Amd. 6-21-21*)

Street: A public or private right-of-way, which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other right-of-way.

Street, Private: Any road, street, or alley that is not publicly owned or maintained and is used for access by the occupants of the development, their guests, and any representative of a governmental agency for purposes of performing a designated official function. (This definition does not include neighborhood public roads, cart paths and ingress/egress easements.)

Street, Public: A right-of-way maintained by a public entity and intended for vehicular traffic. The word "street" includes, but is not limited to, "road, freeway, expressway and thoroughfare." The Highway Plan and N.C. Department of Transportation classify streets as follows:

A. *Freeways and expressways.* The primary function of freeways and expressways is to move large volumes of inter-urban, inter-county and interstate traffic. They are not intended to serve the abutting property and, therefore, should provide limited access with grade separations at all intersections. They should be at least four-lane divided facilities permitting as high an average operation speed as legal and should connect the major economic, recreation and population centers of the county with those of the state and nation.

B. *Major thoroughfares.* Primarily for the movement of heavy volumes of traffic, major thoroughfares should form connections with the industrial, commercial and population centers within the County and with the major roads in neighboring in the surrounding areas. Depending upon anticipated traffic volumes and adjacent development, they may be two-lanes, four-or- more lanes undivided, or four-or-more-lanes divided facilities with either limited or controlled access and with major intersections separated. Though their primary function is to serve traffic, they may also serve abutting property with controlled access.

C. *Minor thoroughfares (collectors).* The main function of the minor thoroughfares is to collect traffic from the local roads and carry it to the major thoroughfares. They should be designed to serve a limited area with no access control or grade separation.

D. *Local street.* A local service street designed primarily for access to abutting properties.

E. *Cul-de-sac or hammerhead.* A local street permanently terminated by a turn-around.

F. *Marginal access street (service road)*. A local street that parallels and is immediately adjacent to a major thoroughfare, freeway or expressway, and which provides access to abutting property and protection from throughtraffic.

Structure: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in a permanent manner.

Subdivision: For the purpose of this ordinance, "subdivision" shall include all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development (whether immediate or future) on or after August 22, 1984 and shall include all divisions of land involving the dedication of a new street or a change in existing streets; however, the following shall not be included within this definition nor be subject to the regulations authorized by this ordinance:

A. The combination or recombination of portions of previously subdivided and recorded lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of the County as shown in its subdivision regulations.

B. The division of land into parcels greater than ten acres where no street right-of-way dedication is involved.

C. The public acquisition by purchase of strips of land for the widening or opening of streets or for public transportation system corridors.

D. The division of a tract in single ownership whose entire area is no greater than two acres into not more than three lots, where no street right-of-way dedication is involved and where the resultant lots are equal to or exceed the standards of the County Subdivision and Development Ordinance.

E. The platting of individual grave spaces within a cemetery.

However, plats in categories "A" and "D" above shall have the Planning Board's stamp "No Approval Required" before filing in the County Register of Deeds' office inasmuch as a determination must be made as to whether or not the resultant lots are equal to or exceed the standards set forth in this ordinance.

Suburban Density: Residential development having a density of less than 2.2 and greater than one dwelling units per acre. (*Amd. 12-19-11*)

Townhome Development: A project, governed by the *Unit Ownership* provisions of this ordinance, consisting of attached units in conjunction with a separate lot or lots of

common ownership, regardless of whether it is designed for residence, office, the operation of any industry or business, or for any other type of independent use, and wherein each unit has at least one vertical wall extending from ground to roof dividing it from adjoining units, and each unit is separately owned, with the owner of such unit having title to the land on which it sits.

Voluntary Agricultural District: A North Carolina program in which an owner of farmland may on their initiative apply to participate in and is designed to preserve and protect farmland from non-farm development, recognizing the importance of agriculture to the economic and social wellbeing of the State.

Yard, Front: An area of which the width is measured the entire length of the front property line between the side property lines; and the depth is measured as the distance between the street right-of-way or property line and the required front setback line.

Yard, Rear: An area of which the width is measured the entire length of the rear property line between the side property lines; and the depth is measured as the distance between the property line and the required rear setback line.

Yard, Side: An area extending from the required front setback to the required rear setback, or to the front or rear property lines where no front or rear setback is required by the provisions of this ordinance, the minimum and average dimensions of which are determined by the standards of property development of the zoning district in which such lot is located.

Zero Lot Line Development: A development including, but not limited to, residential lots, patio houses, townhomes and non-residential structures including one or more structures comprising at least two single-family residences or non-residential structures, whether attached or detached, intended for separate ownership.

ARTICLE XXII
PRELIMINARY SUBDIVISION AND DEVELOPMENT PLAN
APPROVAL

SECTION 2201. PRE-APPLICATION.

Whenever a subdivision or other development is proposed to be made and before any improvements shall be made, the developer shall cause a preliminary plan to be prepared. Applications for development approvals may be made by the landowner, a lessee or person holding an option or contract to purchase or lease land, or an authorized agent of the landowner. An easement holder may also apply for development approval for such development as is authorized by the easement. The preliminary plan shall comply fully with this ordinance and with the health, zoning and other applicable regulations in effect at the time the plan is submitted for preliminary approval. Before filing a preliminary plan for review, the developer is encouraged to submit a pre- application sketch plan to the Planning & Inspections Department, hereinafter: Department, for comments and suggestions. *(Amd. 6-21-21)*

SECTION 2202. PRELIMINARY PLAN SUBMISSION.

A. The preliminary plan in such form as required by Section 2203 and in such number of copies deemed sufficient by the Planning & Inspections Director, hereinafter "Director," shall be submitted, with the appropriate completed application to the Department.

B. The Department shall distribute the preliminary plan to the various affected land-use related agencies as determined by the Director and shall review the preliminary plan to determine its compliance with the provisions of this ordinance and other officially adopted regulations, plans and policies. The Department may negotiate for such other changes as may be found desirable.

C. After such review and negotiations, the Department may approve the plan and state the conditions of such approval, if any, or shall disapprove the plan and state its reasons, therefore. Except where extenuating circumstances exist and where additional information is required for review of the plan, the Department shall issue a final ruling within 12 working days from date of submittal of the preliminary plan.

D. In addition to approving waivers, the Planning Board shall decide all conditions of approval where the Director and developer cannot reach agreement - see Section 2601.

SECTION 2203. PRELIMINARY PLAN AND SUPPORTING DATA.

The preliminary plan shall be drawn to scale of not less than 200 feet to the inch nor more than 20 feet to the inch. It should be superimposed on a topographic map with contour lines shown at one- or two-foot intervals. In addition, the preliminary plan shall include the following:

A. *Title data.* Subdivision or development name, the names and addresses of the owner(s) or the designer of the plan, the scale, date and north point.

B. *Vicinity sketch.* A key map or vicinity sketch showing the subject property's general location in relation to an area of the County.

C. *Existing data.* Location of existing and platted property; total acreage of proposed development; existing structures, culverts, bridges, watercourses, railroads, political boundary lines, zoning district lines, parks, location of easements and name of easement holder; right(s)-of-way name and width, whether public or private, on and adjoining the land proposed for development; and the names of adjoining property owners.

D. *Data relating to proposed subdivision or other development.* The names, locations and dimensions of proposed streets, alleys, crosswalks, lots, easements, building setback lines, *Special Flood Hazard areas*, parks, playgrounds and other open spaces.

E. *Data relating to surrounding area.* Where the preliminary plan submitted includes only a part of the developer's tract, an overall sketch showing the prospective future street system, proposed public open spaces and other features for the development of the entire tract shall accompany the preliminary plan.

F. *Utility plans.* The preliminary plan shall contain a statement as to the type of intended water and sewer service. Where public water and/or sewer is not to be provided, the preliminary plan shall contain a statement as to the proposed method of water supply and/or sewage disposal.

G. *Street cross sections.* When required by this ordinance, typical cross sections of proposed streets shall be drawn, showing width and proposed construction of roadways at a scale of not less than 30 feet to the inch.

H. *Other improvements.* At the discretion of the Director, where other improvements are required or are to be provided in the development, appropriate plans shall accompany or shall be incorporated into the preliminary plan.

SECTION 2204. EFFECT OF PRELIMINARY PLAN APPROVAL.

Where preliminary plan approval is granted, the developer may then proceed to construct improvements in accordance with the requirements of this ordinance, the County Zoning Ordinance and other applicable regulations, and, if required, to submit the final plat for approval for recordation. Where approval is granted, the preliminary plan shall be approved or conditionally approved initially for a period of time not to exceed two calendar years. Extensions may be approved for subsequent two calendar year time periods provided that a request for extension is made prior to the expiration of the approval and provided that substantial progress is made or is being made toward the completion of the development. Preliminary plan approval shall be provided to the applicant in writing and electronic form if electronic contact information is provided. Development approvals shall run with the land. *(Amd. 6-21-21)*

SECTION 2205. CONTRACTS TO SELL OR LEASE REFERENCING APPROVED PRELIMINARY PLAN.

The terms of this ordinance shall not prohibit any owner or its agent from entering into contracts to sell or lease by reference to an approved preliminary plan for which a final plat has not yet been properly approved provided that the provisions of N. C. GEN. STAT. § 160D-807 are complied with.

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ARTICLE XXIII IMPROVEMENT AND DESIGN STANDARDS

SECTION 2301. GENERAL.

A. *Conformity.* All proposed subdivisions or developments regulated by the provisions of this ordinance or the County Zoning Ordinance, shall comply with the provisions of this ordinance, the County Zoning Ordinance, and other applicable local, State and Federal regulations.

B. *Reasonable relationship.* Any proposed subdivision or other development subject to the provisions of this ordinance shall also be so planned as to facilitate the most advantageous development of the entire community and shall bear a reasonable relationship to existing or amended plans and written adopted policies of the Planning Board and the Board of Commissioners.

C. *Recorded plat.* A final plat shall be prepared, approved, and recorded pursuant to the provisions of this ordinance and the County Zoning Ordinance, prior to any subdivision of land and prior to commencement of the placement of any structure or construction on or conveyance of any portion of any subdivision lot.

SECTION 2302. AREA-SPECIFIC STANDARDS.

A. Municipal Influence Areas.

1. *Municipal Influence Area Application.* The Board of Commissioners may approve and establish a *Municipal Influence Area* (MIA) for a municipality. All subdivisions or developments with four or more proposed lots/units derived from the same parent tract as of the date of this ordinance and located within a municipality's MIA shall be designed and constructed in accordance with the subdivision design standards officially adopted by the municipality and explicitly listed in this ordinance, except that no payment in lieu for any required improvement may be charged as a condition of approval of the proposed development for the benefit of any municipality, and no permit or inspection fee can be imposed by the municipality so long as the property proposed for development remains outside that municipality's corporate limits at the time the property is developed. The terms of any interlocal agreement adopted by the County Commissioners and affected governing bodies shall prevail in the event of conflict between the provisions of this ordinance and the agreed upon terms of the interlocal agreement. The subdivision design standards for each municipality are attached to this ordinance as "Exhibit 5" and entitled *MIA Subdivision Design Standards*.

2. *Municipal Influence Area Map.* The official MIA map – see Exhibit 4 – shall be

maintained by the Planning and Inspections Department and kept on file with the office of the Clerk to the County Board of Commissioners. Each MIA shall be designated with two distinct areas, “10 year” and a “20 year”. The 10-year area shall include the properties with the highest probability of annexation and the municipal development standards shall only apply within the ten year area. Each assigned MIA boundary shall be evaluated every five years. (*Amd. 12-19-11; Amd. 8-21-17*)

B. *Sewer Service Area*. The Board of Commissioners may approve and establish a *Sewer Service Area* (SSA). The SSA sets forth an area within which subdivisions and developments should be served by sanitary sewer and shall otherwise be developed according to the provisions of any officially adopted interlocal agreement. Any proposed subdivision or other development inside the boundary of the SSA shall comply with the pertinent provisions governing extension of sanitary sewer and other subdivision and development criteria specifically addressed within any officially adopted interlocal agreement.

C. *Fort Bragg Special Interest Area*. Because of the location of known habitat and forage areas of the protected Red-Cockaded Woodpecker on the properties in and around the military reservations, the community, including the military, has a special interest in any subdivision or other development that occurs on the privately-owned properties in close proximity to the military bases. The official *Fort Bragg Special Interest Area* map, hereby adopted as part of this ordinance, shall be maintained by the Planning and Inspections Department and kept on file with the Clerk to the County Board of Commissioners – see Exhibit 6. Upon receipt for submission of any subdivision or other development subject to review under this ordinance and located within the *Fort Bragg Special Interest Area*, the Planning and Inspections Staff shall forward a copy of the preliminary plan to the military planner assigned to the affected military base and to the local office of the U.S. Fish and Wildlife Service, in addition to the other agencies involved in the review process. The military planner and the Fish and Wildlife representative will then assist the developer in identifying areas where trees should be maintained. While the owner is not obligated, the intent is to encourage clustering of developments in accordance with the special subdivision and development provisions of this ordinance or the County Zoning Ordinance, thus protecting the endangered woodpecker.

D. *School sites*. Where the Land Use Plan identifies an area with a specific location and size of a school site that has been approved jointly by the Board of Commissioners and the County Board of Education as a proposed school site and the proposed school site lies wholly or partially within an area being proposed for subdivision or other development, the land area for the school site shall be reserved if the Board of Education wishes the site to be reserved. The Planning and Inspections Department shall immediately notify the Board of Education upon the submission of a preliminary plan for review and approval

under the provisions of this ordinance or the County Zoning Ordinance. If the Board of Education wishes the site to be reserved, the preliminary plan may not be approved without the reservation of the specific area for the school site. The Board of Education must acquire the site within 18 months after the date the site is reserved; if the site has not been acquired by the Board of Education within the 18-month period, the developer may treat the land as freed of the reservation. **State statute reference:** N. C. GEN. STAT. § 160D-804

E. *Public park and recreation sites.* Where the Fayetteville-Cumberland Parks and Recreation Master Plan or other officially adopted parks plan identifies an area with a specific location and size of a site that has been approved jointly by the County Board of Commissioners and the Fayetteville- Cumberland Parks and Recreation Department as a proposed public park or recreation site; hereinafter, *park site*; and the proposed park site lies wholly or partially within an area being proposed for subdivision or other development, the land area for the park site shall be reserved if the Fayetteville- Cumberland Parks and Recreation Department wishes the site to be reserved. The Planning and Inspections Department shall immediately notify the Fayetteville- Cumberland Parks and Recreation Department upon the receipt for submission of a preliminary plan for review and approval under the provisions of this ordinance or the County Zoning Ordinance. If the Fayetteville-Cumberland Parks and Recreation Department wishes the site to be reserved, the preliminary plan may not be approved without the reservation of the specific area for the park site. The Fayetteville-Cumberland Parks and Recreation Department must acquire the site within 18 months after the date the site is reserved; if the site has not been acquired by the Fayetteville-Cumberland Parks and Recreation Department within the 18-month period, the developer may treat the land as freed of the reservation. **State statute reference:** N. C. GEN. STAT. § 160D-804

F. *Planned public rights-of-way.* Where any portion of a proposed subdivision or other development lies within the proposed right-of-way of any public street or road that is included in an officially adopted *Highway Plan* of the County, or in the event the proposed development is located within any municipality's *Municipal Influence Area*, within any municipality's officially adopted street/highway plans, the right-of-way shall be dedicated or reserved in the location and at the width as adopted in the official plan; provided that no dedication wider than 80 feet shall be required, and provided that reservation of right-of-way shall be required where right of direct access from abutting property is denied. If the subdivision or other development is such that a plat is required to be recorded prior to any development on the site, the dedication and reservation shall be accomplished on the final plat, with the bearings and distances of the required dedication and reservation lines shown; otherwise, a reservation of the property shall be shown on the preliminary plan prior to the plan receiving preliminary approval. Any right-of-way required to be dedicated or reserved shall not be included in the calculation of land area for district dimensional requirements for the zoning district in which the proposed subdivision or other development is located. **State statute reference:** N. C. GEN. STAT. § 160D-804

G. *Voluntary Agricultural District*. The *Voluntary Agricultural District* (VAD) is intended to promote agricultural and environmental values and the general welfare of the County and, more specifically, increase identity and pride in the agricultural community and its way of life, encourage the economic health of agriculture, and increase protection from non-farm development and other negative impacts on properly managed farms. Approved applications for placement of property within the VAD shall be kept on file at the Planning and Inspections Department and notice of a proposed subdivision, development or other change in property lines for property located within the VAD shall be made to the Cooperative Extension Office immediately upon its submission for approval for recordation. **State statute reference:** N. C. GEN. STAT. § 106-744

SECTION 2303. MINIMUM LOT STANDARDS.

A. *Compliance with County Zoning Ordinance*. Any subdivision, individual lot or other development created subject to the terms of this ordinance is subject to and shall comply with all applicable provisions of the County Zoning Ordinance.

B. *On-site water and sewer systems*. Lots not served by public water and/or sewer systems shall be large enough and of such physical character to meet County Environmental Health's minimum standards for on-site water and/or sewer systems.

C. *Street frontage*. Except as otherwise provided for in Section 2401, every lot shall abut a public street or private street approved under the terms of this ordinance for at least 20 feet; such frontage (abutting) to be continuous from the property line to building setback line.

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

E. *Easements*.

1. *Utility*. To provide for existing or future service poles, underground electric and communication lines, public utilities, conduits, drainage facilities, water and sewer lines, an easement not less than ten feet wide, five feet on each side of the common rear lot line or in other locations where necessary, shall be provided. No building or other permanent obstruction, not including fences, shall be erected on any such easement.

2. *Drainage.* Where property to be subdivided is traversed by a watercourse, drainage way, canal or stream, there shall be provided a drainable easement for channel improvement which conforms substantially with the center line of such watercourse, drainage way, canal or stream. Such drainage easement shall be a minimum of 20 feet wide (not necessarily centered) but in no case shall it be required to exceed 20 feet from the top of the bank (natural stream channel) on either side of the watercourse, drainage way, canal or stream. In the event that the subdivision or other development includes a man-made lake, such drainage easement shall conform to the original stream or watercourse where known or a note added to the plat to read as follows:

“In the event that the lake(s) shown on this plat is drained or otherwise lowered to the natural stream level, a public drainage easement for the purpose of channel improvement is hereby dedicated at a minimum width of 20 feet but not to exceed 20 feet from the top of the bank on either side of the natural stream course.”

F. *Lots intended for commercial and industrial uses.* Commercial and industrial lots may be arranged in convenient units of width and to a depth that is appropriate to the development contemplated, provided that the minimum requirements for lots, blocks and zoning are met.

G. *Lots subject to flooding.* Improvements of any lot, street or common area shall not be commenced in a subdivision or other development, or section thereof, subject to this ordinance or the County Zoning Ordinance, unless the developer, builder, landowner or other appropriate permittee has complied with the provisions of the County Flood Damage Prevention Ordinance. The preliminary plans and final plats of subdivisions or other developments, or sections thereof, in which there are areas of special flood hazard, shall have a line or lines drawn thereon delineating the boundaries of such areas within the subdivision or other development. Each such boundary line shall be the same as the boundary line(s) of the *Special Flood Hazard Area*, as defined in the County Flood Damage Prevention Ordinance, and as shown on the official flood maps of Cumberland County, the Flood Insurance Rate Map (FIRM). Any interpretation by the County Engineer may be appealed pursuant to the County Flood Damage Prevention Ordinance.

The preliminary plans and final plats of a subdivision or other development, or section thereof, subject to the provisions of this section, shall be annotated with the following notice when the plan/plat is a depiction of property that is located within the *Special Flood Hazard Area*:

“Notice: Any improvement within the *Special Flood Hazard Area*, or any subsequent revision thereof, is subject to the provisions of the Cumberland County Flood Damage Prevention Ordinance and may be limited or precluded thereby.”

SECTION 2304. STREETS.

A. *General criteria.* All subdivision lots or any lot proposed to be developed shall abut a street designated as either public or private and all public or private streets shall be built to the standards of this ordinance, other applicable standards of the County, and the North Carolina Department of Transportation (NCDOT). Public streets shall be designed in accordance with the standards of this ordinance, the NCDOT, or, if the development is located within a municipality's *Municipal Influence Area*, to that municipality's standard (see Exhibit 5, MIA Development Standards). Public streets shall be constructed in such a manner to be eligible for acceptance into the State highway system and shall be put on such system. Private streets shall be developed in accordance with the terms of this ordinance and other applicable Federal, State, and local regulations. The following provisions apply to all streets, whether public or private:

1. *Relation of proposed streets to adjoining street system.* The proposed street system shall extend existing or proposed streets at the same or greater width, but in no case less than the required minimum width, provided that no extension wider than 80 feet shall be required.

2. *Through traffic.* Minor residential streets shall be laid out so as to discourage through traffic.

3. *Access to adjacent property.* The proposed street system shall be designed to provide for the dedication of access to and not to impose undue hardship upon adjacent property adjoining the proposed subdivision or other development. Reserve strips adjoining street right-of-way for the purpose of preventing access to adjacent property shall not be permitted.

4. *Access to parks, schools, etc.* Streets shall be designed, or walkways dedicated to assure convenient access to adjacent parks, playgrounds, schools, and other public places. Dedicated walkways shall not be less than ten feet in width.

5. *Circulation requirements.* The minimum circulation requirements for all development shall be the standards outlined in the *NC Department of Transportation Policy on Street and Driveway Access to North Carolina Highways*.

6. *Marginal access streets.* When a tract of land to be subdivided or developed adjoins a limited access highway, the developer may be required to provide a marginal access street parallel to the highway or reserve frontage on an interior street for the lots being proposed that are adjacent to the highway.

7. *Street names.* Proposed street names shall not duplicate nor closely approximate phonetically the name of any street anywhere within Cumberland County.

Where proposed streets are extensions of existing streets, the existing street names shall be used except where a new name can reasonably be used to avoid further street name duplication.

8. *Street signs.* All streets within a development shall be marked with a street name sign of a design specification and location in accordance with the *Cumberland County Street Sign Specifications Manual* and approved by the Planning & Inspections Department.

9. *Half streets.* Whenever an existing half street is adjacent to a tract of land to be subdivided or otherwise developed, the other half of the street shall be dedicated or shown as an easement for conditional future dedication within the new subdivision or other development. New half streets are prohibited except when essential to the reasonable progression of the subdivision or other development in conformity with the other requirements of these regulations and where it will be practicable to require the dedication of the other half when the adjoining property is subdivided or otherwise developed.

10. *Street design.*

a. *Right-of-way.* Proposed street right-of-way shall be of sufficient width to meet the requirements of the specifications of the NCDOT.

b. *Median strips.* Where a subdivider elects to construct a street divided with a median strip, the right-of-way width shall not be less than 70 feet, and no median strip shall be less than ten feet wide.

c. *Corner radii.* Property lines at street intersections shall be rounded with a radius of 25 feet.

d. *Intersecting streets.* Streets shall be laid out so as to intersect as nearly as possible at right angles.

e. *Street offsets.* Where there is an offset in the alignment of a street across an intersection, the offset of the center lines shall not be less than 125 feet.

f. *Block lengths.* Block lengths generally shall not be longer than 1,800 feet; provided that where a longer block will result in less traffic through residential developments from adjoining businesses or areas, the Planning and Inspections Director may approve block lengths in excess of 1,800 feet.

g. *Public, Class "A" and "B" private street ending.* All streets not stubbed to adjacent properties for future development shall be ended with either a cul-de-sac or a

hammerhead (“t-type”) turnaround. Streets ending with a cul-de-sac or hammerhead shall not be longer than 1,400 feet. Cul-de-sac shall be designed at the closed end with a circular turnaround having an outside roadway diameter of at least 70 feet and a right-of-way line diameter of at least 100 feet. Hammerheads shall be designed at the closed end with a “t-type” turnaround having a minimum outside dimension of 50 feet by 100 feet and a roadway dimension of 20 feet by 70 feet and a 15 foot radius is required at the intersecting lines of the “t-type” ending. Alternative types of turnarounds as approved by the NCDOT may be approved if the design provides for adequate maneuvering of emergency and other public use vehicles.

(Amd. 12-19-11)

h. *Alleys.* A reservation or easement for an alley to the rear of proposed lots may be approved provided that the developer can produce satisfactory evidence at the time of the preliminary plan submission to show that the alleys will be functional and be designed in such a manner as to allow for public services to be accomplished. When serving four or less residences, any alley proposed shall provide a minimum width of 12 feet. When serving five or more residences and/or non-residential uses, any alley proposed shall provide a minimum alley width of 20 feet. The Planning and Inspections Staff shall review development plans that include alleys for vehicular safety. Alleys shall be approved and maintained the same as common areas within a development and require the County Attorney’s approval of owners’ association documents and covenants with respect to maintenance and liability of any alley.

B. Public streets.

1. *Construction.* All public streets shall be constructed according to the standards and specifications of the NCDOT and this ordinance.

2. *NCDOT Approval and Acceptance.* All public streets shall be certified by the NCDOT as being acceptable for future maintenance by the State, provided that other conditions for acceptance and maintenance are met. Until such time that the NCDOT accepts the public street for maintenance, the developer and subsequent purchasers shall be responsible for maintenance and for securing final acceptance by the NCDOT.

It shall be the responsibility of the developer to formally notify the NCDOT’s District Engineer and initiate the process of transferring the responsibility of road maintenance. If application to the District Engineer has not been formally submitted and any deficiencies noted by the NCDOT resolved by the time the County has issued building permits for 80% of the lots shown on the preliminary plan as submitted and conditionally approved, the County shall not issue any additional building permits until the District Engineer formally notifies the Planning and Inspections Department of the NCDOT’s receipt of such application and their satisfaction of any noted deficiencies impeding the NCDOT’s acceptance of the streets.

If all roads within the subdivision or other development have not been applied for the NCDOT's consideration for addition to the State system by the time at which building permits have been issued for 80% of the lots of the conditionally approved preliminary plan, the developer may post a surety performance bond or an equivalent security as authorized in Section 2502. Should this alternative be used, the method of payment chosen shall be equal to 1.25 times the cost of installing all remaining required improvements according to the standards required by the NCDOT. Within 30 days after the Planning and Inspections Department receives formal notice of pending acceptance of the roads by the NCDOT, the County shall release any unused portion of the securities posted through this procedure.

For purposes of this ordinance, "road maintenance" shall mean that the public streets are kept in a good state of repair and that the streets are able to be used for their intended purpose without any impediments. The developer and future purchasers shall not install or allow to be installed any items within the right-of-way which will have to be removed prior to the acceptance of the roads by the NCDOT. Such items include but are not limited to fences, masonry mailbox supports, shrubbery, and driveway markers.

(Amd. 12-19-11)

3. *Gradient, curves and alignment.* Street gradient, reverse curves and horizontal alignment shall be in accordance with the standards and specifications of the NCDOT.

4. *Curbs and gutters.* All curbs and gutters installed shall meet the NCDOT approved standards and specifications.

(Amd. 03-19-12)

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

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

(Amd. 10-15-12)

2. *Access to government agency.* In any subdivision or other development where private streets are provided, the developer shall prepare for Planning and Inspections Department approval and record in the County Register of Deeds, a plat of such development indicating all private streets. It shall be indicated on such plat that any governmental agency or personnel or equipment thereof shall be granted perpetual access over all such private streets to accomplish or fulfill any service or function for which the agency is responsible and that any agency or organization designated by a governmental agency to perform a designated function shall also retain access the same as any governmental agency. It shall be indicated on such plat that any agency exercising its access rights shall have the same rights and only such liabilities as it would have on any public lands, rights-of-way or easements.

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

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

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

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

be provided.

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

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

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

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

travel way;

(8) *Repealed*; and

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

5. *Repealed*.

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

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

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

SECTION 2305. SIDEWALKS.

A. Sidewalks shall be required to be constructed when any subdivision or other development proposed is adjacent to an existing public school or public park property, the developer shall construct and dedicate to the affected public agency a walkway (sidewalk) not less than ten feet in width in such a location as to facilitate direct convenient access to the adjacent school or park.

B. Any required sidewalk shall be constructed with concrete or other approved surface material and shall comply with the provisions of the *Americans with Disabilities Act*

standards. The required sidewalk shall be constructed with a minimum width of 36 inches, a minimum of four inches thickness for areas subject to pedestrian traffic, a minimum of seven inches thickness for areas subject to vehicular traffic, joints spaced every three feet, and a minimum 3,000 PSI compressive strength.

(Amd. 12-19-11)

SECTION 2306. UTILITIES.

A. *Water and sewer.* Where water and/or sewer systems are to be installed as part of the development improvements, such systems shall be designed and installed in accordance with the standards and specifications of the County Health Department and/or the provider responsible for the approval of such systems.

1. *Public water and sewer systems.*

a. *Generally.* Where the installation of public water and/or sewer systems is prerequisite to approval of lot sizes and standards, such systems shall be installed and certified prior to final plat approval or assured to be installed in accordance with the provisions of Section 2502.

b. *Connection to public water and sanitary sewer required.* When not predicated upon a prior mandatory annexation policy and where any portion of a subdivision or other development submitted for approval under the terms of this ordinance or the County Zoning Ordinance proposes two to ten lots or units is within 300 feet of public water or sewer, the public utilities shall be extended and connected. Where any portion of eleven to twenty lots or units is within 500 feet of public water or sewer, the public utilities shall be extended and connected. For more than twenty lots or units proposed within the Sewer Service Area and/or and where density is greater than two lots or units per acre, the extension of and connection to public water and sewer service is required. Sanitary sewer service outside of the Sewer Service Area requires approval in accordance with the terms of any interlocal agreement officially adopted by the Board of Commissioners.

(Amd. 12-19-11)

c. *Exception to public water and sewer extension/connection.* The Planning and Inspections Director shall exempt connection to a public water and/or sewer system when any of the following conditions warrant:

(1) Public sanitary sewer is within a different drainage basis or sub-basin;

(2) The public utility is located beyond the jurisdiction of the Planning Board, and the public utility provider will not agree to extend service;

(3) Crossings of Rockfish Creek, Lower Little River, South River, Cape Fear

River, controlled access highways such as Interstate 95, Business 95 and the Fayetteville Outer Loop;

(4) Extensions exceeding 2,000 feet from existing public services; or

(5) Property is located outside of the County's or a municipal government's approved utilities plan. *(Amd. 12-19-11)*

2. *On-site water and sewer systems.* When proposing lots or units to be served by on-site private water and/or sewer systems, the lot shall be of sufficient size to accommodate the utilities and providing for adequate building area. When either or both of such systems are proposed to be used, every plat must have a certification or disclosure as required by in Section 2504. Every deed created for a lot or unit to be served by an on-site water and/or sewer system within the jurisdiction of this ordinance and to be filed with the County Register of Deeds shall include the following disclosure:

"Public water and/or sewer services are not available, as of the date of the recording of this deed. On-site sewer disposal systems must be approved by the Health Department."

B. *Fire hydrants.* Fire hydrants are required when a subdivision or other development with four or more proposed lots/units derived from the same parent tract as of the date of this ordinance and when subject to the provisions of this ordinance or the County Zoning Ordinance is to be served by extension of a public water system where the provider is capable of supplying sufficient water pressure to operate the hydrants. The following are the minimum standards for hydrant installation:

1. Fire hydrants shall be located no more than 1,000 feet apart and at a maximum of 500 feet from any lot or unit;
2. Each fire hydrant shall have the minimum main supply line as required by the provider to adequately provide the appropriate amount of pressure to the hydrant;
3. Fire hydrants shall be maintained by the entity supplying water thereto; and
4. Standard hydrant design (National Standard Thread, 4½-inch steamer, (2) 2½-inch discharge connections, etc.) and proper maintenance shall be utilized.
(Amd. 12-19-11)

C. *Underground utilities required.* All subdivisions and other developments shall have utilities placed underground where practical. High voltage electrical lines as defined are exempt from this requirement.

D. *Stormwater*. New subdivisions and other developments that will disturb one acre or more of land or is part of a larger plan that will disturb at least an acre of land is subject to the Post-Construction Stormwater Management Permitting Program administered by the Division of Water Quality, N. C. Department of Environment and Natural Resources (NCDENR).

SECTION 2307. OTHER REQUIREMENTS.

A. *Required drainage*. Drainage systems shall be installed by the developer in accordance with the NC Carolina Department of Transportation (NCDOT) standards and specifications and in accordance with the NC Department of Environmental and Natural Resources' (NCDENR) *Manual on Best Management Practices* (BMP).

B. *Monuments*. Monuments of a permanent material shall be installed in accordance with the good surveying/engineering practices set forth by the NC Board of Examiners for Engineers and Land Surveyors (NCBELS).

C. *Removal of rubbish*. All cut or fallen trees, stumps or rubbish shall be completely removed from the subdivision or development site.

D. *Watercourse protection*. During the construction, preparation, arrangement, and installation of improvements and facilities in subdivisions or other developments located at or along a watercourse, the developer shall maintain the watercourse in an unobstructed state and shall remove from the channel and banks of the watercourse all debris, logs, timber, junk and other accumulations of nature that would, in time of flood, clog or dam the passage of waters in their downstream course; provided that installation of appropriately sized stormwater drains, culverts, bridges, levee systems or closure structures in a levee system shall not be constructed as obstructions in the stream.

SECTION 2308. PARKS, RECREATION AND OPEN SPACE.

Every newly proposed residential dwelling lot or unit shall provide a portion of land for the purpose of providing park, recreation and open space areas. For purposes of this section, the terms "recreation area" includes park, recreation and/or open space areas.

Whenever this section provides for the exercise of discretion by the Planning & Inspections Director, the Parks and Recreation Director, or an affected jurisdiction, such discretion shall be exercised consistent with the facts, policies and objectives set forth in the officially adopted Parks and Recreation Master Plan as it affects from time to time.

Any portion of a subdivision or other development that lies within an area designated in the officially adopted Parks and Recreation Master Plan or other officially adopted open

space/greenway plan (not exceeding the amount required to be dedicated) shall be included as part of the area set aside to satisfy the recreation area requirements of this section. This area shall be dedicated to public use.

A. *Amount of land.* The amount of park, recreation or open space area shall be 800 square feet per dwelling lot or unit. The affected governing body must approve water bodies offered to a public entity for meeting these requirements. The recreation area may include a combination of land above the SFHA, land in the SFHA, water bodies within the development. Land area offered that contains five acres or more and is consistent with the adopted Parks and Recreation Master Plan must be accepted by the affected jurisdiction.

Recreation areas shall be of such dimensions as to be functionally useable and maintainable. Subdivisions or other developments that would require less than 25,000 square feet of recreation area may pay a fee in lieu of and be exempt from providing on-site recreation area when the Parks and Recreation Director determines that:

1. The onsite recreation area cannot be combined with such areas serving adjacent property to form a functionally usable and maintainable area; or

2. The recreation needs of the subdivision or other development can be adequately met by existing or planned public recreation areas. In determining the size of a subdivision or other development for purposes of this section, the Planning and Inspections Staff shall consider the entire project developed on a single tract or contiguous multiple tracts under common ownership, regardless of whether the subdivision or other development is constructed in phases or sections. The developer of any subdivision or other development that is exempt from providing on-site recreation area shall pay a fee to the affected jurisdiction in lieu thereof to be used to acquire recreation areas for any park type listed in the Parks and Recreation Master Plan to benefit the residents of the general area.

B. *Standards for recreation areas.* All recreation areas shall meet the standards established in the Parks and Recreation Master Plan unless waived by the Planning Board with a recommendation from the Planning & Inspections Director. These standards are as follows:

1. *Unity.* The dedicated land shall be a single parcel of land, whether or not the subdivision or other development is developed in phases or sections, except if the Planning & Inspections Director determines with a recommendation from the Parks and Recreation Director that multiple parcels would better serve the residents of the subdivision or other development and the public.

2. *Usability.* A maximum of one-half of the recreation area may be water. When one-half of the area offered is water, the remaining land must be useable land for a park. The usability of recreation area shall be determined by the Planning & Inspections Director,

with a recommendation from the Parks and Recreation Director. The governing body of the affected jurisdiction shall make the final decision.

3. *Shape.* The area not water or wetland shall be of such shape to be usable for recreation facilities, including, but not limited to, tennis courts, swimming pools, clubhouses, athletic fields, basketball courts, swings, slides, play apparatus, open play areas or picnicking, etc.

4. *Location.* The offered land shall be located to reasonably serve the recreation area needs of the residents within the subdivision or development. The Planning & Inspections Director, with a recommendation from the Parks and Recreation Director, may require that the recreation area be located on the periphery of the subdivision or development in order to allow its enlargement by combining the recreation area with that of adjacent subdivisions or other developments; when adjacent property is publicly owned; or when there are officially adopted plans that identify the area as future recreation area to be acquired by the affected jurisdiction. The affected jurisdiction's Parks and Recreation Director, with final approval from its governing body, may negotiate the location of the land or fee when it is deemed in the best interest of the immediate residents and that jurisdiction's long-range parks and recreation plan. This may include exchanging larger, more economical tracts of land offsite from the subdivision or other development for the tract within the subdivision or development. This shall only be allowed when there is sufficient park and recreation area to meet the needs of the affected subdivision or development's residents.

5. *Access.* All dwelling units in the subdivision or development shall have free, easy and convenient ingress and egress to and from recreation area within the subdivision or development via streets or public walkways or trails, with one access being a minimum width of 20 feet. Typically, recreation area should be accessible from a public street. -of-way for this access shall be shown on the preliminary plan. Recreation areas that do not have frontage on a public street but are adjacent to an existing public recreation area that has such access shall be exempt from this requirement.

6. *Landscaping.* Recreation areas shall have a sufficient natural or manmade buffer or screen to minimize negative impacts on adjacent residents.

7. *Additional minimum standards for public dedication of land.* In addition, all land area dedicated to the public must meet the following:

(a) Must not be a former site of or contain any remains of hazardous materials; and

(b) If the recreation area is to contain a developed facility, the facility and the recreation area must be approved by the affected governing body.

C. Procedures for the dedication of recreation areas.

1. *Designation of land to be dedicated.* The developer, on its submitted residential preliminary plan, shall indicate at that time its intent to dedicate land for public use, convey land to an owners' association or pay a fee in lieu thereof. The developer shall also designate on its preliminary plan the area or areas to be dedicated for recreation. If the developer intends to convey the recreation area to an owners' association, the area(s) to be designated shall also be labeled as "common area" on the preliminary plan and final plat.

2. *Review of land to be dedicated.* The Planning and Inspections Staff shall submit a copy of the preliminary plan to the affected jurisdiction's Parks and Recreation Director. The Parks and Recreation Director shall submit recommendations concerning the land to be dedicated or conveyed, to the Planning and Inspections Staff within five working days after receipt of a preliminary plan proposing less than 50 lots or units. Where the preliminary plan proposes 50 or more lots or units, the response time for the Parks and Recreation Director is to be ten working days.

3. *Ownership.* The developer shall designate the entity owning land to be used for recreation area subject to approval from the Planning Board. Such entities may include, but shall not be limited to, the following:

- (a) The County of Cumberland for use by the Fayetteville-Cumberland Parks and Recreation Department, subject to approval and acceptance by the County Board of Commissioners;
- (b) Any municipality having jurisdiction over the tract, whether within its boundary or not, subject to acceptance by the governing body of the municipality;
- (c) Other public jurisdictions or agencies, or nonprofit organizations, subject to agreement of the governing body; and
- (d) Owners', condominium or cooperative associations or organizations.

4. *Required conditions of owners' associations.* Owners' associations or comparable legal entities that own and maintain recreation areas shall be established so that:

- (a) The association or comparable entity is established prior to any lot or unit in the development being sold or any building being occupied. All legal documents regarding the association such as incorporation documents, by-laws, and covenants shall be approved by the County Attorney prior to final plat approval of any portion of a development approved under this section;

- (b) Membership must be mandatory for each lot or unit owner and successors in interest;
- (c) The association shall be responsible for providing liability insurance, if any, and maintenance of the common areas;
- (d) Any sums levied by the association that remain unpaid shall become a lien on the applicable lot or unit owner's property;
- (e) If all or any portion of the common area held by the association is disposed of or if the association is dissolved, the recreation areas shall be first offered to the affected public jurisdiction or to any entity described in "*Ownership*" (sub-section 3) above; and
- (f) The right to use the recreation area shall be an easement appurtenant in favor of each lot or unit owner, and their respective invitees, of the subdivision or development in good standing with the owners' association.

5. *Maintenance or areas.* The entity described in "*Ownership*" (sub-section 3) above shall be responsible for the continuing upkeep and proper maintenance of the recreation area.

6. *Provisions for payment in lieu of dedication.* When the Planning & Inspections Director determines that the recreation area needs of a development can be met by existing or proposed public community, regional or other park type classified in the Parks and Recreation Master Plan the Planning and Inspections Director with a recommendation from the affected jurisdiction's Parks and Recreation Director may allow the developer to pay a fee to the affected jurisdiction in lieu of dedication. The Planning and Inspections Director may also allow, with a recommendation from the affected jurisdiction's Parks and Recreation Director, a combination dedication/ conveyance and partial payment in lieu of dedication when the Director determines that it would be in the best interest of the residents of the subdivision or development and the public. The affected jurisdiction's governing body shall make the final decision.

(a) *Procedure.* The developer shall indicate on its preliminary plan application its request to make a payment in lieu of dedication. Upon receipt of the preliminary plan, the Planning and Inspections Director shall submit a copy of the preliminary plan to the affected jurisdiction's Parks and Recreation Director. The Parks and Recreation Director shall submit a recommendation to the Planning and Inspections Staff within five working days after receipt of a preliminary plan proposing less than 50 lots or units. Where the preliminary plan contains 50 or more lots or units, the response time for the Parks and Recreation Director is to be ten working days.

(b) *Amount of payment.* The fee in lieu of dedication shall be based on the required acreage in square feet times the raw land value as assessed for property tax purposes. If the developer disagrees with the Planning and Inspections Director's findings, the developer may appeal to the Planning Board for final disposition.

(c) *Use of payments in lieu of dedication.* All monies received as fees in lieu of dedication shall be used only for the acquisition of the closest un-purchased recreation area for any park type as recommended in the officially adopted Parks and Recreation Master Plan that will serve the residents of the subdivision or development.

(d) *Required payment in lieu of dedication.* If land offered as required recreation area is inconsistent with the long-range plans for recreation space serving the needs of residents of the subdivision or development and the general area, as reflected in the officially adopted Parks and Recreation Master Plan or policies, the Planning and Inspections Director, with a recommendation from the affected Parks and Recreation Director, may require payment in lieu of dedication or conveyance. The Planning and Inspections Director may also require a fee in lieu of dedication or conveyance when the area offered is less than one-half acre in size, with the recommendation of the affected jurisdiction's Parks and Recreation Director. Where the preliminary plan does not indicate designated park, recreation or open space areas, the presumption shall be that the developer intends to pay a fee in lieu of dedication.

(e) *Time of payment.* A payment in lieu of dedication must be made with or prior to submission for final plat approval. If the subdivision or development is constructed in phases or sections, a payment relating to each phase or section must be made with or prior to submission for final plat approval for each phase or section.

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ARTICLE XXIV SPECIAL DEVELOPMENTS

SECTION 2401. GROUP DEVELOPMENTS.

The site plan for group developments shall show the locations and sites of buildings, streets, drives, alleys, parking, recreation areas, signs, loading berths, yards and other open spaces, and shall be in accordance with the following specifications:

A. *Lot area.* The plot area per dwelling unit, excluding the area of publicly dedicated rights-of-way within the development, shall be as permitted by the County Zoning Ordinance.

B. *Yard setbacks.* Each building on the periphery of a group development shall observe the minimum yard setback requirements for the district in which the development occurs. The judgment of the Planning Board as to what constitutes the front, rear and side yards of each building in the group development shall be final.

C. *Building separation.* Buildings within group developments under single ownership shall be separated by a minimum distance of 20 feet plus ten feet for each story above two stories. In no case shall any part of a principal residential building be located closer than 20 feet to any part of another principal building.

D. *Street access.* The property to be developed must have a boundary line or lines contiguous with and giving direct vehicular access to and from one or more public streets, or private streets with public access approved in accordance with Section 2304. Group developments in the form of apartment complexes or unit ownership developments with owners' associations legally obligated to maintain vehicular access and circulation drives shall not be subject to the private street standards specified in Section 2304.

E. *Dedication/Reservation of right-of-way.* Where official plans show future streets or thoroughfares or where reasonable access to adjoining property is required, the development will be designed so as to provide right-of-way for such future streets or thoroughfares and to give access to such properties by means of a public street dedication, if the development is such that requires a final plat to be prepared and recorded, or where no final plat is required, the land area within the right-of-way shall be reserved. No portion of the land area contained within the reserved or dedicated right-of-way may be used to satisfy calculation for density or other dimensional requirements.

F. *Off-street parking.* Off-street parking shall be provided in accordance with applicable zoning regulations. At least three-fourths of the required parking spaces shall be located on the development in off-street parking lots, no part of which shall be located closer than five feet to any existing or proposed street right-of-way line in accordance with the adopted Highway Plan or locally adopted Collector/ Feeder Street Plan. Each space shall be not less than nine feet by 20 feet in area. Compact car spaces may be utilized within a development in accordance with the provisions of the County Zoning Ordinance. Isles adjacent to the compact car spaces shall be standard width, and all compact car spaces shall be clearly marked. One-fourth of the required parking spaces may be in parking bays on minor public streets which are entirely within the development, provided that no space shall be in the turn-around portion of cul-de-sac. Bays shall not be longer than 80 feet along such street lines and each bay shall be separated from any other bay by a distance of not less than one-half the combined width of both bays. No more than one-third of the total frontage of any such street shall be devoted to parking bays. Each off-street parking space for any residential building shall be located within 200 feet of said building.

G. *Swimming pools.* Swimming pools which are constructed within a multi-family development shall be located not less than 50 feet from any boundary of the project, including a public street. All swimming pools shall comply with the provisions of the County Zoning Ordinance.

H. *Recreation/Open space areas.* In residential group developments designated recreation/open space areas and facilities shall be provided on-site in accordance with the provisions of Section 2308 unless the developer can show, and the Planning and Inspections Director agrees after consulting with the Parks and Recreation Director, that the surrounding community has adequate public recreation area available. In the event that adequate public recreation is existing within the surrounding community, the developer shall pay a fee in lieu of providing on-site recreation as allowed in Section 2308. Areas within the required yard setbacks can be counted as part of the required recreation area provided they are developed, which would include tennis and basketball courts, jogging trails, etc. These facilities shall not consist of over ten percent of the required recreation/open space area. On-site amenities outside the setback area such as indoor recreation centers and clubhouses may be counted to satisfy the provisions of this subsection. Recreation/open space areas dedicated to the public sector shall be subject to all the requirements in Section 2308.

I. *Screening.* All dumpster and utility areas shall be located on concrete slabs and at a minimum, fenced around three fenced sides. Chain link fencing may be utilized, but it must be accompanied with vegetative plantings so planted to effectively screen the dumpster and utility areas.

J. All applicable provisions of the County Zoning Ordinance, to include buffers, signage, etc. is to be complied with and evidenced on the site plan.

SECTION 2402. ZERO LOT LINE DEVELOPMENTS.

Zero lot line developments shall comply with all the requirements of group developments when not specified herein and for the purposes of determining compliance with this ordinance and the County Zoning Ordinance, such development plan shall be considered a group development. Zero lot line developments shall be exempt from the minimum lot size provisions of Section 1104 of the County Zoning Ordinance provided that the overall average density of the zoning district in which the development is located is not exceeded. In addition to the provisions for Section 2401 above, the following shall be complied with:

A. *Site plans.* Site plans for zero lot line developments shall show the locations of buildings and/or building sites, streets, drives, alleys, walks, parking, on-site recreation areas (if proposed), yards, the boundary of the development, maintenance easements and all common area.

B. *Building sites.* A building site shall be that property intended for conveyance to a fee simple owner after the construction thereon and shall be sufficient in size to contain the structure proposed and any other proposed components of the property that are to be conveyed. Each building site shall abut and have direct access to a public street, private street or private drive, as permissible by this ordinance.

C. *Building yards.* Building sites, buildings, and accessory buildings thereon, are exempt from all zoning district dimensional requirements of the County Zoning Ordinance for lot width, front yard, side yard, rear yard, and building area except:

1. Buildings have direct access to a public street must meet the front yard and/or corner lot provisions of the applicable zoning district.

2. Buildings on the periphery of the development plan must meet all setback requirements of the zoning district in which the development is located. The judgment of the Planning Board as to what constitutes front, rear and side yard of each building on the periphery shall be final.

3. A minimum of ten-foot separation between structures shall be provided for buildings on separate lots within developments that are creating individual "for sale" lots and seeking approval under this section.

D. *Density*. The total number of residential building sites created shall not exceed the density standard for such developments as stated in the district dimensional requirements for the zoning district in which the development is located, excluding public right-of-way and that public right-of-way which is dedicated and/or reserved.

E. *Owners association*. Establishment of an owners' association shall be mandatory when any portion of the development is to be held in common.

F. *Common areas*. All areas of the site plan, other than individual "for sale" lots/units and public rights-of-way shall be shown and designated as "common area", the fee simple title to which shall be conveyed by the developer to the owners' association. Any common area shall not be further subdivided, developed or conveyed by the owners' association, except where approved under the provisions of this ordinance and the County Zoning Ordinance. This stipulation shall be so stated in the declarations and noted on the final plat.

G. *Declaration of covenants and restrictions*. The developer shall file prior to submission for final plat approval of any portion of a development, a declaration of covenants and restrictions governing the common areas, the owners' association and the building sites, if required. The declaration of covenants and restrictions shall be approved by the County Attorney prior to recording of such documents, and prior to final plat approval for any portion or phase of the development. The restrictions shall contain, but not be limited to, provisions for the following as necessary:

1. The owners' association shall be organized and in legal existence prior to the sale of any lot or unit within the development.

2. Membership in the owners' association shall be mandatory for each original purchaser and each successive purchaser of a lot or unit.

3. The owners' association shall be responsible for the provisions of liability insurance, any taxes, and maintenance of recreation area and other facilities located on the common area, payment of assessments for public and private capital improvements made to or for the benefit of the common area located within the development. It shall be further provided that upon default by the owners' association in the payment to the governmental authority entitled thereto of any ad valorem taxes levied against the common area or assessments for public improvements to the common area, which default shall continue for a period of six months, each owner of a lot or unit in the development shall become personally obligated to pay to the County Tax Assessor a portion of such taxes or assessments in an amount determined by dividing the total taxes and/or assessments due by the total number of lots or units in the development. If such sum is not paid by the owner within thirty days following receipt of notice of the amount due,

then such sum shall become a continuing lien on the lot or unit of the then owner(s), the owner(s)' heirs, devisees, personal representatives and assigns, and the County Tax Assessor may either bring an action at law against the owner personally obligated to pay the same or may elect to foreclose the lien against the property of the owner.

4. The owners association shall be empowered to levy assessments against the owners of lots or units within the development for payment of expenditures made by the owners association for the items set forth in the preceding paragraph, and any such assessments not paid by the owner against whom such are assessed shall constitute a lien on the lot or unit of the owner.

5. Easements over the common areas for access, ingress and egress from and to public streets and walkways, and easements for enjoyment of the common area and for parking areas shall be granted to each owner of any lot or unit within the development, unless expressly stated otherwise and classified as "limited common areas and facilities" with the declaration.

6. Common walls between any units shall be party walls, and provisions for the maintenance thereof, including restoration in the event of destruction or damage, shall be established within the covenants.

H. *Proof of subordinate mortgage.* The developer shall submit, along with the final plat, documents showing proof that any mortgage on the property or facility is subject to all easements or rights which may be transferred to the individual lot or unit owner or to the owners' association.

I. *Final plat.* A final plat shall be prepared in accordance with Article XV and also include the following:

(1) All building sites (lots/units) numbered with bearings and distances shown for their respective boundaries.

(2) All "common area" labeled as such with the facilities thereon indicated.

(3) Any notes as required under this section, including maintenance easements when required.

(4) An indication as to the location (book and page number) of the covenants and restrictions governing the recorded plat.

J. *Compliance with State law.* In addition to the above requirements, all zero lot line developments shall comply with the pertinent provisions of Chapter 47A of the N.C. General Statutes, as if the applicable provisions of Chapter 47A were incorporated herewith.

SECTION 2403. UNIT OWNERSHIP (CONDOMINIUM DEVELOPMENTS).

Before a declaration establishing a condominium development may be recorded in the office of the County Register of Deeds as prescribed in the *N.C. Unit Ownership Act* (N. C. GEN. STAT. § 47A-1 *et seq.*), the declaration and plan shall be approved by the Planning and Inspections Department. Such declaration and plan shall conform to applicable subdivision or other development requirements as set forth in this ordinance and the County Zoning Ordinance. In addition, the following requirements shall be complied with:

A. The declaration shall be a complete legal document prepared strictly in accordance with the *N. C. Unit Ownership Act* (N. C. GEN. STAT. § 47A-1 *et seq.*) and shall be submitted in final form in three copies to the Planning and Inspections Department at least ten days prior to the submission of the final plat.

B. The final plan of the proposed development shall contain the following particulars:

1. The unit designation of each unit and a statement of its location, approximate area, number of rooms, and/or immediate common area to which it has access and any other data necessary for its proper identification;
2. Description of the general common areas and facilities as defined in the *N. C. Unit Ownership Act* (N. C. GEN. STAT. § 47A-1 *et seq.*) and the proportionate interest of each unit owner therein;
3. Description of boundary lines between portions of the structures designed for different ownership;
4. Description of all garages, balconies, patios, etc., which form a part of any unit;
5. Description of any special common areas and/or facilities stating what units shall share the same and in what proportion; and
6. Statement of the purpose for which the building and each of the units are intended and restricted as to use.

C. The recordation of the declaration and plan shall be completed by the developer within one calendar year after approval by the Planning and Inspections Department.

SECTION 2404. MANUFACTURED HOME PARKS.

A. *Purpose.* The purpose of this section is to establish regulations and procedures for the initial construction and continued use of manufactured home parks, which is found to be necessary in order to protect the health, safety and welfare of the residents of the manufactured home park.

B. *Application of chapter.* The provisions contained herein are the minimum provisions every manufactured home park plan must comply with prior to allowing for the inhabitation of any manufactured home within the manufactured home park.

C. *Permits required.* It shall be unlawful for any person to construct, maintain or use any lot or other parcel of land within the jurisdiction of Cumberland County for a manufactured home park until application has been made and a permit has been issued by the Code Enforcement Coordinator. No on-site improvements may be made until after a permit has been granted by the Code Enforcement Coordinator in accordance with an approved manufactured home park site plan.

D. *Site plans.* Site plans for manufactured home parks in addition to all items required in Article 2203 for preliminary plans shall show the location of all proposed structures; pedestrian paths, type and location of the perimeter buffer, electric lighting plans, off-street parking areas, drainage facilities, and all other required provisions of this section.

E. *Dimensional criteria.*

1. *Lot area.* The minimum lot area for a manufactured home park shall be one acre, excluding publicly dedicated or reserved right-of-way for streets, and floodplain areas.

2. *Density.* The maximum density of individual manufactured home units within a manufactured home park shall be eight per acre excluding publicly dedicated or reserved right-of-way for streets.

3. *Location of manufactured home spaces.* Each proposed manufactured home proposed to be located within a manufactured home park must be located within a designated manufactured home space as approved on the manufactured home park site plan and every manufactured home space shall comply with the following minimum yard space provisions:

a. All manufactured home spaces shall be designed in such a manner that will allow for each manufactured home space to be a minimum of 25 feet apart longitudinally, 15 feet apart end-to-end or corner-to-corner, and when spaces are designed in such a manner that one space is angled toward another space, 20 feet apart;

b. All manufactured home spaces shall be located a minimum of 25 feet from any permanent building located within the manufactured home park;

c. All manufactured home spaces and structures, including buildings within the manufactured home park shall be located no closer than 25 feet of a public street right-of-way; and

d. All manufactured home spaces shall be located no closer than five feet of the internal drive within the manufactured home park.

F. *Street access.* All manufactured home parks shall have direct access to a public right-of-way. Direct access to any public right-of-way shall not be permitted for any single manufactured home space within the manufactured home park; all manufactured home spaces must be served internally by means of a private drive. Street access and entrance area designs shall conform to the *NC Department of Transportation Policy on Street and Driveway Access to North Carolina Highways* guidelines.

G. *Improvements.* In addition to all applicable improvements required by Article XXIII and the County Zoning Ordinance, the following improvements shall be constructed or implemented prior to application for the final building/park inspection:

1. *Parking.* Off-street parking spaces shall be provided in accordance with the applicable zoning district regulations; however, in no case shall there be less than two off-street parking spaces for each manufactured home space. Parking shall not be permitted on or along the internal drives in manufactured home parks.

2. *Internal drives.* All drives and courts shall be designed with a minimum 30-foot right-of-way and a minimum 20 foot paved traffic area which is adequately drained. Every dead-end drive more than 100 feet in length or serving more than four manufactured home spaces shall be provided with a paved turn-around having a radius of not less than 40 feet for a traffic surface.

3. *Drainage.* The manufactured home park spaces shall be situated on ground that is not designated as a *Special Flood Hazard Area* and designed and graded with drainage facilities installed to transport runoff to an appropriate outfall in such a manner as to comply with the N.C. Department of Environment and Natural Resources' *Manual of Best Management Practices* (BMP) for storm water control. When manufactured home parks abut an existing public drainage system, connection to the public system is mandatory.

4. *Water and sewer.* Every manufactured home space shall be provided with water and sewer services to meet providing agency's standards, if public, or County Public Health Department requirements, and all such plans shall be approved by the appropriate agencies.

5. *Underground utilities.* All wiring serving new or remodeled manufactured home parks shall be placed underground, except as outlined in Section 2306 D.

6. *Lighting.* All interior drives and off-street parking areas within the manufactured home park shall be lighted and in compliance with Section 1102 M, County Zoning Ordinance. The plans for lighting and all other electrical hookups and wiring shall be approved by a County Electrical Inspector.

7. *Trash receptacles/dumpsters.* All manufactured home parks shall provide trash and garbage storage receptacles for each manufactured home space that complies with the standards of the County Department of Solid Waste Management. The manufactured home park owner is responsible for proper storage, collection and disposal of the trash.

8. *Screening.* All dumpster and utility areas shall be located on concrete slabs and at a minimum, fenced around three fenced sides. Chain link fencing may be utilized, but it must be accompanied with vegetative plantings so planted to effectively screen the dumpster and utility areas.

9. *Recreation and open space.* Each manufactured home park shall provide on-site recreation/open space areas to service the needs of the residents of the park complying with the provisions of Section 2308. Irregular shaped areas will be judged for usefulness considering the intent of this ordinance. Each recreation/open space area shall be delineated on the site plan. Areas within the yard setbacks can be counted as part of the required recreation/open space area provided these areas are developed, which could include such items as tennis and basketball courts, jogging trails, etc. These facilities shall not consist of over ten percent of the required recreation/open space area. No portion of the fifteen-foot perimeter buffer/landscaped area, required below, shall be counted as part of the required recreation/open space area. On-site amenities outside of the yard setbacks, such as indoor recreation centers, clubhouses, etc. may be utilized for calculation to satisfy the recreation/open space area requirements.

10. *Perimeter buffer.* All manufactured home parks shall have a minimum fifteen-foot wide natural or landscaped buffer area around the perimeter of the park, excluding entrance drives within which no temporary or permanent structures shall be permitted. All manufactured home parks shall have a physical barrier (i.e. fencing, hedge, etc.) defining the boundaries of the park. Additionally, if earth berms, fences or walls are located within the buffer area, the buffer width shall not be reduced.

11. *Fire protection.* Fire protection standards shall be provided in accordance with the rules and regulations of the fire district in which they are located. All manufactured home park plans shall be submitted and approved by the County Fire Marshal prior to occupancy.

12. *Pedestrian circulation.* All manufactured home parks shall contain and maintain minimum three-foot wide internal pedestrian paths to central facilities, such as pools, office areas, laundry facilities, recreation areas, bus stops, etc. These paths, at a minimum, shall consist of a top layer of sand, crushed gravel or similar approved material. The location of these paths shall be shown on the site plan. No building/park final inspection can be accomplished until these paths are installed.

H. *Highway Plan.* Any manufactured home park site impacted by a proposed right-of-way shall reserve (or dedicate, if final plat required) the right-of-way up to 80 feet in width. Until the reservation is utilized, the developer is allowed to use the area for manufactured home park development. However, this area shall be designated so that it can exist independently from the remainder of the manufactured home park so that when the roadway construction commences, it will have little impact on the rest of the park.

I. *Manufactured home classification.* All manufactured home park spaces developed and approved after July 1, 1996 shall be restricted to Class A and Class B manufactured homes, as defined by this ordinance.

J. *Replacement homes.* When manufactured home park owners intend to replace a manufactured home, they shall first notify the Code Enforcement Coordinator and stake out the site of the new manufactured home showing the required setbacks, buffers and separation areas.

ARTICLE XXV FINAL APPROVAL

SECTION 2501. FINAL APPROVAL –GENERALLY.

A. Installation/Construction of improvements required. Before any plat shall be eligible for final approval, the improvements proposed by the developer and required by this ordinance must have been installed or assured to be installed in accordance with the provisions of Section 2502. In addition, improvements meeting or exceeding those standards required by this ordinance and the County Zoning Ordinance shall be installed in accordance with the standards and requirements for acceptance of the N. C. Department of Transportation (NCDOT), the standards of the Environmental Health Department, the standards of the Planning Board, or the officially adopted standards of other public agencies, whichever is applicable.

B. Final plat. The final plat shall conform to the preliminary plan as approved. The developer may submit as a final plat that portion of the approved preliminary plan which he proposes to develop immediately, provided that, such action on the preliminary plan by the Planning & Inspections Department (hereinafter “Department”) shall expire and be of no further effect unless the final plat is submitted to the Department for final approval within two years from the date on which preliminary plan approval was granted, or within two years from the date an extension of the preliminary plan approval was obtained.

C. Final approval required with no final plat required. For developments not requiring final plat approval, the preliminary approval shall expire and be of no further effect if the development has not been completed or if there are no active open permits within two years from the date on which preliminary approval was granted by the Department, or within two years from the date an extension of the preliminary plan approval was obtained.

SECTION 2502. FINAL PLAT - GUARANTEES OF IMPROVEMENTS.

Developers must satisfy one of the following guarantees of improvements prior to submission for final plat approval of any portion of an approved preliminary plan:

A. All required improvements have been installed by the developer in accordance with the requirements of this ordinance and the County Zoning Ordinance; or

B. A surety bond or certified check has been posted by the developer, payable to the County, and against which the County may draw upon default in the installation of all required improvements. The surety bond or certified check along with a sealed estimate of the cost of improvements submitted by a certified engineer or a licensed contractor shall be submitted to the Department. Upon receipt of the surety bond or certified check and the estimate of cost of construction, the Department will submit the surety bond or certified check to the County Attorney for approval of legal sufficiency and to the County Engineer for approval of the estimate. The developer and the Planning & Inspections Director (hereinafter "Director") shall set a reasonable time within which the improvements are to be installed and completed. Unless an extension of that time is granted by the Director and a new estimated date of completion approved, in case of default the County shall cause the improvements to be completed, making use of the certified check or calling upon the surety of the bond; or

C. An irrevocable letter of credit issued by a bank or other lending institution reasonably satisfactory to the County, or a deposit of funds into escrow, may be accepted in lieu of a bond or check subject to the same terms as "b" above; or

D. The Department may approve the initial and succeeding sections of an approved preliminary plan, submitted as a final plat, without installation of improvements or financial guarantee of improvements, but final plat approval of any other section of the development will be withheld until required improvements have been installed as required by this ordinance and the County Zoning Ordinance. Final plats approved under this procedure shall be limited to a maximum of 25 lots or 50 percent of the total number of building lots of the approved preliminary plan remaining prior to submission, whichever is less.

A final plat of the final section of a development submitted under this procedure or a final plat constituting an entire subdivision/development may be of any size and shall be granted final approval only under (a), (b) or (c) above.

SECTION 2503. FINAL PLAT – SUBMISSION AND APPROVAL.

The final plat shall be submitted to the Department in such a form as required below. The Director, or the Director's designee, shall review the final plat for compliance with the provisions of this ordinance, the County Zoning ordinance and other conditions of approval of the preliminary plan. The final plat shall not be approved until the improvements required by the preliminary plan approval or required by this ordinance or the County Zoning Ordinance have been installed or guaranteed to be installed in accordance with Section 2502. The following must be shown on the final plat:

A. *General.* The final plat shall conform to the approved preliminary plan and to the

requirements of North Carolina General Statute 47-30.

B. *Map form.* The final plat shall be submitted as a reproducible map, either original ink on polyester film (mylar), or a reproduced drawing, transparent and archival (as defined by the American National Standards Institute); shall be drawn to a scale of not larger than 20 feet to the inch, and not less than 200 feet to the inch; and shall have an outside margin size of either 18 by 24 inches or 24 by 36 inches. Where size of land areas require, maps may be shown on two or more sheets with appropriate match lines and each section shall contain a key map showing the location of the sections.

C. *Surveyor's certificate.* There shall appear on each final plat a certificate by the person under whose supervision the survey or final plat was made, stating the origin of the information shown on the plat, including recorded deed and plat references and any other recorded data shown thereon; and the ratio of precision before any adjustments. Any lines on the final plat not actually surveyed be clearly indicated and a statement included indicating the source of information. Where a final plat consists of more than one sheet, only one sheet need contain the certification, but all other sheets shall be signed and sealed.

This certificate shall indicate the source of information for the survey and data indicating the ratio of precision of the survey before adjustments and shall be in substantially the following form:

"I, _____, certify that this plat was drawn under my supervision from actual survey made under my supervision (deed description recorded in Book_, Page_ ; Book_, Page_; etc.,) (other); that the boundaries not surveyed are clearly indicated as drawn from information found in Book_, page_; that the ratio of precision as calculated is 1:_; that this plat was prepared in accordance with N.C. GEN. STAT. 47-30 as amended. Witness my hand and seal this _____ day of _____, A.D., _____."

(Seal or Stamp)

Surveyor Registration No.:

Nothing in this section shall prevent the recording of a final plat that was prepared in accordance with a previous version of N.C. GEN. STAT. 47-30 as amended, properly signed and notarized, pursuant to the statutes applicable at the time of the signing of the final plat. However, it shall be the responsibility of the person presenting the final plat to prove that the final plat was so prepared and signed.

D. *Certificate of ownership and dedication.* The following notarized owner certificate shall appear on the final plat along with the owner(s) signature:

“The undersigned hereby acknowledges that the land shown on this plat is within the subdivision regulation jurisdiction of the County of Cumberland and that this plat and allotment is (my or our) free act and deed and that (I or we) do hereby dedicate to public use as (streets, parks, playgrounds, school site, open spaces and easements) forever all areas so shown or indicated on said plat.”

Owner’s Signature(s)

E. *Director’s certificate of approval.* The following certificate shall appear on the final plat with the signature of the Director prior to submission of the final plat to the Plat Review Officer:

“Approved by the Cumberland County Planning & Inspections Department on the _____ day of _____, _____.”

Signed: _____ (seal)
Planning & Inspections Director

F. *Plat Review Officer certification.* The Plat Review Officer shall certify the final plat, if it complies with all statutory requirements for recording, with the following certificate on the face of the final plat:

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

“I, _____, Plat Review Officer of Cumberland County, certify that the plat to which this certificate is affixed meets all statutory requirements for recording.

Signed: _____ (seal)
Plat Review Officer

Date: _____

G. *Certificate of registration.* Space shall be provided on the final plat for the certificate of registration by the Cumberland County Register of Deeds as required by law.

SECTION 2504. DISCLOSURES REQUIRED.

A. *Disclosure of private street status.* The following disclosures shall appear on any final plat containing a private street as approved under the provisions of Section 2304, if applicable:

1. *All Private Streets.*

“Cumberland County and other public agencies have no enforcement responsibility regarding maintenance or encroachments into the private street right(s)-of-way as shown on this plat. Private streets are for the use of all owners of property within this subdivision/development and their guests; any governmental agency or personnel or equipment thereof granted perpetual access over all such private streets to accomplish or fulfill any service or function for which the agency is responsible; any agency or organization designated by a governmental agency to perform a designated function shall also be granted access the same as that government agency. Any governmental agency exercising its access rights shall have the same rights and only such liabilities as it would have on any public lands, rights-of-way, or easements.

2. *Class “C” private streets.*

“All current and future owners of the tracts served by and having access to the Class “C” private street(s) shown on this plat are responsible for the maintenance of the Class “C” private street(s).”

3. *Class “B” or “C” private streets, if applicable.*

“All current and future owners of the tracts served by and having access to the Class “B” or “C” private street(s) shown on this plat shall not be permitted to further divide the tracts without upgrading the Class “B” or “C” private street(s) to _____ standards.”

B. *Farmland Protection Area disclosure.* All final plats for subdivision or other development located within a designated *Rural Area*, as defined in the Land Use Plan in effect at the time of recordation, and depicted on the Land Use Plan map, or subsequent comparable officially adopted plan and map, shall contain a disclosure notice that states:

“This property or neighboring property may be subject to inconvenience, discomfort and the possibility of injury to property and health, arising from normal and accepted farming and agricultural practices and operations, including but not limited to noise, odors, dust, the operation of any kind of machinery, the storage and disposal of manure, and the application of fertilizers, soil amendments, herbicides, and pesticides.”

C. *On-site water and/or sewer disclosure.* The following statement shall be on any final plat for property not served by public water and/or sewer, as applicable:

“Individual lots shown on this plat do not have public sewer and/or water services available, and no lots have been approved by the Health Department for on-site sewer services or been deemed acceptable for private water wells as of the date of this recording.”

D. *Nonconforming structure disclosure.* All structures existing on the subject property at the time of the recording shall be shown on the final plat or the final plat shall include the following certification signed by the owner(s):

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

E. *Proposed public street disclosure.* When the streets proposed within a subdivision or development do not qualify for acceptance by the NC Department of Transportation for addition to the State system, the following disclosure shall be included on the final plat:

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

(Amd. 12-19-11)

SECTION 2505. APPROVAL OF PLAT NOT ACCEPTANCE OF DEDICATION

The approval of a plat pursuant to this ordinance shall not be deemed to constitute or effect the acceptance by the County, other public agency or the public of the dedication of any street or other ground, public utility line, or other public facility shown on the plat.

SECTION 2506. FINAL PLAT – RECORDING.

The developer or the developer's agent shall record the final plat in the Cumberland County Registry within one year after approval of the final plat by the Director. Failure of the developer or the developer's agent to record the final plat in the Cumberland County Registry within one year after the final approval shall cause such final approval to be null and void and of no further force or effect.

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ARTICLE XXVI LEGAL PROVISIONS

SECTION 2601. WAIVERS.

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

A. Because of the size of the tract to be subdivided or developed, its topography, the condition or nature of adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this ordinance would cause a special hardship to the property owner and be inequitable, and

B. The public purposes of this ordinance and the County Zoning Ordinance would be served to an equal or greater degree, and

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

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

SECTION 2601.1. VIOLATIONS.

A. *Statutory authority.* This ordinance may be enforced by any appropriate equitable action, including but not limited to, injunction and abatement, in addition to any other remedy authorized by N.C. GEN. STAT. §153A-123.

B. *Notice of violation.* If the Planning and Inspections Director or the Director's designee (hereinafter *Director*) finds that any provision of this ordinance is being violated, the Director shall cause to be served upon the holder of the development approval and to the landowner of the property involved, if the landowner is not the holder of the development approval, by certified mail, return receipt requested, or by personal service, a notice of violation. The notice of violation may be posted on the property. The notice of violation shall indicate the nature of the violation and order the action necessary to correct it. The notice of violation shall also state the monetary penalty and the right of the offender to appeal the violation that is the basis of the citation to the Planning Board within ten days from the date of service of the notice of violation. (*Amd. 6-21-21*)

C. Responsible parties. The owner, lessee, tenant or occupant of any building or land or part thereof and any architect, builder, contractor, agent or any other person who participates in, assists, directs, creates or maintains any violation of the provisions of this ordinance may be held responsible for the violation and be liable for the penalties and be subject to the remedies provided in Section 2602 below.

D. Separate offense. Each day that any violation continues after notification by the Director that such violation exists shall be considered a separate offense for purposes of penalties and remedies specified herein.

E. Appeal of Notice of Violation. If the offender files notice of appeal to the Planning Board within the ten-day time period, the appeal shall stay the collection of the penalty so imposed as well as the corrective action prescribed in the citation. Appeals to the Planning Board shall be in writing and submitted in the same manner and cost as for an appeal of a zoning matter to the County Board of Adjustment; however, the time for perfecting the appeal shall be ten days as hereinbefore stated. A violation of this ordinance may not be appealed to the Planning Board if the offender did not perfect an appeal to the Planning Board within the ten-day time period set forth herein. *(Amd. 6-21-21)*

F. Emergency enforcement. Notwithstanding the forgoing, in cases where delay would seriously threaten the effective enforcement of this ordinance or pose a danger to the public health, safety or welfare, the Director may seek enforcement of this ordinance without prior written notice by invoking any of the penalties or remedies herein authorized.

(Amd. 12-19-11)

SECTION 2602. PENALTY.

A person who violates any of the provisions of this ordinance shall be subject to revocation of any permits and a civil penalty in the sum of \$500.00 following the issuance of a civil citation. The penalty shall be recovered by the County in a civil action if the offender fails to pay the penalty to the Finance Director, Cumberland County, Post Office Drawer 1829, Fayetteville, North Carolina 28302, within ten calendar days after being cited for the violation. The civil action of recovery shall be in the nature of an action to recover a debt and shall include as an additional sum to be recovered the full costs of the action, including but not limited to, filing, service and attorney fees. Second and subsequent violations shall subject the offender to a \$500.00 penalty. Nothing in this section shall preclude the enforcement of this ordinance pursuant to the all of the provisions of N.C. GEN. STAT. §14-4 where appropriate.

From and after the effective date of this ordinance, any person who being the owner, or agent of the owner, of land located within the jurisdiction of this ordinance as established in Section 2004, thereafter transfers or sells such land by reference to a plat showing a subdivision or development of land before such plat has been properly approved under the terms of this ordinance and recorded in the office of the Register of Deeds shall be guilty of a misdemeanor. The description of metes and bounds in the instrument of transfer, or other document used in the process of selling or transfer, shall not exempt the transaction from such penalties. The County, through its County Attorney or other official designated by the Board of Commissioners, may enjoin such illegal transfer or sale by action for this jurisdiction. **State statute reference:** N. C. GEN. STAT. § 160D-807.

SECTION 2603. VALIDITY.

If any article, section, sub-section, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Commissioners hereby declares that it would have passed this ordinance and each article, section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more article, section, sub-section, sentence, clause, or phrase be declared invalid.

SECTION 2604. RESPONSIBILITY OF THE REGISTER OF DEEDS.

From and after the adoption of this ordinance, or any amendment thereto, by the Board of Commissioners and the filing of a copy with the Commissioners' Clerk, no subdivision plat of land within the County's subdivision and development regulation jurisdiction shall be filed or recorded until it shall have been submitted to and approved by the Planning and Inspection Department and until such approval shall have been entered on the face of the plat in writing, by the Director of the Planning and Inspections Department. The Register of Deeds shall not file a plat of subdivision land located within the territorial jurisdiction of Cumberland County as defined in Section 2103, which has not been approved in accordance with these provisions nor shall the Clerk of Superior Court order or direct the recording of a plat where such recording would be in conflict with this section.

SECTION 2604.1. AMENDMENT CLAUSE.

This ordinance, upon its effectiveness as provided by law, amends in its entirety the previously existing Cumberland County Subdivision Ordinance, originally adopted July 1, 1970, including all subsequent amendments to said previously existing ordinance, except where otherwise expressly stated within this ordinance.

SECTION 2605. EFFECTIVE DATE.

This ordinance shall be in full force and effect from and after its passage by the Board of Commissioners of Cumberland County this the 19th day of August 2008, and each subsequent amendment to this ordinance shall be effective the day following adoption of the amendment.

Exhibit 5 - MIA Development Standards

DEVELOPMENT STANDARD	FAYETTEVILLE	HOPE MILLS	SPRING LAKE	EASTOVER	STEDMAN	WADE	LINDEN	FALCON	GODWIN
Parks, Recreation & Open Space Areas (PROSA)	Land area per residential unit*: 1. 500 sq ft if outside SFHA; 2. 1000 sq ft if within SFHA; 3. 2000 sq ft if water body *May pay fee in lieu (Sec. 25-33)	Land area per residential unit*: 1250 sq ft** *May pay fee in lieu **Water bodies must be approved by the Town Also see "Group Development" below [Sec. 86A-501(h)]	Land area per residential unit*: 500 sq ft unit; cannot include any land area subject to flooding or land area used to satisfy any other regulation *No fee in lieu Also see "Group Developments" below [§155.67(H)]	Pending- currently same as County	Land area per residential unit*: 1. 500 sq ft if outside SFHA; 2. 1000 sq ft if within SFHA; 3. 2000 sq ft if water body *May pay fee in lieu Also see "Group Developments" below (Sec. 3.13.1)	Land area per residential unit*: 1. 500 sq ft if outside SFHA; 2. 1000 sq ft if within SFHA; 3. 2000 sq ft if water body *May pay fee in lieu Also see "Group Developments" below (Sec. 3.13.1)	Land area per residential unit*: 800 sq ft** *May pay fee in lieu **Water bodies must be approved by the Town Also see "Group Development" below (Sec. 408)	Land area per residential unit*: 1. 500 sq ft if outside SFHA; 2. 1000 sq ft if within SFHA; 3. 2000 sq ft if water body *May pay fee in lieu Also see "Group Developments" below (Sec. 313.1)	Land area per residential unit*: 1. 500 sq ft if outside SFHA; 2. 1000sqftif within SFHA; 3. 2000 sq ft if water body *May pay fee in lieu Also see "Group Developments" below (Sec. 313.1)
All Streets (Public or Private)	NCDOT- more restrictive standard applies Minor & residential streets: 50" min r/w width Concrete curbs and gutters [Sec. 25-31(2)]	Town standards & specifications (Sec. 86A-404) Local streets, min width of 50' Cul-de-sac: 800' max length; 40' min width; turnaround radius, 50' [Sec. 86A-404(a)(15)] Block lengths, max of 1800' [Sec. 86A-404(a)(14)]	Town standards & specifications Local streets, min width of 50' Cul-de-sac: 800' max length; 40' min width; turnaround radius, 50' Streets must be certified by Town as being acceptable for future maintenance (§155.510)	Pending - currently same as County	Town Engineer approval required Minor T-fare(collector) min width: 60' Minor T-fare (residential) min width: 50' Cul-de-sac: 800' max length; 40' min width; turnaround radius, 50'	NCDOT standards Minimum width: 50' Cul-de-sac: 800 max length; 40' min width; turnaround radius, 50' (Sec. 3.17) Block lengths, max of 1800' (Sec. 3.18)	NCDOT standards w/ Town specified widths dependent upon type of street Cul-de-sac: 1400' max length; 40' min width; turnaround radius, 50' [Sec. 404(10)] Block lengths, max of 1800' [Sec. 404(10)f]	NCDOT standards (Sec. 4.1) Minimum width: 50' Cul-de-sac: 800 max length; 40' min width; turnaround radius, 50' (Sec. 3.17) Block lengths, max of 1800' (Sec. 3.18)	NCDOT standards (Sec. 4.1) Minimum width: 50' Cul-de-sac: 800 max length; 40' min width; turnaround radius, 50' (Sec. 3.17) Block lengths, max of 1800' (Sec. 3.18)

Exhibit 5 - MIA Development Standards

DEVELOPMENT STANDARD	FAYETTEVILLE	HOPE MILLS	SPRING LAKE	EASTOVER	STEDMAN	WADE	LINDEN	FALCON	GODWIN
All Streets (Public or Private), <i>continued</i>					Driveways comply w/ stormwater requirements, pipe min inside diameter 15" w/1'cover (Sec. 3.18)				
Public Streets	NCDOT standards more stringent than Fayetteville's, NCDOT standards apply	Pavement widths: 40' minimum for collector and 30' minimum for minor streets [Sec. 86A- 404(b)) Greater than 2 units per acre, concrete curb & gutter; equal to 2 units per acre, concrete or rolled asphalt curb & gutter; less than 2 units per acre, NCDOT standards (Sec. 86A- 404(b)(3))	Roadway base to Town required width, surface must be standards of the Town (\$155.510)	Pending - currently same as County	NCDOT Subdivision Roads, Min Construction Standards compliance (Sec. 3.17) Surfacing required (Sec. 4.1.(c) Concrete curb & gutter, all new streets - 2 ft rolled or valley type concrete for residential streets and 2 ft, 6in. 90 degree vertical high back for non-residential [Sec. 4.1(e)]	Approved by the Town Roadway surface 2" of I- 2 asphalt with a min. width of 20' Asphalt curbs and gutters (Sec. 4.1)	NCDOT standards, approved by the Town (Sec. 404(b)(1))	NCDOT standards, approved by the Town (Sec. 4.1)	NCDOT standards, approved by the Town (Sec. 4.1)
Private Streets	Class A and Class B per County/NCDOT standards; Class C(dirt) not permitted	Asphalt or other permanent surface private streets w/ a minimum 45' r/w width, 20' minimum travel way		Pending- currently same as County		Paved private allowed for residential developments only 60' minimum r/w w/ 20' pavement	Class A only w/ standards same as County [Sec. 404(c)(4)]	NCDOT standards w/ asphalt curb & gutter Minimum width, 60' with a 20' travel way	NCDOT standards w/ asphalt curb & gutter Minimum width, 60' with a 20' travel way

August 18, 2008 Cumberland County
Subdivision & Development Ordinance
(Amendments Through June 21, 2021)

Exhibit 5 - MIA Development Standards

DEVELOPMENT STANDARD	FAYETTEVILLE	HOPE MILLS	SPRING LAKE	EASTOVER	STEDMAN	WADE	LINDEN	FALCON	GODWIN
Private Streets <i>continued</i>		Town street standards Class B & C (gravel or dirt) not permitted				Asphalt curbs & gutters No property lines in r/w (Sec. 4.2)		Owners' association mandatory No property lines in r/w (Sec. 4.2)	Owners' association mandatory No property lines in r/w (Sec. 4.2)
Utilities	Same as County [Sec. 25-31(10)]	Same as County [Sec. 86A-406(c)]		Pending-currently same as County	Same as County (Sec. 4.3.i)	Same as County (Sec. 4.3.g)	Same as County [Sec. 406(c)]	Same as County (Sec. 4.3.g)	Same as County (Sec. 4.3.g)
Utility Easements		10' (5' each side of rear lot line or other location where necessary) [Sec. 86A-403(e)(1)]	10' (5' each side of rear lot line or other location where necessary) (§ 155.45)	Pending-currently same as County	10' (5' each side of rear lot line or other location where necessary) (Sec. 3.11)	10' (5' each side of rear lot line or other location where necessary) (Sec. 3.11)	10' (5' each side of rear lot line or other location where necessary) [Sec.403(e)(1)]	10' (5' each side of rear lot line or other location where necessary) (Sec. 3.11)	10' (5' each side of rear lot line or other location where necessary) (Sec. 3.11)
Water/ Sewer Extension	Same as County w/in MIA (Per interlocal agreement - within SSA, public water for 2.2 units per acres, Le., R20; public water and public sewer, greater than 2.2. units per acre	Same as County w/in MIA [Sec. 86A-406(a)(1)2]	Same as County w/in MIA	Pending-currently same as County	Same as County w/in MIA	Same as County (Sec. 4.3.d)	Same as County [Sec. 406(a)]	Same as County (Sec. 4.3.d)	Same as County (Sec. 4.3.d)
Fire Hydrants	Same as County	Single family detached, 500'; multi-family, 400'; commercial, 300'; business district, 250' [Sec 86A-406(b)(1)]		Pending - currently same as County	Same as County (Sec. 4.3.f)	Same as County (Sec. 4.3.f)	Same as County [Sec. 406(b)]	Same as County (Sec. 4.3.f)	Same as County (Sec. 4.3.f)

Exhibit 5 - MIA Development Standards

DEVELOPMENT STANDARD	FAYETTEVILLE	HOPE MILLS	SPRING LAKE	EASTOVER	STEDMAN	WADE	LINDEN	FALCON	GODWIN
Storm Drainage	In compliance with NCDENR <i>Manual for Best Management Practices</i>	In compliance with NCDENR <i>Manual for Best Management Practices</i>	In compliance with NCDENR <i>Manual for Best Management Practices</i>	Pending - currently same as County	In compliance with NCDENR <i>Manual for Best Management Practices</i>	In compliance with NCDENR <i>Manual for Best Management Practices</i>	In compliance with NCDENR <i>Manual for Best Management Practices</i>	In compliance with NCDENR <i>Manual for Best Management Practices</i>	In compliance with NCDENR <i>Manual for Best Management Practices</i>
<p>Sidewalks (complying w/ ADA standards)</p> <p>Note: Sidewalks are only required in the MIA if the affected municipality agrees to be responsible for maintenance of the sidewalks and signs a three-party encroachment agreement w/ the NCDOT</p>	One side of all streets w/in development; along existing collector or arterial street adjacent to development [Sec. 25-61(5)] [Per interlocal agreement, in SSA on one side of collector streets (serves/intended to serve at least 100 dwelling units) and both sides of all thoroughfares]	Both sides of all proposed streets, internal drives for non-residential & multi-family and along existing street(s) adjacent to development; sidewalks standards shall not apply in the Cumberland Industrial Center [Sec. 86A-405]	One side of street, location determined by town building Inspector	Pending - currently same as County	<p>4' wide along all streets whether proposed (new) or existing, except cul-de-sac serving 8 or less lots/units</p> <p>When adjacent to parking area, 6' wide (Sec. 4.3.g)</p>	4' paved sidewalks on one side of all new streets adjacent to curb and gutter (Sec. 4.1.h)	Density equal to or greater than 2.2 units per acre, one side of all streets; when less than 2.2 & greater than 1 dwelling units per acre, required along any abutting minor thoroughfare or higher-class street; when site adjacent to public park/ school; & all non-residential adjacent to minor thoroughfare or higher class street (Sec.405) Sidewalks cannot be located over Town-owned water lines & Town will not accept existing system with sidewalks over lines	Required when development adjacent to public park or school (Sec. 3.13)	Required when development adjacent to public park or school (Sec. 3.13)

Exhibit 5 - MIA Development Standards

DEVELOPMENT STANDARD	FAYETTEVILLE	HOPE MILLS	SPRING LAKE	EASTOVER	STEDMAN	WADE	LINDEN	FALCON	GODWIN
Group Development Provisions	Same as County	1,250 sq ft per unit BOC can accept fee in lieu Parking space size: 9'x20'; compact spaces allowed (Sec. 86A-501)	500 sq ft of recreation area per unit on site, Bd of Aldermen can accept fee in lieu Parking space size: 9'x20'; compact spaces allowed (§155.53)	Pending - currently same as County	Same as County (Sec. 3.21)	Same as County (Sec. 3.21)	Same as County (Sec. 501)	Same as County (Sec. 3.21)	Same as County (Sec. 3.21)
ZLL Provisions	Same as County	Same as County (Sec. 86A-502)	Same as County (§155.54)	Pending- currently same as County	Same as County (Sec. 3.24)	Same as County (Sec. 3.21.1)	Same as County (Sec. 502)	Same as County (Sec. 3.21.1)	
MHP Provisions	Same as County	Same as County except plan must also be approved by HM Fire Department (Sec. 86A-504)	Min of one acre and max of 8 MHs per acre Min 3,000 sq ft MH space for each unit Drives: min of 30' wide w/ paving min 20' Min 60' frontage w/ direct access on public street Min 140 sq ft concrete or hard surface patio with min 30" wide concrete or hard surface walkway Must comply with Town landscaping provisions (Chpt 153)	Pending- currently same as County		Same as County (Sec. 3.23)	Same as County (Sec. 504)	Same as County (Sec. 3.23)	Same as County (Sec. 3.23)

Exhibit 5 - MIA Development Standards

DEVELOPMENT STANDARD	FAYETTEVILLE	HOPE MILLS	SPRING LAKE	EASTOVER	STEDMAN	WADE	LINDEN	FALCON	GODWIN
Guarantee of Improvements	Same as County	Same as County (Sec. 86A-602)	Same as County (§ 155.23)	Pending-currently same as County	Same as County (Sec. 2.6)	Same as County (Sec. 2.6)	Same as County (Sec. 602)	Same as County (Sec. 2.6)	Same as County (Sec. 2.6)
Lot Frontage	Same as County	20' minimum [Sec. 86A-403(c)]	35' minimum [§ 155.52(C)]	Pending-currently same as County	20' minimum (Sec. 3.20.c)	20' minimum (Sec. 3.20)	20' minimum [Sec. 403(c)]	20' minimum (Sec. 3.20)	20' minimum (Sec. 3.20)
Development Access Points		Two separate access points, generally [Sec. 86A-404(a)(16)]		Pending-currently same as County					
Schools, Parks Public Access		NLT 10' walkways dedicated (Sec. 86-74)	NLT 10' walkways dedicated (§ 155.47)	Pending-currently same as County	NLT 10' walkways dedicated (Sec. 3.13)	NLT 10' walkways dedicated (Sec. 3.13)	NLT 10' walkways dedicated [Sec. 405(a)(3)]	NLT 10' walkways dedicated (Sec. 3.13)	NLT 10' walkways dedicated (Sec. 3.13)
Subdivision Definition	Same as County (effective 1961)	Same as County (effective Jan 1, 1985) (Sec. 86A-203)	Similar to County except: 5 acre tracts (as opposed to 10 acres) where no right-of-way dedication (§ 155.06)	Pending - currently same as County	Same as County (Sec. 1.8)	Same as County (Sec. 1.8)	Same as County (Sec. 203)	Same as County (Sec. 1.8)	Same as County (Sec. 1.8)
Streetscape Landscaping - subdivisions/group developments					Street trees: 1 tree per 50 linear ft of street frontage and no more than 50' separation Located between back of curb and sidewalk (Sec. 4.3.h)				
Greenway Standards					Compliance w/ <i>Greenway Plan</i> (Sec. 3.13.2)				

Exhibit 5- MIA Development Standards

DEVELOPMENT STANDARD	FAYETTEVILLE	HOPE MILLS	SPRING LAKE	EASTOVER	STEDMAN	WADE	LINDEN	FALCON	GODWIN
Tree Preservation		Encouraged and can be credited toward landscaping provisions	Encouraged and can be credited toward landscaping provisions						
Exceptions w/in MIA					<p>Concrete curb & gutter not required when 3 or less lots out of same parent and where new street not being constructed or existing street w/o concrete curb & gutter being extended</p> <p>Greenway standards not applicable where residential does not abut designated Greenway Corridor & where 3 or less contiguous lots from the same parent</p> <p>Sidewalks not required if 3 or less lots from the same parent abutting street w/o existing sidewalks and a new street not being constructed (Sec. 3.1.1)</p>				

Disclaimer: The material contained within this document, Exhibit § 4, *Development Standards of All Municipalities within Cumberland County*, is intended to reflect and summarize applicable municipal subdivision design standards and is provided for general reference and informational purposes only and is not to be construed or used in place of the officially adopted development standards for any municipality, nor does it replace any officially adopted development standard of any municipality. While, the information contained herein is believed to be accurate and the County will make every effort to maintain current information in this Exhibit, users of this exhibit should contact the County Planning & Inspections Department to verify the contents before application for any permits.



PUBLIC LIBRARY AND INFORMATION CENTER

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF AUGUST 16, 2021

TO: BOARD OF COUNTY COMMISSIONERS

FROM: FAITH B. PHILLIPS, LIBRARY DIRECTOR

DATE: 8/9/2021

**SUBJECT: REMOVAL OF LATE FEES AND FINES FOR LIBRARY MATERIALS
(BOOKS AND AUDIOVISUAL) AT THE CUMBERLAND COUNTY
PUBLIC LIBRARY**

BACKGROUND

The Cumberland County Public Library presented this item to the Board at their August 10, 2021 Regular Agenda Session. Cumberland County Public Library Director, Ms. Faith Phillips, has requested approval from the Cumberland County Board of Commissioners to remove all historical and future late fees and fines for library system materials (books and audiovisual) checked out by customers. This request would not apply to technology such as laptops and hotspots.

Over the past year, the Cumberland County Public Library has paused the collection of late fees on overdue library books and audiovisual materials to help ease the financial burden on community members during COVID-19 while also maintaining access to resources and services. The materials have been placed on automatic renewal. Our budget proposal for FY22 was conservative in the projection of collected late-fees, due to COVID-19.

This pause on late fee collection has allowed for the strategic evaluation of the practice of collecting late fees on materials through the lens of the County's goals of promoting diversity, equity and inclusion; recruitment and retention; as well as fiscal responsibility and return on investment through staff time and resources. Charging late fees on materials is a barrier to access that does not promote diversity, equity and inclusion of all community members. The practice, which is no longer industry standard and could negatively affect our reputation within the state, is not a fiscally responsible return on investment.

Library systems that have gone late-fee free have experienced a huge return of customers, broken down barriers to access, increased the community members they serve, experienced a huge amount of good will within the community, ensured their practices meet industry standards and been fiscally responsible.

Cumberland County Public Library currently has 146,051 borrowers with library cards. Of those borrowers, 49,738 of them are inactive and have late fees and fines over the threshold that would prevent them from checking out materials. The threshold is \$10. Customers who owe more than \$10 cannot access library resources.

Approximately 34% of our library card holders are inactive, with fees that prohibit them from using our resources. We cannot assume that all of these card holders went inactive because of large fines, but it is reasonable to assume that a number of these customers are no longer users because they accrued late fees and were unable to pay them back, therefore being prohibited from using our resources.

Of those inactive borrowers 9,567 are juvenile borrowers who have accrued fees and fines such that their amount due prohibits access to materials. Our experience has shown that frequently, late fees on juvenile accounts are due to no fault of the child, so they are being prohibited access to essential materials for learning and development through no fault or action of their own.

Furthermore, revenue from late fees has been on a decreasing trend for the last five years, even prior to COVID. The revenue has been as following:

- FY – 17: \$44,111.02
- FY – 18: \$ 45, 614.37
- FY – 19: \$43,290.40
- FY – 20: \$26, 803.58
- FY – 21 (late fees paused due to COVID-19): \$1,468.72

Cumberland County Public Library currently charges \$.20 per day per item with a maximum of \$5 per item charged. With the threshold of \$10 being that which prohibits customers – two overdue books could stop a customer from being able to access materials.

Late fees are a percentage of the revenue the library is bringing in:

Total revenue:

·FY – 17 \$44,111.02 – late fees (25% of revenue)

Total of all fees collected in FY17 \$169,845.93

·FY – 18 \$45,614.37 – late fees (32% of revenue)

Total of all fees collected in FY18 \$142,504.10

·FY – 19 \$43,290.40 – late fees (30%)

Total of all fees collected in FY19 \$140,584.53

·FY – 20 \$26,803.58 – late fees (we shut down on 3/20/21)

Total of all fees collected in FY20 \$96,552.68 (27%)

·FY – 21 \$1468.72 – late fees were collected even though we were fee free.

Our current predicted revenue from all fines and fees is \$112,000. Taking an estimate based on historical numbers – we can estimate that 30% or \$33,600 of that amount would be late-fees.

Furthermore, CCPL has a total of \$2,926,592.70 in fines and fees logged in the system from accounts with balances due of over \$10. However, of that amount, \$1,012,013.00 are on record from pre-2014, and due to a migration of check out systems – we do not have all of the contact information for the customers. In other words, they are long overdue late fees and fines that we do not anticipate collecting.

Data from libraries across the county have increasingly demonstrated that charging late fines create unnecessarily economic barriers to access for customers, to the extent that the American Library Association passed a resolution in 2019 urging libraries to remove fines to expand access.^[1]

Industry Standard and Recruitment and Retention

Elimination of historical and future late fees has quickly become the industry standard within the library profession in the United States, and more locally, within the State of North Carolina. Within NC, the following systems have implemented versions of the late fee and/or fine free system:

Totally fine free:

- Alamance County (starting July 2021)
- Buncombe (starting July 2021)
- Cabarrus County
- Carteret County
- Catawba County (starting July 2021)
- Mecklenburg County / Charlotte (starting July 2021)
- Durham County
- Gaston County
- Guilford County / Greensboro
- Henderson (starting July 2021)
- Iredell County (starting July 2021)
- Madison County
- Wake County
- Robeson County
- Chapel Hill
- Farmville
- Gibsonville
- Mooresville

Mostly fine free:

- Northwest Regional (DVD fines only)
- Forsyth County (DVD fines only)

Partially fine free:

- Granville (fine free for children's materials)
- Transylvania (fine free for children's materials, Student Access, bookmobile)
- Student Access libraries (fine free student accounts)
 - Appalachian Regional: Ashe, Watauga, and Wilkes Counties
 - BHM Regional: Beaufort, Hyde, and Martin Counties
 - Bladen County
 - Braswell Memorial: Nash County
 - Caswell County
 - Cleveland County
 - Davie County
 - Davidson County
 - Fontana Regional: Jackson, Macon, and Swain Counties
 - Franklin County
 - Harnett County
 - Kings Mountain Municipal Library
 - Lee County
 - McDowell County
 - Neuse Regional: Greene, Jones, and Lenoir Counties
 - Perry Memorial Library
 - Polk County
 - Public Library of Johnston County and Smithfield
 - Rockingham County

- Scotland County
- Wayne County

As this list demonstrates – it is the standard for libraries in North Carolina to be either fully fine free or partially fine free. As one of the largest systems in the State, we want to ensure that we are up to date in providing access to our communities, and ensuring we are leaders on the forefront of serving our customers. Leadership in serving customers will allow us to recruit and retain top tier talent.

Return on Investment:

Based on staff reporting, it takes a minimum of 15-30 minutes to assist customers when there is a late fee involved. This process includes explaining the fee, taking them through payment options, and then assisting with payment options. If the late fee becomes an item with the customer that is escalated towards management, then it can take additional time. Escalations have even made it to the Deputy Director and Director.

Using the base salary amount of \$15/hour – the return on investment for the amount of money collected from late fees does not justify the amount of staff time used on continuing the practice. By the time we have spent staff time to explain the fees, gather information with escalated issues, assisted customers who may have been angry – we have spent way more in staff time and lost productivity than the fine collection would provide in revenue to the county.

Ceasing the use of the collection agency to recover lost materials and instead utilizing staff to contact customers with large outstanding fines for materials considered lost would be a cost saving measure, to help off balance the small amount of revenue taken in by late fees.

Currently, the library pays the collection agency – Unique Management Solutions - \$9.00 per call to a customer. While we do only pay for the fee when the materials have been brought back to the library, there are more effective ways to do this. While the service has helped us gain back some lost materials, the cost structure is not fiscally responsible or effective, when we are able to do the contacting internally through innovating marketing.

We have paid the agency the following over the past years:

- 2016 – \$35,719.45
- 2017 - \$36,202.75
- 2018 - \$30,054.10
- 2019 - \$27,011.10
- 2020 - \$19,663.15
- 2021 - \$0- were not collecting due to COV-19.
- 2022 – Our current bill this FY is \$4,000

When comparing these sums to the amount of revenue collected from late fees, and from a budget perspective, we can eliminate the use of this service to get as close to a zero balanced budget as possible.

Data has also demonstrated that late fees do not bring materials back faster. Libraries without late fees tend to have materials returned at the same rate, or faster, as those with late fees.

Furthermore, data and analysis from other libraries across the country demonstrate that going late fee free increases use of the library, as well as good will in the community. A few examples include:

- Saint Paul (MN) Public Library: upon going fine free: 85,416 items checked out on formerly blocked cards in the first fine free year, 1.8% increase in circulation after a multi-year decrease, and 1.9 days increase on wait/hold lists for items^[2]

- Public Libraries in Salt Lake City (UT) saw a 10% increase in check outs and borrowers after dropping late fees. The library's late-return rate dropped from 9% to 4% after late fees were eliminated.[3]
- The High Plains Library District (Co) saw an 8% increase in juvenile borrowers, and the libraries in San Rafael (CA) saw an increase of 40% youth borrowers after eliminating late fees.[4]

[1] <https://www.ala.org>

[2] <https://spl.org/fine-free/>

[3] <https://library-nd.libguides.com/publib/finefree>

[4] Ibid.

RECOMMENDATION / PROPOSED ACTION

This item was presented to the Board at the August 10, 2021 Agenda Session and was approved to move forward to the Consent Agenda at the August 16, 2021 Board of Commissioners meeting.



OFFICE OF THE COUNTY MANAGER

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF AUGUST 16, 2021

TO: BOARD OF COUNTY COMMISSIONERS

FROM: AMY CANNON, COUNTY MANAGER

DATE: 8/5/2021

**SUBJECT: FAYETTEVILLE AREA CONVENTION & VISITORS BUREAU, INC.
(FACVB) BYLAW CHANGE**

BACKGROUND

Per The FACVB Bylaws, amendments made to Article IV and VI, may be amended by affirmative vote of 2/3 of the Board of Directors and approval of the Board of Commissioners.

The FACVB Board added the 2 sentences below to Article IV Section 3:

Meetings of the Board or any committee thereof may be conducted by conference telephone, videoconference or other electronic communication that support visible displays identifying those participating, identifying those seeking recognition to speak, showing (or permitting the retrieval of) the text of pending motions, and showing the results of votes. These electronic meetings of Board shall be subject to all rules adopted by the board, to govern them, which may include any reasonable limitations on, and requirements for Board Members' participation.

The FACVB Board also amended Article III, Section 2 and 3 to create a board that is more inclusive of tourism businesses and partners in Cumberland County.

At the August 10, 2021 Agenda Session Meeting, the Board of Commissioners recommended making the Airborne Special Operations Museum (ASOM) position an Ex-Officio Non-Voting Member and make the voting seat vacated by ASOM an At-Large position to be appointed by the Board of Commissioners.

RECOMMENDATION / PROPOSED ACTION

The Board of Commissioners approved placing the proposed actions on the consent agenda of the August 16, 2021 Board of Commissioners meeting:

- Approve the Bylaw amendments as requested by the FACVB Board.
- Approve the additional recommendation by the Board of Commissioners to make the Airborne Special Operations Museum (ASOM) position an Ex-Officio Non-Voting Member and make the voting seat vacated by ASOM an At-Large Position to be appointed by the Board of Commissioners.

ATTACHMENTS:

Description

FACVB Bylaws Draft Amended 072821

FACVB Bylaws Amended August 10, 2021 (Final)

Type

Backup Material

Backup Material

BY-LAWS

FAYETTEVILLE AREA CONVENTION & VISITORS BUREAU, INC.

~~Amended April 22, 2015~~ Amended July 28, 2021

Article I

OFFICE

- Section 1.** **Name:** This Corporation shall be known as Fayetteville Area Convention & Visitors Bureau, Inc.
- Section 2.** **Principal Office:** The principal office of the Corporation shall be located at 245 Person Street, Fayetteville, North Carolina 28301.
- Section 3.** **Registered Office:** The registered office of the Corporation required by law to be maintained in the State of North Carolina may be, but need not be, identical with the principal office. Until otherwise changed, by the Board of Directors, the registered office shall be 245 Person Street, Fayetteville, North Carolina 28301.

Article II

PURPOSE

To position Cumberland County as a destination for conventions, tournaments, and individual travel and to engage in any lawful act or activity for which non-profit corporations may be organized under Chapter 55A of the North Carolina General Statutes. In so doing, the Corporation shall have all powers granted under Chapter 55A of the North Carolina General Statutes.

Article III

DIRECTORS

- Section 1.** **General Powers:** The business affairs of the Corporation shall be managed by its Board of Directors.
- Section 2.** **Number of Board Members:** The number of members constituting the Board of Directors shall be eleven (11). The Board shall also have 64 nonvoting ex-officio members. ~~(Should board wish to enact this provision to expand.)~~
- Section 3.** **Composition:** Said Board shall be comprised of the following individuals:
- (a) the County Manager or **his/her** designee;

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(b) the City Manager of the City of Fayetteville or his/her designee;

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(c) the Director of the Crown Complexenter or his/her designee;

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(d) ~~the two-one~~ representatives nominated by hotels and motels within the County of Cumberland which have fewer than 100 rooms and appointed by the County Commissioners.

(e) ~~the two-one~~ representatives nominated by hotels and motels within the County of Cumberland which have in excess of 100 rooms and appointed by the County Commissioners.

~~_____~~ (f) ~~the Chairman, President~~ of the Airborne ~~&and~~ Special Operations Museum Foundation or his/her designee;

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(g) a representative of a hotel or motel within the County of Cumberland which has rooms subject to this Occupancy Tax and meeting space in excess of 6,000 square feet which shall be elected by the Board of Directors ~~upon recommendation of a Nominating Committee appointed by the Chairman;~~

(h) a representative of a hotel or motel within the County of Cumberland which has rooms subject to this Occupancy Tax and shall be elected by the Board of Directors ~~upon recommendation of a Nominating Committee appointed by the Chairman;~~

~~_____~~ (i) ~~one business representative within County of Cumberland operating an attraction, restaurant or other local business affected by tourism elected by the Board of Directors;~~

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~~_____~~ (j) ~~one business representative within County of Cumberland operating an attraction, restaurant or other local business affected by tourism elected by the County Commissioners;~~

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~~_____~~ (i) ~~Beginning July 1, 2015 FACVB appointed positions can be appointed for 2- three year terms, but subject to re-appointment after first term;~~

~~_____~~ (j)(k) an at-large member, appointed by the Board of County Co

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Commissioners, which is representative of one or more of the following groups: (1) arts/cultural community; (2) business community; (3) military; and has a demonstrated interest in travel and tourism in the County;

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(l) FACVB appointed positions can be appointed for 2 - three year terms, but subject to re-appointment after first term;

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(mk) no hotel/motel or corporation or business group owning or managing several motels/hotels in Cumberland County shall have more than two members on the Board of Directors at any one time;

(nl) in making selections to the Board of Directors, particular attention should be
made to enhancing the ethnic and gender diversity of the Board;

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(om) members of the Board of Directors do not need to be members of the Corporation;

(pa) any Director appointed by the Board of Directors may be removed by the Board
when in the judgment of the Board of Directors the best interest of this Corporation
will be served thereby;

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(ge) vacancies on the Board of Directors will be filled within sixty (60) days of the vacancy by the appropriate body as outlined in Article IV of these By-Laws;

(p) (r) Nonvoting ex-officio positions for: (If Article III, Section 2 enacted by board to expand.)

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Nonvoting ex-officio positions for:

Tourism Development Authority liaison
President of the Fayetteville Area Hospitality Association
President of the Greater Fayetteville Chamber of Commerce
President of the Cool Spring Downtown District
President of the Fayetteville Cumberland County Economic Development Corporation
Past Chair of the Fayetteville Convention & Visitors Bureau

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One (1)

position at the board's discretion

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(+) Ex-officio positions depend on reciprocal board positions.

(s) Members of the board shall be owners, general managers, or top executives;

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(+) The County shall designate a commissioner liaison in a nonvoting position.

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Article IV

MEETINGS

- Section 1.** **Annual Membership Meeting:** An annual meeting of the members of the Fayetteville Area Convention & Visitors Bureau, Inc., shall be held in January each year or at such other time as the Board of Directors may designate.
- Section 2.** **Annual Meeting of the Board of Directors:** An annual meeting of the Board of Directors shall be held during the month of January each year at a date, time and place to be decided upon by the Board of Directors or, in the absence of Board action, at the principal office of the Corporation.
- Section 3.** **Regular and Special Meetings:** The Board of Directors shall have regular meetings quarterly on the fourth Wednesday (starting in January) unless there is not sufficient business to warrant a meeting. Special meetings of the Board of Directors may be called by or at the request of the President, Chairman, Vice-Chairman, Secretary, Treasurer or any two directors. Such meetings shall be held at the corporate office within the County of Cumberland or at such place as may be from time to time approved by the Board. Meetings of the Board or any committee thereof may be conducted by conference telephone, videoconference or other electronic communication that support visible displays identifying those participating, identifying those seeking recognition to speak, showing (or permitting the retrieval of) the text of pending motions, and showing the results of votes. These electronic meetings of Board shall be subject to all rules adopted by the board, to govern them, which may include any reasonable limitations on, and requirements for Board Members' participation.
- Section 4.** **Notice of Meetings:** Annual or regular meetings of the Board of Directors may be held upon five (5) days notice. The person or persons calling a special meeting of the Board of Directors shall, at least twenty-four (24) hours before the meeting, give notice thereof by the usual means of communication. Such notice of a special meeting shall specify the purpose for which the meeting is called.
- Section 5.** **Waiver of Notice:** Any Director may waive notice of any meeting. The attendance by a Director at a meeting shall constitute a waiver of notice of such meeting, except where a Director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened.

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Section 6. **Quorum:** A majority of the number of persons serving as Directors, or a majority of executive committee members at any time shall constitute a quorum for the transaction of business at any meeting of the Board of Directors.

Section 7. **Manner of Acting:** Except as otherwise provided in these By-Laws, action by a majority of the Directors present at a meeting in which a quorum is present shall be an act of the Board of Directors.

Section 8 **Executive Committee.** The Executive Committee shall be comprised of the Chairman of the Board, Vice Chairman, Secretary and Treasurer. The Chairman of the Board will serve as Chairman of the Executive Committee. The Executive Committee coordinates the activities of the Board of Directors, evaluates the President's performance and exercises the authority of the Board of Directors when a quorum of board members cannot be established for a regular or specially called meeting. Any actions taken by the Executive Committee shall be reported to the full board at the next board meeting. The Executive Committee will not have authority to:

- a) rescind any action taken by the Board of Directors;
- b) amend or repeal Articles of Incorporation or By-Laws;
- c) merge, consolidate or voluntarily dissolve the Corporation;
- d) sell, lease, exchange, mortgage, pledge or otherwise dispose of property;
- e) select or remove the President; or
- f) obligate the Corporation to any contract or expenditure of funds in excess of \$10,000.

Article V

OFFICERS

Section 1. **Officers of the Corporation:** The officers of the Corporation shall consist of the Chairman of the Board, Vice Chairman, Secretary, and Treasurer, and such other officers as the Board of Directors may from time to time elect. Officers of the Corporation must be members of the Board of Directors.

Section 2. **Election and Term:** The officers of the Corporation shall be elected by the Board of Directors at the **April** meeting for a term of one year commencing on July 1 of the following year.

Section 3. **Removal:** Any officer elected or appointed by the Board of Directors may be removed by the Board when in the judgment of the Board the

best interest of this Corporation will be served thereby.

Section 4. **Vacancies:** Vacancies among officers of the Corporation may be filled by a vote of a majority of the Board at any annual, regular, or special meeting of the Board of Directors.

Section 5. **Chairman:** The Chairman shall, when present, preside at all meetings of the Board of Directors. He/She shall sign with any proper officer, instruments which may be lawfully executed on behalf of the Corporation, except where required or permitted by law to be otherwise signed and executed, and except — where the signing and execution thereof shall be delegated by the Board of Directors to some other officer or agent. In general, he/she shall perform all duties incident to the office of the Chairman and such other duties as may be prescribed by the Board of Directors from time to time.

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Section 6. **Vice-Chairman:** The Vice-Chairman shall, in the absence or disability of the Chairman, perform the duties and exercise the powers of that office. In addition, he/she shall perform such duties and have such other powers as the Board of Directors shall prescribe.

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Section 7. **Secretary:** The Secretary shall be responsible for keeping accurate records of the acts and proceedings of all meetings of the Board of Directors. He/She shall be responsible for giving all notices required by law and by these By-laws. He/She shall have general care of all corporate books and records. He/She shall sign such documents as may require his signature, and, in general, perform all duties incident to the office of Secretary and — such other duties as may be assigned him/her from time to time by the Chairman or by the Board of Directors.

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Section 8. **Treasurer:** The Treasurer shall oversee the financial aspects of the Corporation without having direct custody of funds and securities belonging to the Corporation; provided that the Board may appoint a custodian or a depository for any such funds or securities and the Board may designate those persons upon whose signatures or authority such funds may be disbursed or transferred.

Article VI

MISCELLANEOUS

Section 1. **Contracts:** The Board of Directors may authorize any officer or officers, agent or agents, to enter into any contract or execute and deliver any instrument on behalf of the Corporation, and such authority may be general or confined to specific instances.

- Section 2.** **Loans:** No loans shall be contracted on behalf of the Corporation unless approved by the Board of Directors.
- Section 3.** **Checks and Drafts:** All checks, drafts or other orders for the payment of money issued in the name of the Corporation shall be signed by such officer or officers, agent or agents of the Corporation and in such manner as shall from time to time be determined by resolution of the Board of Directors.
- Section 4.** **Deposits:** All funds of the Corporation not otherwise employed shall be deposited from time to time to the credit of the Corporation in such depositories as the Board of Directors shall direct.
- Section 5.** **Seal:** The corporate seal of the Corporation shall consist of two concentric circles between which is the name of the Corporation and in the center of which is inscribed "SEAL", and such seal, as impressed on the margin hereof, is hereby adopted as the seal of the Corporation.
- Section 6.** **Committees:** The Chairman shall, subject to Board approval, appoint any committees, to consist of as many persons as he/she deems advisable.
- Section 7.** **Fiscal Year:** The fiscal year of the Corporation shall be the year
— Beginning July
— -1st and ending June 30th.
- Section 8.** **Bond:** At the expense of the Corporation, the Board of Directors may, by Resolution, require any or all officers, agents, and employees of the Corporation to give bond to the Corporation, with sufficient sureties, conditioned on the faithful performance of the duties of their respective officers or positions, and to comply with such conditions as may from time to time be required by the Board of Directors.
- Section 9.** **Inspection of Books:** The books of the Corporation may be inspected for specific and proper purposes by persons determined by the Board of Directors to be entitled thereto at such reasonable times and places as the
— Board of Directors may determine, upon application by the persons desiring inspection thereof.
- Section 10.** **Independent Outside Audit:** The Board of Directors shall require a comprehensive, independent outside audit (certified audit) of the books and financial records of the Corporation on an annual basis, to be completed no later than three months after the end of the fiscal year.

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Section 11. Indemnification: Any person who at any time serves or has served as a director, officer, employee or agent of the Corporation, or in such capacity at the request of the Corporation for any other corporation, partnership, joint venture, trust or other enterprise, shall have a right to be indemnified by the Corporation to the fullest extent permitted by law against (a) unreasonable expenses, including attorneys' fees, actually and necessarily incurred by him in connection with any threatening, pending or completed action, suit or proceedings, whether civil, criminal, administrative or investigative, and whether or not brought by him/her in connection with any threatened, pending or completed action, suit or proceedings, whether civil, criminal, administrative or investigative, and whether or not brought by or on behalf of the Corporation, seeking to hold him/her liable by reason of the fact he/she was working in such capacity, and (b) reasonable payments made by him/her in satisfaction of any judgment, money decree, fine, penalty or settlement for which he/she may have become liable in any such action, suit or proceeding.

The Board of Directors of the Corporation shall take all such action as may be necessary and appropriate to authorize the Corporation to pay the indemnification required by this bylaw, without limitation, to the extent needed, ———making a good faith evaluation of the manner in which the claimant for ———indemnity acted and of the reasonable amount of indemnity due him/her.

Any person who at any time after the adoption of this Bylaw serves or has served in any of the aforesaid capacities for or on behalf of the Corporation shall be deemed to be doing or to have done so in reliance upon, and as consideration for, the right of indemnification provided herein. Such right shall inure to the benefit of the legal representatives of any such person and shall not be exclusive of any other rights to which such person may be entitled apart from the provision of this Bylaw.

In addition to all of the foregoing, the Board of Directors shall purchase and maintain insurance on behalf of any person who is or was a director, officer, employee or agent of the Corporation, or is or was serving at the request of the Corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, against any liability asserted against him/her and incurred by him/her in any such capacity, or arising out of his/her status as such, whether or not the Corporation would have the power to indemnify him/her against such liability.

Section 12. Amendments: These By-Laws may be amended or replaced and new By-Laws may be adopted only by the affirmative vote of two-thirds (2/3) of the Board of Directors. However, Article IV, and this section (Article V, Section 12) may only be amended or replaced by the affirmative vote of

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two-thirds (2/3) of the Board of Directors and with the approval of the Cumberland County Board of Commissioners.

These Bylaws were adopted at a meeting of the Board of Directors of Fayetteville Area Convention & Visitors Bureau, Inc. on _____, 2021

Amy Cannon
Secretary

James Grafstrom
Treasurer

These Bylaws were approved at a meeting of the Cumberland County Board of Commissioners on _____, 2021

Charles Evans
Chairman

Candice H. White
Clerk to the Board

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CUMBERLAND COUNTY, NC

FAYETTEVILLE

A R E A

CONVENTION AND VISITORS BUREAU

By-Laws

Amended August 10, 2021

245 Person Street
Fayetteville, North Carolina 28301
www.VisitFayettevilleNC.com



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Article I

OFFICE

- Section 1.** **Name:** This Corporation shall be known as the Fayetteville Area Convention and Visitors Bureau, Inc.
- Section 2.** **Principal Office:** The principal office of the Corporation shall be located at 245 Person Street, Fayetteville, North Carolina 28301.
- Section 3.** **Registered Office:** The registered office of the Corporation required by law to be maintained in the State of North Carolina may be, but need not be, identical with the principal office. Until otherwise changed, by the Board of Directors, the registered office shall be 245 Person Street, Fayetteville, North Carolina 28301.

Article II

PURPOSE

To position Cumberland County as a destination for conventions, tournaments, and individual travel and to engage in any lawful act or activity for which non-profit corporations may be organized under Chapter 55A of the North Carolina General Statutes. In so doing, the Corporation shall have all powers granted under Chapter 55A of the North Carolina General Statutes.

Article III

DIRECTORS

- Section 1.** **General Powers:** The business affairs of the Corporation shall be managed by its Board of Directors.
- Section 2.** **Number of Board Members:** The number of members constituting the Board of Directors shall be eleven (11). The Board of Directors shall also have 6 non-voting ex-officio members.
- Section 3.** **Composition:** Said Board of Directors shall be comprised of the following individuals:
- (a) the County Manager or **his/her** designee,
 - (b) the City Manager of the City of Fayetteville or his/her designee,

- (c) the Director of the Crown Complex or his/her designee,
- (d) one representative nominated by hotels and motels within the County of Cumberland which have fewer than 100 rooms and appointed by the County Commissioners,
- (e) one representative nominated by hotels and motels within the County of Cumberland which has in excess of 100 rooms and appointed by the County Commissioners,
- (f) one business representative within the County of Cumberland operating an attraction, restaurant or other local business affected by the Tourism Industry elected by the County Commissioners,
- (g) two at-large members, appointed by the County Commissioners which is representative of one or more of the following groups:
 - (1) arts/cultural community,
 - (2) business community,
 - (3) military and has a demonstrated interest in travel and tourism in the County,
 - (4) business affected by tourism industry,
- (h) one representative of a hotel or motel within the County of Cumberland which has rooms subject to Occupancy Taxes and meeting space in excess of 6,000 square feet which shall be elected by the Board of Directors,
- (i) one representative of a hotel or motel within the County of Cumberland which has rooms subject to Occupancy Taxes and shall be elected by the Board of Directors,
- (j) one business representative within the County of Cumberland operating an attraction, restaurant or other local business affected by the Tourism Industry elected by the Board of Directors,
- (k) Ex-officio positions require reciprocal board positions. Non-voting ex-officio positions are:

Tourism Development Authority Liaison

President of the Fayetteville Area Hospitality Association

President of the Greater Fayetteville Chamber of Commerce

President of the Cool Spring Downtown District

President of the Fayetteville Cumberland County Economic Development Corporation

Past Chair of the Corporation

One (1) position at the Board of Director's discretion.

- (l) Board of Directors appointed positions can be appointed for 2 – three-year terms, but subject to re-appointment after the first term,
- (m) no hotel/motel or corporation or business group owning or managing several motels/hotels in the County of Cumberland shall have more than two members on the Board of Directors at any one time,
- (n) in making selections to the Board of Directors, particular attention should be made to enhancing the ethnic and gender diversity of the Board of Directors,
- (o) members of the Board of Directors do not need to be members of the Corporation,
- (p) vacancies on the Board of Directors will be filled within sixty (60) days of the vacancy by the appropriate body as outlined in Article IV of these By-Laws,
- (q) Members of the Board of Directors shall be owners, general managers, or top executives,
- (r) The County Commissioners shall designate a Commissioner Liaison to a non-voting position.

Article IV

MEETINGS

- Section 1. Annual Membership Meeting:** An annual meeting of the members of the Corporation, shall be held in January each year or at such other time as the Board of Directors may designate.
- Section 2. Annual Meeting of the Board of Directors:** An annual meeting of the Board of Directors shall be held during the month of January each year at a date, time and place to be decided upon by the Board of Directors or, in the absence of action by the Board of Directors, at the principal office of the Corporation.
- Section 3. Regular and Special Meetings:** The Board of Directors shall have regular meetings quarterly on the fourth Wednesday (starting in January) unless there is not sufficient business to warrant a meeting. Special meetings of the Board of Directors may be called by or at the request of the President, Chairman, Vice-Chairman, Secretary, Treasurer or any two directors. Such meetings shall be held at the corporate office within the County of Cumberland or at such place as may be from time to time approved by the Board of Directors. Meetings of the Board of Directors or any committee thereof may be conducted by conference telephone, videoconference or other electronic communication that supports visible displays identifying those participating, identifying those seeking recognition to speak, showing (or permitting the retrieval of) the text of pending motions, and showing the results of votes. These electronic meetings of the Board of Directors shall be subject to all rules adopted by the Board of Directors, to govern them, which may include any reasonable limitations on, and requirements for Board of Directors' participation.
- Section 4. Notice of Meetings:** Annual or regular meetings of the Board of Directors may be held upon five (5) days' notice. The person or persons calling a special meeting of the Board of Directors shall, at least twenty-four (24) hours before the meeting, give notice thereof by the usual means of communication. Such notice of a special meeting shall specify the purpose for which the meeting is being called.
- Section 5. Waiver of Notice:** Any Director may waive notice of any meeting. The attendance by a Director at a meeting shall constitute a waiver of notice of such meeting, except where a Director attends a meeting for the express purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened.

- Section 6. Quorum:** A majority of the number of persons serving as Directors, or a majority of Executive Committee members at any time shall constitute a quorum for the transaction of business at any meeting of the Board of Directors.
- Section 7. Manner of Acting:** Except as otherwise provided in these By-Laws, action by a majority of the Directors present at a meeting in which a quorum is present shall be an act of the Board of Directors.
- Section 8 Executive Committee.** The Executive Committee shall be comprised of the Chairman of the Board, Vice Chairman, Secretary and Treasurer. The Chairman of the Board will serve as Chairman of the Executive Committee. The Executive Committee coordinates the activities of the Board of Directors, evaluates the President's performance and exercises the authority of the Board of Directors when a quorum of board members cannot be established for a regular or specially called meeting. Any actions taken by the Executive Committee shall be reported to the full board at the next board meeting. The Executive Committee will not have authority to:
- (a) rescind any action taken by the Board of Directors,
 - (b) amend or repeal Articles of Incorporation or By-Laws,
 - (c) merge, consolidate or voluntarily dissolve the Corporation,
 - (d) sell, lease, exchange, mortgage, pledge or otherwise dispose of property,
 - (e) select or remove the President, or
 - (f) obligate the Corporation to any contract or expenditure of funds in excess of \$10,000.

Article V

OFFICERS

- Section 1. Officers of the Corporation:** The officers of the Corporation shall consist of the Chairman of the Board, Vice Chairman, Secretary, and Treasurer, and such other officers as the Board of Directors may from time to time elect. Officers of the Corporation must be members of the Board of Directors.
- Section 2. Election and Term:** The officers of the Corporation shall be elected by the Board of Directors at the April meeting for a term of one year commencing on July 1 of the following year.

- Section 3. Removal:** Any Director shall be dropped for excess absences from the Board if s/he has three unexcused absences from Board meetings in a year. Any officer or Director elected or appointed by the Board of Directors may be removed by the Board of Directors when in the judgment of the Board of Directors the best interest of the Corporation will be served, by affirmative vote of two-thirds of the Board of Directors. Any officer or director may resign at any time by delivering a written resignation to the President or the Secretary.
- Section 4. Vacancies:** Vacancies among officers of the Corporation may be filled by a vote of a majority of the Board of Directors at any annual, regular, or special meeting of the Board of Directors.
- Section 5. Chairman:** The Chairman of the Board shall, when present, preside at all meetings of the Board of Directors. He/She shall sign with any proper officer, instruments which may be lawfully executed on behalf of the Corporation, except where required or permitted by law to be otherwise signed and executed, and except where the signing and execution thereof shall be delegated by the Board of Directors to some other officer or agent. In general, he/she shall perform all duties incident to the office of the Chairman and such other duties as may be prescribed by the Board of Directors from time to time.
- Section 6. Vice-Chairman:** The Vice-Chairman shall, in the absence or disability of the Chairman of the Board of Directors, perform the duties and exercise the powers of that office. In addition, he/she shall perform such duties and have such other powers as the Board of Directors shall prescribe.
- Section 7. Secretary:** The Secretary shall be responsible for keeping accurate records of the acts and proceedings of all meetings of the Board of Directors. He/She shall be responsible for giving all notices required by law and by these By-laws. He/She shall have general care of all corporate books and records. He/She shall sign such documents as may require his signature, and, in general, perform all duties incident to the office of Secretary and such other duties as may be assigned him/her from time to time by the Chairman or by the Board of Directors.
- Section 8. Treasurer:** The Treasurer shall oversee the financial aspects of the Corporation without having direct custody of funds and securities belonging to the Corporation; provided that the Board of Directors may appoint a custodian or a depository for any such funds or securities and the Board of Directors may designate those persons upon whose signatures or authority such funds may be disbursed or transferred.

Article VI

MISCELLANEOUS

- Section 1.** **Contracts**: The Board of Directors may authorize any officer or officers, agent or agents, to enter into any contract or execute and deliver any instrument on behalf of the Corporation, and such authority may be general or confined to specific instances.
- Section 2.** **Loans**: No loans shall be contracted on behalf of the Corporation unless approved by the Board of Directors.
- Section 3.** **Checks and Drafts**: All checks, drafts or other orders for the payment of money issued in the name of the Corporation shall be signed by such officer or officers, agent or agents of the Corporation and in such manner as shall from time to time be determined by resolution of the Board of Directors.
- Section 4.** **Deposits**: All funds of the Corporation not otherwise employed shall be deposited from time to time to the credit of the Corporation in such depositories as the Board of Directors shall direct.
- Section 5.** **Seal**: The corporate seal of the Corporation shall consist of two concentric circles between which is the name of the Corporation and in the center of which is inscribed "SEAL", and such seal, as impressed on the margin hereof, is hereby adopted as the seal of the Corporation.
- Section 6.** **Committees**: The Chairman of the Board shall, subject to Board of Directors' approval, appoint any committees, to consist of as many persons as he/she deems advisable.
- Section 7.** **Fiscal Year**: The fiscal year of the Corporation shall be the year beginning July 1st and ending June 30th.
- Section 8.** **Bond**: At the expense of the Corporation, the Board of Directors may, by Resolution, require any or all officers, agents, and employees of the Corporation to give bond to the Corporation, with sufficient sureties, conditioned on the faithful performance of the duties of their respective officers or positions, and to comply with such conditions as may from time to time be required by the Board of Directors.
- Section 9.** **Inspection of Books**: The books of the Corporation may be inspected for specific and proper purposes by persons determined by the Board of Directors to be entitled thereto at such reasonable times and places as the Board of Directors may determine, upon application by the persons desiring inspection thereof.

Section 10. Independent Outside Audit: The Board of Directors shall require a comprehensive, independent outside audit (certified audit) of the books and financial records of the Corporation on an annual basis, to be completed no later than three months after the end of the fiscal year.

Section 11. Indemnification: Any person who at any time serves or has served as a director, officer, employee or agent of the Corporation, or in such capacity at the request of the Corporation for any other corporation, partnership, joint venture, trust or other enterprise, shall have a right to be indemnified by the Corporation to the fullest extent permitted by law against:

- (a) unreasonable expenses, including attorneys' fees, actually and necessarily incurred by him in connection with any threatening, pending or completed action, suit or proceedings, whether civil, criminal, administrative or investigative, and whether or not brought by him/her in connection with any threatened, pending or completed action, suit or proceedings, whether civil, criminal, administrative or investigative, and whether or not brought by or on behalf of the Corporation, seeking to hold him/her liable by reason of the fact he/she was working in such capacity, and
- (b) reasonable payments made by him/her in satisfaction of any judgment, money decree, fine, penalty or settlement for which he/she may have become liable in any such action, suit or proceeding. The Board of Directors of the Corporation shall take all such action as may be necessary and appropriate to authorize the Corporation to pay the indemnification required by this By-Law, without limitation, to the extent needed, making a good faith evaluation of the manner in which the claimant for indemnity acted and of the reasonable amount of indemnity due him/her. Any person who at any time after the adoption of this By-Law serves or has served in any of the aforesaid capacities for or on behalf of the Corporation shall be deemed to be doing or to have done so in reliance upon, and as consideration for, the right of indemnification provided herein. Such right shall inure to the benefit of the legal representatives of any such person and shall not be exclusive of any other rights to which such person may be entitled apart from the provision of this By-Law. In addition to all of the foregoing, the Board of Directors shall purchase and maintain insurance on behalf of any person who is or was a director, officer, employee or agent of the Corporation, or is or was serving at the request of the Corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, against any liability asserted against him/her and incurred by him/her in any such capacity, or arising out of his/her status as such, whether or not the Corporation would have the power to indemnify him/her against such liability.

Section 12. Amendments: These By-Laws may be amended or replaced, and new By-Laws may be adopted only by the affirmative vote of two-thirds (2/3) of the Board of Directors. However, Article IV, and this section (Article VI, Section 12) may only be amended or replaced by the affirmative vote of two-thirds (2/3) of the Board of Directors and with the approval of the County of Cumberland Board of Commissioners.

These By-Laws were adopted at a meeting of the Board of Directors of the Fayetteville Area Convention and Visitors Bureau, Inc. on July 28, 2021.

Amy Cannon
Secretary

James Grafstrom
Treasurer

These By-Laws were approved at a meeting of the County of Cumberland Board of Commissioners on _____, 2021

Charles Evans
Chairman

Candice H. White
Clerk to the Board



FINANCE OFFICE

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF AUGUST 16, 2021

TO: BOARD OF COUNTY COMMISSIONERS

FROM: VICKI EVANS, FINANCE DIRECTOR

DATE: 8/10/2021

SUBJECT: AMENDMENT TO THE PERSONNEL ORDINANCE, SECTION 501 (F)

BACKGROUND

In an effort to be prepared for audits of expenditures from American Rescue Plan Act funds, staff have been carefully reviewing County policy in comparison to federal procurement standards, all within the code of federal regulations, specifically § 2 CFR 200.317-327. It was found that the Code of Ethics, Conflict of Interest section of the current Personnel Ordinance could be amended to include more restrictive language as reflected in § 2 CFR 200.218(c)(1).

The draft amendment to the Personnel Ordinance, Code of Ethics section is attached with changes shown in red font.

RECOMMENDATION / PROPOSED ACTION

At the August 10, 2021 Agenda Session Meeting, there was unanimous consensus of the Board of Commissioners to place the action below as a Consent Agenda item as follows:

Approve an amendment to the Personnel Ordinance, Code of Ethics section.

ATTACHMENTS:

Description

Draft Amendment to Personnel Ordinance - track changes

Type

Backup Material

Sec. 501. Code of ethics.

(a) *Declaration of policy.* It is the policy of the county that the proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that governmental decisions and policy be made in proper channels of the governmental structure; that public office not be used for personal gain; and that the public has confidence in the integrity of its government. In recognition of these goals, a code of ethics for all county employees is adopted.

(b) This code has four purposes as follows:

- (1) To encourage high ethical standards in official conduct by county employees;
- (2) To establish guidelines for ethical standards of conduct for all county employees by setting forth those acts or actions that are incompatible with the best interests of the county;
- (3) To require that county employees disclose private financial or other interests in matters affecting the county; and
- (4) To serve as a basis for disciplining and/or punishing those employees who refuse to abide by its terms.

(c) *Definitions.* As used in this code of ethics, the following terms shall have the following meanings unless the context clearly indicates that a different meaning is intended:

- (1) *Business* shall mean a corporation, partnership, sole proprietorship, firm, organization or other legal entity carrying on business;
- (2) *Confidential information* shall mean information which is not available to the general public and which is obtained only by reason of an employee's position.
- (3) *County* shall mean the County of Cumberland.
- (4) *Employee* shall mean all officials, officers, members and employees, whether elected or appointed and whether paid or unpaid, of the government of the county and of all of its agencies. Employees shall include former employee if the violation occurred during county employment.
- (5) *Financial interest* shall mean any interest which shall yield, directly or indirectly, any monetary or other material benefit to a county employee. The term, financial interest, shall not include the employee's salary or other compensation received pursuant to county employment. The fact that an employee owned ten percent or less of the stock of a corporation or has a ten percent or less ownership in any business entity or is an employee of said business entity does not create a financial interest.
- (6) *Official act* shall mean an official decision, vote, approval, disapproval or other action which involves the use of decision-making authority.

(7) *Personal interest* shall mean any interest arising from blood or marriage relationships or from employment or business whether or not any financial interest is involved. A blood or marriage relationship for the purpose of this section shall mean wife, husband, mother, father, brother, sister, daughter, son, grandmother and grandfather, grandson and granddaughter, aunts and uncles. Included are the step, half, in-law, in loco parentis relationships and persons living within the same household.

(8) *Political activity* shall mean any act aimed at supporting or opposing the election of any candidate for public office or supporting or opposing a particular political party.

(d) *Standards of Conduct.* Employees must in all instances maintain their conduct at the highest standards. Official conduct guided by high ethical standards gives the public confidence in the integrity of its government and assures the public that government is responsible to the people. The following standards of conduct are goals which public employees should strive to attain so as to avoid even the appearance of impropriety in the conduct of the public's business:

(1) Employees have an obligation to act morally and honestly in discharging their responsibilities;

(2) Employees shall conduct themselves with propriety, discharge their duties impartially and fairly and make continuing efforts toward attaining and maintaining high standards of conduct;

(3) Employees shall not improperly use, directly or indirectly, their county positions to secure any financial interest or personal benefit for themselves or others;

(4) Employees shall not use nor attempt to use their positions to improperly influence other employees in the performance of their official duties; and

(5) While in the conduct of their official duties employees shall not request other employees to grant or make available to any person any consideration, treatment, advantage or favor beyond that which it is the general practice to grant or to make available to the public at large.

(e) *Use of County Resources.*

(1) No employee shall use or permit the use of county employees or county-owned material, property, funds, or other resources of any kind for the private gain, personal benefit, or political advantage of any person, except where such use is made available to the public at large. Nothing herein shall be interpreted or construed to limit the use of county-owned facilities for public gatherings in accordance with established facilities use policies.

(2) County-owned vehicles shall not be used for the personal business of any employee. No county automobile shall be used by a county employee going to or from home, except when such use is for the benefit of the county and such use has been authorized by the department head, county manager or sheriff.

(f) *Conflict of Interest.*

(1) No employee shall engage in any employment or business which conflicts with the proper discharge of his or her official duties.

(2) No employee shall have a financial interest, directly or indirectly, in any transaction with any county agency as to which the employee has the power to take or influence official action. No employee shall take or influence official action in any transaction with any county agency that would confer a benefit based on a personal interest where such benefit is not made available to the public at large.

(3) If an employee has any direct or indirect financial interest in the outcome of any matter coming before the agency or department of which he or she is a member or by which he or she is employed, such employee shall disclose on the record of the agency or department and to his superior or other appropriate authority the existence of such financial interest. An employee having such an interest shall not engage in deliberations concerning the matter, shall disqualify himself from acting on the matter and shall not communicate about such matter with any person who will participate in the action to be taken on such matter. However, the excusal from voting by members of the board of county commissioners shall be governed exclusively by G.S. § 153A-44.

(4) No employee shall represent or appear on behalf of any individual or entity, either personally or through an associate or partner, against the interests of the county or any of its agencies in any action or proceeding in which the county or any of its agencies is a party, unless the action or proceeding is sufficiently remote from his official duties, so that no actual conflict of interest exists.

(5) Nothing herein shall be interpreted or construed to prohibit any employee from exercising his or her legal rights as to his or her own personal interests in processing a claim against, making a request to the county or any of its agencies or in defending a claim made against him or her by the county or any of its agencies, or to prohibit an employee from testifying as a witness in any administrative or judicial proceeding.

(6) No employee may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, or any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The employees may neither solicit or accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. (Reference § 2 CFR 200.318(c)(1)).

(g) *Confidential Information.*

(1) No employee shall, without legal authority, disclose confidential information gained as a result of his or her employment or position with the county.

(2) No employee shall use confidential information gained as a result of his or her employment

or position with the county to advance his or her own financial or personal interest or the financial or personal interests of any other person.

(3) Nothing in this subsection shall be construed as prohibiting the disclosure of information required by law to be disclosed.

(h) *Gifts, Gratuities, and Favors.* No employee shall knowingly solicit or accept a gift, whether in the form of money, things, favor, loan or promise, or gratuity, from any person or entity which, to the employee's knowledge, is interested directly or indirectly, in any manner whatsoever, in a transaction with the county or any of its departments or agencies as to which the employee has the power to take or influence official action. This section is not intended to prevent the gift and/or receipt of the following:

(1) Honorariums in an amount not to exceed \$25.00 or expenses to include meals, travel and lodging for participating in meetings, seminars, conferences, grand openings, or anniversary celebrations of businesses, or other similar activities where the official or employee is either a speaker, participant or invited in his or her official capacity;

(2) Nominal advertising items or souvenirs of \$25.00 or less in value, or meals furnished at banquets;

(3) Customary gifts or favors received by any employee from friends, relatives or other employees where it is clear that it is the relationship of the donor which is the motivating factor for the gift or favor;

(5) Gifts, favors, discounts, and gratuities offered by commercial enterprises to members of the general public; and

(6) Political contributions by elected county officials.

(i) *False Statements Prohibited.*

(1) No employee shall willfully make any false statement, or in any manner commit any fraud, conceal any wrongdoing or fail to answer fully and truthfully questions about wrongdoing connected with the business of the county or connected with the work-related conduct of any county employee.

(2) No employee shall willfully make any false statement, certificate, mark, report or rating with the intent to obtain public funds or other public benefit for himself or herself or anyone else to which the employee or such other person is not by law entitled or otherwise authorized.

(3) No person seeking appointment to, or promotion in, the service of the county, shall either directly or indirectly give, render or pay any money, service or other valuable thing to any person for, on account of or in connection with his or her test, appointment, proposed appointment, promotion or proposed promotion; provided, however, that this provision shall not apply to payments made to duly licensed employment agencies or educational institution.

(j) *Nepotism Prohibited.* No relative of a county employee, by blood or marriage, may be employed in any position with the county in which the employee may be able to supervise directly or control or influence the work or employment status of the relative or the affairs of the organizational unit in which the relative is employed. Relative for the purposes of this section shall mean wife, husband, mother, father, brother, sister, daughter, son, grandmother and grandfather, grandson and granddaughter, aunts and uncles. Included are the step, half, in-law, in loco parentis relationships and persons living within the same household.

(k) *Outside Employment.* Except for county elected officials or appointees, no employee shall engage in outside employment without prior approval of the employee's department head. Approval will be granted except where the employment has a probability of creating a conflict with the performance of the county's business or creating a division of loyalty, or where the performance of the outside duties would most likely impair the employee's ability to perform his or her county duties.

(l) *Political Activity.*

(1) *Generally.* Every employee of the county has a civic responsibility to support good government by every available means and in every appropriate manner except where in conflict with the law. County employees may join or affiliate with civic organizations of a political nature, may attend political meetings, may serve as officers of civic or political organizations, and may advocate and support principles or policies of civic or political organizations in accordance with the Constitution and laws of the United States and North Carolina.

(2) *Prohibitions.* No employee of the county shall:

(a) Engage in any political activity while on duty, unless serving as an elected county official;

(b) Place any pressure, direct or indirect, on any employee to support any candidate or party, contribute to, solicit for, or act as custodian of funds for political purposes;

(c) Offer any county position, promotion, job related benefit, remuneration or other advantage to any person as a reward for political activity or support;

(d) Take adverse action against any employee based on that employee's engaging in or refusing to engage in permitted political activity; or

(e) Permit or require any county employee to engage in political activity while the employee is on duty.

(3) *Candidates running for public office; etc.* Engaging in political activity while on duty shall not include the casual greeting or encounter by employees with persons running for public office. Candidates for public office visiting public offices shall be received and treated with respect. For the purpose of this section, employees who are on authorized breaks or on lunch periods shall not be deemed to be on county time.

(m) *Violations.* Any violation of this section shall be deemed improper conduct and may subject an employee to disciplinary action, dismissal, or removal, as appropriate. Additionally, a violation of subsection (e), use of county resources, or subsection (i), false statements prohibited, is declared a misdemeanor and may be punished as provided by law. The board of county commissioners, upon notice and hearing, may declare void and rescind any contract, grant, subsidy, license, right, permit, franchise, use, authority, privilege, benefit certificate, ruling, decision, performance of any service, or transfer or delivery of anything which the board determines was awarded, granted, paid, furnished, or otherwise performed in violation of this article.

This ordinance amendment shall become effective at the time it is adopted and shall repeal and supersede the Cumberland County Personnel Ordinance in effect at the time this ordinance is adopted.

Adopted by the Board of Commissioners in regular meeting August 16, 2021.

Charles Evans, Chairman

Attest:

Candice H. White, Clerk to the Board



OFFICE OF THE COUNTY MANAGER

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF AUGUST 16, 2021

TO: BOARD OF COUNTY COMMISSIONERS

FROM: TRACY JACKSON, ASST. COUNTY MANAGER/ENVIRONMENTAL & COMMUNITY SAFETY

DATE: 8/9/2021

SUBJECT: RADIO TOWER LEASE AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES - DIVISION OF FOREST SERVICES

BACKGROUND

The NC Department of Agriculture and Consumer Services - Division of Forest Services wishes to renew an existing agreement for radio antennae space on the tower located atop 109 Bradford Avenue, a County-owned facility. The continued use of the space on the tower provides more effective and efficient services to the citizens of Cumberland County without any negative impact to existing operations. This serves as a benefit to the County and surrounding region and more specifically the fire departments of Cumberland County who may need to communicate directly with local NC Forest Service staff.

The terms of the agreement are proposed as follows without major changes:

- Three-year term commencing August 1, 2021 and ending July 31, 2024 (last negotiated in 2018)
- Rent of \$10.00 (TEN DOLLARS) for the entire three-year term
- Lessor provides and maintains existing antennae, connections, and headend building while Lessee provides and maintains its headend equipment
- Lessor provides utilities and environmentally controlled headend building (utilities are singly metered for entire facility and therefore cannot be split out)
- Lessee is self-insured

Attached is a copy of the proposed agreement. The intent to lease does not have to be advertised since the proposed agreement is between government entities.

RECOMMENDATION / PROPOSED ACTION

At the August 10, 2021 Agenda Session Meeting, the Board of Commissioners approved placing the

proposed actions on the consent agenda at the August 16, 2021 Board of Commissioner Meeting:

- Approve the Radio Tower Lease Agreement with the North Carolina Department of Agriculture and Consumer Services-Division of Forest Services and authorize the County Manager to execute the agreement.

ATTACHMENTS:

Description

Proposed Lease Agreement

Type

Backup Material

**CUMBERLAND COUNTY
RADIO TOWER AGREEMENT**

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

This Lease Agreement, made and entered into this _____ day of _____, 20____, by and between **CUMBERLAND COUNTY**, hereinafter referred to as "Lessor", and the **STATE OF NORTH CAROLINA**, through the North Carolina Department of Agriculture & Consumer Services, North Carolina Forest Service, hereinafter referred to as "Lessee".

WITNESSETH

THAT WHEREAS, authority to approve and execute this lease agreement was delegated to the Department of Administration by resolution adopted by the Governor and Council of State on the 1st day of September, 1981; and amended on September 8th, 1999 and April 1, 2003.

WHEREAS, the Department of Administration has delegated to the Department of Agriculture the authority to execute this lease agreement by a memorandum dated the 26th day of March, 1982; and December, 2016.

WHEREAS, the parties hereto have mutually agreed to the terms of this lease agreement as hereinafter set out,

WHEREAS, the Lessor owns, operates and maintains a Radio Signal Tower, (Registration No. 1015942) located on a County facility that is located at 109 Bradford Avenue in Cumberland County, North Carolina, at latitude of 35-03-19N, longitude 78-53-30W, NAD 17, and the Lessor hereby leases to Lessee and the Lessee hereby leases from the Lessor space on the Tower and all access and utility easements, if any, (collectively, the "Premises").

WHEREAS, the Lessor desires to grant to the Lessee a lease to install, operate and maintain an antenna and coaxial cable upon said tower and to install related cabling, wiring and accessories inside the "headend" building located at the base of the radio tower. The headend" building is a masonry environmentally-controlled building which is storage space for all repeaters and accessories related to such antennas and cables on the tower.

NOW THEREFORE, in consideration of the rents, covenants and agreements hereinafter set forth, the Lessor and Lessee agree as follows:

- 1) The Lessor agrees to lease to the Lessee space on its radio tower to install, operate and maintain an antenna and coaxial cable on Lessor's tower and to install, operate and maintain other related cabling, wiring and accessories inside the Lessor's "headend" building located at the base of said radio tower.

<u>TYPE</u>	<u>HEIGHT</u>
VHF Hi Band Repeater	

- 2) The Lessor agrees to furnish such power as may be required by the Lessee for operation of its installation, however, it is expressly understood and agreed that the Lessor will not be responsible for any power outage, but will endeavor to correct the condition causing the outage as soon as it is reasonably possible.

- 3) The term of the lease shall be for a period of 3 years commencing on **August 1, 2021** and terminate **July 31, 2024**. The Lessor or Lessee may terminate this agreement at any time with or without cause, upon thirty (30) days written notice to the other party, sent by certified mail to the address so designated for this purpose; and further provided that this agreement may be canceled on twenty-four (24) hours notice to Lessee in the event that Lessee's base station, antenna or other equipment on said premises of the Lessor are causing or contributing to noticeable degradation of the radio equipment of the Lessor or of any persons with antenna leases on the Lessor's tower.
- 4) The rental fee for the lease shall be **Ten and 00/100 Dollars (\$10.00)** and should be paid with the commencement of this lease.
- 5) The Lessee will have access to the Lessor's tower site and to Lessor's "headend" building. Only personnel or contractors of North Carolina Forest Service approved by the Lessor will be permitted to go on or install equipment of the tower.
- 6) **Insurance & Liability.**
 - (a) Lessor agrees that Lessee's decision to self-insure satisfies all insurance requirements of this Lease applicable to Lessee.
 - (b) As between Lessor and Lessee, Lessee, subject to the terms of this Lease, will be primarily liable for the negligent or intentional acts or omissions of its agents, contractors or employees. As to third parties, Lessee is an immune sovereign and is not ordinarily subject to suit. However, Lessee has enacted Chapter 143, Article 31, of the North Carolina General Statutes (the "Tort Claims Act"), pursuant to which the Lessee may be liable for the torts of its officers and employees, within the terms of the Tort Claims Act, and accordingly, Lessee will be primarily liable for any claims within the coverage of the Tort Claims Act.
 - (c) Lessor shall be liable to Lessee for any loss or damages suffered by Lessee which are a direct result of the failure of Lessor to perform an act required by this Lease, provided that Lessor could reasonably have complied with said requirement.
- 7) **Utilities / Maintenance.** Lessor shall be responsible for the maintenance and operation of the Tower and the Building, including, but not limited to all utility charges attributable to Lessee's use of the Premises. Lessee shall repair at its own expense damage to the Premises, the Tower, the Building or the Communications Equipment, which is the result of Lessee's use of the Premises except if such cost arises out of the negligent or wrongful acts or omissions of Lessor, its contractors or agents.
- 8) **Security.** Lessor agrees and acknowledges that the Tower and the Building will be secured by a locked fenced. Lessor shall provide Lessee with keys to the locks.
- 9) The Lessee's base station and related equipment shall be installed and maintained in accordance with the following:
 - a) Base Antennae shall have no more than 3.3 square feet of projected wind surface.
 - b) Antennae shall be installed at a location and in a manner designated by the Lessor.
 - c) All mounting brackets, clamps and bolts shall be galvanized.
 - d) All coaxial cable shall be fastened to a designated tower leg at intervals of no more than three feet. Stainless Steel Wraplock or Copper Wire shall be used to fasten coaxial cable to tower leg.
 - e) Form a Drip Loop at building cable entrance.
 - f) Base stations shall be installed at a location designated by the Lessor.
 - g) Base stations shall be ground with AWC #6 Copper Conductor to Ground Buss.
 - h) Install GE Surge Protector or equivalent at Base Station AC Outlet.
 - i) Traps and Filters shall be placed in transmitter output in order to eliminate potential harmful interference with other radio users.

- 10) The Lessee, its agents, or any persons using the Lessee's antenna and equipment for the transmission and reception of radio signals shall comply with all laws and governmental regulations respecting such use and shall hold the Lessor harmless from any responsibility from the failure of the Lessee, its agents or any persons using the Lessee's antenna and equipment. The Lessee shall maintain all licenses required by the FCC for the antenna and other equipment on the Lessor's property, said copy of license to be provided to the Lesser.
- 11) The failure of either party to insist in any instance on strict performance of any covenant thereof, or to exercise any option herein contained, shall not be construed as a waiver of such covenant or option in any other instance. No modification or any provision hereof and no cancellation or surrender hereof shall be valid unless in writing and signed by parties.
- 12) All notices herein provided to be given, or which may be given by either party to the other, shall be deemed to have been fully given when made in writing and deposited in the United States mail, certified and postage prepaid and addressed as follows:

To the Lessor: County Manager
Cumberland County
117 Dick Street
Fayetteville, N.C., 28301

To the Lessee: NC Department of Agriculture & Consumer Services
NC Forest Service
Attn: Property Manager
1006 Mail Service Center
Raleigh, NC 27699-1006

Nothing herein contained shall preclude the giving of such notice by personal service. The address to which notices shall be mailed as aforesaid to either party may be changed by written notice.

IN WITNESS WHEREOF, the parties hereto have signed and sealed this instrument the day and year first above written.

LESSOR:

Cumberland County

Amy H. Cannon, County Manager

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

I, _____, a Notary Public of the State and County aforesaid, do hereby certify that **Amy H. Cannon** personally came before me this day and acknowledged that she is **County Manager**, and that she, as Manager, being authorized to do so, executed the foregoing instrument on behalf of the County of Cumberland.

WITNESS my hand and official seal this _____ day of _____, 20____.

Notary Public

My Commission Expires: _____

LESSEE:

State of North Carolina

Andrew A. Meier, Director
NCDA&CS Property & Construction Division

STATE OF NORTH CAROLINA
COUNTY OF WAKE

I, _____, a Notary Public for County and State aforesaid, do hereby certify that **Andrew A. Meier** personally appeared before me this day and acknowledged the due execution by him of the foregoing instrument as Interim Director of Property and Construction Division, for the North Carolina Department of Agriculture and Consumer Services, in accordance with the authority vested in him and for the purposes therein expressed.

WITNESS my hand and official seal this _____ day of _____, 20____.

Notary Public

My Commission Expires: _____



OFFICE OF THE COUNTY ATTORNEY

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF AUGUST 16, 2021

TO: BOARD OF COUNTY COMMISSIONERS

FROM: COUNTY ATTORNEY AND CLERK TO THE BOARD

DATE: 8/11/2021

**SUBJECT: PROPOSED AMENDMENTS TO RULES 6 AND 26 OF THE BOARD'S
RULES OF PROCEDURE**

BACKGROUND

The Board's Rules of Procedure are to be republished to incorporate amendments. Incident to that republication, the Clerk and the County Attorney recommend the additional amendments to Rules 6 and 26 set out in red font in the attachment. These amendments are consistent with the Board's practice of denying the presentation of video on those occasions when speakers have requested to do so during the public comment period. At the August 10, 2021, Agenda Session, the Board voted to place this item on the Agenda for August 16, 2021, as a consent item.

RECOMMENDATION / PROPOSED ACTION

County Attorney and Clerk to the Board recommend approval of the amendments to Rules 6 and 26.

ATTACHMENTS:

Description

Amendments to Rules 6 and 26

Type

Backup Material

Proposed Amendments to Rules 6 and 26 of the Board's Rules of Procedure

Rule 6

Regular Meetings:

- First Monday of the Month at 9:00 AM
- Second Thursday of the Month at 1:00 PM as an Agenda Session
- Third Monday of the Month at 6:45 PM

If a regular meeting falls on a holiday on which county offices are closed, the meeting shall be held on the next business day or such succeeding day as may be specified by the Board of Commissioners. (Note: The Board of Commissioners adopts its regular meeting schedule at its first regular meeting in December. The schedule is posted on the county website).

A public comment period shall be the first item of business at the 3rd Monday of the month meeting. Comments shall be limited to three minutes per person. **No electronic media presentations will be permitted in the public comment period.** and the Board of Commissioners may adopt other rules for the conduct of the public comment period.

Meetings of the Board are held in Room 118, Cumberland County Courthouse, 117 Dick Street, Fayetteville, NC, unless otherwise specified by the Board of Commissioners.

The Board may change or cancel the time or place of a particular regular meeting by motion adopted and posted on the courthouse bulletin board on the lower level of the courthouse and on the front door of the courthouse at least seven days before the change takes place. Notice of change must be sent to the County Sunshine List.

Rule 26 Public Hearings:

For all public hearings except those held for rezoning cases and those conducted as quasi-judicial proceedings, the time limit for each speaker shall be three minutes. For public hearings on rezoning cases, the total time limit shall be ten minutes for the proponent side and ten minutes for the opponent side, broken up into three minutes for each speaker or five minutes for a speaker representing a group. If there is only one speaker, he/she may use five minutes. For any public hearing conducted as a quasi-judicial proceeding, those persons for whom the Board has found standing to speak shall be allowed sufficient time to present relevant and material testimony. Persons desiring to speak at a public hearing must register with the Clerk prior to commencement of the meeting.

The Board of Commissioners reserves the right to limit the length of public hearings to avoid redundant or repetitive comment or testimony. **No electronic media presentations will be permitted in public hearings except those presented by County staff or a consultant hired by the County.**



ANIMAL SERVICES

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF AUGUST 16, 2021

TO: BOARD OF COUNTY COMMISSIONERS

FROM: ELAINE SMITH, ANIMAL SERVICES DIRECTOR

DATE: 8/11/2021

**SUBJECT: REQUEST FOR ADDITIONAL ANIMAL SERVICES VETERINARY
MEDICAL STAFF POSITIONS AND ASSOCIATED BUDGET
ORDINANCE AMENDMENT # B220285**

BACKGROUND

On August 10, 2021, Assistant County Manager Tracy Jackson presented an update to the Board of Commissioners concerning needs associated with Cumberland County Animal Services Veterinary Medical Program. As a result of the presentation, the Board moved to add up to four (4) Veterinary Health Care Technicians and a part-time Veterinarian to the FY22 Budget. The Total cost for these positions is illustrated below. Staff was directed to move this forward to the Consent Agenda of the August 16, 2021 Board of Commissioners' Meeting.

- (4) Veterinary Healthcare Technicians at \$49,7789 each for a total of \$199,116
- (1) Part-time Veterinarian at \$25,025

The total funding being sought is \$224,141 and requested as an appropriated from Fund Balance.

RECOMMENDATION / PROPOSED ACTION

Actions requested are:

1. Approve the addition of up to four (4) Veterinary Health Care Technicians and a part-time Veterinarian as an amendment to the FY22 Budget
2. Approve the associated Budget Ordinance Amendment # B220285

ATTACHMENTS:

Description

Comparison Counties Shelter Veterinary Staffing

Type

Backup Material

COMPARISION COUNTIES SHELTER VETERINARY STAFFING

August 2021

TABLE 1

County	Veterinarians	Vet Tech/Asst	Animal Intake Totals (2019)
Cumberland	1	1	11,718
Forsyth	2	7	3,721
Guilford	2	9 FT/3 PT	6,690
Mecklenburg	2	7	10,624
Orange	1	4	3,275
Wake	2	12	10,339



CLERK TO THE BOARD OF COMMISSIONERS

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF AUGUST 16, 2021

TO: BOARD OF COUNTY COMMISSIONERS

FROM: CANDICE H. WHITE, CLERK TO THE BOARD

DATE: 8/16/2021

**SUBJECT: RESOLUTION SUPPORTING THE ALLOCATION OF FUNDING FOR
THE CAPE FEAR REGIONAL THEATER IN THE 2021 N. C. STATE
BUDGET**

BACKGROUND

Following a presentation provided by Ella Wrenn, Managing Director of the Cape Fear Regional Theater, and Mary Kate Burke, Cape Fear Regional Theater Artistic Director, at the August 10, 2021, Agenda Session meeting, action was taken to prepare a resolution to support the inclusion of State funds for the benefit of the Cape Fear Regional Theater in the 2021 State Budget and request the members of the local delegation representing Cumberland County in the General Assembly to support this funding in the final adoption of the State Budget.

RECOMMENDATION / PROPOSED ACTION

Approve the Resolution Supporting the Allocation of Funding for the Cape Fear Regional Theater in the 2021 N. C. State Budget and direct staff to forward to the members of the local delegation representing Cumberland County.

ATTACHMENTS:

Description	Type
Resolution Supporting Funding Allocation for CFRT	Backup Material

**RESOLUTION OF THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS
SUPPORTING THE ALLOCATION OF FUNDING FOR THE CAPE FEAR REGIONAL
THEATER IN THE 2021 NORTH CAROLINA STATE BUDGET**

Whereas, the Cape Fear Regional Theater has been a keystone in providing art and culture within Cumberland County and the surrounding region for decades; and

Whereas, the Cape Fear Regional Theater provides the first opportunity, and often, the only opportunity, for elementary school students in the Cape Fear region to see a professionally produced play in a theater setting; and

Whereas, the on-going and long-standing commitment of the Cape Fear Regional Theater to provide art and culture in the Cape Fear Region is an important resource to enhance the quality of life in the region and to promote the region for economic growth and development; and

Whereas, the Cape Fear Regional Theater has undertaken a capital improvement plan to update and improve its theater facilities to maintain its ability to provide this art and culture to the region.

Now therefore be it resolved that the Cumberland County Board of Commissioners commends the inclusion of State funds for the benefit of the Cape Fear Regional Theater in the 2021 State Budget and requests the members of the local delegation representing Cumberland County in the General Assembly to support this funding in the final adoption of the State Budget.

Adopted this 16th day of August, 2021.

Cumberland County Board of Commissioners
By:

Charles Evans, Chairman

Attest:

Candice H. White, Clerk to the Board



PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF AUGUST 16, 2021

TO: BOARD OF COUNTY COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

DATE: 8/5/2021

SUBJECT: CASE P21-26

BACKGROUND

Case P21-26: Rezoning of 14.04+/- acres from A1 Agricultural District to R20 Residential District or a more restrictive zoning district, located at 2120 Smith Road, submitted by Northwood Investments LLC (owner).

RECOMMENDATION / PROPOSED ACTION

Planning Board Action: Recommended approval of the rezoning request from A1 Agriculture to R20 Residential at the June 15, 2021 meeting for the reasons stated and as fully reflected in the minutes of the Planning Board Meeting which are incorporated herein by reference.

Staff Recommendation: In Case P21-26, the Planning and Inspections staff **recommends approval** of the rezoning request from A1 Agriculture to R20 Residential District and finds the request consistent with the South-Central Land Use Plan designation of Low Density Residential. Approval of the request is reasonable and in the public interest. Should this rezone be approved, a Subdivision Plan or Preliminary Plat must be submitted for review and approval to the Cumberland County Planning and Inspections Department in accordance with Cumberland County Zoning, Subdivision, or other applicable Ordinance requirements.

If the Board of Commissioners wishes to follow the recommendation of the Planning Board in this case, the following motion is appropriate:

MOTION:

For Case P21-26, I move to **recommend approval** of the rezoning request from **A1 Agricultural District to R20 Residential District** and find the request consistent with the South Central Land Use Plan designation of Low Density Residential. Approval of the request is reasonable and in the public interest as the district requested is in harmony with surrounding existing land uses and zoning.

If the Board of Commissioners does not wish to follow the recommendation of the Planning Board in this case, the following motion is appropriate:

MOTION:

For Case P21-26, I move to deny the rezoning request from **A1 Agricultural District to R20 Residential District** and find the request not consistent with the South Central Land Use Plan. Denial of the request is reasonable and in the public interest because _____.

ATTACHMENTS:

Description

Action Memo

Type

Backup Material

Amy H. Cannon
County Manager

Tracy Jackson
Assistant County Manager



Rawls Howard
Director

David Moon
Deputy Director

Planning & Inspections Department

August 5, 2021

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P21-26:** Rezoning of 14.04+/- acres from A1 Agricultural District to R20 Residential District or a more restrictive zoning district, located at 2120 Smith Road, submitted by Northwood Investments LLC (owner).

ACTION: Recommended approval of the rezoning request from A1 Agriculture to R20 Residential at the June 15, 2021 meeting for the reasons stated and as fully reflected in the minutes of the Planning Board Meeting which are incorporated herein by reference.

MINUTES OF JUNE 15, 2021

In Case P21-26, the Planning and Inspections staff **recommends approval** of the rezoning request from A1 Agriculture to R20 Residential District and finds the request consistent with the South-Central Land Use Plan designation of Low Density Residential. Approval of the request is reasonable and in the public interest. Should this rezone be approved, a Subdivision Plan or Preliminary Plat must be submitted for review and approval to the Cumberland County Planning and Inspections Department in accordance with Cumberland County Zoning, Subdivision, or other applicable Ordinance requirements.

In Case P21-26, Mr. Lloyd made a motion seconded by Mr. Williams to recommend approval of the rezoning request from A1 Agriculture to R20 Residential District and finds the request consistent with the South-Central Land Use Plan designation of Low Density Residential. Approval of the request is reasonable and in the public interest. Should this rezone be approved, a Subdivision Plan or Preliminary Plat must be submitted for review and approval to the Cumberland County Planning and Inspections Department in accordance with Cumberland County Zoning, Subdivision, or other applicable Ordinance requirements. Unanimous approval.

First Class and Record Owners' Mailed Notice Certification

A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' certified receipt of notice is also included.

Location: 2120 Smith Road
Jurisdiction: County-Unincorporated

REQUEST

Rezoning A1 to R20

Applicant requests a rezoning of approximately 14.04 acres from A1 Agriculture to R20 Residential for property located at 2120 Smith Road. This request would increase the allowed density from 1 unit per 2 acres (67,120 sq. ft.) to 1 unit per 20,000 sq. ft. This is a conventional rezoning, and no conditions are proposed at this time. Location of the subject property is illustrated in Exhibit "A".

PROPERTY INFORMATION

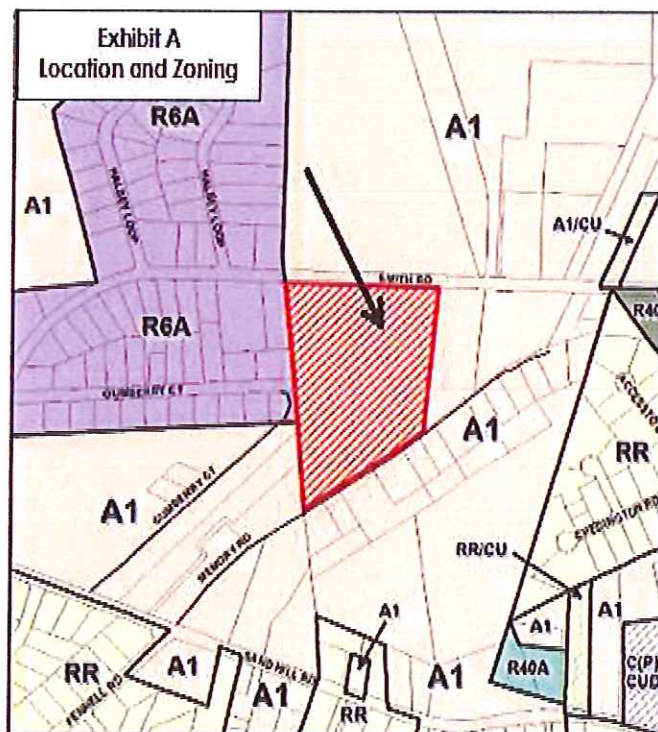
OWNER/APPLICANT:

Northwood Investment, LLC (owner)/ Gallberry Run Land and Development, LLC. (agent).

ADDRESS/LOCATION: 2120 Smith Road. Refer to Exhibit "A", Site Location.

SIZE: 14.04+/- acres within one parcel. The property has approximately 700+/- feet of street frontage along southside of Smith Road. The property has a depth extending about 715'.

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



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

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

North: Across the Smith Road is a church and wooded.

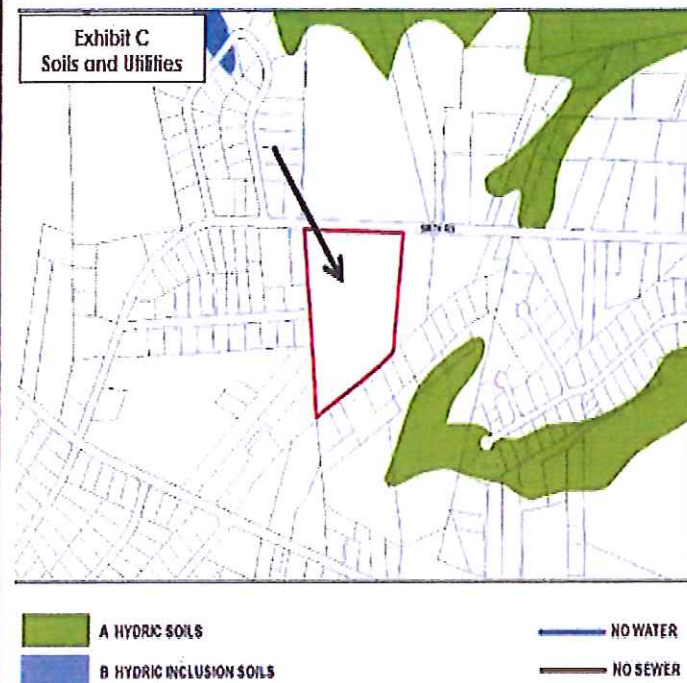
East: Vacant parcel and wooded.

West: Vacant parcel, ROW of Gumberry Road, consisting of both stick built and single wide mobile homes on both sides of Gumberry Road.

South: Across Memory Road is Single Family Residential homes stick built and vacant parcels.

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

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



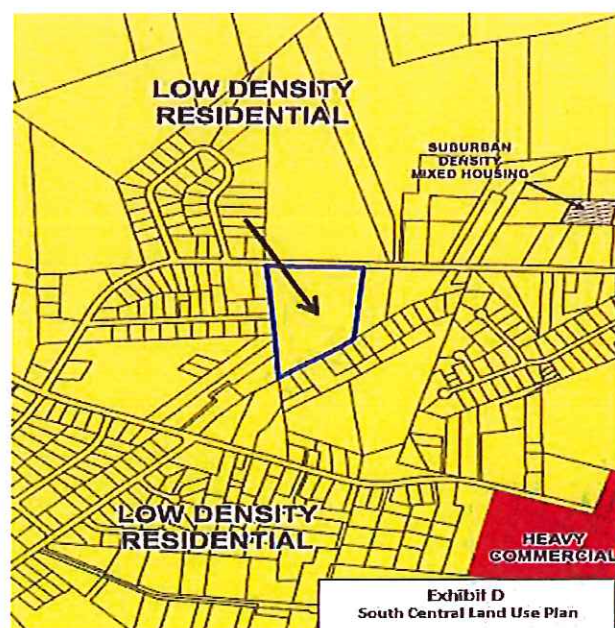
DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:

Minimum Standard	A1 (Existing Zoning)	R20 (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	Two acres (87,120 sq. ft.)	20,000 sq. ft.
Lot Width	100'	100'

COMPREHENSIVE PLANS: Located in the South Central Land Use Plan area (adopted in 2015), the subject property is designated as Low Density Residential, (density associated with low density residential consists of 2.2 to 6.0 units per acre), as shown within Exhibit "D". The Suburban Density designation, in the South Central Land Use Plan, calls for associated zoning districts of R20, R15, and R7.5. **Request is consistent with the adopted land use plan.**

APPLICABLE PLAN GOALS/POLICIES:

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



IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

UTILITIES: No utilities for water and sewer are shown on Exhibit "C". The site would have to be served by septic and well. Public or community water and sewer are required for any residential development greater than two units per acre per plan policies.

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

SCHOOLS CAP/ENROLL:

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

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

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

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

CONDITIONS OF APPROVAL: N/A

CODE DEVIATIONS: N/A

STAFF RECOMMENDATION

For Case P21-26, the Planning and Inspections staff **recommends approval** of the rezoning request from A1 Agriculture to R20 Residential District and finds the request consistent with the South Central Land Use Plan designation of Low Density Residential. Approval of the request is reasonable and in the public interest. Should this rezone be approved, a Subdivision Plan or Preliminary Plat must be submitted for review and approval to the Cumberland County Planning and Inspections Department in accordance with Cumberland County Zoning, Subdivision, or other applicable Ordinance requirements.

Attachments:
Notification Mailing List
Zoning Application

ATTACHMENT – MAILING LIST

owner_name	address	citystatezip
EDWARDS, GLEN	2245 SAND HILL RD	HOPE MILLS, NC 28348
EDWARDS, CORENIA M	PO BOX 65323	FAYETTEVILLE, NC 28306
CHAVIS, RONALD D	1986 MEMORY RD	HOPE MILLS, NC 28348
BLOUNT, DEJEANETTA;BLOUNT, LINWOOD ROOSEVELT JR	2043 GUMBERRY CT	HOPE MILLS, NC 28348
DAVIS, JANICE R;LAVADA, LORAIN RS	1967 MEMORY RD	FAYETTEVILLE, NC 28306
JOHNSON, HELEN D	PO BOX 426	FAYETTEVILLE, NC 28302
JOHNSON, WILLIAM A JR	2232 HUNTINGTON POINT RD 55	CHULA VISTA, CA 91914
ROBINSON, EMILY D	2065 SMITH RD	HOPE MILLS, NC 28348
LEE, DORA E	14092 W NC 53 HWY	WHITE OAK, NC 28399
CHAVIS, RONALD;CHAVIS, PHYLLIS	1986 MEMORY LN	HOPE MILLS, NC 28348
NORTHWOOD INVESTMENTS LLC	PO BOX 306	FAYETTEVILLE, NC 28302
TROY, MARY HILLS LIFE ESTATE	1805 ARMSTRONG ST	FAYETTEVILLE, NC 28301
PRESLAR, AUDRA D	2032 MEMORY RD	HOPE MILLS, NC 28348
HAMMONDS, GRADY RAY	1943 SMITH RD	HOPE MILLS, NC 28348
NICHOLS, SHIRLEAN WILLIAMS	6570 ROSLIN FARM RD	HOPE MILLS, NC 28348
SANDERSON, CHRISTIAN E	3335 STATE ST	FAYETTEVILLE, NC 28304
CABALLERO, JOSE V;CABALLERO, ANA INES	8009 HAMMOND ST	ALEXANDRIA, VA 22309
FAITH BAPTIST CHURCH OF FAY INC	2728 CREEKDEW CT	FAYETTEVILLE, NC 28306

owner_name	address	citystatezip
BAKER, ROAMY HEIRS;PERREPPER, BAKER HEIRS	2023 SAND HILL RD	HOPE MILLS, NC 28348
LEWIS, ROGER W;LEWIS, BERNADETTE M	1933 MEMORY RD	FAYETTEVILLE, NC 28306
MCLAURIN, WILLIAM E;MCLAURIN, MATTIE N	2315 SAND HILL RD	FAYETTEVILLE, NC 28306
EDWARDS, GLEN	2245 SAND HILL RD	HOPE MILLS, NC 28348
EDWARDS, CORENIA M	PO BOX 65323	FAYETTEVILLE, NC 28306
MCLAUGHLIN, ROY M;MCLAUGHLIN, ANNIE G	2351 SAND HILL RD	FAYETTEVILLE, NC 28306
CHAVIS, RONALD D	1986 MEMORY RD	HOPE MILLS, NC 28348
BAKER, MAE	PO BOX 982	HOPE MILLS, NC 28348
BAKER, MAE F, SAMANTHA;ALEX, .;LEE, ROGERS;JANERIA, B BLAIR	2024 GUMBERRY CT	HOPE MILLS, NC 28348
MCMILLIAN, ODESSA	3438 JAVA DR	FAYETTEVILLE, NC 28311
JOHNSON, WILLIAM A	13 H FOREST ACRES DR	BRADFORD, MA 01835
BLOUNT, DEJEANETTA;BLOUNT, LINWOOD ROOSEVELT JR	2043 GUMBERRY CT	HOPE MILLS, NC 28348
CALDWELL, JEFFREY	1112 OAKSTONE DR	FAYETTEVILLE, NC 28314
JOHNSON, VALERIE A	21 EISENHOWER RD	NORWOOD, MA 02062
JOHNSON, VALERIE A	21 EISENHOWER RD	NORWOOD, MA 02062
BREWINGTON, SHIRLEY ANN;BREWINGTON, RONALD	1112 OAK STONE DR	FAYETTEVILLE, NC 28314
JOHNSON, WILLIAM A	13 H FOREST ACRES DR	BRADFORD, MA 01835
DAVIS, JANICE R;LAVADA, LORAIN R S	1967 MEMORY RD	FAYETTEVILLE, NC 28306
JOHNSON, VALERIE A	21 EISENHOWER RD	NORWOOD, MA 02062
JOHNSON, HELEN D	PO BOX 426	FAYETTEVILLE, NC 28302
JOHNSON, WILLIAM A JR	2232 HUNTINGTON POINT RD 55	CHULA VISTA, CA 91914
COVINGTON, SHIRLEY TUCK LIFE ESTATE	455 ABBEYDALE WAY	COLUMBIA, SC 29229
MATHIS, KIM SCOTT	1043 CRAYTON CIR	FAYETTEVILLE, NC 28314
COVINGTON, LESLIE M	2018 SMITH RD	HOPE MILLS, NC 28348
HOLY HOUSE OF GOD IN CHRIST INC	3905 DOOLITTLE RD	FAYETTEVILLE, NC 28306
PAUL, JEAN EGENS	75 SYCAMORE AVE	BROCKTON, MA 02301
REILLY, MIKE;REILLY, KAREN	2955 GILLESPIE ST	FAYETTEVILLE, NC 28306
MARSHALL, BEULAH	2028 SMITH RD	HOPE MILLS, NC 28348
MCNEILL, EVA MAE	1972 SMITH RD	HOPE MILLS, NC 28348
FREEMAN, HERBERT	5405 HWY 87 S	FAYETTEVILLE, NC 28306
MCLEAN, FREDDIE;MCLEAN, KANICE	PO BOX 58375	FAYETTEVILLE, NC 28305
COVINGTON, CARL V	1613 HALSEY LP	HOPE MILLS, NC 28348
MCLAUGHLIN, ALECIA MARIE;DAVID, LEON	PO BOX 65563	FAYETTEVILLE, NC 28306
WADE, MARTHA	1605 HALSEY LP	HOPE MILLS, NC 28348
BRADY, CYNTHIA FOY	2038 SMITH RD	HOPE MILLS, NC 28348
ROBINSON, EMILY D	2065 SMITH RD	HOPE MILLS, NC 28348
LEE, DORA E	14092 W NC 53 HWY	WHITE OAK, NC 28399
COVINGTON, ALISA D LIFE ESTATE;KEISHA, HAYWOOD	2405 SANDHILL RD	FAYETTEVILLE, NC 28306
CHAVIS, RONALD;CHAVIS, PHYLLIS	1986 MEMORY LN	HOPE MILLS, NC 28348
BEVEL, FELICIA JANINE	1600 NORTH ST	HARRISBURG, PA 17103
BEVEL, FELICIA JANINE	1600 NORTH ST	HARRISBURG, PA 17103
CHAVIS, RONALD;CHAVIS, PHYLLIS	1986 MEMORY LN	HOPE MILLS, NC 28348
NORTHWOOD INVESTMENTS LLC	PO BOX 306	FAYETTEVILLE, NC 28302
TROY, MARY HILLS LIFE ESTATE	1805 ARMSTRONG ST	FAYETTEVILLE, NC 28301
PRESLAR, AUDRA D	2032 MEMORY RD	HOPE MILLS, NC 28348
HAMMONDS, GRADY RAY	1943 SMITH RD	HOPE MILLS, NC 28348
NICHOLS, SHIRLEAN WILLIAMS	6570 ROSLIN FARM RD	HOPE MILLS, NC 28348
NICHOLS, SHIRLEAN WILLIAMS	6570 ROSLIN FARM RD	HOPE MILLS, NC 28348
SANDERSON, CHRISTIAN E	3335 STATE ST	FAYETTEVILLE, NC 28304

600' Rad

P21-26 3rd class

CABALLERO, JOSE V;CABALLERO, ANA INES
SANDERSON, CHRISTIAN E
CABALLERO, RAFAEL R;CABALLERO, ANA G
MELVIN, KENNETH EARL;MELVIN, SARAH
WAY, PHYLLIS L, REGINALD C, THADDEUS B;VERONICA, PHILLIPS
EVERETT, BOBBY RAY;EVERETT, WIFE
RAY, WILLIE MAE
HANDFORTH, GEORGE K
FAITH BAPTIST CHURCH OF FAY INC
FULTON, GLENICE
RAY, WILLIE MAE
WOODS, GERTRUDE;TERRY, .
HAYES, MAURICE B;HAYES, HAZEL
MCGIRT, DAVID E;MCGIRT, LINDA M
JONES, JIMMY MARSHALL;ANTHONY, JAMES JACKSON;ISRAEL, .
WATERS, JANICE MARIE
RAY, SHARISSE YVONNE

8009 HAMMOND ST
3335 STATE ST
8009 HAMMOND ST
1451 SANDHILLS RD
PO BOX 70238
1182 LOWERY RD
2165 SMITH RD
2217 SMITH RD
2728 CREEKDEW CT
985 BRISSON RD
2165 SMITH RD
PO BOX 43201
3504 ROLLS AVE
5698 PLAYER CIR
2258 SMITH RD
2237 SMITH RD
702 EAST 6TH AVE UNIT 303

ALEXANDRIA, VA 22309
FAYETTEVILLE, NC 28306
ALEXANDRIA, VA 22309
HOPE MILLS, NC 28348
FORT BRAGG, NC 28307
RED SPRINGS, NC 28377
HOPE MILLS, NC 28348
HOPE MILLS, NC 28348
FAYETTEVILLE, NC 28306
PARKTON, NC 28371
HOPE MILLS, NC 28348
FAYETTEVILLE, NC 28309
FAYETTEVILLE, NC 28311
HOPE MILLS, NC 28348
HOPE MILLS, NC 28348
HOPE MILLS, NC 28348
BRANDENTON, FL 34208

600' Rad

P21-26 3rd Class



County of Cumberland
Planning & Inspections Department

CASE #: P21-26

PLANNING BOARD

MEETING DATE: MAY 18, 2021

DATE APPLICATION

SUBMITTED: 4-13-21

RECEIPT #: 77005

RECEIVED BY: JB

TOTAL Price \$510.00

**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 \$ ~~400.00~~ 510.00.
(See attached Fee Schedule).

Rezoning Procedure:

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

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

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

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

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

1. Requested Rezoning from A-1 to ~~R-40~~ ^{TBE R-20}
2. Address of Property to be Rezoned: 2120 Smith Rd. Hope Mills N.C.
3. Location of Property: HALFWAY BETWEEN Hwy 87S AND Sandhill Rd.
4. Parcel Identification Number (PIN #) of subject property: 0443-11-1724
(also known as Tax ID Number or Property Tax ID)
5. Acreage: 18.00 Frontage: 700' Depth: 715'
6. Water Provider: Well: ☒ PWC: _____ Other (name): _____
7. Septage Provider: Septic Tank ☒ PWC _____
8. Deed Book 7134, Page(s) 0888, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: _____
10. Proposed use(s) of the property: Single Family Dwelling
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.

NORTHWOOD INVESTMENTS LLC PEDRO EMILIANO OSORNO
NAME OF OWNER(S) (PRINT OR TYPE)

P.O. BOX 306 FAY. N.C. 28302.
ADDRESS OF OWNER(S)

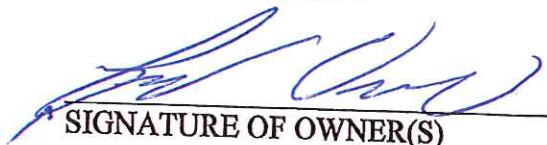
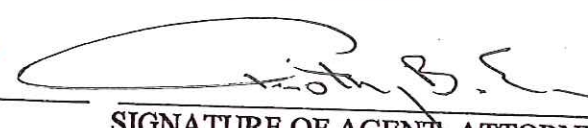
HOME TELEPHONE # 910 494-6876
WORK TELEPHONE #

GALLHERY RUN LAND AND DEVELOPMENT, LLC.
NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)

4239 CAMERON RD. FAY. N.C. 28306
ADDRESS OF AGENT, ATTORNEY, APPLICANT

STEVE@LONGLEAFPROPERTIES.COM
E-MAIL

HOME TELEPHONE # 910 273-5016
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."

7134
0888

BK7134PG888

004662

(N.P. SEAL)

20PN

CUMBERLAND COUNTY NC 01/31/2006
24 \$350.00



Real Estate
Excise Tax

RECEIVED

1-31-2006 PM 2:47:24

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

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$350.00

Tax Lot No. _____ Parcel Identifier No. 0443-11-1724
Verified by _____ County on the ____ day of _____, 20____
by _____

Mail after recording to McGeachy, Hudson & Zuravell
AMC/33531 555 Executive Place, Fayetteville, NC 28305

This instrument was prepared by Donald C. Hudson

Brief Description for the index:

M & B

THIS DEED made this January 23, 2006, by and between

GRANTOR

BILLY V. CAIN and wife
YVONNE L. CAIN

GRANTEE

NORTHWOOD INVESTMENTS, LLC

MAILING ADDRESS:

PROPERTY ADDRESS:
2013 MEMORY 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 or near the City of FAYETTEVILLE, GRAYS CREEK Township, CUMBERLAND County, North Carolina and more particularly described as follows:

SEE EXHIBIT "A" HERETO ATTACHED AND MADE A PART OF.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 6972, Page 255.

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

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

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

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

Restrictive covenants, easements and rights-of-way which 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.

Billy V. Cain (SEAL)
BILLY V. CAIN

Yvonne L. Cain (SEAL)
YVONNE L. CAIN

SEAL-STAMP NORTH CAROLINA, CUMBERLAND County.

I, A. M. COLLIER, a Notary Public of the County and State aforesaid, certify that BILLY V. CAIN and YVONNE L. CAIN personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 31st day of JANUARY, 2026.

My commission expires: 02/24/2009

A. M. Collier

Notary Public

EXHIBIT "A"

BEGINNING AT A STAKE IN THAMES LINE RUNS WITH HIS LINE 19 CHAINS AND 64 LINKS TO SCHOOL HOUSE CORNER THEN WITH SCHOOL HOUSE LINE 3 CHAINS 10 LINKS TO A STAKE THEN WITH SCHOOL HOUSE 3.16 CHAINS TO THAMES LINE WITH THAMES LINE 15 CHAINS AND 80 LINKS, TO THE MEMORY ROAD, NORTHWEST WITH ROAD 22 CHAINS AND 29 LINKS TO A STAKE IN THE EDGE SAID ROAD THEN 4 CHAINS AND 5 LINKS TO THE BEGINNING. FOR TITLE REFERENCE, SEE DEED RECORDED IN BOOK 2917, PAGE 773, CUMBERLAND COUNTY REGISTRY, AND THE LAST WILL OF CARRIE B. PENDIVERS, PROBATED AND AS RECORDED IN THE OFFICE OF THE CUMBERLAND COUNTY CLERK OF SUPERIOR COURT, FILE NO. 84 E 692. CARRIE B PENDIVERS WAS THE DAUGHTER AND SURVIVING HEIR OF JOHN HENRY JESSUP; AND CARRIE B. PENDIVERS WAS THE SISTER AND SURVIVING HEIR OF MARY A. DEVANE.

EXCEPTED FROM THE ABOVE DESCRIBED PROPERTY IS THE PROPERTY DESCRIBED IN DEED RECORDED IN BOOK 191, PAGE 83, CUMBERLAND COUNTY, NORTH CAROLINA, REGISTRY, CONSISTING OF EIGHT ACRES CONVEYED TO MCLAUCHLIN.

FAYETTEVILLE PUBLISHING COMPANY
 458 Whitfield Street, Fayetteville, NC 28306
 Phone (910) 678-9000 Toll Free 1-800-345-9895 Fax (910) 323-1451

Order Confirmation

PUBLIC NOTICE

The Cumberland County Board of Commissioners will meet at 6:15 p.m. on August 16, 2021, in room 118 of the County Courthouse at 117 Dick Street to hear the following:

P21-26 rezoning 14.04 +/- ac A1 to R20 or a more restrictive zoning district; 2120 Smith Rd; Northwood Investment, LLC (owner)

P21-27 rezoning 2.36 +/- ac R10 to C1(P) or more restrictive zoning district; 6234 Camden Rd; Sharon Edwards (owner)

P21-28 rezoning 48 +/- ac A1 to R30/CZ all residential sub up to 52 lots or more restrictive zoning district; John Nunnery Rd south of Bainbridge Rd; Molcie Farms LLC (owner)

P21-31 rezoning 25 +/- ac RR District to R7.5/CZ District up to 77 lots all sub or more restrictive zoning district; south of Clinton Rd, west of Forte Rd; Nicholas, Brad, John, and David Hancock (owners)

P21-33 rezoning 41.98 +/- ac A1 Agricultural District to R7.5 Residential/CZ District up to 122 lots all sub or to a more restrictive zoning district; west of NC 87 Hwy and south of Olaburns Drive; James D. Hubbard and Norma Garcia; Cheri and Marty Lassiter; Tommy J Woodell and Debra H. Woodell; Travis Allen Hubbard and Jill Elizabeth Hubbard; Pamela and Michael Domanski; Michael and Jodi Davis, Christopher Davis, Kristin M. Davis; Boyd D. Parsons Jr. and Mae Smith Parsons (owners)

P21-34 rezoning 19.6 +/- ac A1 District to R30 District or more restrictive zoning district; east of Rockhill Rd, north of Rocky River Rd; George Tatum (owner)

P21-36 rezoning 12.36 +/- ac A1 District to C(P) District or more restrictive zoning district; east of Cedar Creek Dr, north of Tabor Church Rd; Cathy Tatum Vinson (owner)

P21-40 rezoning 0.92 +/- ac A1 District to R40 District or more restrictive zoning district; at 5177 Stewart Rd; Michael Longhany (owner)

P21-41 rezoning 2.80 +/- ac M(P) District to C(P) District or more restrictive zoning district; at 2965 Gillespie St; Emmons & Wheeler, LLC (owner)
 8/2, 9 5250774

Ad Order Number

0005250774

Sales Rep.

0090

Order Taker

0001

Order Source

Telephone

Order Invoice Text

CCBoC - 8/16/21 meeting

Customer

CUMB CO JOINT PLANNING

Customer Account

003661000

Customer Address

130 Gillespie Street, Attn: Laverne Howard,
 FAYETTEVILLE NC 28301 USA

Customer Phone

910-678-7600

Payor Customer

CUMB CO JOINT PLANNING

PO Number

Payor Account

003661000

Ordered By

Payor Address

130 Gillespie Street, Attn: Laverne Howard
 FAYETTEVILLE NC 28301 USA

Customer Fax

910-678-7631

Customer EMail

lhoward@co.cumberland.nc.us

Payor Phone

910-678-7600

Special Pricing

None

Net Amount

\$477.54

Tax Amount

\$0.00

Total Amount

\$477.54

Amount Due

\$477.54

Payment Method

Payment Amount

\$0.00

Ad Number

0005250774-01

Ad Type

CL Legal Line

Ad Size

: 1.0 X 63 cl

Color

<NONE>

Product

Placement/Classification

Run Dates

Inserts

Cost

FO::

401 - Legals

8/2/2021, 8/9/2021

2

\$458.64

OL::

401 - Legals

8/2/2021, 8/9/2021

2

\$18.90



PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF AUGUST 16, 2021

TO: BOARD OF COUNTY COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

DATE: 8/5/2021

SUBJECT: CASE P21-27

BACKGROUND

Case P21-27: Rezoning of 2.36+/- acres from R10 to C1(P) Planned Local Business District or to a more restrictive zoning district, located at 6234 Camden Road, submitted by Sharon A. Edwards (owner).

RECOMMENDATION / PROPOSED ACTION

Planning Board Action: Recommended approval of the rezoning request from R10 to C1(P) at the May 18, 2021 meeting for the reasons stated and as fully reflected in the minutes of the Planning Board Meeting which are incorporated herein by reference.

Staff Recommendation: For Case P21-27, the Planning & Inspections staff **recommends approval** of the rezoning request from R10 to C1(P) and finds the request consistent with the Southwest Cumberland Land Use Plan area, with the designation of "Mixed Use Development" and the zoning category is consistent with this land use designation. Approval of the request is reasonable and in the public interest, and in harmony with the surrounding existing land uses and zoning.

If the Board of Commissioners wishes to follow the recommendation of the Planning Board in this case, the following motion is appropriate:

MOTION:

For Case P21-27, I move to approve the rezoning request from **R10 Residential District to C(1)P Planned Local Business District** and find the request consistent with the Southwest Cumberland Land Use Plan area designation of "Mixed Use". Approval of the request is reasonable and in the public interest as the district requested is in harmony with surrounding existing land uses and zoning.

If the Board of Commissioners does not wish to follow the recommendation of the Planning Board in this case, the following motion is appropriate:

MOTION:

For Case P21-27, I move to deny the rezoning request from **R10 Residential District to C(1)P Planned Local Business District**, and find the request not consistent with the Southwest Cumberland Land Use Plan. Denial of the request is reasonable and in the public interest because _____.

ATTACHMENTS:

Description

Type

Action Memo

Backup Material

Amy H. Cannon
County Manager

Tracy Jackson
Assistant County Manager



CUMBERLAND COUNTY

NORTH CAROLINA

Rawls Howard
Director

David Moon
Deputy Director

Planning & Inspections Department

MAY 6, 2021

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P21-27:** Rezoning of 2.36+/- acres from R10 to C1(P) Planned Local Business District or to a more restrictive zoning district, located at 6234 Camden Road, submitted by Sharon A. Edwards (owner).

ACTION: Recommended approval of the rezoning request from R10 to C1(P) at the May 18, 2021 meeting for the reasons stated and as fully reflected in the minutes of the Planning Board Meeting which are incorporated herein by reference.

MINUTES OF MAY 18, 2021

For Case P21-27, the Planning & Inspections staff recommends approval of the rezoning request from R10 to C1(P) and finds the request consistent with the *Southwest Cumberland Land Use Plan* area, with the designation of "Mixed Use Development" and the zoning category is consistent with this land use designation. Approval of the request is reasonable and in the public interest, and in harmony with the surrounding existing land uses and zoning.

In Case P21-27, Mrs. Moody made a motion, seconded by Mrs. McLaughlin to recommend approval of the rezoning request from R10 to C1(P) and finds the request consistent with the *Southwest Cumberland Land Use Plan* area, with the designation of "Mixed Use Development" and the zoning category is consistent with this land use designation. Approval of the request is reasonable and in the public interest, and in harmony with the surrounding existing land uses and zoning. Unanimous approval.

First Class and Record Owners' Mailed Notice Certification

A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' certified receipt of notice is also included.

Historic Cumberland County Courthouse | 130 Gillespie Street | P.O. Box 1829
Fayetteville, North Carolina 28301 | Phone: 910-678-7600 | Fax: 910-678-7631

co.cumberland.nc.us



PLANNING & INSPECTIONS

PLANNING STAFF REPORT
REZONING CASE # P21-27
Planning Board Meeting: May 18, 2021
Jurisdiction: County-Unincorporated

EXPLANATION OF THE REQUEST

Change of Zoning From: R10 To C1(P)

Applicant requests a change of zoning from Residential R10 to C1(P) Planned Local Business District for approximately 2.36 acres of land at 6234 Camden Road. The purpose of the request is to assign a commercial zoning that can accommodate the applicant's intention for a trade contractor to establish at this site. This request is a straight zoning C1(P), Planned Local Business District. This district is designed to cater to the ordinary shopping needs of the immediate neighborhood with emphasis on convenience goods. Additionally, this district is customarily located adjacent to an arterial street and generally surrounded by residential areas. To promote the essential design features with the C1(P) district, plan approval is a requirement for development proposed for the district. Should this rezone be approved, a site plan must be submitted for review and approval to the Cumberland County Planning and Inspections Department. Exhibit "A" identifies the location of the property and the zoning currently assigned to it.

PROPERTY INFORMATION

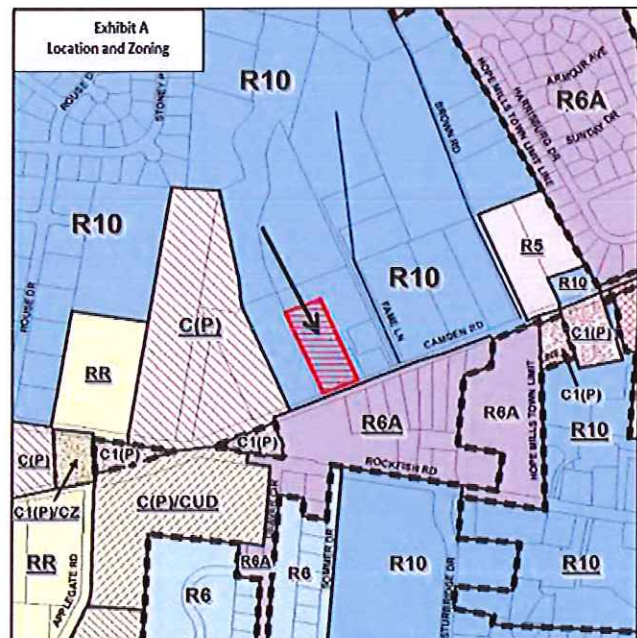
OWNER/APPLICANT: Sharon A. Edwards (owner).

ADDRESS/LOCATION: 6234 Camden Road,

SIZE: The parcel is 2.36 acres.

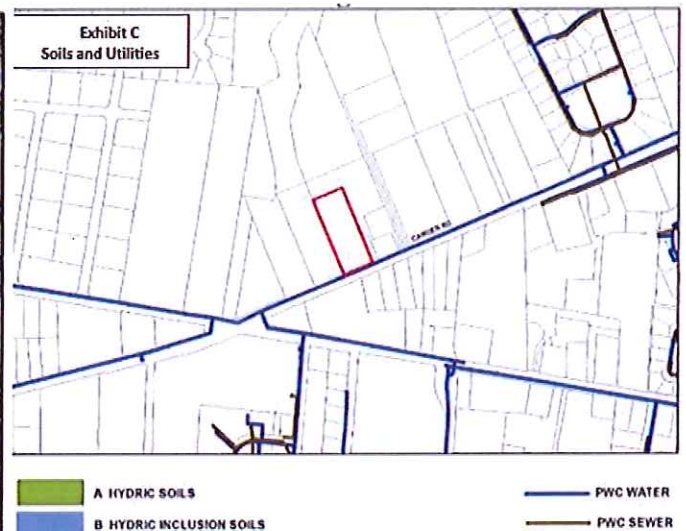
Road Frontage: Approximately 200' feet of frontage along north side of Camden Road and a lot depth of 500'.

Existing Zoning: The parcel is zoned R10, this district zoning is a dormant district and requires corresponding to R7.5 zoning district requirements. The R7.5 Residential District is designed primarily for single-family dwellings on lots with a minimum lot area of 7,500 square feet or above with a minimum lot width of 75'. Required setbacks: Front: 30', Side: 10' (one story) and Rear: 15' (two story), and Rear: 35'.



EXISTING LAND USE: The property currently includes a double wide mobile home. Exhibit "B" provides an aerial photograph showing the current use of the subject properties as well as uses occurring on surrounding properties.

SURROUNDING LAND USE: Uses in the surrounding area are a mix of single-family residential neighborhoods, commercial retail and service businesses across the street and further to southwest along Camden Road, and at the intersection of Camden Road and Rockfish Road.



Surrounding uses are shown within Exhibit "B" and depicted as follows:

North: Residential homes.
 West: Church.
 East: Single Family Residential Homes.
 South: Across Camden Road Retail Service.

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

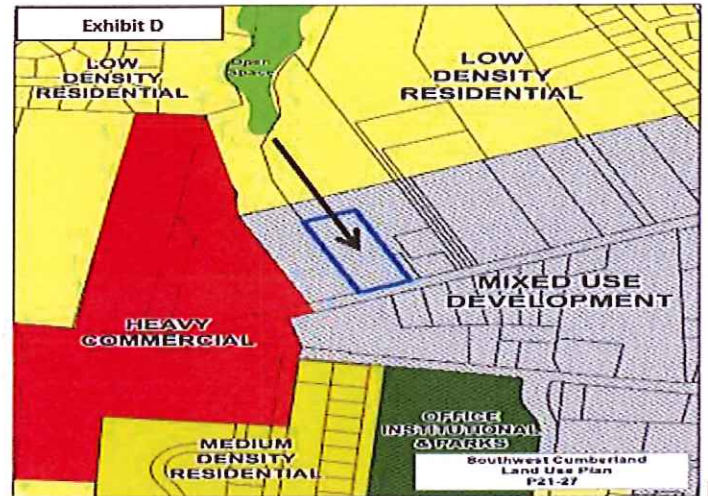
DEVELOPMENT REVIEW: Site plan review is required prior to any change in use of this property. This site is in the Hope Mills MIA, and no comments have been received.

UTILITIES: The existing use residential is currently served by well and septic. Water is available from PWC utilities, but not central sewer. However, sewer will be addressed through review at site plan whether existing on-site septic tank or sewer connection may require if feasible. Existing sewer line is located further northeast of the site along Camden Road. Exhibit "C" provides information on utilities available to the subject property.

This site is in the Hope Mills MIA. For informational purposes, for non-contiguous parcels within the Hope Mills Municipal Influence Area, the extender of utilities will be required to enter into an agreement with Public Works Commission and/or the Town of Hope Mills agreeing to voluntary annexation of the tract as same becomes eligible for annexation and upon request by the Town of Hope Mills to so annex (Refer to Section 20.1 of agreement).

MINIMUM YARD SETBACKS: If the rezoning request is approved, the parcel would be subject to the C1(P) Commercial minimum setback standards: Front yard: Measured from ROW 45' or measured from center line of roadway: 75', Side setback: 15', and Rear setback: 20'.

COMPREHENSIVE PLANS: The 2030 Growth Vision Plan designates this area "Urban". Located in the Southwest Cumberland Land Use Plan area (Adopted in 2013), the subject property is designated as "Mixed Use Development". Associated zoning districts: High Density Residential Districts and Light Commercial. The Land Use designations are illustrated in Exhibit "D". The request is consistent with the adopted land use plan.



This request is consistent with the policies in the Southwest Cumberland Land Use Plan for mixed use development. Proposed change of use to a commercial use of the site will require a plan approval. Additionally, public water and sewer are required. Site should have direct access to a least a collector street and site should provide adequate space for required buffering and screening.

IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

TRAFFIC: The subject property is located on Camden Road, which is identified as a thoroughfare needing improvement in the Metropolitan Transportation Plan. Camden Road is identified in the Transportation Improvement Plan as U-3422, a widening project from US 2519 to Hope Mills Road. Right of way is scheduled for FY 2020, and construction is scheduled for FY 2023.

Camden Road is classified as a Minor Arterial. The Camden Road street segment north of Rockfish has a 2019 AADT of 22,000, while the segment south of Hope Mills Road has a 2019 AADT of 25,500.

SCHOOLS CAP/ENROLL: The change of zoning to C1(P) will not generate additional school-age children.

School	Cap	Enrollment
C. Wayne Collier Elem	600	442
South View Mid	900	648
South View High	1,800	1,400

ECONOMIC DEVELOPMENT: No comment. No issues or concerns were raised.

EMERGENCY SERVICES: Fire Department has provided the following comments:

1. Ensure all fire department access requirements are met in accordance with Section 503 of the 2018 NC Fire Code.
2. Submit building plans to scale for new construction and building renovation.
3. Ensure emergency responder radio coverage is achieved.

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

STAFF RECOMMENDATION

For Case P21-27, the Planning & Inspections staff **recommends approval** of the rezoning request from **R10 to C1(P)** and finds the request consistent with the *Southwest Cumberland Land Use Plan* area, with the designation of "Mixed Use Development" and the zoning category is consistent with this land use designation. Approval of the request is reasonable and in the public interest, and in harmony with the surrounding existing land uses and zoning.

Attachments:

Notification Mailing List

Zoning Application

ATTACHMENT

Mailing List

OWNER_NAME	ADDRESS	CITYSTATEZIP
CAM ROCKS LLC	3116 DEAYER CIR	HOPE MILLS, NC 28348
ENNIS, DOROTHY	219 VALLEY RD	FAYETTEVILLE, NC 28305
MCCAULEY & MCDONALD INVEST INC	PO BOX 361	FAYETTEVILLE, NC 28302
MOORE, ALEXANDER JR;MOORE, ANNETTE W	6421 ROCKFISH RD	HOPE MILLS, NC 28348
VENDETTI, ROXIE	PO BOX 122	LUMBER BRIDGE, NC 28357
KOONCE, CHARLES E;HUTTON, TANNA KIM;KOONCE, DONALD C HEIRS;KOONCE, PEGGY D	298 ST JOHNS WOOD	FAYETTEVILLE, NC 28303
ENNIS, DOROTHY R	219 VALLEY RD	FAYETTEVILLE, NC 28305
ENNIS, DOROTHY R	219 VALLEY RD	FAYETTEVILLE, NC 28305
ENNIS, DOROTHY R	219 VALLEY RD	FAYETTEVILLE, NC 28305
ENNIS, DOROTHY R	219 VALLEY RD	FAYETTEVILLE, NC 28305
CONGREGATIONAL CHRISTIAN CHURCH IN AMERICAN SAMOA	6252 CAMDEN RD	FAYETTEVILLE, NC 28306
SAUNDERS, DAVID;SHEILA, .	5212 FAME LN	FAYETTEVILLE, NC 28306
EDWARDS, SHARON ANN	6234 CAMDEN RD	FAYETTEVILLE, NC 28306
FLOWERS, MARY J	PO BOX 901	HOPE MILLS, NC 28348
BROWN, SAMUEL H;BROWN, JANE G	6350 SPRINGRUN RD	FAYETTEVILLE, NC 28306
BURNSIDE, JOHN P.;POSTLE, MONIQUE KAY	5181 FAME LN	HOPE MILLS, NC 28348
CUMBERLAND COUNTY BD OF ED	PO BOX 2357	FAYETTEVILLE, NC 28302
HAYWORTH, SABRINA;HAYWORTH, DAVID CLYDE	5864 ROCKFISH RD	HOPE MILLS, NC 28348
LEWIS, LOIS LONG	6217 CAMDEN RD	FAYETTEVILLE, NC 28306
YOWELL, BELINDA	5067 C ARCTURUS CIR	EIELSON AFB, AK 99702
TAVAREZ, NIXON;TAVAREZ, CARMEN	4704 BEAUFORT DR	FAYETTEVILLE, NC 28304
KOONCE, CHARLES E, MARILYN E;HEIRS, DONALD C;PEGGY, D	298 ST JOHNS WOOD	FAYETTEVILLE, NC 28303
SIMMONS, LUISE P HEIRS	6165 CAMDEN RD	FAYETTEVILLE, NC 28306
LENGKEEK, KATHRYN LORRAINE	6157 CAMDEN RD	FAYETTEVILLE, NC 28306
CHRISTIAN TABERNACLE OUTREACH MINISTRY	3425 MASTERS DR	HOPE MILLS, NC 28348
ATKINS, DAHLIA L STRATTON;TURLINGTON, RANEY GLENN	5750 HWY 52	GILLSVILLE, GA 30543
MUNSON, LES A	2595 LAKEVIEW DR	FAYETTEVILLE, NC 28306
EHLE, ELLIS E JR	PO BOX 48121	CUMBERLAND, NC 28331
EDWARDS, SHARON ANN	6234 CAMDEN RD	FAYETTEVILLE, NC 28306
HAM, MELISSA;CHARLES, .	5278 FAME LN	FAYETTEVILLE, NC 28306
BURNSIDE, JOHN P.;POSTLE, MONIQUE KAY	5181 FAME LN	FAYETTEVILLE, NC 28306
NUNNERY, PETER J;NUNNERY, MELISSA B	5181 FAME LN	FAYETTEVILLE, NC 28306
STOUGH, KEITH;STOUGH, JOYCE	6142 CAMDEN RD	FAYETTEVILLE, NC 28306
LINDE, EDITH K	4413 BELFORD RD	FAYETTEVILLE, NC 28314
SEAGO, JOANN M	2212 TURTLE POINT DR	RALEIGH, NC 27604
EMANUEL, JAMES E	7523 ABATOR DR	HOPE MILLS, NC 28348
BROWN, DANIEL C	4902 BROWN ST	FAYETTEVILLE, NC 28306

600' Rad

P21-27 3rd class

CONGREGATIONAL CHRISTIAN CHURCH
IN AMERICAN SAMOA
6252 CAMDEN RD
FAYETTEVILLE, NC 28306

- EDWARDS, SHARON ANN
6234 CAMDEN RD
FAYETTEVILLE, NC 28306

FLOWERS, MARY J
PO BOX 901
HOPE MILLS, NC 28348

HAYWORTH, SABRINA; HAYWORTH,
DAVID CLYDE
5864 ROCKFISH RD
HOPE MILLS, NC 28348

KOONCE, CHARLES E; HUTTON, DONALD
C HEIRS; PEGGY D; TANNA KIM
298 ST JOHNS WOOD
FAYETTEVILLE, NC 28303

LEWIS, LOIS LONG
6217 CAMDEN RD
FAYETTEVILLE, NC 28306

- AMIE CROUTER
2731 HOPE MILLS RD
FAYETTEVILLE, NC 29306

Para 27 1st class

ATKINS, DAHLIA L
STRATTON;TURLINGTON, RANEY GLENN
5750 HWY 52
GILLSVILLE, GA 30543

BROWN, DANIEL C
4902 BROWN ST
FAYETTEVILLE, NC 28306

BROWN, SAMUEL H & JANE G
6350 SPRINGRUN RD
FAYETTEVILLE, NC 28306

BURNSIDE, JOHN P.;POSTLE, MONIQUE
KAY
5181 FAME LN
FAYETTEVILLE, NC 28306

CAM ROCKS LLC
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HOPE MILLS, NC 28348

CHRISTIAN TABERNACLE OUTREACH
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LUMBER BRIDGE, NC 28357

YOWELL, BELINDA
5067 C ARCTURUS CIR
EIELSON AFB, AK 99702

OWNER_NAME

KOONCE, CHARLES E;HUTTON, TANNA KIM;KOONCE, DONALD C HEIRS;KOONCE, PEGGY D
CONGREGATIONAL CHRISTIAN CHURCH IN AMERICAN SAMOA
EDWARDS, SHARON ANN
FLOWERS, MARY J
HAYWORTH, SABRINA;HAYWORTH, DAVID CLYDE
LEWIS, LOIS LONG
EDWARDS, SHARON ANN

ADDRESS

298 ST JOHNS WOOD
6252 CAMDEN RD
6234 CAMDEN RD
PO BOX 901
5864 ROCKFISH RD
6217 CAMDEN RD
6234 CAMDEN RD

CITYSTATEZIP

FAYETTEVILLE, NC 28303
FAYETTEVILLE, NC 28306
FAYETTEVILLE, NC 28306
HOPE MILLS, NC 28348
HOPE MILLS, NC 28348
FAYETTEVILLE, NC 28306
FAYETTEVILLE, NC 28306

1st Class

P21-27

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 R-10 to CP C7P
2. Address of Property to be Rezoned: 6234 Camden Road
3. Location of Property: Camden Rd by Rockfish Intersection
corner wide with chain link fence
4. Parcel Identification Number (PIN #) of subject property: 0404-47-8245.
(also known as Tax ID Number or Property Tax ID)
5. Acreage: 2.36 Frontage: 200 Depth: 506
6. Water Provider: Well: X PWC: _____ Other (name): _____
7. Septage Provider: Septic Tank YES PWC NO
8. Deed Book 6777, Page(s) 077, 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: ~~Storage and Restoration~~
Equipment Delivery warehouse Storage
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.

Sharon A. Edwards
NAME OF OWNER(S) (PRINT OR TYPE)

910-263-3726
HOME TELEPHONE # WORK TELEPHONE #

2731 Hope Mills Rd Fayetteville NC 28306
ADDRESS OF AGENT, ATTORNEY, APPLICANT

Amie@capefearflooring.com

910-527-0863
HOME TELEPHONE #

910-527-0863
WORK TELEPHONE #

Sheron A Edwards *Anne' Crofts*
SIGNATURE OF OWNER(S) SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

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



FAME LN

CL KC

5266

5278

Property in
Question

5234

6252

6205

6217

6227

CAMDEN RD

Church

BK

7PG077

RECEIVED

1-28-2005 PM 1:03:44

LF298-04

03979

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

QUITCLAIM DEED

*mail to Grantee*THIS QUITCLAIM DEED, executed this *10* day of *December*, 2004 (year),by first party, Grantor, *James R. Edwards Jr. Sharon A. Edwards*whose post office address is *P.O. Box 727, Hope Mills, N.C. 28348*to second party, Grantee, *Sharon Ann Edwards*whose post office address is *6234 Camden Road, Fayetteville, N.C. 28306*WITNESSETH, That the said first party, for good consideration and for the sum of *0*

revenue Dollars (\$) paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quitclaim unto the said second party forever, all the right, title, interest and claim which the said first party has in and to the following described parcel of land, and improvements and appurtenances thereto in the County of *Cumberland* State of *North Carolina* to wit:

Tract I & II - see attached copy

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Page 1

Rev. 03/01

This product does not constitute the rendering of legal advice or services. This product is intended for informational use only and is not a substitute for legal advice. State laws vary, so consult an attorney on all legal matters. This product was not necessarily prepared by a person licensed to practice law in your state.

45/20

✕ ✕ ✕ ✕ ✕ ✕

IN WITNESS WHEREOF, The said first party has signed and sealed these presents the day and year first above written. Signed, sealed and delivered in presence of:

Jason Bluth
Signature of Witness

Jason Bluth
Print name of Witness

Cindy Jacobs
Signature of Witness

Cindy Jacobs
Print name of Witness

James R. Edwards Jr
Signature of First Party

James R. Edwards Jr
Print name of First Party

Sharon A Edwards
Signature of First Party

Sharon A Edwards
Print name of First Party

State of North Carolina

County of Cumberland

On Jan 20, 2005 before me,

Angela D. Landry

appeared James R. Edwards Jr

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I ATTEST my hand and official seal.

Angela D. Landry
Signature of Notary

Affiant Known Produced ID

Type of ID _____
(Seal)

State of North Carolina

County of Cumberland

On Jan 20, 2005 before me,

Angela D. Landry

appeared James R. Edwards Jr

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I ATTEST my hand and official seal.

Angela D. Landry
Signature of Notary

Affiant Known Produced ID

Type of ID _____
(Seal)

Dana Soule
Signature of Preparer

DANA Soule
Print Name of Preparer

5748 Ridgeway, Hope Mills, NC
Address of Preparer

28348

Page 2

The foregoing Certificate of

Angela D. Landry

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

By J. LEE WARREN, JR. REGISTER OF DEEDS FOR CUMBERLAND COUNTY,
Deputy/Assistant/Registrar of Deeds

TRACT I: LYING on the North margin of Camden Road and (East of the Steady Saint Church intersection road #1112) This is in the (W.S. Brown Estate, see Book 414, Page 13) Cumberland County, North Carolina, Registry. This lot is bounded on the East by Ave B, Greenwood Tract and on the West by West by William L. Brown Tract. The control for this tract is the North-east margin of Rockfish Road #1112 as it is intersected by the northern right-of-way margin of Camden Road. Thence with the margin of Camden Road North 70 degrees 22 minutes East 759.55 feet to an iron stake (this is the beginning corner of this lot). Thence North 20 degrees 53 minutes East 500 feet to an iron pipe. Thence North 70 degrees 11 minutes East 200 feet to an iron pipe, the Ave B, Greenwood eastern line. Thence with the Greenwood line South 20 degrees 53 minutes East 500 feet to an iron pipe on the margin of Camden Road. Thence with the margin of Camden Road South 70 degrees 11 minutes West 200 feet to the Beginning. Containing .36 acres, more or less.

TRACT II: BEGINNING at a stake in the Northern right-of-way margin of the Camden Road, which beginning corner may be reached by starting at the intersection of the North right-of-way margin of the Camden Road, with the Northeastern right-of-way margin of Rockfish Road (State Road No. 1112) and running thence North 70 degrees 22 minutes East 607 feet; thence North 70 degrees 11 minutes East 262.55 feet to the point and place of Beginning; and running thence for a first call North 20 degrees 53 minutes West 179.21 feet to an iron stake; thence North 70 degrees 11 minutes East 37.13 feet to an iron stake; thence South 20 degrees 53 minutes East 179.21 feet to an iron stake in the Northern right-of-way margin of the Camden Road; thence with the Northern right-of-way margin of the Camden Road, South 70 degrees 11 minutes West 37.13 feet containing .15 of an acre, more or less

FAYETTEVILLE PUBLISHING COMPANY

458 Whitfield Street, Fayetteville, NC 28306

Phone (910) 678-9000 Toll Free 1-800-345-9895 Fax (910) 323-1451

Order Confirmation

PUBLIC NOTICE

The Cumberland County Board of Commissioners will meet at 6:45 p.m. on August 16, 2021, in room 118 of the County Courthouse at 117 Dick Street to hear the following:

P21-26 rezoning 14.04 +/- ac A1 to R20 or a more restrictive zoning district; 2120 Smith Rd; Northwood Investment, LLC (owner)

P21-27 rezoning 2.36 +/- ac R10 to C1(P) or more restrictive zoning district; 6234 Camden Rd; Sharon Edwards (owner)

P21-28 rezoning 48 +/- ac A1 to R30/CZ all residential sub up to 52 lots or more restrictive zoning district; John Nunnery Rd south of Bainbridge Rd; Molcie Farms LLC (owner)

P21-31 rezoning 25 +/- ac RR District to R7.5/CZ District up to 77 lots all sub or more restrictive zoning district; south of Clinton Rd, west of Forte Rd; Nicholas, Brad, John, and David Hancock (owners)

P21-33 rezoning 41.98 +/- ac A1 Agricultural District to R7.5 Residential/CZ District up to 122 lots all sub or to a more restrictive zoning district; west of NC 87 Hwy and south of Olaburns Drive; James D. Hubbard and Norma Garcia; Cheri and Marty Lassiter; Tommy J Woodell and Debra H. Woodell; Travis Allen Hubbard and Jill Elizabeth Hubbard; Pamela and Michael Domanski; Michael and Jodi Davis; Christopher Davis, Kristin M. Davis; Boyd D. Parsons Jr. and Mae Smith Parsons (owners)

P21-34 rezoning 19.6 +/- ac A1 District to R30 District or more restrictive zoning district; east of Rockhill Rd, north of Rocky River Rd; George Tatum (owner)

P21-36 rezoning 12.36 +/- ac A1 District to C(P) District or more restrictive zoning district; east of Cedar Creek Dr, north of Taboi Church Rd; Cathy Tatum Vinson (owner)

P21-40 rezoning 0.92 +/- ac A1 District to R40 District or more restrictive zoning district; at 5177 Stewart Rd; Michael Longhany (owner)

P21-44 rezoning 2.80 +/- ac M(P) District to C(P) District or more restrictive zoning district; at 2965 Gillespie St; Emmons & Wheeler, LLC (owner)
8/2, 9 5250774

<u>Ad Order Number</u>	<u>Customer</u>
0005250774	CUMB CO JOINT PLANNING
<u>Sales Rep.</u>	<u>Customer Account</u>
0090	003661000
<u>Order Taker</u>	<u>Customer Address</u>
0001	130 Gillespie Street, Attn: Laverne Howard, FAYETTEVILLE NC 28301 USA
<u>Order Source</u>	<u>Customer Phone</u>
Telephone	910-678-7600
<u>Order Invoice Text</u>	
CCBoC - 8/16/21 meeting	
<u>Payor Customer</u>	<u>PO Number</u>
CUMB CO JOINT PLANNING	
<u>Payor Account</u>	<u>Ordered By</u>
003661000	
<u>Payor Address</u>	<u>Customer Fax</u>
130 Gillespie Street, Attn: Laverne Howard, FAYETTEVILLE NC 28301 USA	910-678-7631
<u>Payor Phone</u>	<u>Customer Email</u>
910-678-7600	lhoward@co.cumberland.nc.us
	<u>Special Pricing</u>
	None

<u>Net Amount</u>	<u>Tax Amount</u>	<u>Total Amount</u>	<u>Amount Due</u>
\$477.54	\$0.00	\$477.54	\$477.54

<u>Payment Method</u>	<u>Payment Amount</u>
	\$0.00

<u>Ad Number</u>	<u>Ad Type</u>	<u>Ad Size</u>	<u>Color</u>
0005250774-01	CL Legal Line	: 1.0 X 63 cl	<NONE>

<u>Product</u>	<u>Placement/Classification</u>	<u>Run Dates</u>	<u># Inserts</u>	<u>Cost</u>
FO::	401 - Legals	8/2/2021, 8/9/2021	2	\$458.64
OL::	401 - Legals	8/2/2021, 8/9/2021	2	\$18.90



PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF AUGUST 16, 2021

TO: BOARD OF COUNTY COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

DATE: 8/5/2021

SUBJECT: CASE P21-31 **THIS CASE HAS BEEN DEFERRED TO SEPTEMBER 20, 2021**

BACKGROUND

Case P21-31: Rezoning 25 acres +/- ac from RR Rural Residential District to R7.5 Residential /CZ Conditional Zoning District for up to 77 lots with zero lot line development or a more restrictive zoning district, located south of Clinton Road, west of Forte Road, Nicholas, Brad, John, and David Hancock (owners).

RECOMMENDATION / PROPOSED ACTION

Planning Board Action: Recommended approval of the rezoning request from RR Rural Residential District to R7.5 Residential District/Conditional Zoning for up to 77 Lots Zero Lot Line Subdivision at the July 20, 2021 meeting for the reasons stated and as fully reflected in the minutes of the Planning Board Meeting which are incorporated herein by reference.

Staff Recommendation: In Case P21-31, the Planning and Inspections staff **recommends approval** of the rezoning request from RR Rural Residential District to R7.5 Residential District/Conditional Zoning for up to 77 Lots Zero Lot Line Subdivision and finds: a) The approval is an amendment to the adopted, current Stedman Area Land Use Plan (2020); and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request; b) The R7.5 Residential District/Conditional Zoning Zero Lot Line subdivision conceptual plan proposal would allow a density and lot size that would be comparable to high density suburban residential and compatible to the surrounding area and zoning; c) Furthermore, the requested conditional zoning will ensure a subdivision plan proposal with recommended conditions that will be in harmony with surrounding existing land uses and zoning.

If the Board of Commissioners wishes to follow the recommendation of the Planning Board in this case, the following motion is appropriate:

MOTION:

For Case P21-31, I move to approve the rezoning request from **RR Rural Residential District to R7.5 Residential/CZ Conditional Zoning** allowing up to 77 lots Zero Lot Line Subdivision and find the approval:

- a . Requires an amendment to the currently adopted Stedman Area Land Use Plan and that the Board of Commissioners should not require any additional request or application for amendment to said plan.
- b . The conceptual plan proposal would allow a density and lot size that would be comparable to lots in the surrounding area and zoning.
- c . Furthermore, the requested conditional zoning will ensure a subdivision plan proposal with recommended conditions that help mitigate any compatibility concerns with the existing land uses and surrounding zoning.

If the Board of Commissioners does not wish to follow the recommendation of the Planning Board in this case, the following motion is appropriate:

MOTION:

For Case P21-31, I move to deny the rezoning request from RR Rural Residential District to R7.5 Residential/CZ Conditional Zoning for up to 77 lot Zero Lot Line Subdivision and find the request not consistent with the Stedman Area Land Use Plan. Denial of the request is reasonable and in the public interest because _____.

ATTACHMENTS:

Description	Type
Rezoning Case #P21-31 - Letter of Request for Deferment to September 20, 2021	Backup Material
Action Memo	Backup Material

Nick Hancock
935 Ken Hancock Lane
Stedman, NC 28391

August 3, 2021

Cumberland County
Planning & Inspections
David B. Moon, Deputy Director
130 Gillespie Street
Fayetteville, NC 28301

Re: Rezoning Case # P21-31

Dear Mr. Moon,

This letter is to ask for a rescheduling of the hearing of the Rezoning Case # P21-31 that is scheduled for 8/16/2021. We respectfully request to push the meeting back one month to 9/20/2021. This will allow us the due diligence to prepare and gather the information that we need to present at the meeting. The new date would also allow our professional council the opportunity to attend as there is a conflict with the August date.

Thank you for your consideration. I look forward to hearing from you.

Sincerely,

Nick Hancock

A handwritten signature in black ink that reads "Nicholas Hancock". The signature is written in a cursive style with a large, stylized "N" and "H".

Amy H. Cannon
County Manager

Tracy Jackson
Assistant County Manager



Rawls Howard
Director

David Moon
Deputy Director

Planning & Inspections Department

AUGUST 5, 2021

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P21-31:** Rezoning 25 acres +/- ac from RR Rural Residential District to R7.5 Residential /CZ Conditional Zoning District up to 77 lots with zero lot line development or a more restrictive zoning district, located south of Clinton Road, west of Forte Road, Nicholas, Brad, John, and David Hancock (owners).

ACTION: Recommended approval of the rezoning request from RR Rural Residential District to R7.5 Residential District/Conditional Zoning for up to 77 Lots Zero Lot Line Subdivision at the July 20, 2021 meeting for the reasons stated and as fully reflected in the minutes of the Planning Board Meeting which are incorporated herein by reference.

MINUTES OF JULY 20, 2021

Mr. Shinas presented the case information and photos.

In Case P21-31, the Planning and Inspections staff **recommends approval** of the rezoning request from RR Rural Residential District to R7.5 Residential District/Conditional Zoning for up to 77 Lots Zero Lot Line Subdivision and finds: a) The approval is an amendment to the adopted, current Stedman Area Land Use Plan (2020); and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request; b) The R7.5 Residential District/ Conditional Zoning Zero Lot Line subdivision conceptual plan proposal would allow a density and lot size that would be comparable to high density suburban residential and compatible to the surrounding area and zoning; c) Furthermore, the requested conditional zoning will ensure a subdivision plan proposal with recommended conditions that will be in harmony with surrounding existing land uses and zoning.

Mr. Moon added that the future land use designation is shown as open space surrounding the property a majority of the land use assigned to adjacent and nearby properties is high density residential in discussions with the Comprehensive Planning Division it was their belief that it was approved this way in the Comprehensive Plan.

Public comment opened.

There was one person signed up to speak in favor.

Mr. Nicholas Hancock said he was available for questions.

Mr. Stewart asked Mr. Hancock about his request for R7.5.

Mr. Hancock said that originally, they asked for R10, and they were advised by staff that since this is not in the Town of Stedman, R10 is not approved zoning in the County, so we were asked to reapply for R7.5.

Amy H. Cannon
County Manager

Tracy Jackson
Assistant County Manager



Rawls Howard
Director

David Moon
Deputy Director

Planning & Inspections Department

Mr. Crumpler asked about the size of the lots.

Mr. Hancock said of the interior lots there are only three that fall into the 7,500 square foot range, the perimeter lots are 9,000 - 12,000 square feet.

Mr. Crumpler said that they truly are at R10 if it were an option.

Mr. Moon said there is no longer an R10 option, the only options are RR or R7.5.

Mr. Crumpler asked how the Town of Stedman felt about this.

Mr. Stewart said he didn't think the Town of Stedman knew exactly what they wanted to do, but the town board was in favor of them doing something with the land.

Mr. Lloyd asked if this was compliant with the plan.

Mr. Moon said the request was not consistent with the land use plan. We have to go by what is on the future plan which is open space, and it is surrounded by medium density residential.

Public comment closed.

In Case P21-31, Mr. Williams made a motion, seconded by Mrs. Moody to recommend approval of the rezoning request from RR Rural Residential District to R7.5 Residential District/Conditional Zoning for up to 77 Lots Zero Lot Line Subdivision and finds: a) The approval is an amendment to the adopted, current Stedman Area Land Use Plan (2020); and that the Board of Commissioners should not require any additional request or application for amendment to said map for this request; b) The R7.5 Residential District/ Conditional Zoning Zero Lot Line subdivision conceptual plan proposal would allow a density and lot size that would be comparable to high density suburban residential and compatible to the surrounding area and zoning; c) Furthermore, the requested conditional zoning will ensure a subdivision plan proposal with recommended conditions that will be in harmony with surrounding existing land uses and zoning. The motion passed with Mr. Burton, Mr. Baker, and Mr. Stewart voting in opposition.

First Class and Record Owners' Mailed Notice Certification

A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' certified receipt of notice is also included.

REQUEST

Rezoning RR to R7.5/CZ

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

PROPERTY INFORMATION

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

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

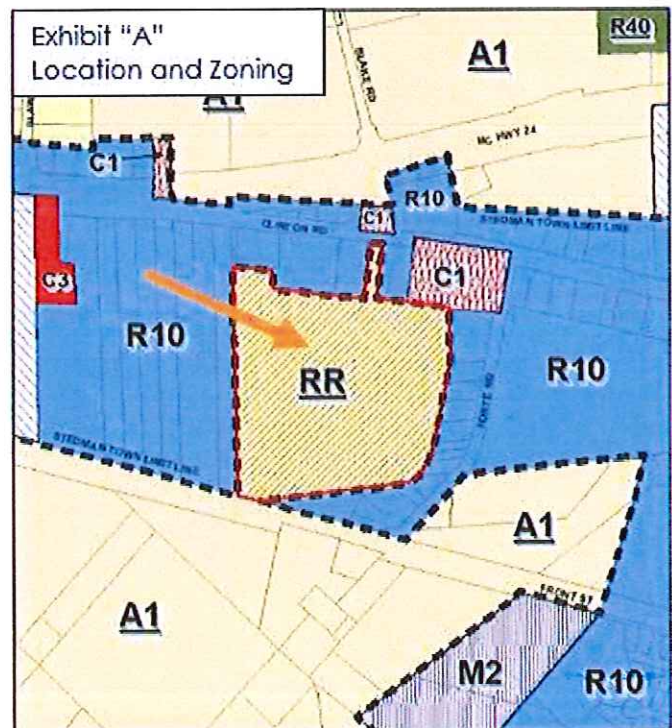
SIZE: 25+/- acres within one parcel. The property has approximately 62+/- feet of street frontage along south side of Clinton Road. The property has a depth of about 1,250 feet at its furthest extent.

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

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

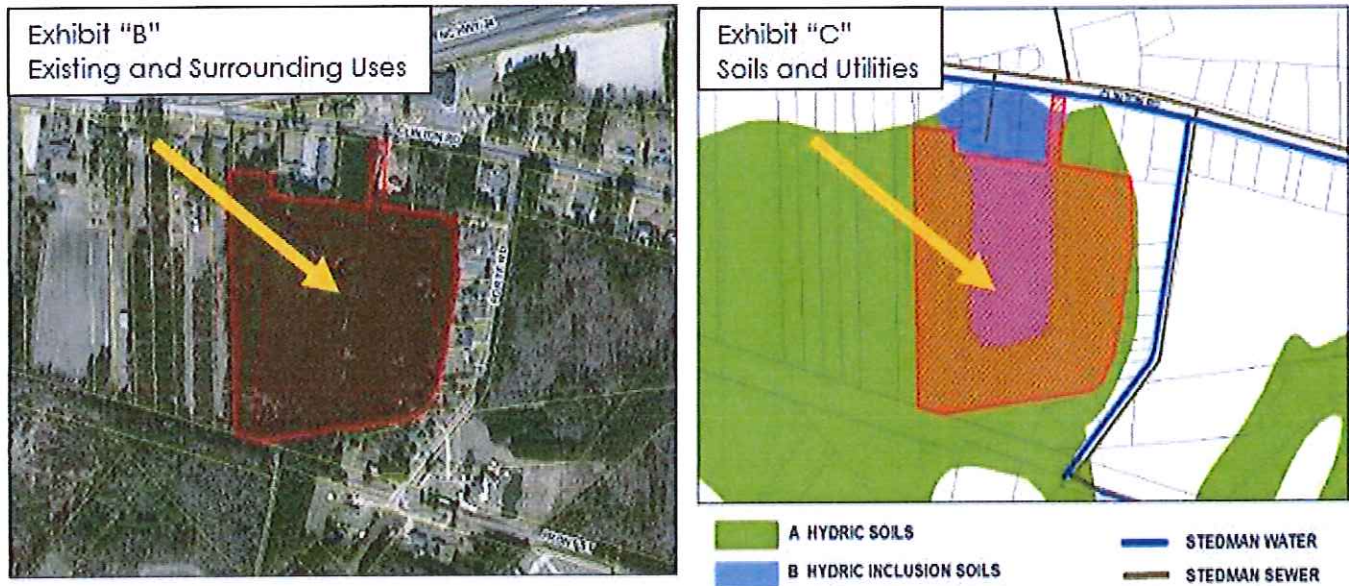
SURROUNDING LAND USE: Exhibit "B" illustrates the following:

North: Single family and multifamily residences. Across Clinton Road is a church.
East: Single family residences.
West: A single family residence is developed on the north side of the parcel. Most of the parcel is vacant and semi-wooded.
South: Vacant and wooded parcel.



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

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



DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:

Minimum Standard	RR (Existing Zoning)	R7.5 (Proposed)
Front Yard Setback	30 feet	30 feet
Side Yard Setback	15 feet	5 feet (Zero Lot Line)
Rear Yard Setback	35 feet	35 feet/ 5 feet on interiors
Lot Area	20,000 sq. ft.	7,500 sq. ft.
Lot Width	100'	75'

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



IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

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

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

SCHOOLS CAPACITY/ENROLLMENT:

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

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

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

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

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

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

STAFF RECOMMENDATION

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

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

Attachments:
Notification Mailing List
Zoning Application

EXHIBIT "F"
DRAFT CONDITIONS OF APPROVAL

R7.5 RESIDENTIAL/CZ CONDITIONAL ZONING DISTRICT

CASE P21-31

Ordinance Related Conditions *Up to 77 Lot Zero Lot Line Subdivision*

Pre- Permit Related:

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

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

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

Permit-Related:

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

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

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

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

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

[§ 136-18(29), NCGS]

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

Site-Related:

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

16. This conditional approval is not approval of any freestanding signs. If a freestanding sign is desired, re-submittal of the site plan is required prior to application for any freestanding sign permits. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is **not** approval of the size, shape, or location of any signs.) (Art. XIII, County Zoning Ord.)
 17. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environmental Quality (NCDEQ) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2307.A, County Subdivision Ord.)
 18. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306.C, County Subdivision Ord.)
 19. In the event a stormwater utility structure is required by the NC Department of Environmental Quality (NCDEQ), the owner/developer must secure the structure with a four foot high fence with a lockable gate, and is required to maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation. (Sec. 1102.O, County Zoning Ord.)
 20. This review does not constitute a "subdivision" approval by NC Department of Transportation (NCDOT). A separate submittal to NCDOT will be required prior to consideration for addition to the system of any street within this development. (Sec. 2304B, County Subdivision Ord.)
 21. The NC Department of Transportation's (NCDOT) approval of the street plans is required and the street(s) are required to be constructed to the NCDOT standards for secondary roads. (Sec. 2304B, County Subdivision Ord. & NCGS § 136-102.6). If buildings permits are issued by Cumberland County prior to NCDOT acceptance of the streets, the developer is responsible that roads shall meet conditions suitable for safe passage for vehicles used by County inspection personnel. The County Building Official may delay inspections if determined that road conditions do not provide safe passage for vehicles used by County inspectors.
 22. Turn lanes may be required by the NC Department of Transportation (NCDOT). [Art. XIV, County Zoning Ord. & NCGS § 136-18(5) & § 136-93]
- Note: The property owner most likely will be required to provide a copy of a recorded plat and deed conveying to the NCDOT that portion of the subject property located within or to be located within the right-of-way at the time of driveway permit application.**
23. All lots within this development are required to be served by an internal street system. (Sec. 2001, County Subdivision Ord. & Sec. 101, County Zoning Ord.)
 24. All lighting is required to be directed internally within this development and comply with the provisions of Section 1102 M, Outdoor Lighting, County Zoning Ordinance.
 26. The subdivision plan must provide an internal access tract to the stormwater tract at the northeast portion of the subdivision, allowed the HOA the ability to access the stormwater facility.
 27. Site-Specific Development Standards. List or include in Exhibit "B"

Plat-Related:

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

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

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

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

- 26. All internal streets will require approved street names prior to approval of the final plat. Please contact County Location Services for the process of obtaining an approved street name.
- 27. The street name signs, in compliance with the County Street Sign Specifications, must be installed prior to final plat approval. The developer should contact Location Services for inquiries regarding the County's policy for street sign installation or, if the sign is commissioned from a private source, to schedule an inspection of the street sign(s). The Current Planning Section must receive notice of agreement with the Location Services Section for sign installation or of satisfactory inspection prior to the approval of the final plat. Sec. 4-171, County Code)
- 28. The developer is opting to provide park, recreation or open space area (common area) on-site; therefore, when phasing a development all common area must be recorded prior to the recording of the first phase or section of the development or the common area must be recorded incrementally, ensuring that a minimum of 800 square feet of land area is recorded as common area for each lot included, on the final plat.
- 29. The builder/developer must provide the buildable envelopes on the final plat. At the time of permit application, the individual plot plans must demonstrate a minimum five-foot side yard setback.
- 30. Any/All easements must be reflected on the final plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.
- 31. All lots within this development must be served by an internal street system and a "no access" easement must be reflected on the final plat along Clinton Road for all lots or common areas abutting the highway.
- 32. A minimum 10' x 70' sight distance easement is required at the intersection of all internal streets and abutting streets and must be reflected on the final plat unless another standard is required by NCDOT.
- 33. A 25' right-of-way radius is required at all intersections and must be reflected on the final plat. (Section 2304.10.c, Street Design, County Subdivision and Development Ordinance)

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

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

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

35. The notarized signature(s) of all current tax record owner(s) and notary certifications appear on the final plat when submitted for final approval. (Section 2503 D, Certificate of Ownership and Dedication, County Subdivision and Development Ordinance)
36. The developer is reminded that the improvements must be in place or that final plat approval will only be granted in accordance with Section 2502 B, C, or D, Final Plat – Guarantees of Improvements, County Subdivision and Development Ordinance. (Note: Once the improvements are in place, the developer is responsible for contacting Jeff Barnhill to schedule an inspection of the improvements.)
37. The final plat must be submitted to the Current Planning Section for review and approval for recording with the County Register of Deeds, and the plat must be recorded prior to any permit application for any structure and/or prior to the sale of any lot or unit within this development.
38. The developer should be aware that any addition and/or revision to this plat may require an additional review and approval by the Planning & Inspections Department prior to submission for final plat approval of any portion of this development.

Plat-Required Statements:

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

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

Advisories:

40. The applicant is advised to consult an expert on wetlands before proceeding with any development.
41. Any revision or addition to this plan necessitates re-submission for review and approval prior to the commencement of the change.
42. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.
43. The US Postal Service most likely will require this development to have centralized cluster boxes for postal service to each lot or unit. The developer is advised contact the US Postal Growth Coordinator for the Mid-Carolinas District to determine the appropriate location for the cluster boxes. If the cluster box location requires changes to the subdivision or site plan, a revised preliminary/plan must be submitted to the Planning & Inspections Department for review and approval.

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

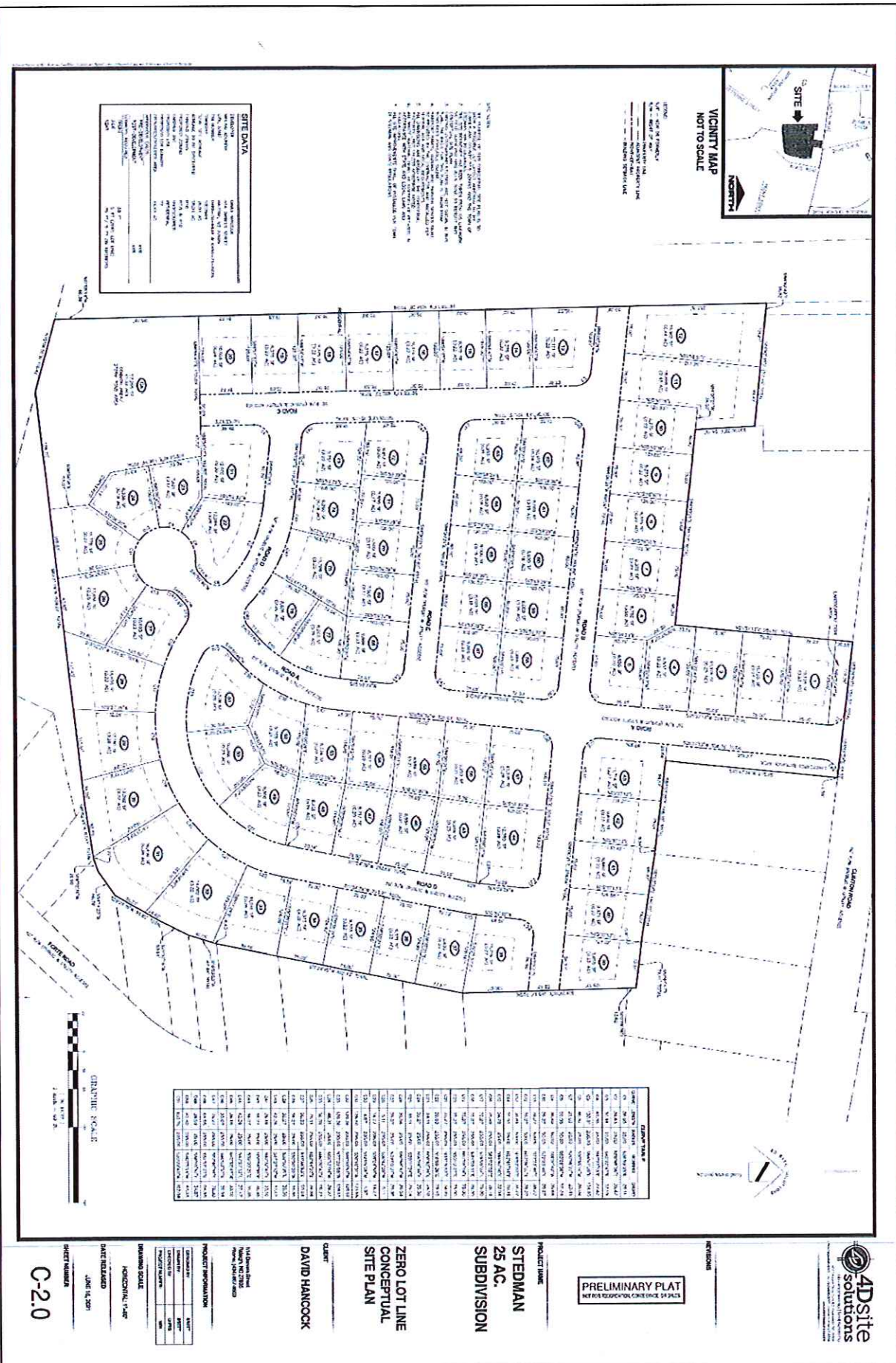
Other Relevant Conditions:

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

Stedman MIA


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

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



SITE DATA	
PROJECT NAME	25 AC. SUBDIVISION
OWNER	DAVID HANCOCK
DATE	10/1/2010
SCALE	1" = 40' (AS SHOWN)
DATE	10/1/2010
SCALE	1" = 40' (AS SHOWN)
DATE	10/1/2010
SCALE	1" = 40' (AS SHOWN)
DATE	10/1/2010
SCALE	1" = 40' (AS SHOWN)
DATE	10/1/2010
SCALE	1" = 40' (AS SHOWN)

LOT DATA	
LOT NO.	AREA (SQ. FT.)
1	1,234,567
2	1,234,567
3	1,234,567
4	1,234,567
5	1,234,567
6	1,234,567
7	1,234,567
8	1,234,567
9	1,234,567
10	1,234,567
11	1,234,567
12	1,234,567
13	1,234,567
14	1,234,567
15	1,234,567
16	1,234,567
17	1,234,567
18	1,234,567
19	1,234,567
20	1,234,567
21	1,234,567
22	1,234,567
23	1,234,567
24	1,234,567
25	1,234,567



4dsite
solutions

PRELIMINARY PLAT
NOT FOR RECORDATION OR CONSTRUCTION

PROJECT NAME:
STEDMAN
25 AC.
SUBDIVISION

CLIENT:
DAVID HANCOCK

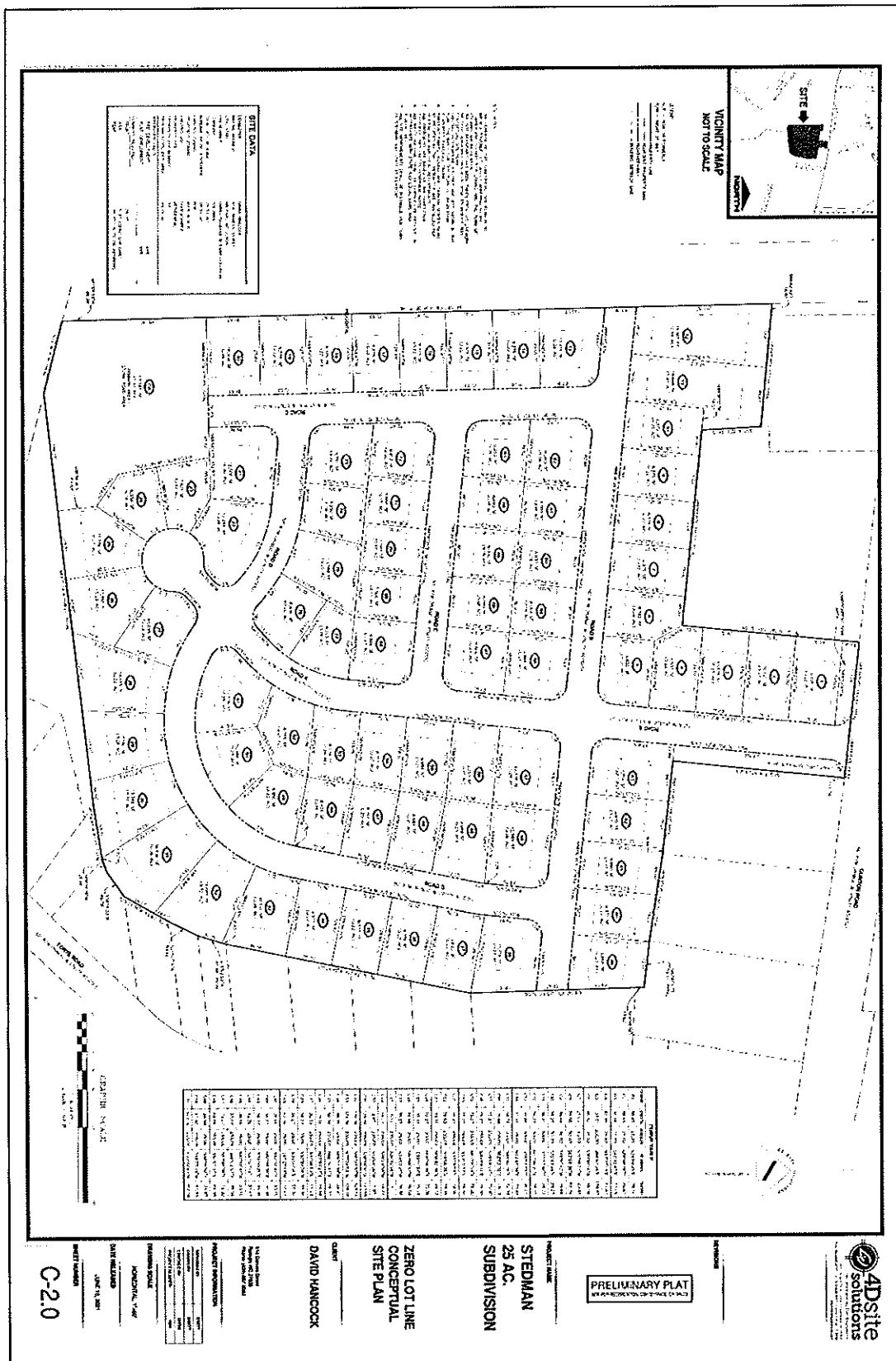
DATE:
10/1/2010

SCALE:
1" = 40' (AS SHOWN)

DATE RELEASED:
JUNE 14, 2011

SHEET NUMBER:
C-2.0

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



ATTACHMENT – NOTIFICATION MAILING LIST

BLUE, CLARIS T
248 FORTE RD
STEDMAN, NC 28391

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

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

CURRIE, MICHELLE R
190 FORTE RD
STEDMAN, NC 28391

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

FORT, CHARLOTTE L
PO BOX 181
STEDMAN, NC 28391

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

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

GRILLO, JOHN A
6814 CLINTON RD
STEDMAN, NC 28391

HORTON, WILLIAM D
6800 CLINTON RD
STEDMAN, NC 28391

JOHNSON, ADEL B
PO BOX 146
STEDMAN, NC 28391

KIRK, RAYMOND J
7209 FILLYAW RD
FAYETTEVILLE, NC 28303

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

MELENDEZ, CARLOS TORRES
178 FORTE RD
STEDMAN, NC 28391

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

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

SMART, KATIE M
160 FORTE RD
STEDMAN, NC 28391

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

WHITE, JUSTIN S
6904 CLINTON RD
STEDMAN, NC 28391

HANCOCK, NICHOLAS
935 KEN HANCKOCK LN
STEDMAN, NC 28391

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

1st class

AYERS, ELEANOR HALL
PO BOX 61
STEDMAN, NC 28391

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

BUNCE, DAVID BRIAN
6255 BLAKE RD
STEDMAN, NC 28391

CAIN, HARVEY JR
PO BOX 524
STEDMAN, NC 28391

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

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

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

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

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

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

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

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

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

JOHNSON, CALLIE
919 REXDALE ST
FAYETTEVILLE, NC 28301

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

JOHNSON, JANICE BUNCE
PO BOX 146
STEDMAN, NC 28391

JONES, ANGELA JEANETTE
PO BOX 59
STEDMAN, NC 28391

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

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

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

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

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

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

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

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

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

3rd class

ZONING APPLICATION



County of Cumberland

Planning & Inspections Department

CASE n. P21-31

PLANNING BOARD

MEETING DATE: June 15th, 2021

DATE APPLICATION

SUBMITTED: May 10, 2021

RECEIPT #: 77371

RECEIVED BY: JB

APPLICATION FOR CONDITIONAL ZONING DISTRICT REZONING REQUEST CUMBERLAND COUNTY ZONING ORDINANCE

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

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

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

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

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

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

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

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

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

NOTE: Be specific and list all intended uses.

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

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

APPLICATION FOR
CONDITIONAL ZONING

1. PROPOSED USE(S):

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

Subdivision

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

25 acres - 69 lots at 10,000 sq ft

2. DIMENSIONAL REQUIREMENTS:

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

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

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

4. LANDSCAPE AND BUFFER REQUIREMENTS:

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

5. MISCELLANEOUS:

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

6. SITE PLAN REQUIREMENTS:

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

7. STATEMENT OF ACKNOWLEDGMENT:

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

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

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

Nicholas Hancock, Brad Hancock, Johnny Hancock, David Hancock

NAME OF OWNER(S) (PRINT OR TYPE)

935 Ken Hancock Ln Stedman NC

ADDRESS OF OWNER(S)

nchancock86@gmail.com

E-MAIL

HOME TELEPHONE

910-237-7892

WORK TELEPHONE

SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)

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

ADDRESS OF AGENT, ATTORNEY, APPLICANT

HOME TELEPHONE

WORK TELEPHONE

E-MAIL ADDRESS

FAX NUMBER

SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

REQUIREMENTS FOR SITE PLAN REVIEW

1. Drawing done to engineering scale

2. Drawing will reflect:

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

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

4. Correct north arrow

5. Data block to reflect the following:

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

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

BK 09870 PG 0606

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

REVENUE: -0-

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

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

STATE OF NORTH CAROLINA

COUNTY OF CUMBERLAND

WARRANTY DEED

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

WITNESSETH:

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

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

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

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

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

Less and except any and all out conveyances of record.

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

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

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

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

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

LESS AND EXCEPT ANY AND ALL OUT CONVEYANCES OF RECORD.

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

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

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

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

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

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

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

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

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

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

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

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

LESS AND EXCEPT ANY AND ALL OUT CONVEYANCES OF RECORD.

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

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

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

1. General utility easements of record.

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

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

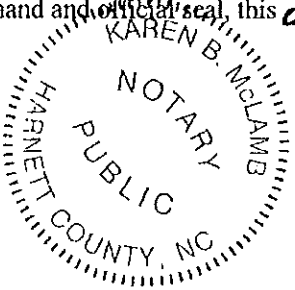
IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

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

STATE OF NORTH CAROLINA

COUNTY OF HARNETT

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

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

 Notary Public
 My Commission Expires: 12-22-2017

(N.P. SEAL)

FAYETTEVILLE PUBLISHING COMPANY
 458 Whitfield Street, Fayetteville, NC 28306
 Phone (910) 678-9000 Toll Free 1-800-345-9895 Fax (910) 323-1451

Order Confirmation

PUBLIC NOTICE

The Cumberland County Board of Commissioners will meet at 6:15 p.m. on August 16, 2021, in room 118 of the County Courthouse at 117 Dick Street to hear the following:

P21-26 rezoning 14.04 +/- ac A1 to R20 or a more restrictive zoning district; 2120 Smith Rd; Northwood Investment, LLC (owner)

P21-27 rezoning 2.36 +/- ac R10 to C1(P) or more restrictive zoning district; 6234 Camden Rd; Sharon Edwards (owner)

P21-28 rezoning 18 +/- ac A1 to R30/CZ all residential sub up to 52 lots or more restrictive zoning district; John Nunnery Rd south of Bainbridge Rd; Molcie Farms LLC (owner)

P21-31 rezoning 25 +/- ac RR District to R7.5/CZ District up to 77 lots all sub or more restrictive zoning district; south of Clinton Rd, west of Forte Rd; Nicholas, Brad, John, and David Hancock (owners)

P21-33 rezoning 11.98 +/- ac A1 Agricultural District to R7.5 Residential/CZ District up to 122 lots all sub or to a more restrictive zoning district; west of NC 87 Hwy and south of Olaburns Drive; James D. Hubbard and Norma Garcia; Cheri and Marty Lassiter; Tommy J Woodell and Debra H. Woodell; Travis Allen Hubbard and Jill Elizabeth Hubbard; Pamela and Michael Domanski; Michael and Jodi Davis; Christopher Davis, Kristin M. Davis; Boyd D. Parsons Jr. and Mae Smith Parsons (owners)

P21-34 rezoning 19.6 +/- ac A1 District to R30 District or more restrictive zoning district; east of Rockhill Rd, north of Rocky River Rd; George Tatum (owner)

P21-36 rezoning 12.36 +/- ac A1 District to C(P) District or more restrictive zoning district; east of Cedar Creek Dr, north of Tabot Church Rd; Cathy Tatum Vinson (owner)

P21-40 rezoning 0.92 +/- ac A1 District to R40 District or more restrictive zoning district; at 5177 Stewart Rd; Michael Longhany (owner)

P21-41 rezoning 2.80 +/- ac M(P) District to C(P) District or more restrictive zoning district; at 2965 Gillespie St; Emmons & Wheeler, LLC (owner)
 8/2, 9 5250774

Ad Order Number

0005250774

Sales Rep.

0090

Order Taker

0001

Order Source

Telephone

Order Invoice Text

CCBoC - 8/16/21 meeting

Customer

CUMB CO JOINT PLANNING

Customer Account

003661000

Customer Address

130 Gillespie Street, Attn: Laverne Howard,
 FAYETTEVILLE NC 28301 USA

Customer Phone

910-678-7600

Payor Customer

CUMB CO JOINT PLANNING

PO Number

Payor Account

003661000

Ordered By

Payor Address

130 Gillespie Street, Attn: Laverne Howard
 FAYETTEVILLE NC 28301 USA

Customer Fax

910-678-7631

Customer EMail

lhoward@co.cumberland.nc.us

Payor Phone

910-678-7600

Special Pricing

None

Net Amount

\$477.54

Tax Amount

\$0.00

Total Amount

\$477.54

Amount Due

\$477.54

Payment Method

Payment Amount

\$0.00

Ad Number

0005250774-01

Ad Type

CL Legal Line

Ad Size

: 1.0 X 63 cl

Color

<NONE>

Product

Placement/Classification

Run Dates

Inserts

Cost

FO::

401 - Legals

8/2/2021, 8/9/2021

2

\$458.64

OL::

401 - Legals

8/2/2021, 8/9/2021

2

\$18.90



PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF AUGUST 16, 2021

TO: BOARD OF COUNTY COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

DATE: 8/5/2021

SUBJECT: CASE P21-36

BACKGROUND

Case P21-36: Rezoning of 12.36+/- acres from A1 Agricultural District to C(P) Planned Commercial District or to a more restrictive zoning district, located east of Cedar Creek Road, north of Tabor Church Road, submitted by Bartlett Engineering & Surveying, PC (agent) and Cathy Tatum Vinson (owner).

RECOMMENDATION / PROPOSED ACTION

Planning Board Action: Recommended approval of the rezoning request from A1 Agricultural District to C(P) Planned Commercial District at the July 20, 2021 meeting for the reasons stated and as fully reflected in the minutes of the Planning Board Meeting which are incorporated herein by reference.

Staff Recommendation: In Case P21-36, the Planning and Inspections staff **recommends approval** of the rezoning request from A1 Agricultural District to C(P) Planned Commercial District and find the request is consistent with the Southeastern Cumberland Land Use Plan (2017) which designates the subject site within a Commercial Node at this location. Staff further finds that recommending approval of the request is reasonable and in the public interest because of the following: a. The site falls within a commercial node within close proximity of the existing intersection. b. The proposed use of general retail may fulfill the requirement of use intensity as it is permissible in the lighter C2(P) Commercial District, which is compatible with the Southeastern Cumberland Land Use Plan. c. Due to the lack of water and sewer availability at or near the site, it would limit scope of the developable commercial intensity.

If the Board of Commissioners wishes to follow the recommendation of the Planning Board in this case, the following motion is appropriate:

MOTION:

For Case P21-36, I move to approve the rezoning request from **A1 Agricultural District to C(P) Planned Commercial District** and find the request consistent with the Southeastern Cumberland Land Use Plan. The request is reasonable and in the public interest because the subject site is located within a commercial node and is within proximity of a road intersection. The proposed use of general retail may fulfill the requirement of use intensity as it is permissible in the lighter C2(P) Commercial District. As central water and sewer lines are not at or near the site, the scope and intensity of commercial development will be limited.

If the Board of Commissioners does not wish to follow the recommendation of the Planning Board in this case, the following motion is appropriate:

MOTION:

For Case P21-36, I move to deny the rezoning request from **A1 Agriculture District to C(P) Planned Commercial District and** find the request not consistent with the Southeastern Cumberland Land Use Plan. Denial of the request is reasonable and in the public interest because _____.

ATTACHMENTS:

Description	Type
Action Memo	Backup Material

Amy H. Cannon
County Manager

Tracy Jackson
Assistant County Manager



Rawls Howard
Director

David Moon
Deputy Director

Planning & Inspections Department

AUGUST 5, 2021

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P21-36:** Rezoning of 12.36+/- acres from A1 Agricultural District to C(P) Planned Commercial District or to a more restrictive zoning district, located east of Cedar Creek Road, north of Tabor Church Road, submitted by Bartlett Engineering & Surveying, PC (agent) and Cathy Tatum Vinson (owner).

ACTION: Recommended approval of the rezoning request from A1 Agricultural District to C(P) Planned Commercial District at the July 20, 2021 meeting for the reasons stated and as fully reflected in the minutes of the Planning Board Meeting which are incorporated herein by reference.

MINUTES OF JULY 20, 2021

In Case P21-36, the Planning and Inspections staff **recommends approval** of the rezoning request from A1 Agricultural District to C(P) Planned Commercial District and find the request is consistent with the Southeastern Cumberland Land Use Plan (2017) which designates the subject site within a Commercial Node at this location. Staff further finds that recommending approval of the request is reasonable and in the public interest because of the following: a. The site falls within a commercial node within close proximity of the existing intersection. b. The proposed use of general retail may fulfill the requirement of use intensity as it is permissible in the lighter C2(P) Commercial District, which is compatible with the Southeastern Cumberland Land Use Plan. c. Due to the lack of water and sewer availability at or near the site, it would limit scope of the developable commercial intensity.

In Case P21-36, Mr. Burton made a motion, seconded by Mrs. Moody to recommend approval of the rezoning request from A1 Agricultural District to C(P) Planned Commercial District and find the request is consistent with the Southeastern Cumberland Land Use Plan (2017) which designates the subject site within a Commercial Node at this location. Staff further finds that recommending approval of the request is reasonable and in the public interest because of the following: a. The site falls within a commercial node within close proximity of the existing intersection. b. The proposed use of general retail may fulfill the requirement of use intensity as it is permissible in the lighter C2(P) Commercial District, which is compatible with the Southeastern Cumberland Land Use Plan. c. Due to the lack of water and sewer availability at or near the site, it would limit scope of the developable commercial intensity. Unanimous approval.

First Class and Record Owners' Mailed Notice Certification

A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' certified receipt of notice is also included.

REQUEST

Rezoning A1 to C(P)

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

PROPERTY INFORMATION

OWNER/APPLICANT:

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

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

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

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

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

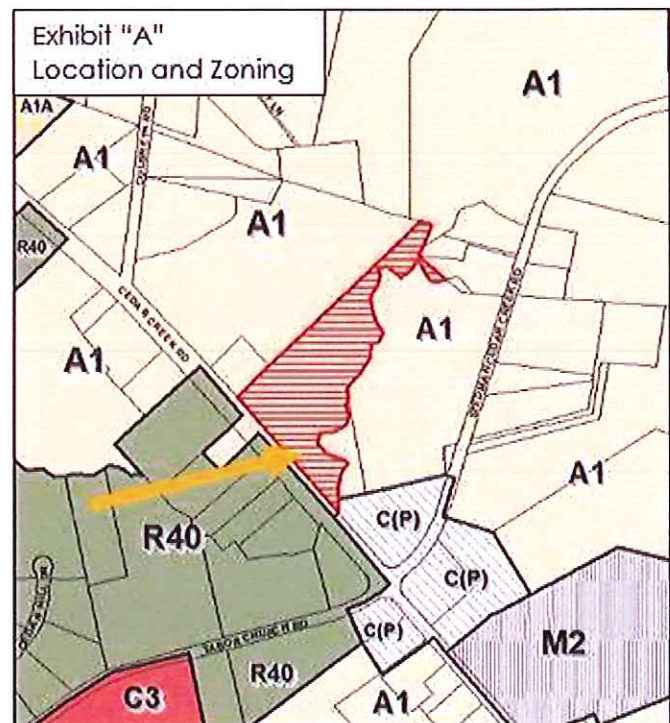
SURROUNDING LAND USE: Exhibit "B" illustrates the following:

North: Vacant and wooded.

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

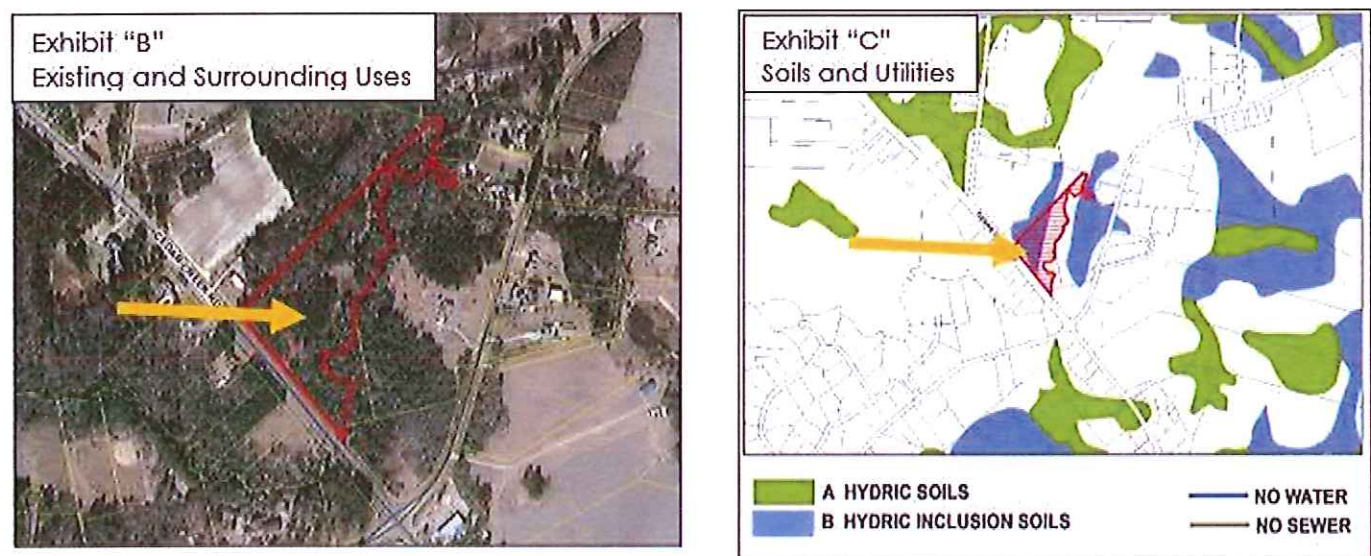
West: One single-family residence.

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



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

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



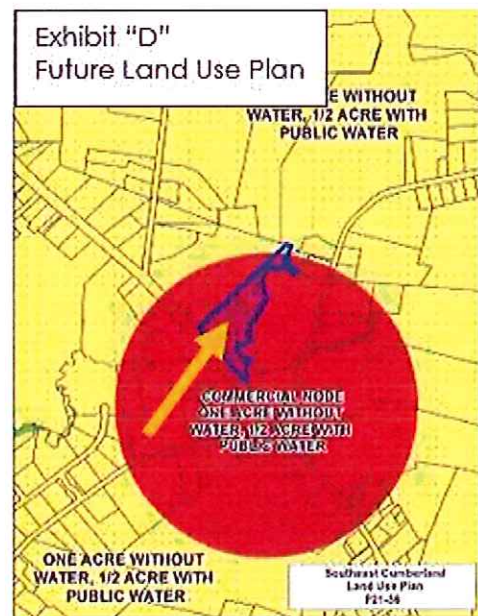
DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:

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

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

APPLICABLE PLAN GOALS/POLICIES:

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



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

IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

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

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

SCHOOLS CAPACITY/ENROLLMENT:

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

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

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

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

CONDITIONS OF APPROVAL: N/A

CODE DEVIATIONS: N/A

STAFF RECOMMENDATION

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

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

Attachments:
Notification Mailing List
Zoning Application

ATTACHMENT – MAILING LIST

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

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

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

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

DOWD, DAINESI J;& OSBORN FRANKLIN
12983 W NC 53 HWY
WHITE OAK, NC 28399

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

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

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

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

MCLEOD, JAMES HARVEY
PO BOX 1347
VASS, NC 28394

RAMLONGHORN LLC
2104 ISLAND WOOD RD
AUSTIN, TX 78733

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

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

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

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

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

AKE, HELEN
5029 CEDAR CREEK RD
FAYETTEVILLE, NC 28312

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

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

BEDSOLE, MARCIA BEAL
3325 CULBRETH RD
FAYETTEVILLE, NC 28312

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

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

DUDLEY, DANIEL DUKE
PO BOX 137
STEDMAN, NC 28391

FISHER, DEBORAH KAY
1702 MIDDLE RD
EASTOVER, NC 28312

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ATTACHMENT –APPLICATION



County of Cumberland

Planning & Inspections Department

CASE #: P 21-36

PLANNING BOARD
MEETING DATE: _____

DATE APPLICATION
SUBMITTED: 5-17-21

RECEIPT #: 77480

RECEIVED BY: JØ

APPLICATION FOR REZONING REQUEST CUMBERLAND COUNTY ZONING ORDINANCE

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

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

Rezoning Procedure:

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

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

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

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

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

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

CATHY TATUM VINSON

NAME OF OWNER(S) (PRINT OR TYPE)

528 BAY TREE DR., HARRELLS, NC 28444

ADDRESS OF OWNER(S)

HOME TELEPHONE #

WORK TELEPHONE #

KYLE MANNING - BARTLETT ENGINEERING & SURVEYING, PC

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

1906 NASH STREET NW, WILSON, NC 27893

ADDRESS OF AGENT, ATTORNEY, APPLICANT

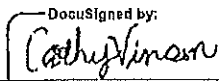
KYLE@BARTLETTENG.COM

E-MAIL

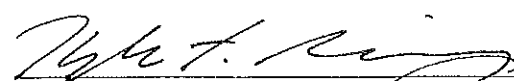
HOME TELEPHONE #

(252) 399-0704 EXT. 250

WORK TELEPHONE #

DocuSigned by:


SIGNATURE OF OWNER(S)



SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

SIGNATURE OF OWNER(S)

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

SALES OF LAND

BK4782PG0241

00100

RECEIVED

1- 2-1998 PM 2:54

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

(141)

Excise Tax \$ No Revenue

TITLE NOT EXAMINED OR CERTIFIED

Recording Time, Book and Page

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

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

Brief Description for the index

NORTH CAROLINA GENERAL WARRANTY DEED

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

GRANTOR

GRANTEE

Harry A. Tatum and wife, Catherine D. Tatum

Cathy Tatum Vinson
1123 Jimree Avenue
Fayetteville, NC 28301

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

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

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

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

RECEIVED

BK 4782 PG 0242

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

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

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

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

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

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

Subject to ad valorem taxes of record.

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

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

By: _____

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

ATTEST: _____ (SEAL)

Secretary (Corporate Seal) _____ (SEAL)



NORTH CAROLINA, Cumberland County.

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

My commission expires: 7/21/2002

Amy L. Roehl Notary Public

SEAL-STAMP

NORTH CAROLINA, Cumberland County.

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

My commission expires: / /

Notary Public

The foregoing Certificate(s) of Amy L. Roehl
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 Stephane K. Tatum Deputy/Assistant-Register of Deeds.

NO REVENUE

FAYETTEVILLE PUBLISHING COMPANY
 458 Whitfield Street, Fayetteville, NC 28306
 Phone (910) 678-9000 Toll Free 1-800-345-9895 Fax (910) 323-1451

Order Confirmation

PUBLIC NOTICE

The Cumberland County Board of Commissioners will meet at 6:45 p.m. on August 16, 2021, in room 118 of the County Courthouse at 117 Dick Street to hear the following:

P21-26 rezoning 14.04 +/- ac A1 to R20 or a more restrictive zoning district; 2120 Smith Rd; Northwood Investment, LLC (owner)

P21-27 rezoning 2.36 +/- ac R10 to C1(P) or more restrictive zoning district; 6234 Camden Rd; Sharon Edwards (owner)

P21-28 rezoning 48 +/- ac A1 to R30/CZ all residential sub up to 52 lots or more restrictive zoning district; John Nunnery Rd south of Bainbridge Rd; Molcie Farms LLC (owner)

P21-31 rezoning 25 +/- ac RR District to R7.5/CZ District up to 77 lots all sub or more restrictive zoning district; south of Clinton Rd, west of Forte Rd; Nicholas, Brad, John, and David Hancock (owners)

P21-33 rezoning 41.98 +/- ac A1 Agricultural District to R7.5 Residential/CZ District up to 122 lots all sub or to a more restrictive zoning district; west of NC 87 Hwy and south of Olaburns Drive; James D. Hubbard and Norma Garcia; Cheri and Marty Lassiter; Tommy J Woodell and Debra H. Woodell; Travis Allen Hubbard and Jill Elizabeth Hubbard; Pamela and Michael Domanski; Michael and Jodi Davis; Christopher Davis, Kristin M. Davis; Boyd D. Parsons Jr. and Mae Smith Parsons (owners)

P21-34 rezoning 19.6 +/- ac A1 District to R30 District or more restrictive zoning district; east of Rockhill Rd, north of Rocky River Rd; George Tatum (owner)

P21-36 rezoning 12.36 +/- ac A1 District to C(P) District or more restrictive zoning district; east of Cedar Creek Dr, north of Tabor Church Rd; Cathy Tatum Vinson (owner)

P21-40 rezoning 0.92 +/- ac A1 District to R40 District or more restrictive zoning district; at 5177 Stewart Rd; Michael Longhany (owner)

P21-44 rezoning 2.80 +/- ac M(P) District to C(P) District or more restrictive zoning district; at 2965 Gillespie St; Emmons & Wheeler, LLC (owner)
 8/2, 9 5250774

Ad Order Number

0005250774

Sales Rep.

0090

Order Taker

0001

Order Source

Telephone

Order Invoice Text

CCBoC - 8/16/21 meeting

Customer

CUMB CO JOINT PLANNING

Customer Account

003661000

Customer Address

130 Gillespie Street, Attn: Laverne Howard,
 FAYETTEVILLE NC 28301 USA

Customer Phone

910-678-7600

Payor Customer

CUMB CO JOINT PLANNING

PO Number

Payor Account

003661000

Ordered By

Payor Address

130 Gillespie Street, Attn: Laverne Howard
 FAYETTEVILLE NC 28301 USA

Customer Fax

910-678-7631

Customer Email

lhoward@co.cumberland.nc.us

Payor Phone

910-678-7600

Special Pricing

None

Net Amount

\$477.54

Tax Amount

\$0.00

Total Amount

\$477.54

Amount Due

\$477.54

Payment Method

Payment Amount

\$0.00

Ad Number

0005250774-01

Ad Type

CL Legal Line

Ad Size

: 1.0 X 63 cl

Color

<NONE>

Product

Placement/Classification

Run Dates

Inserts

Cost

FO::

401 - Legals

8/2/2021, 8/9/2021

2

\$458.64

OL::

401 - Legals

8/2/2021, 8/9/2021

2

\$18.90



PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF AUGUST 16, 2021

TO: BOARD OF COUNTY COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

DATE: 8/5/2021

SUBJECT: CASE P21-40

BACKGROUND

Case P21-40: Rezoning of 0.92+/- acres from A1 Agricultural District to R40 Residential District or to a more restrictive zoning district, located at 5177 Stewart Road, submitted by Terry Faircloth (surveyor) on behalf of Michael Longhany (owner).

RECOMMENDATION / PROPOSED ACTION

Planning Board Action: Recommended approval of the rezoning request from A1 Agricultural District to R40 Residential District at the July 20, 2021 meeting for the reasons stated and as fully reflected in the minutes of the Planning Board Meeting which are incorporated herein by reference.

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

If the Board of Commissioners wishes to follow the recommendation of the Planning Board in this case, the following motion is appropriate:

MOTION:

For Case P21-40, I move to approve the rezoning request from **A1 Agricultural District to R40 Residential District** and find the request consistent with the Wade Study Area Land Use Plan, which calls for One Acre Residential at this location. The request is reasonable and in the public interest because the R40

Residential District would allow dwelling types and a density that are compatible and in harmony with the surrounding land use activities and zoning.

If the Board of Commissioners does not wish to follow the recommendation of the Planning Board in this case, the following motion is appropriate:

MOTION:

For Case P21-40, I move to deny the rezoning request from **A1 Agriculture District to R40 Residential District** and find the request not consistent with the Wade Study Area Land Use Plan. Denial of the request is reasonable and in the public interest because _____.

ATTACHMENTS:

Description

Action Memo

Type

Backup Material

Amy H. Cannon
County Manager

Tracy Jackson
Assistant County Manager



Rawls Howard
Director

David Moon
Deputy Director

Planning & Inspections Department

AUGUST 5, 2021

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P21-40:** Rezoning of 0.92+/- acres from A1 Agricultural District to R40 Residential District or to a more restrictive zoning district, located at 5177 Stewart Road, submitted by Terry Faircloth (surveyor) on behalf of Michael Longhany (owner).

ACTION: Recommended approval of the rezoning request from A1 Agricultural District to R40 Residential District at the July 20, 2021 meeting for the reasons stated and as fully reflected in the minutes of the Planning Board Meeting which are incorporated herein by reference.

MINUTES OF JULY 20, 2021

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

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

First Class and Record Owners' Mailed Notice Certification

A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' certified receipt of notice is also included.

REQUEST

Rezoning A1 to R40

Applicant requests a rezoning of a portion of one parcel, approximately .92 acres located at 5117 Stewart Road from A1 Agricultural District to R40 Residential District. This would increase the maximum density from 1 dwelling unit per 2 acres (or 87,120 sq. ft.) to 1 unit per 40,000 square feet. This application involves a conventional rezoning, and no conditions are proposed at this time. Location of the subject property is illustrated in Exhibit "A".

PROPERTY INFORMATION

OWNER/APPLICANT:

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

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

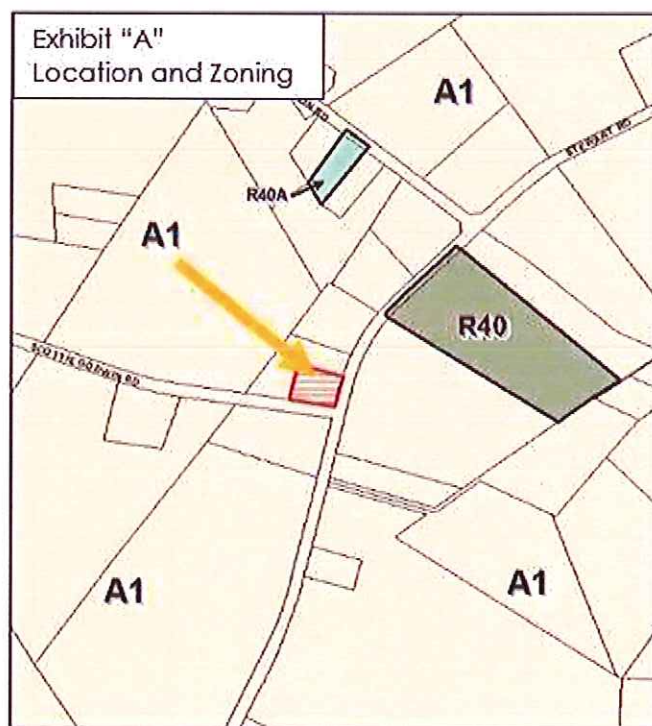
SIZE: .92 +/- acres within one parcel. The property has approximately 275 +/- feet of street frontage along the west side of Stewart Road. The property has a depth ranging from approximately 456 feet to 325 feet off of Stewart Road.

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

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

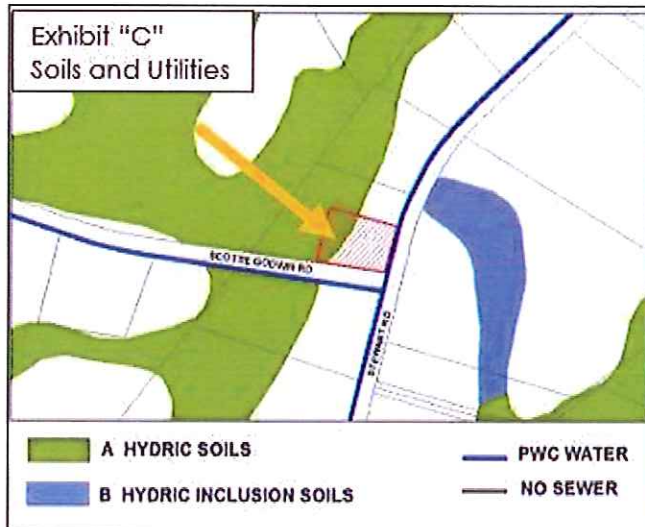
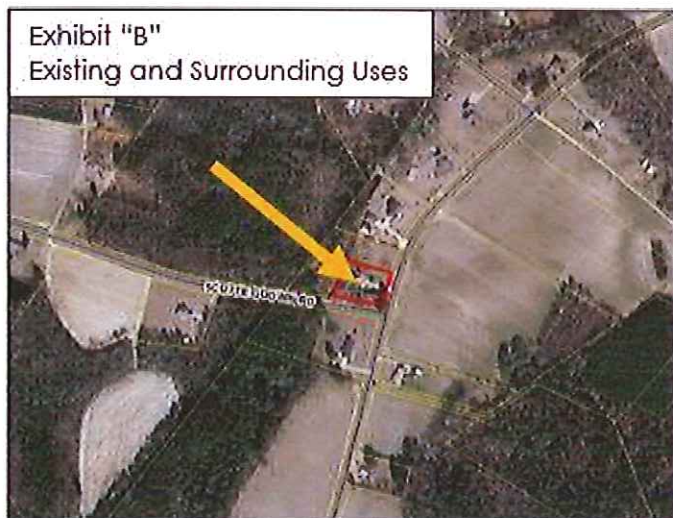
SURROUNDING LAND USE: Exhibit "B" illustrates the following:

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



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

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



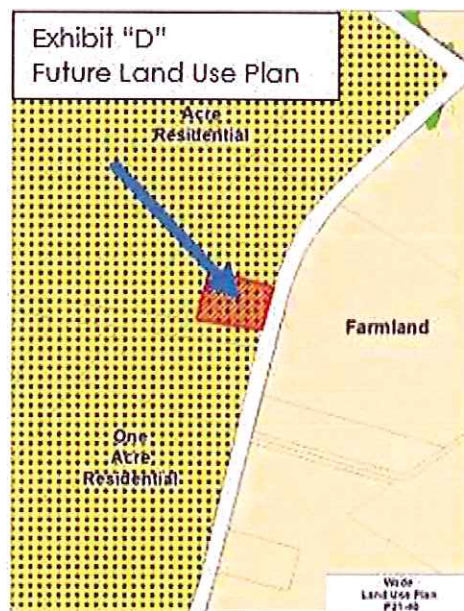
DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:

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

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

APPLICABLE PLAN GOALS/POLICIES:

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



IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

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

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

SCHOOLS CAPACITY/ENROLLMENT:

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

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

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

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

CONDITIONS OF APPROVAL: N/A

CODE DEVIATIONS: N/A

STAFF RECOMMENDATION

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

Attachments:
Notification Mailing List
Zoning Application

ATTACHMENT – NOTIFICATION MAILING LIST

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

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

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

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

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

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

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

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

WALLACE, ANTHONY DAVID
5144 STEWART RD
WADE, NC 28395

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

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

HALL, SAMANTHA MARIE
5265 STEWART RD
WADE, NC 28395

NEWTON, SANDRA
1034 HANFORD RD
GRAHAM, NC 27253

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

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

ZONING PERMIT APPLICATION



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

CASE #: P21-040

PLANNING BOARD
MEETING DATE: _____

DATE APPLICATION
SUBMITTED: 6-4-21

RECEIPT #: 77762

RECEIVED BY: _____

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

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

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

Rezoning Procedure:

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

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

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

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

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

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

Michael Longhany
NAME OF OWNER(S) (PRINT OR TYPE)

5205 Stewart Road, Wade, NC 28395
ADDRESS OF OWNER(S)

(910)-850-1910
HOME TELEPHONE # WORK TELEPHONE #

Terry C. Faircloth, PLS
NAME OF AGENT, ATTORNEY, APPLICANT (PRINT OR TYPE)

6042 Lexington Drive, Hope Mills, NC 28348
ADDRESS OF AGENT, ATTORNEY, APPLICANT

fairclothsurveying@yahoo.com
E-MAIL

910-494-7444
HOME TELEPHONE # WORK TELEPHONE #


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

SIGNATURE OF OWNER(S)

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

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

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$240.00

Parcel Identifier No. 0591-60-4989 Verified by _____ County on the ____ day of _____, 20____
By: _____Mail/Box to: William E. Clark PLLC, 2850 Village Drive, Suite 204, Fayetteville, NC 28304This instrument was prepared by: William E. ClarkBrief description for the Index: Lot 1 Hall Sub, PB 61, PG 36

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

GRANTOR

CALVIN E. SMITH and wife,
FRANCES L. SMITH6146 Kennel Road
Wade, NC 28395

GRANTEE

MICHAEL A. LONGHANY

Mailing Address: 5205 Stewart Road
Wade, NC 28395

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

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

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

PIN: 0591-60-4989

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

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

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

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

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

The property hereinabove described was acquired by Grantor by instrument recorded in Book 3873, Page 878, Cumberland County.

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

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

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

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

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

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

(Entity Name)

By: _____

Print/Type Name & Title: _____

By: _____

Print/Type Name & Title: _____

By: _____

Print/Type Name & Title: _____

Calvin E. Smith (SEAL)
Name: Calvin E. Smith

Frances L. Smith (SEAL)
Name: Frances L. Smith

(SEAL)
Name: _____

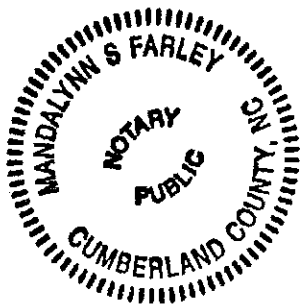
(SEAL)
Name: _____

State of North Carolina - County of Cumberland

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

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

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



FAYETTEVILLE PUBLISHING COMPANY

458 Whitfield Street, Fayetteville, NC 28306

Phone (910) 678-9000 Toll Free 1-800-345-9895 Fax (910) 323-1451

Order Confirmation

PUBLIC NOTICE

The Cumberland County Board of Commissioners will meet at 6:45 p.m. on August 16, 2021, in room 118 of the County Courthouse at 117 Dick Street to hear the following:

P21-26 rezoning 14.04 +/- ac A1 to R20 or a more restrictive zoning district; 2120 Smith Rd; Northwood Investment, LLC (owner)

P21-27 rezoning 2.36 +/- ac R10 to C1(P) or more restrictive zoning district; 6234 Camden Rd; Sharon Edwards (owner)

P21-28 rezoning 48 +/- ac A1 to R30/CZ all residential sub up to 52 lots or more restrictive zoning district; John Nunnery Rd south of Bainbridge Rd; Molcie Farms LLC (owner)

P21-31 rezoning 25 +/- ac RR District to R7.5/CZ District up to 77 lots all sub or more restrictive zoning district; south of Clinton Rd, west of Forte Rd; Nicholas, Brad, John, and David Hancock (owners)

P21-33 rezoning 41.98 +/- ac A1 Agricultural District to R7.5 Residential/CZ District up to 122 lots all sub or to a more restrictive zoning district; west of NC 87 Hwy and south of Olaburns Drive; James D. Hubbard and Norma Garcia; Cheri and Marty Lassiter; Tommy J Woodell and Debra H. Woodell; Travis Allen Hubbard and Jill Elizabeth Hubbard; Pamela and Michael Domanski; Michael and Jodi Davis; Christopher Davis, Kristin M. Davis; Boyd D. Parsons Jr. and Mae Smith Parsons (owners)

P21-34 rezoning 19.6 +/- ac A1 District to R30 District or more restrictive zoning district; east of Rockhill Rd, north of Rocky River Rd; George Tatum (owner)

P21-36 rezoning 12.36 +/- ac A1 District to C(P) District or more restrictive zoning district; east of Cedar Creek Dr, north of Tabor Church Rd; Cathy Tatum Vinson (owner)

P21-40 rezoning 0.92 +/- ac A1 District to R40 District or more restrictive zoning district; at 5177 Stewart Rd; Michael Longhany (owner)

P21-44 rezoning 2.80 +/- ac M(P) District to C(P) District or more restrictive zoning district; at 2965 Gillespie St; Emmons & Wheeler, LLC (owner)
8/2, 9 5250774

Ad Order Number

0005250774

Sales Rep.

0090

Order Taker

0001

Order Source

Telephone

Order Invoice Text

CCBoC - 8/16/21 meeting

Customer

CUMB CO JOINT PLANNING

Customer Account

003661000

Customer Address

130 Gillespie Street, Attn: Laverne Howard,
FAYETTEVILLE NC 28301 USA

Customer Phone

910-678-7600

Payor Customer

CUMB CO JOINT PLANNING

PO Number

Payor Account

003661000

Ordered By

Payor Address

130 Gillespie Street, Attn: Laverne How;
FAYETTEVILLE NC 28301 USA

Customer Fax

910-678-7631

Customer EMail

lhoward@co.cumberland.nc.us

Payor Phone

910-678-7600

Special Pricing

None

Net Amount

\$477.54

Tax Amount

\$0.00

Total Amount

\$477.54

Amount Due

\$477.54

Payment Method

Payment Amount

\$0.00

Ad Number

0005250774-01

Ad Type

CL Legal Line

Ad Size

: 1.0 X 63 cl

Color

<NONE>

Product

FO::

401 - Legals

Run Dates

8/2/2021, 8/9/2021

Inserts

2

Cost

\$458.64

OL::

401 - Legals

8/2/2021, 8/9/2021

2

\$18.90



PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF AUGUST 16, 2021

TO: BOARD OF COUNTY COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

DATE: 8/5/2021

SUBJECT: CASE P21-44

BACKGROUND

Case P21-44: Rezoning of 2.80+/- acres from M(P) Planned Industrial District to C(P) Planned Commercial District or to a more restrictive zoning district, located at 2965 Gillespie Street; Carla Emmons and Stephen Wheeler (agent) on behalf of Emmons & Wheeler, LLC (owner).

RECOMMENDATION / PROPOSED ACTION

Planning Board Action: Recommended approval of the rezoning request from M(P) Planned Industrial District to C(P) Planned Commercial District at the July 20, 2021 meeting for the reasons stated and as fully reflected in the minutes of the Planning Board Meeting which are incorporated herein by reference.

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

If the Board of Commissioners wishes to follow the recommendation of the Planning Board in this case, the following motion is appropriate:

MOTION:

For Case P21-44, I move to approve the rezoning request from **M(P) Planned Industrial District to C(P) Planned Commercial District** and find the request consistent with the South-Central Cumberland Land Use Plan, which calls for Heavy Commercial at this location. The request is reasonable and in the public interest because commercial development is compatible with the surrounding area and uses.

If the Board of Commissioners does not wish to follow the recommendation of the Planning Board in this case, the following motion is appropriate:

MOTION:

For Case P21-44 I move to deny the rezoning request from **M(P) Planned Industrial District to C(P) Planned Commercial District** and find the request not consistent with the South-Central Cumberland Land Use Plan. Denial of the request is reasonable and in the public interest because _____.

ATTACHMENTS:

Description

Type

Action Memo

Backup Material

Amy H. Cannon
County Manager

Tracy Jackson
Assistant County Manager



Rawls Howard
Director

David Moon
Deputy Director

Planning & Inspections Department

AUGUST 5, 2021

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P21-44:** Rezoning of 2.80+/- acres from M(P) Planned Industrial District to C(P) Planned Commercial District or to a more restrictive zoning district, located at 2965 Gillespie Street; Carla Emmons and Stephen Wheeler (agent) on behalf of Emmons & Wheeler, LLC (owner).

ACTION: Recommended approval of the rezoning request from M(P) Planned Industrial District to C(P) Planned Commercial District at the July 20, 2021 meeting for the reasons stated and as fully reflected in the minutes of the Planning Board Meeting which are incorporated herein by reference.

MINUTES OF JULY 20, 2021

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

In Case P21-44, Mr. Burton made a motion, seconded by Mrs. Moody to recommend approval of the rezoning request from M(P) Planned Industrial District to C(P) Planned Commercial District and finds the request is consistent with the South-Central Cumberland Land Use Plan (2016), which calls for Heavy Commercial at this location. Staff further finds that recommending approval of the request is reasonable and in the public interest because commercial development is compatible with the surrounding area and uses. Unanimous approval.

First Class and Record Owners' Mailed Notice Certification

A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' certified receipt of notice is also included.

Historic Cumberland County Courthouse | 130 Gillespie Street | P.O. Box 1829
Fayetteville, North Carolina 28301 | Phone: 910-678-7600 | Fax: 910-678-7631

co.cumberland.nc.us

Location: 2965 Gillespie St
Jurisdiction: County-Unincorporated

REQUEST

Rezoning M(P) to C(P)

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

PROPERTY INFORMATION

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

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

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

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

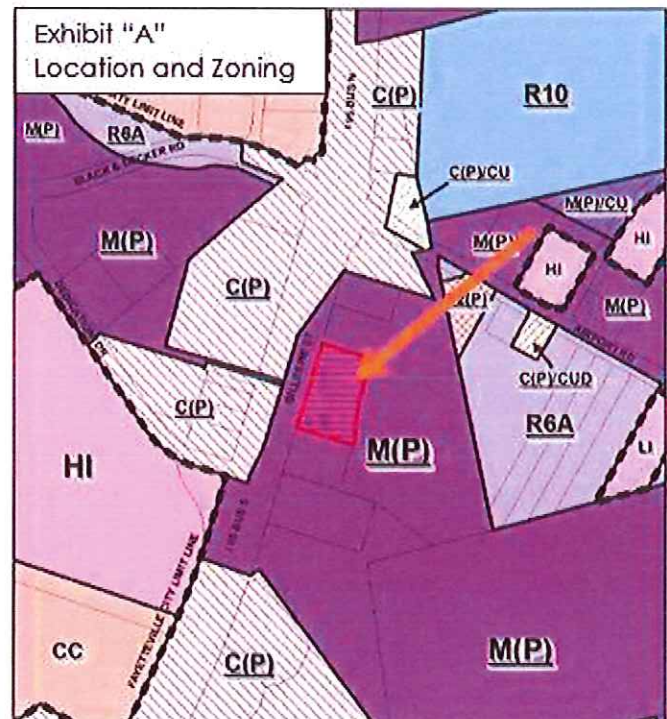
EXISTING LAND USE: The parcel is used for manufactured homes sales, a commercial use. The existing commercial use is within one permanent structure totaling 7,500 sq. ft. Gross Leasable Floor Area. Exhibit "B" shows the existing use of the subject property.

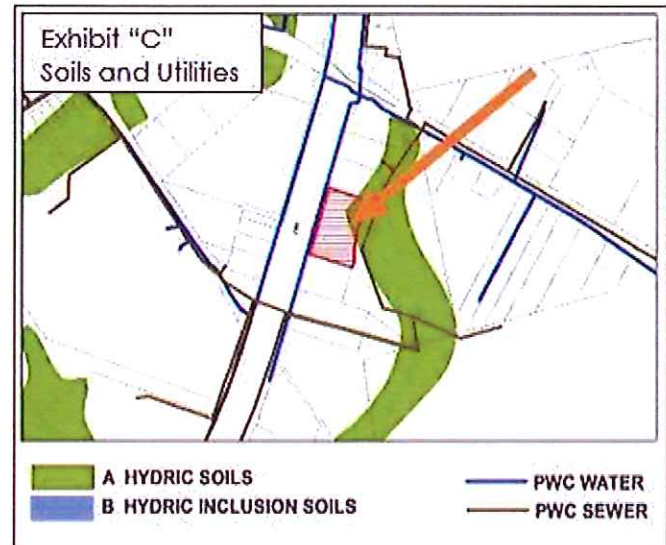
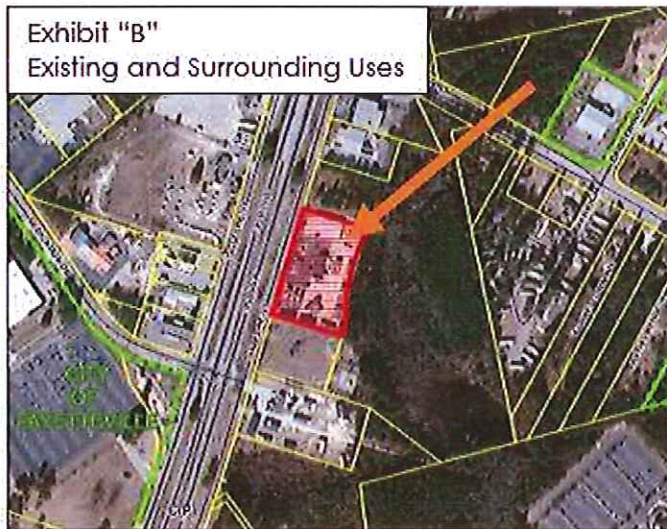
SURROUNDING LAND USE: Exhibit "B" illustrates the following:

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

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

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





DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:

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

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

APPLICABLE PLAN GOALS/POLICIES:

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



IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

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

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

SCHOOLS CAPACITY/ENROLLMENT:

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

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

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

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

CONDITIONS OF APPROVAL: N/A

CODE DEVIATIONS: N/A

STAFF RECOMMENDATION

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

Attachments:
Notification Mailing List
Zoning Application

ATTACHMENT – NOTIFICATION MAILING LIST

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

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

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

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

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

ALLEN FAMILY COMMERCIALS LLC
PO BOX 65059
FAYETTEVILLE, NC 28306

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

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

CMH HOMES INC
PO BOX 9790
MARYVILLE, TN 37802

EATON CORP
PO BOX 80615
INDIANAPOLIS, IN 46280

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

MCDONALD, VADIS
2923 ORBIE CIR
FAYETTEVILLE, NC 28306

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

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

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

TRISELL INVESTMENTS LLC
1515 ROCKTREE CT
FAYETTEVILLE, NC 28306

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

ZONING APPLICATION



County of Cumberland
◆
Planning & Inspections Department

CASE #: P21-44
PLANNING BOARD
MEETING DATE: 07/20/2021
DATE APPLICATION
SUBMITTED: 06/15/2021
RECEIPT #: 77879
RECEIVED BY: _____

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

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

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

Rezoning Procedure:

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

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

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

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

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

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

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

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

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

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

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

910-273-6588
HOME TELEPHONE #

910-424-2148
WORK TELEPHONE #

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

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

visionhomes01@aol.com
E-MAIL

910-797-8157
HOME TELEPHONE #

910-424-2148
WORK TELEPHONE #


SIGNATURE OF OWNER(S)


SIGNATURE OF AGENT, ATTORNEY OR APPLICANT


SIGNATURE OF OWNER(S)

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

7384
0307

8K7384PG307

(N.P SEAL)

049056

17RA

CUMBERLAND COUNTY NC 10/06/2006
\$1022.00
STATE OF NORTH CAROLINA
Real Estate
Excise Tax



RECEIVED

10- 6-2006 AM 10:06:57

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

Excise Tax \$1022.00

Recording Time, Book and Page

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

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

Brief Description for the
index

Lot 3, US Hwy 301 & Airport Road

NORTH CAROLINA GENERAL WARRANTY DEED

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

GRANTOR

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

GRANTEE

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

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

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

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

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

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

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

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

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

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

All easements, restrictions and rights of way of record

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

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

By: John M. Tyson, member (SEAL)

JOHN M. TYSON, Member/Manager

STATE OF NORTH CAROLINA, COUNTY OF WAKE.

SEAL-
STAMP

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

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

Deana W. Walker
Notary Public

My Commission Expires: March 28, 2009

FAYETTEVILLE PUBLISHING COMPANY
 458 Whitfield Street, Fayetteville, NC 28306
 Phone (910) 678-9000 Toll Free 1-800-345-9895 Fax (910) 323-1451

Order Confirmation

PUBLIC NOTICE

The Cumberland County Board of Commissioners will meet at 6:45 p.m. on August 16, 2021, in room 118 of the County Courthouse at 117 Dick Street to hear the following:

P21-26 rezoning 14.04 +/- ac A1 to R20 or a more restrictive zoning district; 2120 Smith Rd; Northwood Investment, LLC (owner)

P21-27 rezoning 2.36 +/- ac R10 to C1(P) or more restrictive zoning district; 6234 Camden Rd; Sharon Edwards (owner)

P21-28 rezoning 48 +/- ac A1 to R30/CZ all residential sub up to 52 lots or more restrictive zoning district; John Nunnery Rd south of Bainbridge Rd; Molcie Farms LLC (owner)

P21-31 rezoning 25 +/- ac RR District to R7.5/CZ District up to 77 lots all sub or more restrictive zoning district; south of Clinton Rd, west of Forte Rd; Nicholas, Brad, John, and David Hancock (owners)

P21-33 rezoning 41.98 +/- ac A1 Agricultural District to R7.5 Residential/CZ District up to 122 lots all sub or to a more restrictive zoning district; west of NC 87 Hwy and south of Olaburns Drive; James D. Hubbard and Norma Garcia; Cheri and Marty Lassiter; Tommy J Woodell and Debra H. Woodell; Travis Allen Hubbard and Jill Elizabeth Hubbard; Pamela and Michael Domanski; Michael and Jodi Davis, Christopher Davis, Kristin M. Davis; Boyd D. Parsons Jr. and Mae Smith Parsons (owners)

P21-34 rezoning 19.6 +/- ac A1 District to R30 District or more restrictive zoning district; east of Rockhill Rd, north of Rocky River Rd; George Tatum (owner)

P21-36 rezoning 12.36 +/- ac A1 District to C(P) District or more restrictive zoning district; east of Cedar Creek Dr, north of Taboi Church Rd; Cathy Tatum Vinson (owner)

P21-40 rezoning 0.92 +/- ac A1 District to R40 District or more restrictive zoning district; at 5177 Stewart Rd; Michael Longhany (owner)

P21-44 rezoning 2.80 +/- ac M(P) District to C(P) District or more restrictive zoning district; at 2965 Gillespie St; Emmons & Wheeler, LLC (owner)
 8/2, 9 5260774

Ad Order Number

0005250774

Sales Rep.

0090

Order Taker

0001

Order Source

Telephone

Order Invoice Text

CCBoC - 8/16/21 meeting

Customer

CUMB CO JOINT PLANNING

Customer Account

003661000

Customer Address

130 Gillespie Street, Attn: Laverne Howard,
 FAYETTEVILLE NC 28301 USA

Customer Phone

910-678-7600

Payor Customer

CUMB CO JOINT PLANNING

PO Number

Payor Account

003661000

Ordered By

Payor Address

130 Gillespie Street, Attn: Laverne Howard
 FAYETTEVILLE NC 28301 USA

Customer Fax

910-678-7631

Customer Email

lhoward@co.cumberland.nc.us

Payor Phone

910-678-7600

Special Pricing

None

Net Amount

\$477.54

Tax Amount

\$0.00

Total Amount

\$477.54

Amount Due

\$477.54

Payment Method

Payment Amount

\$0.00

Ad Number

0005250774-01

Ad Type

CL Legal Line

Ad Size

: 1.0 X 63 cl

Color

<NONE>

Product

Placement/Classification

Run Dates

Inserts

Cost

FO::

401 - Legals

8/2/2021, 8/9/2021

2

\$458.64

OL::

401 - Legals

8/2/2021, 8/9/2021

2

\$18.90



PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF AUGUST 16, 2021

TO: BOARD OF COUNTY COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

DATE: 8/5/2021

SUBJECT: CASE P21-28

BACKGROUND

Case P21-28: Rezoning of 48+/- acres from A1 Agricultural District to R30 Residential District/CZ Conditional Zoning for up to 52 lot zero lot subdivision or to a more restrictive zoning district, located South of Bainbridge Road between Mary McCall Road and John Nunnery Road, submitted by Molcie Farms LLC (owner).

RECOMMENDATION / PROPOSED ACTION

Planning Board Action: Recommended denial of the rezoning request from A1 Agriculture to R30 Residential / CZ Conditional Zoning at the May 18, 2021 meeting for the reasons stated and as fully reflected in the minutes of the Planning Board Meeting which are incorporated herein by reference.

Staff Recommendation: For Case P21-28, the Planning & Inspections staff **recommends approval** of the rezoning request from A1 Agriculture to R30 Residential Conditional Zoning and finds the request consistent with the Stedman Area Land Use Plan designations of “Suburban Density Residential” and “Rural” Density Residential”. Approval of the request is reasonable and in the public interest as the district requested will ensure the site plan will be in harmony with surrounding existing land uses and zoning.

If the Board of Commissioners wishes to follow the recommendation of the Planning Board in this case, the following motion is appropriate:

MOTION:

For Case P21-28, I move to deny the rezoning request from **A1 Agricultural District to R30 Residential District/Conditional Zoning District** that would allow up to 52 lots Zero Lot Line Subdivision, and find the request is not consistent with the Stedman Area Land Use Plan and that the request and the conditional use

subdivision plan for this site are not compatible with the rural character of the area. This rezoning approval is not reasonable and in the public interest because the district requested, and the subdivision plan are not in harmony with surrounding zoning and land uses.

If the Board of Commissioners does not wish to follow the recommendation of the Planning Board in this case, the following motion is appropriate:

MOTION:

For Case P21-28, I move to approve the rezoning request from **A1 Agricultural District to R30 Residential District/CZ Conditional Zoning** for up to 52 Lots Zero Lot Line Subdivision Plan, and find the request consistent with the Stedman Land Use Plan designation of “Suburban Density Residential” and “Rural Density Residential”. Approval of the request is reasonable and in the public interest as the district and conditional zoning requested is in harmony with surrounding existing land uses and zoning.

ATTACHMENTS:

Description	Type
Action Memo	Backup Material

Amy H. Cannon
County Manager

Tracy Jackson
Assistant County Manager



CUMBERLAND
COUNTY
NORTH CAROLINA

Rawls Howard
Director

David Moon
Deputy Director

Planning & Inspections Department

JUNE 10, 2021

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P21-28:** Rezoning of 48+/- acres from A1 Agricultural District to R30 Residential District/CZ Conditional Zoning for up to 52 lot zero lot subdivision or to a more restrictive zoning district, located South of Bainbridge Road between Mary McCall Road and John Nunnery Road, submitted by Molice Farms LLC (owner).

ACTION: Recommended denial of the rezoning request from A1 Agriculture to R30 Residential / CZ Conditional Zoning at the May 18, 2021 meeting for the reasons stated and as fully reflected in the minutes of the Planning Board Meeting which are incorporated herein by reference.

MINUTES OF MAY 18, 2021

Mr. Shinas presented the case information and photos.

For Case P21-28, the Planning & Inspections staff recommends approval of the rezoning request from A1 Agriculture to R30 Residential Conditional Zoning and finds the request consistent with the Stedman Area Land Use Plan designations of "Suburban Density Residential" and "Rural" Density Residential". Approval of the request is reasonable and in the public interest as the district requested will ensure the site plan will be in harmony with surrounding existing land uses and zoning.

Mr. Crumpler asked about the zoning of the existing housing development near the subject property.

Mr. Shinas advised Mr. Crumpler that the zoning was A1.

Mr. Lloyd asked for the least dense and most dense zoning.

Mr. Howard advised what was available as far as the different density levels.

Mr. Lloyd said that he was trying to get an understanding to the board that this plan was just done, and these densities had been laid out in the last year. Mr. Lloyd stated that the difference between agricultural density and rural density would be, agricultural density is two acre lots and Mr. Howard responded, in general, yes.

Mr. Stewart said that people were worried that they were being told what to do with their property, then advised that the plan was just a guideline. They didn't know that in a rural nature that they could put a house on thirty thousand square feet.

Mr. Lloyd said if we get a Hope Mills case in here, they are going to stick to that plan no matter what, whether it is good or bad, they want that plan followed. Mrs. Moody confirmed that they would. When you

Amy H. Cannon
County Manager

Tracy Jackson
Assistant County Manager



CUMBERLAND
COUNTY
NORTH CAROLINA

Rawls Howard
Director

David Moon
Deputy Director

Planning & Inspections Department

ask the Board on a one-year-old plan if that, well the people really didn't mean that the time for that was when the plan was done. This Board approved that plan and the Commissioner's approved it.

Mr. Howard explained the different options that were available in in that land use designation and that R30 was allowed with conditions. Mr. Howard explained that that is how staff looks at it and that R30 was deemed ion the plan to be the "floor" that would be the smallest lot to be considered rural and would also allow for septic. They could also request larger districts and still be in compliance with the plan.

Mr. Stewart asked if the requests that come in, are they for the densest zoning that could be asked for.

Mr. Howard stated not necessarily. Mr. Howard explained some of the types of rezoning requests that come in and sometimes the requested lots would be larger than what the plans call for.

Mr. Lloyd said that he would make a request, when there is a request like this, that something be brought in that explains the differences in the designations.

Mr. Howard said they could add the descriptions of the designations in the staff report.

Public meeting opened.

Mr. Rhett Bunce spoke in favor. Mr. Bunce thanked the Board for their time and service, he went on to explain his background and business and what the intentions were for the property and what they want to farm. Mr. Bunce pointed out the subject property along with the additional farmland they purchased and pointed out the areas they wanted to farm and the area they wanted to farm for timber. He stated that they have no interest in developing because of what the land means to his family. Mr. Bunce pointed out area that cousins own and had appraised as developable land. They had to purchase that property and want to offset the cost by developing the property so that they can continue farming their other land. With the current zoning of A1 we would be able to build all the way down and do road front lots, but we do not want to do that. We want to leave it in the rural nature that we have all talked about and to do that we think it is better to develop a particular portion. Mr. Bunce said that if they isolate development to one side it would allow them to farm their lands and not have to use fertile farmland for road front houses.

Mr. Lloyd said that if he was reading right, suburban density is up to RR, twenty thousand square foot lots. Rural is R30 three quarters of an acre, He asked Mr. Bunce even though he could do suburban density, which the plan calls for you are going to do this all-rural density which is a larger lot.

Mr. Bunce said yes. He does not want to squeeze in as many lots as he can. He wants to be respectful of the Land Use Plan and of the neighboring land.

Mr. Richard Freeman spoke in opposition. Mr. Freeman lives across from the subject property, he wanted to know if this would enhance the quality of life in the Stedman community. There is no water or sewer and no infrastructure, it is farmland. He does not want to see this turn into Ramsey Street or Hope Mills. It is a farming community and does not want to see it change.

Mr. Anthony White spoke in opposition. Mr. White pointed out where his property was in relation to the subject property. Mr. White said that he was concerned with unsanitary conditions arising from improper development due to improper placement of septic tanks. Mr. White went on to say that he tried to rezone property that he had purchased fifteen years earlier to R40 and was told he could not do it, because sewer

Amy H. Cannon
County Manager

Tracy Jackson
Assistant County Manager



CUMBERLAND COUNTY

NORTH CAROLINA

Rawls Howard
Director

David Moon
Deputy Director

Planning & Inspections Department

and water were not available and lack of space for septic tanks. Mr. White wanted to know what had changed in the last fifteen years that he was denied R40 and now R30 development could be approved.

Ms. Belivia Autry spoke in opposition. Ms. Autry said that there are concerns with safety and what the influx of these homes would bring, we are concerned about the water and sewage issue because we do not have city water or sewer. We do see any indication of city sewer or water that will be forthcoming soon to the area. Ms. Autry said there is no large presence of opposition and said they only received notice about seven days before the meeting. If they had more time, they could have had more people here. Ms. Autry questioned if the schools could handle this influx of development. Ms. Autry said they wanted the area to remain rural.

Public meeting closed.

Mr. Lloyd pointed out that when voting against a plan the board needs to state why they are voting against the plan, the law says we must state why we are voting against it. Mr. Lloyd feels it's important in this case to do that, because the land use plan is one year old. Mr. Lloyd is guessing but the people who are here in opposition probably were not clear on the differences in the rural and suburban density.

Mr. Stewart said if you allow A1 you are not going against the plan.

Mr. Lloyd said that if someone comes and asks for rural density and we say no you cannot have rural density because it goes against the plan, we need to say why we are doing that.

Mr. Moorefield said that was correct.

Mr. Howard said that staff would look at lot sizes for what is being developed. Mr. Howard went on to say that the plan is more than a map, staff looks at the map, but we also look at the policies, and staff takes into consideration what the policies say. Staff tries to put things together between what the map says and what the policies say.

Mr. Crumpler said that he had several reservations, the roads are rural in Stedman, fifty-two lots would be one hundred and four cars. Mr. Crumpler does not think the roads were built for that type of traffic, even though he is going to have an exit and entrance, he does not see any indications of turn lanes being built.

After board discussion, the public meeting was reopened.

Mr. Bunce said that he reached out to DOT and read an email from Troy Baker that said due to the low nature of the daily traffic that individual driveways would be allowed at each of the units because there is not that high amount of traffic.

Public meeting was closed.

Mr. Stewart made a motion, seconded by Mr. Baker to deny the request from A1 Agriculture to R30 Residential/CZ Conditional Zoning. The reason for denial of the request is to preserve the agricultural nature of the area. The motion passed 6-1 with Mrs. Moody voting in opposition.

First Class and Record Owners' Mailed Notice Certification

A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' certified receipt of notice is also included.



PLANNING & INSPECTIONS

PLANNING STAFF REPORT
REZONING CASE # P21-28
Planning Board Meeting: May 18, 2021
County-Unincorporated

EXPLANATION OF THE REQUEST

Change of Zoning: A1 to R30/CZ Conditional Zoning

Applicant requests to rezone 48 +/- acres from A1 Agriculture to R30 Residential/Conditional Zoning for up to a 52 lot, Zero Lot Line Subdivision for property located south of Bainbridge Road, between Mary McCall Rd and John Nunnery Rd. This request would increase the allowed density from 1 unit per 2 acres (87,120 sq. ft.) to 1 unit per 30,000 square feet. This is a conditional rezoning with conditions proposed.

PROPERTY INFORMATION

OWNER/APPLICANT: Molice Farms, LLC
(owner)

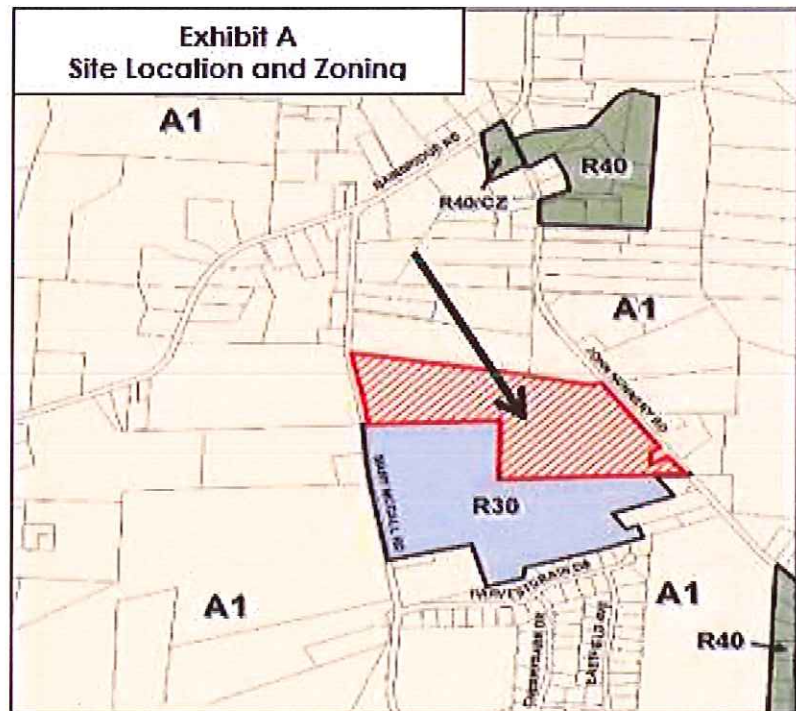
ADDRESS/LOCATION: Located south of Bainbridge Road, between Mary McCall Rd and John Nunnery Rd. REID: Portion of Parcel of REID # 049654737600, located on the east side of MCCall Rd, and Reid # 0496834950000 on the west side of John Nunnery Rd). Refer to Exhibit "A", Site Location.

SIZE: Two parcels combined for a total of 48 +/- acres. The property has 746 +/- linear feet of street frontage along McCall Road, and 1,173 +/- feet of linear street frontage along John Nunnery Rd. The property has a depth of 2,130 +/- in feet with both parcels.

EXISTING ZONING: Both parcels are zoned A1 as depicted in Exhibit "A".

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

The density associated with A1 zoning consists of one dwelling units per two acres, with a minimum lot width of 100'. Additionally, required setbacks for A1 zoning district: Front: 50', Side: 20' (one story) 25' (2 story) and Rear: 50'.





EXISTING LAND USE: The site is vacant. A portion of the site is located on the eastside of McCall Rd and appears to be used for farmland and wooded. The parcel on the westside of John Nunnery Rd is wooded in nature as depicted in Exhibit "B".

OTHER SITE CHARACTERISTICS: The property is not located within the watershed area or within the Special Flood Hazard Area. The south eastern side of the property has presence of hydric soils abutting John Nunnery Road as shown in Exhibit "C". No hydric inclusion soils are found on either parcel on the site.

DEVELOPMENT REVIEW: Subdivision review requirement is being fulfilled by the conditional zoning of the property. A portion of the site off of McCall Road falls within the Town of Stedman MIA, the Town of Stedman was contacted, but we have received no comments.

SURROUNDING LAND USE: Farmland is the predominate land use occurring in the area surrounding the subject property with single family residential homes occurring along both sides of McCall Road and John Nunnery Rd on larger parcels, including single and double wide mobile homes. To the south is Wheatland Subdivision single-family residential homes with lots consisting of half an acre or more. Exhibit "B" illustrates the surrounding uses. Additionally, the adjacent property to the south is zoned R30 and vacant refer to Exhibit A.

UTILITIES: The property is proposed to be served by septic and well. There is no public sewer or water lines available. Exhibit "C" shows no adjacent utilities to the site or nearby.

MINIMUM YARD SETBACKS: If approved, the parcel would be subject to R30 setbacks, except for the interior lot lines (interior lots at the right-of-way line must meet front setback requirements):

Front yard: 30 foot,
Side yard: 15 foot,
Rear yard: 35 foot.

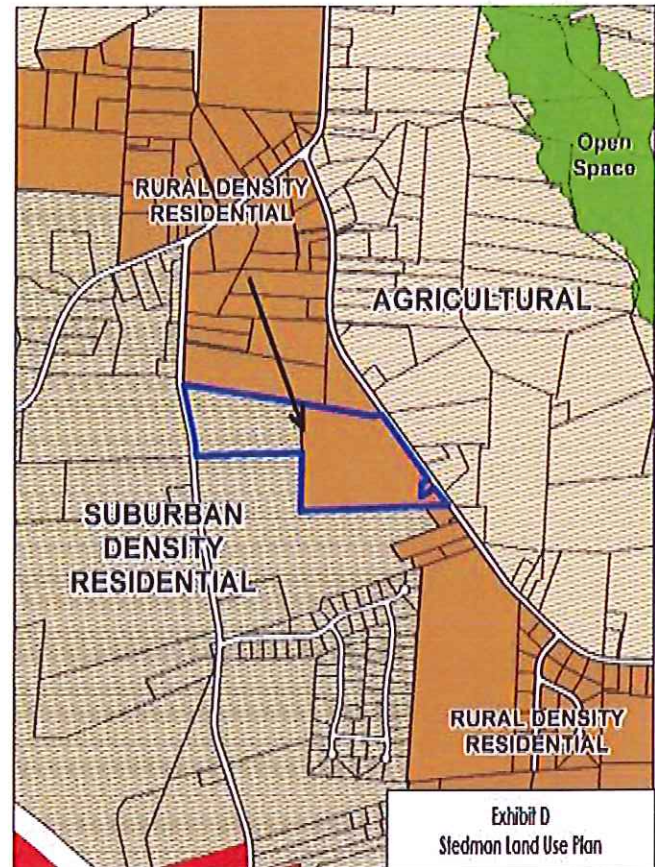
Setback minimum standards for A1 zoning currently assigned to the subject property are: Front yard: 50 feet, Side yard: 20 feet (one story) and 25 feet (two story), Rear yard: 50 feet.

COMPREHENSIVE PLANS: The 2030 Growth Vision Plan identifies this area as "Rural Areas". This site falls within the Stedman Area Land Use Plan (Adopted in 2020). The Classification: Split between Suburban Density Residential and Rural Density Residential Associated Zoning Districts: Suburban Density Residential (R30, R30A, R20, R20A & RR) Rural Density Residential (A1, A1A, R40, R40A, R30, R30A). Exhibit "D" illustrates the Stedman Land Use Plan. **The request is consistent with the adopted land use plan.**

Additional comments are provided regarding applicable Plan policies. By utilizing Density Developments and planning techniques that preserve rural character and appearance are highly recommended to further protect working agricultural operations through site design.

In order to attempt to preserve rural character in the portion of the development located in the Rural Residential classification (East side) of the adopted land use plan, staff suggests the following conditions be incorporated with Exhibit A:

1. Require all lots that have a lot line that touches the internal subdivision street, have their driveway access only from that internal street.
2. Require front yard setbacks of 40' or greater on lots along John Nunnery Road instead of the minimum requirement of 30'.



IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

TRAFFIC: The site is located outside of FAMPO boundaries. Mid-Carolina RPO may have more information on this facility and was contacted, but we have received no comment.

The road network in the area identifies Bainbridge Rd (located north of this site), Mary McCall Rd, and John Nunnery Rd are all classified as local roads. Local roads are the lowest level of roadway in the NCDOT functional class.

The subject property abuts McCall Rd and John Nunnery Rd and proposes entrances on both roadways into and out of the proposed 52 Zero Lot Line Subdivision.

The 2019 AADT for Mary McCall Rd is 200 from Bainbridge to Harvestgrain Dr. The 2019 AADT on Bainbridge Rd is 1,100 from Mary McCall to Hwy 24. There is no AADT conducted for John Nunnery at Bainbridge, probably because it is insignificant. But there is a AADT of 550 at John Nunnery south of the site from Tyndallwood Dr to Hwy 24.

SCHOOLS CAP/ENROLL:

School	Cap	Enrollment
Stedman Prim	200	102
Stedman Elem	300	275
Mac Williams Mid	1,270	1,076
Cape Fear High	1,425	1,400

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

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

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

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

Code Deviations: To the best of the staff and applicant's knowledge, there are no violations to the code in this design.

STAFF RECOMMENDATION

For Case P21-28, the Planning & Inspections staff **recommends approval** of the rezoning request from **A1 Agriculture to R30 Residential Conditional Zoning** and finds the request consistent with the Stedman Area Land Use Plan designations of "Suburban Density Residential" and "Rural" Density Residential". Approval of the request is reasonable and in the public interest as the district requested will ensure the site plan will be in harmony with surrounding existing land uses and zoning.

Attachments:

Exhibit "A" Subdivision Plan Proposal for Zero Lot Line Subdivision

Exhibit "B" Conditions

Notification Mailing List

Zoning Application

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

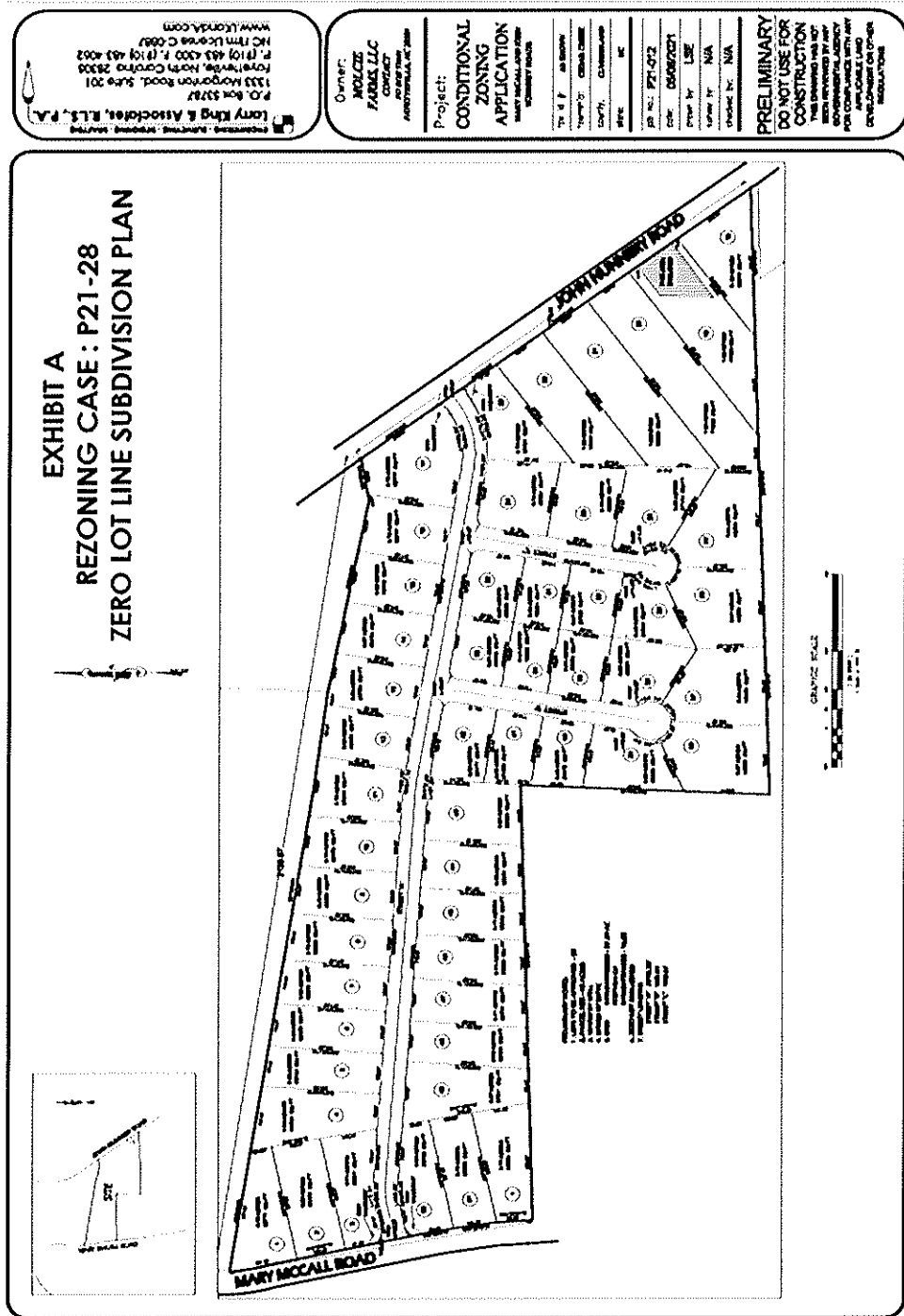


EXHIBIT B
CONDITIONAL ZONING TERMS

R30/CZ RESIDENTIAL/CONDITIONAL ZONING DISTRICT

Ordinance Related Conditions
For up to a 52 Lot Zero Lot Line Subdivision

Pre- Permit Related:

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

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

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

Permit-Related:

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

Change of use of subject properties shall require an approved Driveway Permit. Permits MUST be secured prior to the change or alteration of existing or proposed property use. Failure to secure required permits prior to

construction or change in property usage may result in the removal of the driveway or street connections at the property owner's expense. For additional information contact the Division 6/District 2 office.

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

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

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

[§ 136-18(29), NCGS]

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

Site-Related:

10. All uses, dimensions, setbacks and other related provisions of the County Zoning Ordinance for the R30/CZ Conditional Zoning must be complied with, as applicable, and as appearing with the site plan appearing in Exhibit "A". Any conditions set forth herein this ordinance, including Exhibit "A", shall supersede the Zoning Code. Additionally, lots 17, 18, 19, 20, 21, and 23 fronting John Nunnery Road shall require a 40' front setback requirement from the Right-Of-Way Line. If not specifically addressed within this Ordinance, all requirements of the Zoning and Subdivision Codes shall be met.
11. This conditional approval is not approval of any freestanding signs. Attached signage for this development must be in accordance with the applicable sign regulations as set forth in Article XIII of the County Zoning Ordinance and that the proper permit(s) must be obtained prior to the installation of any permanent signs on the property. (Note: This conditional approval is not approval of the size, shape, or location of any signs.) (Art. XIII, County Zoning Ord.)
12. For any new development, an adequate drainage system must be installed by the developer in accordance with the NC Department of Environmental Quality (NCDEQ) *Manual on Best Management Practices* and all drainage ways must be kept clean and free of debris. (Section 2307.A, County Subdivision Ord.)
13. For new development, all utilities, except for 25kv or greater electrical lines, must be located underground. (Section 2306.C, County Subdivision Ord.)
14. In the event a stormwater utility structure is required by the NC Department of Environmental Quality (NCDEQ), the owner/developer must secure the structure with a four-foot high fence with a lockable gate, and

is required to maintain the detention/retention basin, keeping it clear of debris and taking measures for the prevention of insect and rodent infestation. (Sec. 1102.O, County Zoning Ord.)

15. This review does not constitute a "subdivision" approval by NC Department of Transportation (NCDOT). The NC Department of Transportation's (NCDOT) approval of the driveway plans is required and any street improvements are required to be constructed to the NCDOT standards for secondary roads. (Sec. 2304B, County Subdivision Ord. & NCGS §136-102.6). If buildings permits are issued by Cumberland County prior to NCDOT acceptance of the streets, the developer is responsible that roads shall meet conditions suitable for safe passage for vehicles used by County inspection personnel. The County Building Official may delay inspections if determined that road conditions do not provide safe passage for vehicles used by County inspectors.
16. Turn lanes may be required by the NC Department of Transportation (NCDOT). [Art. XIV, County Zoning Ord. & NCGS §136-18(5) & §136-93]

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

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

Plat-Related:

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

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

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

19. The street name signs, in compliance with the County Street Sign Specifications, must be installed prior to final plat approval. The developer should contact Location Services for inquiries regarding the County's policy for street sign installation or, if the sign is commissioned from a private source, to schedule an inspection of the street sign(s). The Current Planning Section must receive notice of agreement with the Location Services Section for sign installation or of satisfactory inspection prior to the approval of the final plat. Sec. 4-171, County Code)
20. " _____ " must be labeled as " _____ " on the final plat. (Section 2203.C & D, County Subdivision Ord.)

21. Prior to final plat approval of any portion of this development, the developer is required to submit a check or cash in the amount of \$6,639.36 (Per Lot Amount of \$127.68 x 52 lots) payable to "Cumberland County". This condition is in accordance with Section 2308, Parks, Recreation and Open Space, County Subdivision and Development Ordinance, which requires every residential dwelling unit to provide a portion of land, in certain instances, or pay a fee in lieu of dedication, for the purposes of providing park, recreation and open space areas. (Parks and Rec District #2)
22. The developer is required to provide an inspection of the private street(s) by a registered engineer or registered surveyor upon completion of construction of the private street(s) and related facilities, including drainage ways. A statement, affixed with the engineer/surveyor's seal, certifying that all private street(s) and related facilities are designed and constructed in accordance with the requirements of Section 2304 C, Private Street, County Subdivision Ordinance, and that all such facilities are adequate to serve the development, must be submitted to the Current Planning Section prior to final plat approval or release of any construction guarantees as allowed under Section 2502, Final Plat – Guarantees of Improvements, County Subdivision and Development Ordinance.
23. The builder/developer must provide the buildable envelopes on the final plat: providing a five-foot maintenance easement along each side of all common internal lines with all other applicable setbacks being provided for; or at the time of permit application, the individual plot plans must be approved by the Current Planning Section prior to issuance of any permits.
24. Any/All easements must be reflected on the final plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.
25. Corner lots abutting Mary McCall Road and John Nunnery Road shall only have driveway access from internal subdivision roads unless otherwise approved by NCDOT.
26. A 10' x 70' sight distance easement is required at the intersection of Mary McCall Road and John Nunnery Road. This easement shall be illustrated on the final plat, unless another standard is required by NCDOT.
27. A 25' right-of-way radius is required at all intersections and must be reflected on the final plat. (Section 2304.10.c, Street Design, County Subdivision and Development Ordinance)

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

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

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

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

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

Plat-Required Statements:

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

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

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

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

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

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

Advisories:

37. The applicant is advised to consult an expert on wetlands before proceeding with any development.
38. There may be wetlands located in the project area that are subject to the permit requirements of Section 404 of the Clean Water Act. To avoid a violation of federal and/or state law, it is recommended the developer contact

the Office of the Army Corp of Engineers or hire an environmental consultant to identify and delineate any wetlands in the project area prior to construction. A Section 404 permit will be required if the applicant needs to fill wetlands and the permit must be obtained prior to any construction on this site.

39. Any revision or addition to this plan necessitates re-submission for review and approval prior to the commencement of the change.
40. 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.
41. The US Postal Service most likely will require this development to have centralized cluster boxes for postal service to each lot or unit. The developer is advised contact the US Postal Growth Coordinator for the Mid-Carolinas District to determine the appropriate location for the cluster boxes. If the cluster box location requires changes to the subdivision or site plan, a revised preliminary/plan must be submitted to the Planning & Inspections Department for review and approval.
42. 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.
43. The developer(s) and any future lot owners are responsible for the maintenance and upkeep of the streets until such time the streets are added to the State system by the NC Department of Transportation (NCDOT) for maintenance purposes. The developer is advised to give notice of the street status to any future lot owners in the event the lots are conveyed prior to the NCDOT's acceptance.

Other Relevant Conditions:

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

Stedman MIA Requirements. (Portion of Parcel of REID # 049654737600 falls within Stedman MIA), located on the east side of Mccall Rd).

45. Prior to final plat approval, a four-foot wide concrete sidewalk, or as required by ADA standards shall be required fronting (public or private street) along the existing street and all new streets, except for cul-de-sacs serving eight or less residential lots, per Section 4.3.g Stedman MIA requirements, Stedman Subdivision Ordinance.
46. Prior to submission for final plat approval, one tree for every 50 linear foot of street frontage must be planted in an area three foot in width from the back of the right-of-way – see Section 4.3.h, Stedman Subdivision Ordinance, for more specific details regarding this condition. Required trees shall be installed prior to issuance of Certificate of Occupancy for each lot.

ATTACHMENTS

Mailing List

CAMPBELL, DEWEY GOVAN
DEBRA LEWIS
1132 JOHN NUNNERY RD
STEDMAN, NC 28391

FREEMAN, RICHARD E
1164 JOHN NUNNERY RD
STEDMAN, NC 28391

FREEMAN, RICHARD
EMILY HONEYCUTT
175 DEER RUN LN
AUTRYVILLE, NC 28318

GARLAND, RISA
921 BAINBRIDGE RD
STEDMAN, NC 28391

HALL, MARY B (REALE)
6463 WINDY CREEK WAY
FAYETTEVILLE, NC 28306

HORNE, BILLY DAVIS
PO BOX 205
FAYETTEVILLE, NC 28302

HUBBARD, DAVID MITCHEL
TEACHEY NANCY HUBBARD
2848 SKYE DR
FAYETTEVILLE, NC 28303

HUBBARD, LINWOOD RAY
PO BOX 482
STEDMAN, NC 28391

NORDWALL, ANDREW M
1206 JOHN NUNNERY
STEDMAN, NC 28391

SMITH, JOHNNY M LIFE ESTATE
1365 JOHN NUNNERY RD
STEDMAN, NC 28391

WHITE, ANTHONY LYNN
PEGGY ROSSER
1207 BAINBRIDGE RD
STEDMAN, NC 28391

● WHITESELL, BONNIE C C, GLORIA S C
PENUEL; DANNA, L C KELLY
110 SUSAN CIR
GOLDSBORO, NC 27530

● MOLICE FARMS, LLC
PO BOX 53943
FAYETTEVILLE, NC 28305

● RHETT BUNCE
340 WADE STEDMAN RD
STEDMAN, NC 28391

AUTRY, BOBBY DALE
SAMANTHA RING
1289 BAINBRIDGE RD
STEDMAN, NC 28391

AUTRY, BRETT H
1088 JOHN NUNNERY RD
STEDMAN, NC 28391

AUTRY, BRETT H & MICHEL T
1075 JOHN NUNNERY RD
STEDMAN, NC 28391

AUTRY, BRETT H & MICHEL T
PO BOX 447
STEDMAN, NC 28391

AUTRY, EDDIE DEAN & BELIVIA WHITE
1289 BAINBRIDGE RD
STEDMAN, NC 28391

BROWN, ALAN D & DONNA J
7201 HARVESTGRAIN DR
STEDMAN, NC 28391

BUNCE, DONALD S & DEIDRE H
PO BOX 53943
FAYETTEVILLE, NC 28305

BUTLER, CARRIE H & WARREN J
7218 HARVESTGRAIN DR
STEDMAN, NC 28391

CARROLL, KEVIN & KIMBERLY H.
630 MARY MCCALL RD
STEDMAN, NC 28391

CASHWELL, JERRY P II
1012 JOHN NUNNERY RD
STEDMAN, NC 28391

CASHWELL, JERRY P & BARBA
1032 JOHN NUNNERY RD
STEDMAN, NC 28391

COLEMAN, WILLIAM WAYNE
PO BOX 586
STEDMAN, NC 28391

COX, JUNIOR DEVON
PO BOX 481
STEDMAN, NC 28391

FISHER, JIMMY LAMAR & RUBY DARLENE
1064 BAINBRIDGE RD
STEDMAN, NC 28391

FRANK, MATTHEW S & ASHLEY G
7225 HARVESTGRAIN DR
STEDMAN, NC 28391

GOFF, KENNETH D
7213 HARVESTGRAIN DR
STEDMAN, NC 28391

HAWKINS, JOYCE
7219 HARVESTGRAIN DR
STEDMAN, NC 28391

HENDERSON, MARILU ANN
LARRY BRUCE SMITH
1352 JOHN NUNNERY RD
STEDMAN, NC 28391

HORNE, JONATHAN
STEPHANIE SUZANNE
1064 BAINBRIDGE RD
STEDMAN, NC 28391

JOHNSON, CYNTHIA & DERRICK
483 JOHN NUNNERY RD
STEDMAN, NC 28391

KING, KRISTEN A & DUSTIN LEE RAMSON
7125 HARVESTGRAIN DR
STEDMAN, NC 28391

KINLAW, TRAVIS LYNN & HEATHER
7212 HARVESTGRAIN DR
STEDMAN, NC 28391

LOEVEN, RUTH A; PASCHALL, AMANDA
ESTHER & DANIEL ANTONIO
7224 HARVESTGRAIN DR
STEDMAN, NC 28391

LOIS HUBBARD FAMILY LTD PRTNRSHIP
6090 JAKE RD
STEDMAN, NC 28391

MANNING, WALTER S & SYLVIA D
7240 HARVESTGRAIN DR
STEDMAN, NC 28391

MAYKOVICH, ANNETTE M & ANDREW E.
6232 AZELIA DRIVE
STEDMAN, NC 28391

MCCALL, BETTY; MOZINGO, KERI; SHUPE,
KIMBERLY H; HUGHES, WILLIAM DWIGHT
PO BOX 148
STEDMAN, NC 28391

MCNEILL, CALVIN
PO BOX 627
STEDMAN, NC 28391

MORRIS, DAVID & MARGARET HALL
1744 WADE STEDMAN RD
STEDMAN, NC 28391

3rd class D21-20

MORRIS, J P JR & CLARIS S LIFE ESTATE
6726 OAK GROVE CHURCH RD
STEDMAN, NC 28391

NICHOLS, ANDREW J JR & CARLA
7207 HARVESTGRAIN DR
STEDMAN, NC 28391

POPE, EDGAR R & CELESTE
1130 BAINBRIDGE RD
STEDMAN, NC 28391

RABON, DONNIE J JR & DAWN L
954 BAINBRIDGE RD
STEDMAN, NC 28391

ROCK, DAVID L
7234 HARVESTGRAIN DR
STEDMAN, NC 28391

SMITH, JOHNNY MINSON
1365 JOHN NUNNERY RD
STEDMAN, NC 28391

SMITH, MARIE FAIRCLOTH, UNENA
WALLACE;RITA, ARREDONDO
147 MARY MCCALL RD
STEDMAN, NC 28391

THOMPSON, ALEXANDER
1 TOWNELEY CT
GREENSBORO, NC 27455

THOMPSON, DANIEL B;THOMPSON,
CLARISSA A
7115 HARVESTGRAIN DR
STEDMAN, NC 28391

TROTTER, LARRY & CONSTANCE C
7241 HARVESTGRAIN DR
STEDMAN, NC 28391

VINSON, KIMBERLY MORRIS
PO BOX 46
STEDMAN, NC 28391

WAITE, ROBERT D & PATRICIA L
7206 HARVEST GRAIN DR
STEDMAN, NC 28391

WATSON, IDA KAY TAYLOR
3417 WARPATH RD
MACON, GA 31201

WHITE, ARIZONA
161 SEMPLE ARM RD 17
HAMPTON, VA 23666

WHITE, BETTY P
1293 BAINBRIDGE RD
STEDMAN, NC 28391

WILLIAMS, CHRISTOPHER & LAUREN
7235 HARVESTGRAIN DR
STEDMAN, NC 28391

owner_name	address	citystatezip
WHITESSELL, BONNIE CHRISTINE CAMPBELL;PENUEL, GLORIA SUSAN CAMPBE	110 SUSAN CIR	GOLDSBORO, NC 27530
WHITESSELL, BONNIE C C, GLORIA S C PENUEL;DANNA, L C KELLY	110 SUSAN CIR	GOLDSBORO, NC 27530
WHITESSELL, BONNIE C C, GLORIA S C PENUEL;DANNA, L C KELLY	110 SUSAN CIR	GOLDSBORO, NC 27530
COLEMAN, WILLIAM WAYNE	PO BOX 586	STEDMAN, NC 28391
RABON, DONNIE J JR;RABON, DAWN L	954 BAINBRIDGE RD	STEDMAN, NC 28391
COLEMAN, WILLIAM WAYNE	PO BOX 586	STEDMAN, NC 28391
JOHNSON, CYNTHIA N;DERRICK, .	483 JOHN NUNNERY RD	STEDMAN, NC 28391
FISHER, JIMMY LAMAR;FISHER, RUBY DARLENE	1064 BAINBRIDGE RD	STEDMAN, NC 28391
MAYKOVICH, ANNETTE M.;MAYKOVICH, ANDREW E.	6232 AZELIA DRIVE	STEDMAN, NC 28391
GARLAND, RISA	921 BAINBRIDGE RD	STEDMAN, NC 28391
HORNE, JONATHAN E;HORNE, STEPHANIE SUZANNE	1064 BAINBRIDGE RD	STEDMAN, NC 28391
POPE, EDGAR RAY;POPE, CELESTE P	1130 BAINBRIDGE RD	STEDMAN, NC 28391
POPE, EDGAR R;POPE, CELESTE	1130 BAINBRIDGE RD	STEDMAN, NC 28391
MCNEILL, CALVIN	PO BOX 627	STEDMAN, NC 28391
WHITE, ARIZONA	161 SEMPLE ARM RD 17	HAMPTON, VA 23666
WHITE, BETTY P	1293 BAINBRIDGE RD	STEDMAN, NC 28391
AUTRY, BOBBY DALE;AUTRY, SAMANTHA RING	1289 BAINBRIDGE RD	STEDMAN, NC 28391
AUTRY, EDDIE DEAN;AUTRY, BELIVIA WHITE	1289 BAINBRIDGE RD	STEDMAN, NC 28391
THOMPSON, DANIEL B;THOMPSON, CLARISSA A	7115 HARVESTGRAIN DR	STEDMAN, NC 28391
KING, KRISTEN A;KING, DUSTIN LEE RAMSON	7125 HARVESTGRAIN DR	STEDMAN, NC 28391
HUBBARD, DAVID MITCHEL;TEACHEY, NANCY HUBBARD	2848 SKYE DR	FAYETTEVILLE, NC 28303
WHITE, ANTHONY LYNN;WHITE, PEGGY ROSSER	1207 BAINBRIDGE RD	STEDMAN, NC 28391
SMITH, JOHNNY M LIFE ESTATE	1365 JOHN NUNNERY RD	STEDMAN, NC 28391
WATSON, IDA KAY TAYLOR	3417 WARPETH RD	MACON, GA 31201
WHITE, BETTY P	1293 BAINBRIDGE RD	STEDMAN, NC 28391
BROWN, ALAN D;BROWN, DONNA J	7201 HARVESTGRAIN DR	STEDMAN, NC 28391
NICHOLS, ANDREW J JR;NICHOLS, CARLA	7207 HARVESTGRAIN DR	STEDMAN, NC 28391
WAITE, ROBERT D;WAITE, PATRICIA L	7206 HARVEST GRAIN DR	STEDMAN, NC 28391
GOFF, KENNETH D	7213 HARVESTGRAIN DR	STEDMAN, NC 28391
KINLAW, TRAVIS LYNN;KINLAW, HEATHER	7212 HARVESTGRAIN DR	STEDMAN, NC 28391
BUTLER, CARRIE H;BUTLER, WARREN J	7218 HARVESTGRAIN DR	STEDMAN, NC 28391
HAWKINS, JOYCE	7219 HARVESTGRAIN DR	STEDMAN, NC 28391
FRANK, MATTHEW S;FRANK, ASHLEY G	7225 HARVESTGRAIN DR	STEDMAN, NC 28391
LOEVEN, RUTH A;PASCHALL, AMANDA ESTHER;LOEVEN, DANIEL ANTONIO	7224 HARVESTGRAIN DR	STEDMAN, NC 28391
WILLIAMS, CHRISTOPHER D.;WILLIAMS, LAUREN H.	7235 HARVESTGRAIN DR	STEDMAN, NC 28391
TROTTER, LARRY;TROTTER, CONSTANCE C	7241 HARVESTGRAIN DR	STEDMAN, NC 28391
ROCK, DAVID L	7234 HARVESTGRAIN DR	STEDMAN, NC 28391
WHITESSELL, BONNIE C C, GLORIA S C PENUEL;DANNA, L C KELLY	110 SUSAN CIR	GOLDSBORO, NC 27530
SMITH, JOHNNY M LIFE ESTATE	1365 JOHN NUNNERY RD	STEDMAN, NC 28391
MORRIS, DAVID I;MORRIS, MARGARET HALL	1744 WADE STEDMAN RD	STEDMAN, NC 28391
SMITH, JOHNNY MINSON	1365 JOHN NUNNERY RD	STEDMAN, NC 28391
VINSON, KIMBERLY MORRIS	PO BOX 46	STEDMAN, NC 28391
MORRIS, J P JR;MORRIS, CLARIS S LIFE ESTATE	6726 OAK GROVE CHURCH RD	STEDMAN, NC 28391
HENDERSON, MARILU ANN;HENDERSON, LARRY BRUCE SMITH	1352 JOHN NUNNERY RD	STEDMAN, NC 28391
WATSON, KAY V	3417 WARPETH RD	MACON, GA 31201
LOIS HUBBARD FAMILY LIMITED PARTNERSHIP	6090 JAKE RD	STEDMAN, NC 28391
MANNING, WALTER S;MANNING, SYLVIA D	7240 HARVESTGRAIN DR	STEDMAN, NC 28391
BUNCE, DONALD S;BUNCE, DEIDRE H	PO BOX 53943	FAYETTEVILLE, NC 28305

1100' Road

P 21-28

AUTRY, BRETT H;AUTRY, MICHEL T
HALL, MARY B (REALE)
AUTRY, BRETT H;AUTRY, MICHEL T
FREEMAN, RICHARD E
HORNE, BILLY DAVIS
SMITH, MARIE FAIRCLOTH, UNENA WALLACE;RITA, ARREDONDO
CAMPBELL, DEWEY GOVAN;CAMPBELL, DEBRA LEWIS
COX, JUNIOR DEVON
HUBBARD, LINWOOD RAY
AUTRY, BRETT H
FREEMAN, RICHARD G;FREEMAN, EMILY HONEYCUTT
NORDWALL, ANDREW M
VINSON, KIMBERLY MORRIS
CASHWELL, JERRY P;CASHWELL, BARBA
CASHWELL, JERRY P II
HUBBARD, LINWOOD RAY
THOMPSON, ALEXANDER
AUTRY, BRETT H
CARROLL, KEVIN;CARROLL, KIMBERLY H.
MCCALL, BETTY W;MOZINGO, KERI A;SHUPE, KIMBERLY H;HUGHES, WILLIAM

1075 JOHN NUNNERY RD
6463 WINDY CREEK WAY
PO BOX 447
1164 JOHN NUNNERY RD
PO BOX 205
147 MARY MCCALL RD
1132 JOHN NUNNERY RD
PO BOX 481
PO BOX 482
1075 JOHN NUNNERY RD
175 DEER RUN LN
1206 JOHN NUNNERY
PO BOX 46
1032 JOHN NUNNERY RD
1012 JOHN NUNNERY RD
PO BOX 482
1 TOWNELEY CT
1088 JOHN NUNNERY RD
630 MARY MCCALL RD
PO BOX 148

STEDMAN, NC 28391
FAYETTEVILLE, NC 28306
STEDMAN, NC 28391
STEDMAN, NC 28391
FAYETTEVILLE, NC 28302
STEDMAN, NC 28391
STEDMAN, NC 28391
STEDMAN, NC 28391
STEDMAN, NC 28391
STEDMAN, NC 28391
AUTRYVILLE, NC 28318
STEDMAN, NC 28391
STEDMAN, NC 28391
STEDMAN, NC 28391
STEDMAN, NC 28391
STEDMAN, NC 28391
GREENSBORO, NC 27455
STEDMAN, NC 28391
STEDMAN, NC 28391
STEDMAN, NC 28391

1,100' Rad

P21-28

owner_name

WHITESELL, BONNIE C C, GLORIA S C PENUEL;DANNA, L C KELLY
WHITESELL, BONNIE C C, GLORIA S C PENUEL;DANNA, L C KELLY
GARLAND, RISA
HUBBARD, DAVID MITCHEL;TEACHEY, NANCY HUBBARD
WHITE, ANTHONY LYNN;WHITE, PEGGY ROSSER
WHITESELL, BONNIE C C, GLORIA S C PENUEL;DANNA, L C KELLY
SMITH, JOHNNY M LIFE ESTATE
HALL, MARY B (REALE)
FREEMAN, RICHARD E
HORNE, BILLY DAVIS
CAMPBELL, DEWEY GOVAN;CAMPBELL, DEBRA LEWIS
HUBBARD, LINWOOD RAY
FREEMAN, RICHARD G;FREEMAN, EMILY HONEYCUTT
NORDWALL, ANDREW M

address

110 SUSAN CIR
110 SUSAN CIR
921 BAINBRIDGE RD
2848 SKYE DR
1207 BAINBRIDGE RD
110 SUSAN CIR
1365 JOHN NUNNERY RD
6463 WINDY CREEK WAY
1164 JOHN NUNNERY RD
PO BOX 205
1132 JOHN NUNNERY RD
PO BOX 482
175 DEER RUN LN
1206 JOHN NUNNERY

citystatezip

GOLDSBORO, NC 27530
GOLDSBORO, NC 27530
STEDMAN, NC 28391
FAYETTEVILLE, NC 28303
STEDMAN, NC 28391
GOLDSBORO, NC 27530
STEDMAN, NC 28391
FAYETTEVILLE, NC 28306
STEDMAN, NC 28391
FAYETTEVILLE, NC 28302
STEDMAN, NC 28391
STEDMAN, NC 28391
AUTRYVILLE, NC 28318
STEDMAN, NC 28391

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

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

1. Applicant/Agent Molcie Farms LLC
2. Address: PO Box 53943 Zip Code 28305
3. Telephone: (Home) 910 824 1954 (Work) _____
4. Location of Property: John Nunnery Rd Mary McCall Rd
5. Parcel Identification Number (PIN #) of subject property: 0496-83-4950 / 0496-54-7376
(also known as Tax ID Number or Property Tax ID)
6. Acreage: 4.48 ^{RB} Frontage: 1825 Depth: 2850
7. Water Provider: Well Septage Provider: Septic
8. Deed Book 11081, Page(s) 0487 0490, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: Farmland / Timber
10. Proposed use(s) of the property: Housing Development

NOTE: Be specific and list all intended uses.

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

TO: (Select one)

- ✓ Conditional Zoning District, with an underlying zoning district of R30
(Article V)
- _____ Mixed Use District/Conditional Zoning District (Article VI)
- _____ Planned Neighborhood District/Conditional Zoning District (Article VII)
- _____ Density Development/Conditional Zoning District, at the _____ Density
(Article VIII)

APPLICATION FOR
CONDITIONAL ZONING

1. PROPOSED USE(S):

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

Housing Development

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

48 Acres 52 Lots

2. DIMENSIONAL REQUIREMENTS:

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

See site plan.

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

N/A

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

See site plan

4. LANDSCAPE AND BUFFER REQUIREMENTS:

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

5. MISCELLANEOUS:

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

6. SITE PLAN REQUIREMENTS:

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

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.

Molice Farms LLC
NAME OF OWNER(S) (PRINT OR TYPE)

NAME OF OWNER(S) (PRINT OR TYPE)

PO Box 53943 Fayetteville NC 28305
ADDRESS OF OWNER(S)

ADDRESS OF OWNER(S)

910-824-1954
HOME TELEPHONE #

HOME TELEPHONE #

WORK TELEPHONE #

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

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

340 Wade Stedman Rd Stedman NC 28391
ADDRESS OF AGENT, ATTORNEY, APPLICANT

ADDRESS OF AGENT, ATTORNEY, APPLICANT

rhett.bunce@gmail.com
E-MAIL

E-MAIL

HOME TELEPHONE #

WORK TELEPHONE # _____

Rhett Bean
SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)

Robert B
SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

SIGNATURE OF OWNER(S)

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

FILED	Apr 06, 2021
AT	10:23:32 AM
BOOK	11081
START PAGE	0481
END PAGE	0491
INSTRUMENT #	15667
RECORDING	\$26.00
EXCISE TAX	\$1,910.00

This property is not the primary residence of Grantors
Return to: Attorney Randall Faircloth
1515 Mockingbird Lane, Suite 4115
Charlotte, NC 28209

Excise Tax: \$1,910.00

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

SPECIAL WARRANTY DEED
Tax Parcel No.: 0496547376
Tax Parcel No.: 0496523312
Tax Parcel No.: 0496834950
Tax Parcel No.: 0496539656

THIS SPECIAL WARRANTY DEED, made the 30th day of March, 2021, by and between BONNIE CHRISTINE CAMPBELL WHITESELL and husband, BOB J. WHITESELL, 110 Susan Circle, Goldsboro, North Carolina 27530, and GLORIA SUSAN CAMPBELL DURHAM (formerly known as GLORIA SUSAN CAMPBELL PENUEL) (formerly known as SUSAN CAMPBELL KEEL) and husband, RICHARD E. DURHAM, 411 Green Drive, Goldsboro, North Carolina, 27534, and DANNA LYNNE CAMPBELL KELLY and husband, RHETT FAVER, 8390 US Highway 25/70, Marshall, North Carolina 28753, parties of the first part; and MOLCIE FARMS, LLC, a North Carolina limited liability company, P. O. Box 53943, Fayetteville, North Carolina 28305, party of the second part;

WITNESSETH:

That the said parties of the first part, for and in consideration of the sum of Ten Dollars

Prepared by:

L. E. (Trey) Taylor III, Attorney at Law

Warren, Kerr, Walston, Taylor & Smith, L.L.P.

Post Office Box 1616, Goldsboro, North Carolina 27533-1616

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

- 2 -

(\$10.00) and other valuable consideration paid by the said party of the second part, the receipt of which is hereby acknowledged, have bargained and sold, and by these presents do bargain, sell and convey to the party of the second part, its successors and assigns, those certain tracts or parcels of land situated in Cedar Creek Township, Cumberland County, North Carolina, and more particularly described as follows:

SEE EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN BY
REFERENCE

This conveyance is made subject to all easements and restrictions, if any, appearing of record in the chain of title, and the 2021 Cumberland County ad valorem taxes which shall be prorated between the parties.

TO HAVE AND TO HOLD the aforesaid tracts or parcels of land and all privileges and appurtenances thereto belonging to the said party of the second part, its successors and assigns, to their only use and behoof forever.

And the said parties of the first part covenant to and with the said party of the second part, that the parties of the first part have done nothing to impair such title as they received, and the parties of the first part will warrant and defend the title to the same against the lawful claims of all persons claiming by, under or through the parties of the first part, except for the exceptions hereinabove stated.

Signatures To Follow On Next Page

- 3 -

IN WITNESS WHEREOF, BONNIE CHRISTINE CAMPBELL WHITESELL and husband, BOB J. WHITESELL, being two of the parties of the first part, have caused this Special Warranty Deed to be duly executed, this the day and year first above written.

Bonnie Christine Campbell Whitesell (SEAL)
BONNIE CHRISTINE CAMPBELL WHITESELL

Bob J. Whitesell (SEAL)
BOB J. WHITESELL

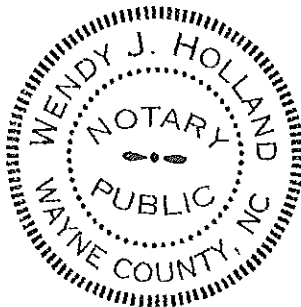
STATE OF NORTH CAROLINA
COUNTY OF WAYNE

I, Wendy J. Holland, a Notary Public for Wayne County, North Carolina, do hereby certify that BONNIE CHRISTINE CAMPBELL WHITESELL and husband, BOB J. WHITESELL, each personally appeared before me this day and executed the foregoing and annexed instrument for the purposes therein expressed.

Wendy J. Holland
Notary Public

My commission expires:

Mar 23, 2024



- 4 -

IN WITNESS WHEREOF, GLORIA SUSAN CAMPBELL DURHAM and husband,
RICHARD E. DURHAM, being two of the parties of the first part, have caused this Special
Warranty Deed to be duly executed, this the day and year first above written.

Gloria Susan Campbell Durham (SEAL)
GLORIA SUSAN CAMPBELL DURHAM

Richard E. Durham (SEAL)
RICHARD E. DURHAM

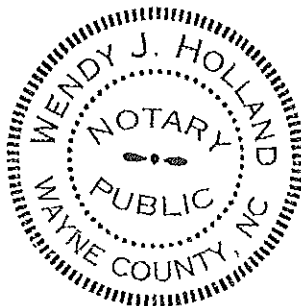
STATE OF NORTH CAROLINA
COUNTY OF WAYNE

I, Wendy J. Holland, a Notary Public for Wayne County, North Carolina, do hereby
certify that GLORIA SUSAN CAMPBELL DURHAM and husband, RICHARD E. DURHAM,
each personally appeared before me this day and executed the foregoing and annexed instrument
for the purposes therein expressed.

Wendy J. Holland
Notary Public


My commission expires:

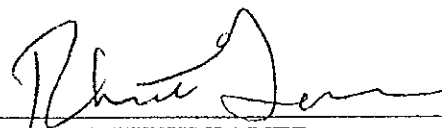
May 23, 2024

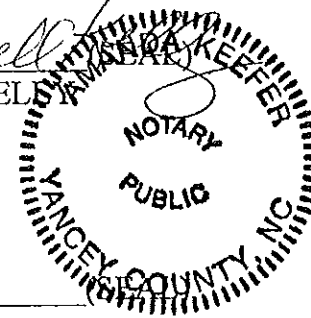


- 5 -

IN WITNESS WHEREOF, DANNA LYNNE CAMPBELL KELLY and husband,
RHETT FAVER, being two of the parties of the first part, have caused this Special Warranty
Deed to be duly executed, this the day and year first above written.


DANNA LYNNE CAMPBELL KELLY

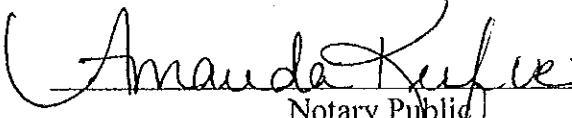

RHETT FAVER



STATE OF NORTH CAROLINA

COUNTY OF Madison

I, Amanda Keefe, a Notary Public for Vancey County, North Carolina, do
hereby certify that DANNA LYNNE CAMPBELL KELLY and husband, RHETT FAVER, each
personally appeared before me this day and executed the foregoing and annexed instrument for
the purposes therein expressed.


Notary Public

My commission expires:

7/17/2024

EXHIBIT A

TRACT ONE: Campbell Parcel D1 West: Tax Parcel Identification Number: Portion of 0496-54-7376

THAT PORTION OF THE FOLLOWING DESCRIBED TRACT WHICH IS SITUATED WEST OF THE CENTERLINE OF NCSR #1852 (MARY MCCALL ROAD) WHICH WESTERN PORTION CONSISTS OF APPROXIMATELY 31.06 ACRES:

BEGINNING at a stake by a pine stump, W. H. Ringgold's corner, and running thence North 74 East 7 chains 35 links to a stake and pointers; thence South 85 East 20 chains 60 links to a stake in the McAlpin line; thence South 4 $\frac{3}{4}$ West 1 chain 10 links to a stake; thence South 78 $\frac{1}{2}$ East 31 chains to a pine stump; thence north 84 $\frac{1}{2}$ East 19 chains 50 links to a stake; thence South 4 $\frac{1}{2}$ West 7 chains 10 links to a stake and pointers; thence West 77 chains 50 links to a stake and pointers; thence North 4 $\frac{1}{2}$ East 11 chains 25 links to the beginning, containing 72 acres, more or less.

Excepting, however, 22 acres, more or less, conveyed to C. M. Jordan; for excepted 22 acres, see deed recorded in Book 262, Page 190, Cumberland County Registry.

The above 50 acres being the same land described in a deed from J. W. McMillian and wife, to Alexander McCall. See Cumberland County Registry, Book 330, Page 234.

See deed C.C. Howard, Commissioner, to Cumberland County Drainage District Number Three, dated September 16, 1940, and registered in Book 433, Page 80, Cumberland Registry.

Excepting 2 acres, more or less which was previously conveyed to Daney Crumpler by deed recorded in Book 573, Page 63, Cumberland County Registry.

Excepting 1-8/10 acres which was previously conveyed to Leroy Wiggs and wife, Estelle Wiggs by deed recorded in Book 495, Page 267, in the office of the Register of Deeds of Cumberland County.

And being the same property conveyed to Daniel G. Campbell and wife, Christine M. Campbell, by Alexander McCall and wife, Mallie McCall, by deed dated December 4, 1954, and recorded in Book 658, Page 234, of the Cumberland County Registry.

TRACT TWO: Campbell Parcel D1 East: Tax Parcel Identification Number: Portion of 0496-54-7376

THAT PORTION OF THE FOLLOWING DESCRIBED TRACT WHICH IS SITUATED EAST OF THE CENTERLINE OF NCSR #1852 (MARY MCCALL ROAD) WHICH EASTERN PORTION CONSISTS OF APPROXIMATELY 16.94 ACRES:

BEGINNING at a stake by a pine stump, W. H. Ringgold's corner, and running thence North 74 East 7 chains 35 links to a stake and pointers; thence South 85 East 20 chains 60 links to a stake in the McAlpin line; thence South 4 3/4 West 1 chain 10 links to a stake; thence South 78 1/2 East 31 chains to a pine stump; thence north 84 1/2 East 19 chains 50 links to a stake; thence South 4 1/2 West 7 chains 10 links to a stake and pointers; thence West 77 chains 50 links to a stake and pointers; thence North 4 1/2 East 11 chains 25 links to the beginning, containing 72 acres, more or less.

Excepting, however, 22 acres, more or less, conveyed to c. M. Jordan; for excepted 22 acres, see deed recorded in Book 262, Page 190, Cumberland County Registry.

The above 50 acres being the same land described in a deed from J. W. McMillian and wife, to Alexander McCall. See Cumberland County Registry, Book 330, Page 234.

See deed c. c. Howard, Commissioner, to Cumberland County Drainage District Number Three, dated September 16, 1940, and registered in Book 433, Page 80, Cumberland Registry.

Excepting 2 acres, more or less which was previously conveyed to Daney Crumpler by deed recorded in Book 473, Page 63, Cumberland County Registry.

Excepting 1-8/10 acres which was previously conveyed to Leroy Wiggs and wife, Estelle Wiggs by deed recorded in Book 495, Page 267, in the office of the Register of Deeds of Cumberland County.

And being the same property conveyed to Daniel G. Campbell and wife, Christine M. Campbell, by Alexander McCall and wife, Mallie McCall, by deed dated December 4, 1954, and recorded in Book 658, Page 234, of the Cumberland County Registry.

TRACT THREE: Campbell Parcel A2: Tax Parcel Identification Number: Portion of 0496-52-3312

BEGINNING at a pine stump on a ditch and runs South 79 degrees West 29 chains to a stake; thence North 5 degrees East 9.60 chains to a stake; thence South 73 degrees 30 minutes West 6.50 chains to a stake; thence North 5 degrees 30 minutes East 7 chains to a stake, Duncan McColl's corner; thence his line South 89 degrees East 33 chains to the road in a field near a cemetery; thence with the road South 7 degrees 30 minutes East 8.40 chains to a ditch bank; thence with the ditch bank South 77 degrees West 1.10 chains to the Beginning, containing 35.4 acres, more or less, and being the same land described in deed from Minnie J. Jordan, et al, to R. A. McColl dated January 30, 1933, recorded in Book 475, Page 371, in the Office of the Register of Deeds for Cumberland County, North Carolina.

And being the same property described as the First Tract in a deed to D. G. Campbell and wife, Christine M. Campbell, from Roy A. McCall, dated November 23, 1962, and recorded in Book 958, Page 128, of the Cumberland County Registry.

TRACT FOUR: Campbell Parcel A3: Tax Parcel Identification Number: Portion of 0496-52-3312

BEGINNING at a stake and pointers, the fourth corner of Lot Number 2, the same being the beginning corner of the tract of which this is a part and running thence with the line of said tract East 31 chains 50 links to a stake in the middle of a public road; thence with the middle of said public road South 7 degrees 15 minutes East 10 chains to a stake in the southern line of the tract of which this is a part; thence with said southern line West 33 chains 53 links to a stake and pine pointers, the southwest corner of said tract; thence with the old line North 4 degrees 30 minutes East 10 chains to the beginning, containing 32.4 acres more or less, and being a part of a tract of land conveyed to c. L. McCall by C.C. Howard, Commissioner, recorded in Book 424, Page 167, Cumberland County Registry, being all of said tract lying and being on the West side of the said public road and being also the same land described in deed from c. A. McColl and wife, to A. R. McColl dated December 12, 1942, recorded in Book 453, Page 267, in the Office of the Register of Deeds for Cumberland County, North Carolina.

And being the same property described as the Second Tract in a deed to D. G. Campbell and wife, Christine M. Campbell, from Roy A. McCall, dated November 23, 1962, and recorded in Book 958, Page 128, of the Cumberland county Registry.

TRACT FIVE: Campbell Parcel A4: Tax Parcel Identification Number: Portion of 0496-52-3312

BEGINNING at a stake and pointers in the eastern line of what was formerly known as the W. H. Jordan land, the same being the second corner of the tract of which it is part, and running thence with the first line of the tract of which it is a part North 87 degrees West 6 chains 33 links to a stake; thence North 3 degrees East parallel to the second line of the tract of which it is a part, 17 chains to the run of Muddy Branch; thence up the run of said branch North 40 degrees East about 2 chains to the fifth corner of the tract of which it is a part; thence North 63 degrees East 5 chains 75 links to the fourth corner of the tract of which it is a part; thence South 4 degrees 30 minutes West 2 chains 60 links to a stake, McColl's corner; thence South 3 degrees West 19 chains to the beginning, containing 12.5 acres, more or less. And being the first tract described in a certain deed from G. G. Kelly and wife, to Roy McCall, bearing date of March 10, 1948, and recorded in Book 529, Page 111, in the Office of the Register of Deeds for Cumberland County, North Carolina, to which deed and the deeds therein referred to, reference is hereby made for a more particular description.

Bearing date of March 10, 1948, and recorded in Book 529, Page 111, in the Office of the Register of Deeds for Cumberland County, North Carolina, to which deed and the deeds therein referred to, reference is hereby made for a more particular description.

TRACT SIX: Campbell Parcel A5: Tax Parcel Identification Number: Portion of 0496-52-3312

BEGINNING at a stake on the run of Muddy Branch, the beginning corner of the tract of which it is a part and runs thence with the first line of the tract of which it is a part South 87 degrees East 12 chains 67 links to a stake, the southwest corner of 12.5 acres conveyed to Burdette Martin; thence with the line of said tract North 3 degrees East 17 chains to the run of Muddy Branch; thence down the various courses of the run of said branch to the beginning, containing 12.5 acres, more or less. And being the second tract described in a certain deed from G. G. Kelly and wife, to Roy McCall, bearing date of March 10, 1948, and recorded in Book 529, Page 111, in the Office of the Register of Deeds for Cumberland County, North Carolina, to which deed and the deeds therein referred to, reference is hereby made for a more particular description.

And being the same property described as the Fourth Tract in a deed to D. G. Campbell and wife, Christine M. Campbell, from Roy A. McCall, dated November 23, 1962, and recorded in Book 958, Page 128, of the Cumberland County Registry.

TRACT SEVEN: Campbell Parcel A/Dearl Bunce: Tax Parcel Identification Number: Portion of 0496-52-3312

BEGINNING at an iron stake in the field located North 0-41-35 West 634.57 feet from the Charles G. Hubbard tract described in a deed recorded in Book 4693, Page 423; and runs thence from said beginning corner with the line of the 108.45 acre Ashley Carr Tract South 71 degrees 17 minutes 03 seconds West 433.94 feet to a pipe corner; thence North 5 degrees 08 minutes 53 seconds East 172.31 feet to a pipe corner; thence North 4 degrees 59 minutes 17 seconds East 235.0 feet to a stake; thence South 84 degrees 42 minutes 12 seconds East 373.84 feet to an existing pipe corner in the field; thence South 0 degrees 41 minutes 35 seconds East 232.04 feet to the point of BEGINNING, containing 2.84 acres, and being the same property being conveyed to Grantors by Deed recorded in Book 5129, Page 531, Cumberland County Registry, North Carolina, and also being the same property conveyed to Dearl L Bunce and wife, Betty G Bunce by Deed recorded in Book 5129, Page 535.

And being the same property conveyed by Dearl L Bunce and wife, Betty G Bunce to Christine McCall Campbell, owning a $\frac{1}{2}$ interest; Bonnie Christine Campbell Whitesell, owning a $\frac{1}{6}$ interest, Susan Campbell Keel, owning a $\frac{1}{6}$ interest and Danna Lynne Campbell Kelly, owning a $\frac{1}{6}$ interest by Deed recorded in Book 5297, Page 782.

There is excepted from Campbell Parcels A1, A2, A3, A4, A5 and A/Dearl Bunce all of that tract conveyed to the Department of Transportation by deed from Christine McCall Campbell et al as recorded in Book 8962, Page 148.

TRACT EIGHT: Campbell Parcel E6: Tax Parcel Identification Number: 0496-83-4950

BEGINNING at an iron pipe set in a dead longleaf pine in the old line, said beginning point being the original southwest corner of the old C. M. Jordan lands more particularly described by deed recorded in Book 262, Page 190, Cumberland County Registry, and proceeding thence with said old line North 0 degrees 45 minutes 10 seconds East 493.45 feet to an iron pipe, the northwest corner of said tract; thence with the northern line of said tract South 77 degrees 48 minutes 15 seconds East 747.56 feet to an iron pipe set in a stump, an old corner; thence North 85 degrees 04 minutes 05 seconds East 125.79 feet to an iron pipe in the western margin of State Road 1853 and continuing thence North 85 degrees 04 minutes 05 seconds East 34.52 feet to a point in the center line of State Road 1853; thence with the center line of state Road 1853 South 34 degrees 34 minutes 05 seconds East 1173.67 feet to a point in the center line of said State Road 1853; thence to and along the southern line of said tract North 89 degrees 24 minutes 05 seconds West 1571.28 feet to the southwest corner of that certain tract described in Book 718, Page 12, Cumberland County Registry, and continuing thence with the western margin of said tract North 0 degrees 45 minutes 10 seconds East 601 feet to the place and point of BEGINNING. For reference of title, see deeds recorded in Book 2159, Page 147, Book 2159, Page 163, and 2159, Page 172, Cumberland County Registry.

This deed is made subject to the existing right-of-way in favor of the N. C. State Highway Commission for NCSR #1853 (John Nunnery Road).

And being the same property conveyed to Daniel G. Campbell and wife, Christine M. Campbell, by Rockfish Investments, Inc., by deed dated September 14, 1970, and recorded in Book 2225, Page 461, of the Cumberland county Registry.

There is excepted from the tract described above as Campbell Parcel E6 all of that tract conveyed by Daniel G Campbell and wife, Christine M Campbell to Roland G Hall and wife, Mary B Hall by deed recorded in Book 2426, Page 185 which tract was subsequently conveyed by Roland G Hall and wife, Mary B Hall, by deed recorded in Book 2491, Page 456 which tract is identified on the 2020 Cumberland County Tax Records with Tax Parcel Identification Number 0496-93-1695.

TRACT NINE: Campbell Parcel B7: Tax Parcel Identification Number: 0496-53-9656

BEGINNING at a Railroad Spike in the center of Secondary Road Number 1852, said Railroad Spike being in the Northern line of the tract of which this is a part and runs thence as the center of said Secondary Road Number 1852; South 1 degree 52 minutes West 294.15 feet to a Railroad Spike in the center of said Road; thence, North 89 degrees 26 minutes West 297.27 feet to an iron; thence, South 9 degrees 07 minutes East 306.75 feet to a point in the Southern Line of the tract of which this is a part and runs thence as a portion of the Southern Line of the tract of which this is a part, North 85 degrees 02 minutes West 1183.45 feet to an iron, the Southwest corner of the tract of which this is a part; thence as the Western line of said tract, North 8 degrees 48 minutes East 614.65 feet to an iron, the Northwest corner of the tract of which is a part; thence as a portion of the Northern line of said tract, South 85 degrees 02 minutes East 1348.25 feet to the point of beginning, containing 17.59 acres more or less according to a survey made by A. L. Lewis, Registered Land Surveyor, and being the Western portion of the 34.8 acre tract conveyed to C.L. McCall by deed dated September 1, 1949 and recorded in Book 558, Page 250 of the Cumberland County Registry.

And being the same property conveyed to Daniel G. Campbell and wife, Christine M Campbell, by Charles Lane McCall et al, by deed dated December 31, 1979 and recorded in Book 2750, Page 841, of the Wayne County Registry.

This conveyance is made subject to all restrictions, easements, and rights of way of record, if any.

FAYETTEVILLE PUBLISHING COMPANY

458 Whitfield Street, Fayetteville, NC 28306

Phone (910) 678-9000 Toll Free 1-800-345-9895 Fax (910) 323-1451

Order Confirmation

PUBLIC NOTICE

The Cumberland County Board of Commissioners will meet at 6:45 p.m. on August 16, 2021, in room 118 of the County Courthouse at 117 Dick Street to hear the following:

P21-26 rezoning 14.04 +/- ac A1 to R20 or a more restrictive zoning district; 2120 Smith Rd; Northwood Investment, LLC (owner)

P21-27 rezoning 2.36 +/- ac R10 to C1(P) or more restrictive zoning district; 6234 Camden Rd; Sharon Edwards (owner)

P21-28 rezoning 48 +/- ac A1 to R30/CZ all residential sub up to 52 lots or more restrictive zoning district; John Nunnery Rd south of Bainbridge Rd; Molcie Farms LLC (owner)

P21-31 rezoning 25 +/- ac RR District to R7.5/CZ District up to 77 lots all sub or more restrictive zoning district; south of Clinton Rd, west of Forte Rd; Nicholas, Brad, John, and David Hancock (owners)

P21-33 rezoning 41.98 +/- ac A1 Agricultural District to R7.5 Residential/CZ District up to 122 lots all sub or to a more restrictive zoning district; west of NC 87 Hwy and south of Olaburns Drive; James D. Hubbard and Norma Garcia; Cheri and Marty Lassiter; Tommy J Woodell and Debra H. Woodell; Travis Allen Hubbard and Jill Elizabeth Hubbard; Pamela and Michael Domanski; Michael and Jodi Davis; Christopher Davis, Kristin M. Davis; Boyd D. Parsons Jr. and Mae Smith Parsons (owners)

P21-34 rezoning 19.6 +/- ac A1 District to R30 District or more restrictive zoning district; east of Rockhill Rd, north of Rocky River Rd; George Tatum (owner)

P21-36 rezoning 12.36 +/- ac A1 District to C(P) District or more restrictive zoning district; east of Cedar Creek Dr, north of Taboi Church Rd; Cathy Tatum Vinson (owner)

P21-40 rezoning 0.92 +/- ac A1 District to R40 District or more restrictive zoning district; at 5177 Stewart Rd; Michael Longhany (owner)

P21-44 rezoning 2.80 +/- ac M(P) District to C(P) District or more restrictive zoning district; at 2965 Gillespie St; Emmons & Wheeler, LLC (owner)
8/2, 9 5250774

<u>Ad Order Number</u>	<u>Customer</u>
0005250774	CUMB CO JOINT PLANNING
<u>Sales Rep.</u>	<u>Customer Account</u>
0090	003661000
<u>Order Taker</u>	<u>Customer Address</u>
0001	130 Gillespie Street, Attn: Laverne Howard, FAYETTEVILLE NC 28301 USA
<u>Order Source</u>	<u>Customer Phone</u>
Telephone	910-678-7600
<u>Order Invoice Text</u>	
CCBoC - 8/16/21 meeting	
<u>Payor Customer</u>	<u>PO Number</u>
CUMB CO JOINT PLANNING	
<u>Payor Account</u>	<u>Ordered By</u>
003661000	
<u>Payor Address</u>	<u>Customer Fax</u>
130 Gillespie Street, Attn: Laverne Howard, FAYETTEVILLE NC 28301 USA	910-678-7631
<u>Payor Phone</u>	<u>Customer Email</u>
910-678-7600	lhoward@co.cumberland.nc.us
	<u>Special Pricing</u>
	None

<u>Net Amount</u>	<u>Tax Amount</u>	<u>Total Amount</u>	<u>Amount Due</u>
\$477.54	\$0.00	\$477.54	\$477.54

<u>Payment Method</u>	<u>Payment Amount</u>
	\$0.00

<u>Ad Number</u>	<u>Ad Type</u>	<u>Ad Size</u>	<u>Color</u>
0005250774-01	CL Legal Line	: 1.0 X 63 cl	<NONE>

<u>Product</u>	<u>Placement/Classification</u>	<u>Run Dates</u>	<u># Inserts</u>	<u>Cost</u>
FO::	401 - Legals	8/2/2021, 8/9/2021	2	\$458.64
OL::	401 - Legals	8/2/2021, 8/9/2021	2	\$18.90



PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF AUGUST 16, 2021

TO: BOARD OF COUNTY COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

DATE: 8/5/2021

SUBJECT: CASE P21-33 **THIS CASE HAS BEEN DEFERRED TO SEPTEMBER 20, 2021**

BACKGROUND

P21-33: Rezoning 41.98 acres +/- ac from A1 to R7.5 Residential/CZ Conditional Zoning District up to 122 lots zero lot line subdivision or a more restrictive zoning district, located west of NC 87 Hwy and south of Olaburns Dr: owners James Hubbard and Norma Garcia; Cheri and Marty Lassiter; Tommy and Debra Woodell; Travis Allen and Jill Elizabeth Hubbard; Pamela and Michael Domanski; Michael and Jodi Davis, Christopher Davis, Kristin Davis; Boyd Parsons Jr. and Mae Smith Parsons.

RECOMMENDATION / PROPOSED ACTION

Planning Board Action: Recommended denial of the request from A1 Agriculture to R7.5 Residential District/Conditional Zoning for up to 122 lot Zero Lot Line Subdivision at the July 20, 2021 meeting for the reasons stated and as fully reflected in the minutes of the Planning Board Meeting which are incorporated herein by reference.

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

If the Board of Commissioners wishes to follow the recommendation of the Planning Board in this case, the following motion is appropriate:

MOTION:

For Case P21-33, I move to deny the rezoning request from **A1 Agricultural District to R7.5 Residential District/CZ Conditional Zoning District** for up to 122 lots Zero Lot Line subdivision, and find the request is not consistent with the South Central Land Use Plan. The zoning and the conditional subdivision plan for this site are not compatible with the rural character of the area and the request is not reasonable and in the public interest because the district requested, and the subdivision plan are not in harmony with surrounding zoning and land uses due to safety and drainage concerns.

If the Board of Commissioners does not wish to follow the recommendation of the Planning Board in this case, the following motion is appropriate:

MOTION:

For Case P21-33, I move to approve the rezoning request from **A1 Agricultural District to R7.5 Residential District/CZ Conditional Zoning** subject to the conditions of approval allowing up to 122 Lots Zero Lot Line Subdivision, and find the request consistent with the South Central Land Use Plan designation of “Low Density Residential”. The request to rezone to R7.5 zoning with Conditional Zoning District is consistent with this land use designation. Approval of the request is reasonable and in the public interest as the district requested and the conditions of approval will ensure a subdivision plan that promotes harmony with surrounding existing land uses and zoning.

ATTACHMENTS:

Description

Rezoning Case #P21-33 - Letter of Request for Deferment to September 20, 2021

Action Memo

Type

Backup Material

Backup Material



August 10, 2021

Mr. David Moon, AICP
Deputy Director
Department of Planning & Inspections
130 Gillespie Street
Fayetteville, NC 23801

RE: Rezoning Case #21-33
Request for Continuation

Dear Mr. Moon:

On behalf of McKee Homes, Inc., we are submitting this letter requesting that the public hearing for rezoning case 21-33 be continued from the August 16, 2021 Board of County Commissioners meeting to the September 20, 2021 Board of County Commissioners meeting.

We are requesting this continuation to allow the design team to incorporate changes to the proposed application that address both concerns and feedback received from the Joint Planning Board and from surrounding residents.

We are working with the Cumberland County Planning staff on these changes to both the plan and conditions and hope the Board of Commissioners will accept this request as we feel it is in the best interest of the public and the overall success of this project.

If additional information and or clarifications are required for this request for continuation, please let me know. Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Petty", written over the word "Sincerely,".

Curry Engineering
Andrew Petty, PE
Vice President / Senior Engineer

T (919) 552-0849
F (919) 552-2043

205 S. Fuquay Avenue
Fuquay-Varina, NC 27526



Amy H. Cannon
County Manager

Tracy Jackson
Assistant County Manager



Rawls Howard
Director

David Moon
Deputy Director

Planning & Inspections Department

AUGUST 5, 2021

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **P21-33:** Rezoning 41.98 acres +/- ac from A1 to R7.5 Residential/CZ Conditional Zoning District up to 122 lots zero lot line subdivision or a more restrictive zoning district, located west of NC 87 Hwy and south of Olaburns Dr: owners James Hubbard and Norma Garcia; Cheri and Marty Lassiter; Tommy and Debra Woodell; Travis Allen and Jill Elizabeth Hubbard; Pamela and Michael Domanski; Michael and Jodi Davis, Christopher Davis, Kristin Davis; Boyd Parsons Jr. and Mae Smith Parsons.

ACTION: Recommended denial of the request from A1 Agriculture to R7.5 Residential District/Conditional Zoning up to 122 lot Zero Lot Line Subdivision at the July 20, 2021 meeting for the reasons stated and as fully reflected in the minutes of the Planning Board Meeting which are incorporated herein by reference.

MINUTES OF JULY 20, 2021

Mr. Shinas presented the case information and photos.

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

There were people present to speak in favor and in opposition.

Public comment opened.

Mr. Donald Curry spoke in favor. Mr. Curry gave a presentation to the board that summarized what they are requesting and covers some additional conditions that they are agreeing to. (See exhibit 1, Slide 13 for additional conditions).

Mr. Burton asked about the proposed drainage plan for this subdivision.

Mr. Curry there would be storm water management on the subdivision where they will pick up the runoff and treat it in stormwater management devices, they have two shown on the plan, one wet pond on the northern end of the property and another wet pond south of the entrance.

Mr. Burton asked what happens when they fill up, he stated that he was familiar with the site and knows that there are some flooding problems in the area.

Amy H. Cannon
County Manager

Tracy Jackson
Assistant County Manager



Rawls Howard
Director

David Moon
Deputy Director

Planning & Inspections Department

Mr. Curry said the retention ponds are designed to handle certain storm events, and they will do their job and handle the storm events and release the water slowly over a period of time.

Mr. Burton asked where the water was going to be released.

Mr. Curry said it will be released through the existing outlets. Mr. Curry said that they will comply with all storm water requirements.

Mr. Lloyd asked how many letters were sent out within the two hundred feet for the public meeting.

Mr. Curry said they might have sent out fifteen or twenty letters.

Mr. Lloyd said that only four people showed up.

Mr. Curry said that was correct.

Mr. Crumpler asked to see the hydric soils map again and asked Mr. Curry about the retention ponds under Hwy 87.

Mr. Curry said there is a draw under Hwy 87 on the south side but didn't recall where it was on the north side.

Mr. Crumpler said the other side of Hwy 87 looked green to him.

Mr. Burton said that was a concern because that water would not soak into the ground. There are problems in that area with drainage now.

Mr. Curry said their stormwater would mitigate pre and post development runoff.

Mr. Williams asked how the condition sheet bound the developer.

Mr. Moon said the conditions are attached to the properties, if the properties are sold the conditions still apply as long as the permit is in effect.

Mr. Williams asked who polices the development requirements, such as water retention and runoff, to make sure the developer is compliant.

Mr. Moon said that would be Department of Environmental Quality (DEQ).

Mr. Boyd Parsons spoke in favor. Mr. Parsons said that he represented the twelve family members that own the property, and said he was available for questions.

Blaze Dipasquale spoke in favor. Mr. Dipasquale said that he was going to speak on behalf of Mr. Tiyler Davis as well as for himself. Mr. Dipasquale said they have done a lot of building in the Fayetteville area, and we would like to maintain the good relationship they have with Fayetteville and the County.

Mr. Crumpler asked Mr. Dipasquale if the houses would be built on slab or crawlspace.

Amy H. Cannon
County Manager

Tracy Jackson
Assistant County Manager



Rawls Howard
Director

David Moon
Deputy Director

Planning & Inspections Department

Mr. Dipasquale said they prefer slabs but a lot of that is determined by the grade of the site. Mr. Dipasquale said they would have to bring a significant amount of dirt in so the houses would sit up so that there are no drainage or flooding issues.

Donald Matthews spoke in opposition. Mr. Matthews said that his concerns were with safety with the increased traffic and U-turns.

Mr. Jim McRae spoke in opposition. Mr. McRae said that he has been before this board before and would like for this request to be denied because it is too dense, it is not compatible with the surrounding area, it is too dense and will require too much infrastructure. If this is allowed it is going to set a precedent, Grays Creek is a rural community, and it does not need to become an urban community. Mr. McRae also said runoff is important, it will go into Rockfish Creek and the Cape Fear River and cause flooding.

Jim McRae spoke in opposition. Mr. McRae stated that R7.5 density will allow development that the infrastructure can't support.

Verdery Pate spoke in opposition. Mr. Pate said that he wasn't opposed to the sale of the property, but he was opposed to the R7.5 density. He doesn't think Grays Creek is ready for that.

Public comment closed.

Mr. Lloyd said safety issues are addressed when done in conjunction with Department of Transportation (DOT), but his main concern was the drainage and flooding which is prevalent in Grays Creek.

Mr. Williams said part of the conditions is a five-foot distance between the side lots. Everything is going to runoff.

Mrs. Moody said we go back to compliance with the land use plan, if it's compliant with the plan what grounds, do we have to deny it.

Mr. Lloyd said the plan is a guide, it doesn't go parcel by parcel, and that's why, his issue on this is drainage.

Mr. Curry said that he would be willing to increase to 25/50 year storm, which means that detention ponds get a little bit larger and we accommodate the larger storms. They are willing to do that in light of the concerns that were expressed.

Mr. Crumpler asked if they were willing to decrease the density.

Mr. Curry said he would have to check with his client, for an area that is designated urban and low density, we are at the low end of the scales, with the concession on the runoff and the reduction in density that will come from that the client is not willing to commit to reduced density.

Mr. Matthews said that we need a board that is willing to follow that guideline to approve or not approve or change.

Jim McRae pointed out how the water flows on Hwy 87 and explained how the area stays wet.

Amy H. Cannon
County Manager

Tracy Jackson
Assistant County Manager



Rawls Howard
Director

David Moon
Deputy Director

Planning & Inspections Department

In Case P21-33, Mrs. Moody made a motion to approve the application with the additional conditions of the retention pond and 25/50 year storm changes. Motion failed for lack of a second.

Mr. Burton made a motion, seconded by Mr. Baker to deny the request from A1 Agriculture to R7.5 Residential District/Conditional Zoning up to 122 lot Zero Lot Line Subdivision because of concerns with drainage and highway safety. The motion passes with Mrs. Moody and Mr. Williams opposed.

First Class and Record Owners' Mailed Notice Certification

A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' certified receipt of notice is also included.

Historic Cumberland County Courthouse | 130 Gillespie Street | P.O. Box 1829
Fayetteville, North Carolina 28301 | Phone: 910-678-7600 | Fax: 910-678-7631

co.cumberland.nc.us



NORTH CAROLINA

PLANNING & INSPECTIONS

PLANNING STAFF REPORT
REZONING CASE # P21-33

Planning Board Meeting: July 20, 2021

Location: REID: # 0443449314000

Jurisdiction: County-Unincorporated

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

REQUEST

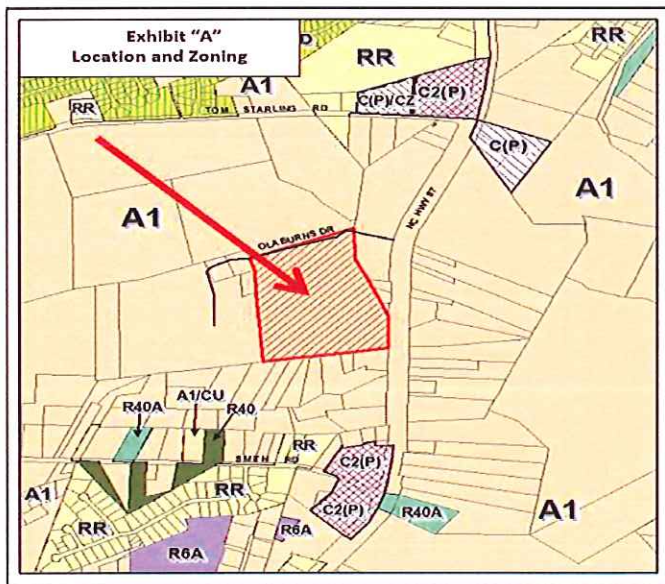
Rezoning A1 to R7.5/CZ

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

PROPERTY INFORMATION

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

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



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

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

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

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

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

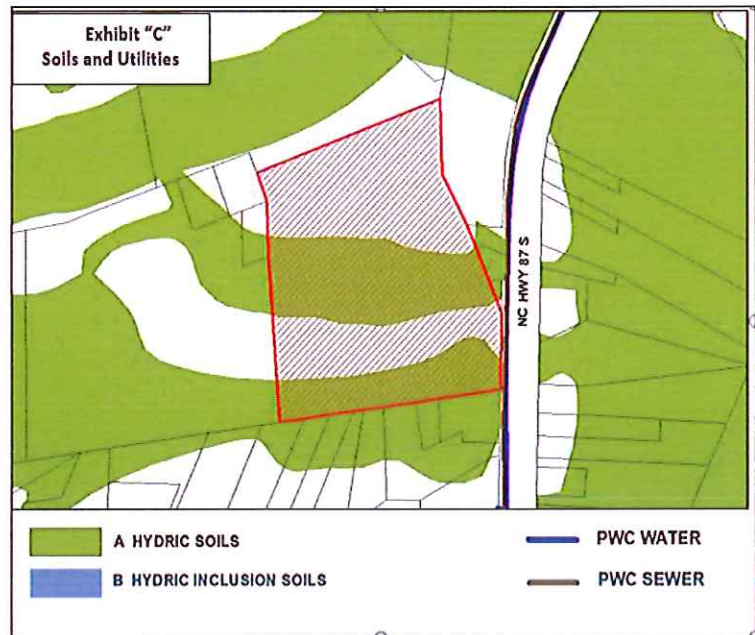
OTHER SITE CHARACTERISTICS: The property is not located within the watershed area or within the Special Flood Hazard Area. The central and southern portions of the site have the presence of hydric soils. No hydric inclusion soils are found on the site (refer to Exhibit "C").

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

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

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

(*) As requested by the applicant

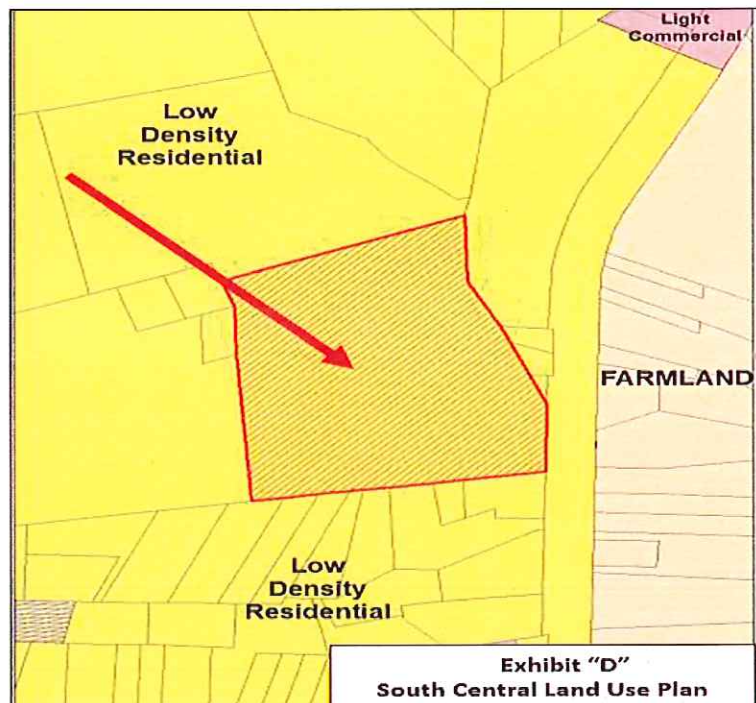


COMPREHENSIVE PLANS: Subject site is located in the South Central Land Use Plan (Adopted in 2015) as shown in Exhibit "D". The site is designated Low Density Residential.

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

APPLICABLE PLAN POLICIES:

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



IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

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

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

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

SCHOOLS CAPACITY/ENROLLMENT:

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

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

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

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

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

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

STAFF RECOMMENDATION

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

Attachments:
Notification Mailing List
Zoning Application

EXHIBIT "E" (SK-03)

SUBDIVISION PLAN

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

GENERAL NOTES:

1. THIS DEVELOPMENT IS A TYPE OF SUBDIVISION WITH A MINIMUM USE AND A MAXIMUM OF 100 LOTS.
2. ALL CONSTRUCTION SHALL BE PERFORMED IN ACCORDANCE WITH THE LATEST EDITION OF THE NC DRAINAGE CODE.
3. ALL DIMENSIONS ARE IN FEET AND INCHES UNLESS OTHERWISE NOTED.
4. ALL LOT EASEMENTS ARE PERMANENT AND SHALL BE EASEMENTS OF RECORD.
5. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ALL UTILITIES AND SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ALL UTILITIES AND SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ALL UTILITIES.
6. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ALL UTILITIES AND SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ALL UTILITIES.
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13. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ALL UTILITIES AND SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ALL UTILITIES.
14. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ALL UTILITIES AND SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ALL UTILITIES.
15. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ALL UTILITIES AND SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ALL UTILITIES.
16. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ALL UTILITIES AND SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ALL UTILITIES.
17. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ALL UTILITIES AND SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ALL UTILITIES.
18. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ALL UTILITIES AND SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ALL UTILITIES.
19. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ALL UTILITIES AND SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ALL UTILITIES.
20. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ALL UTILITIES AND SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF ALL UTILITIES.

SITE INFORMATION

Subdivision Name: _____

County: _____

City/Town/Village: _____

Map: _____

Scale: _____

North Arrow: _____

Legend: _____

Notes: _____

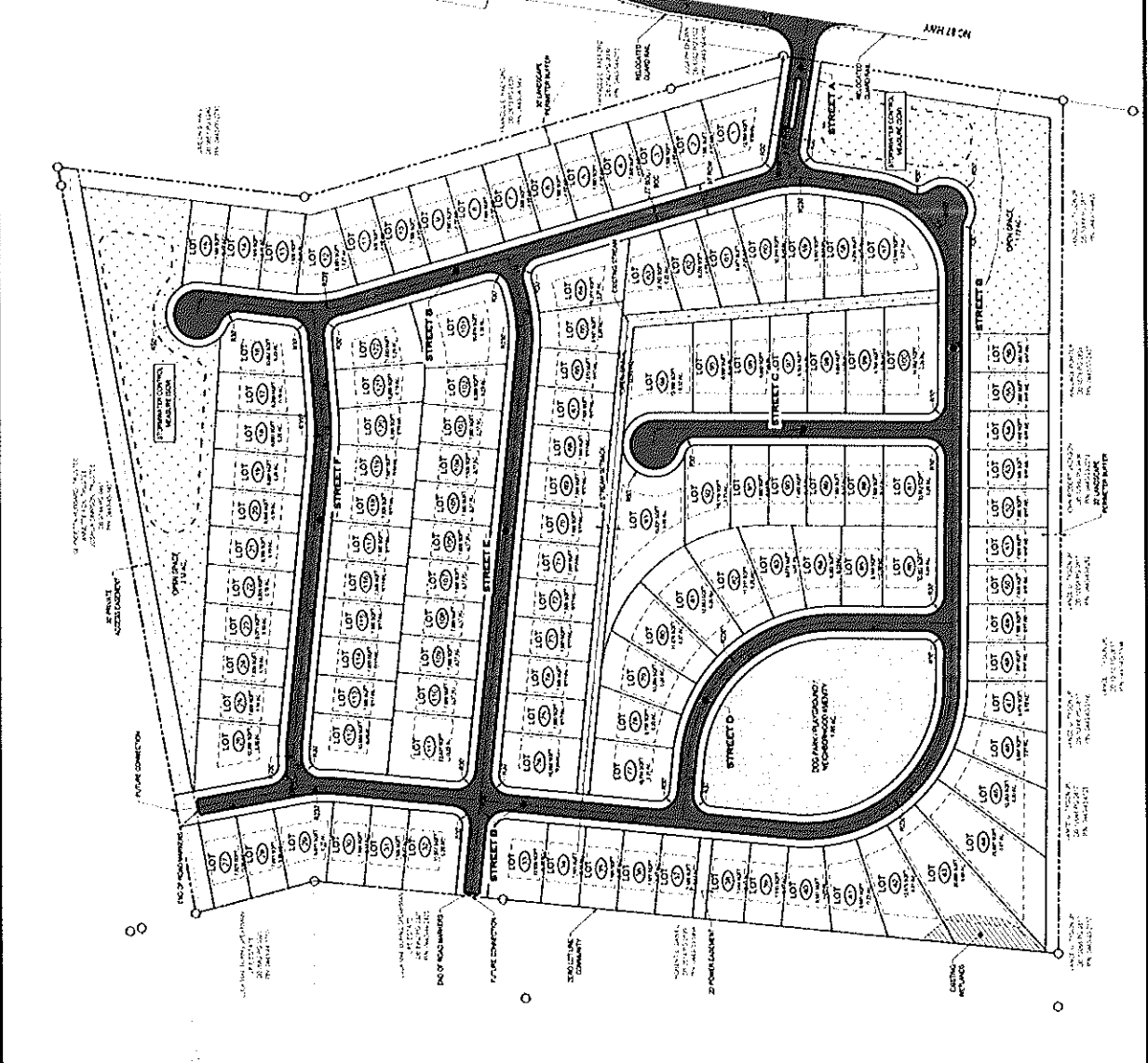
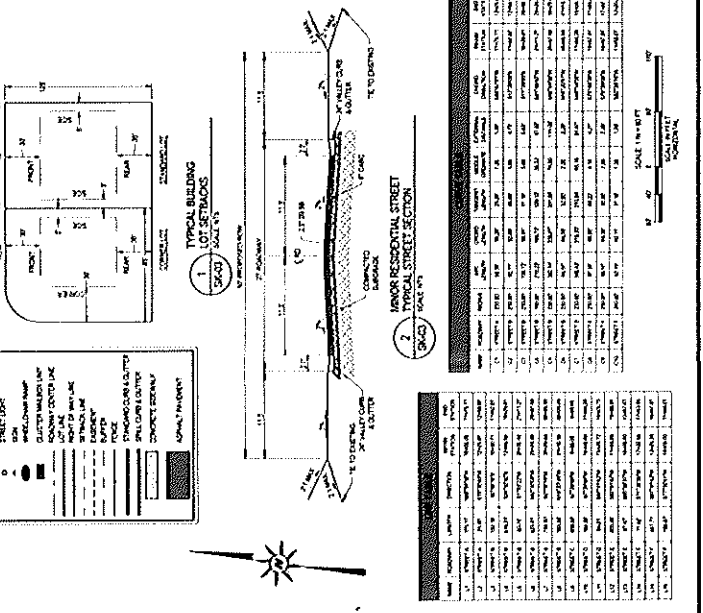


EXHIBIT "F"
DRAFT CONDITIONS OF APPROVAL

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

R7.5/CZ RESIDENTIAL/CONDITIONAL ZONING DISTRICT

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

Pre- Permit Related:

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

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

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

Pre- Permit Related:

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

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

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

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

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

Permit-Related:

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

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

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

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

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

[§ 136-18(29), NCGS]

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

Site-Related:

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

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

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

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

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

Plat-Related:

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

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

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

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

23. The street name signs, in compliance with the County Street Sign Specifications, must be installed prior to final plat approval. The developer should contact Location Services for inquiries regarding the County's policy for street sign installation or, if the sign is commissioned from a private source, to schedule an inspection of the street sign(s). The Current Planning Section must receive notice of agreement with the Location Services Section for sign installation or of satisfactory inspection prior to the approval of the final plat. Sec. 4-171, County Code)

24. The developer is required to provide an inspection of the private street(s) by a registered engineer or registered surveyor upon completion of construction of the private street(s) and related facilities, including drainage ways. A statement, affixed with the engineer/surveyor's seal, certifying that all private street(s) and related facilities are designed and constructed in accordance with the requirements of Section 2304 C, Private Street, County Subdivision Ordinance, and that all such facilities are adequate to serve the development, must be submitted to the Current Planning Section prior to final plat approval or release of any construction guarantees as allowed under Section 2502, Final Plat – Guarantees of Improvements, County Subdivision and Development Ordinance.
25. The builder/developer must provide the buildable envelopes on the final plat: the individual plot plans must be approved by the Current Planning Section prior to issuance of any permits.
26. Any/All easements must be reflected on the final plat and labeled as to type of easement, reference number for document creating the easement, and the name of the agency, individual, etc. who holds the easement.

27. **A 10' x 70' sight distance easement is required at the intersection of entrance road and NC HWY 87.** This easement shall be illustrated on the final plat, unless otherwise required by NCDOT.

28. A 25' right-of-way radius is required at all intersections and must be reflected on the final plat. (Section 2304.10.c, Street Design, County Subdivision and Development Ordinance)

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

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

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

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

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

Plat-Required Statements:

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

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

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

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

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

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

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

Advisories:

38. The applicant is advised to consult an expert on wetlands before proceeding with any development.
39. There may be wetlands located in the project area that are subject to the permit requirements of Section 404 of the Clean Water Act. To avoid a violation of federal and/or state law, it is recommended the developer contact the Office of the Army Corp of Engineers or hire an environmental consultant to identify and delineate any wetlands in the project area prior to construction. A Section 404 permit will be required if the applicant needs to fill wetlands and the permit must be obtained prior to any construction on this site.
40. Any revision or addition to this plan necessitates re-submission for review and approval prior to the commencement of the change.
41. The owner/developer is responsible for ensuring easements which may exist on the subject property are accounted for, not encumbered and that no part of this development is violating the rights of the easement holder.
42. The US Postal Service most likely will require this development to have centralized cluster boxes for postal service to each lot or unit. The developer is advised contact the US Postal Growth Coordinator for the Mid-Carolinas District to determine the appropriate location for the cluster boxes. If the cluster box location requires changes to the subdivision or site plan, a revised preliminary/plan must be submitted to the Planning & Inspections Department for review and approval.
43. This conditional approval is not to be construed as all-encompassing of the applicable rules, regulations, etc. which must be complied with for any development. Other regulations, such as building, environmental, health and so forth, may govern the specific development. The developer is the responsible party to ensure full compliance with all applicable Federal, State, and local regulations.
44. The developer(s) and any future lot owners are responsible for the maintenance and upkeep of the streets until such time the streets are added to the State system by the NC Department of Transportation (NCDOT) for maintenance purposes. The developer is advised to give notice of the street status to any future lot owners in the event the lots are conveyed prior to the NCDOT's acceptance.

Other Relevant Conditions:

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

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

NOTIFICATION MAILING LIST

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

HALL, SIMEON B
230 SOUTHEASTERN BLV
FAYETTEVILLE, NC 28301

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

PORTER, WALLACE
3060 ROSEWAY CT
HOPE MILLS, NC 28348

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DAVIS, KRISTIN
317 VICTORY FALLS DR
APEX, NC 27539

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

1st class

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

MCCAULEY LIMITED LIABILITY CO
PO BOX 361
FAYETTEVILLE, NC 28302

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

3rd class

ZONING APPLICATION



County of Cumberland

Planning & Inspections Department

APPLICATION FOR CONDITIONAL ZONING DISTRICT REZONING REQUEST CUMBERLAND COUNTY ZONING ORDINANCE

CASE ... P21-33
PLANNING BOARD
MEETING DATE: _____
DATE APPLICATION
SUBMITTED: 5-10-21
RECEIPT #: 77404
RECEIVED BY: _____

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

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

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

1. A copy of the recorded deed and/or plat,
2. If a portion of an existing tract is/are being submitted for rezoning, an accurate written legal description of only the area to be considered;
3. A copy of a detailed site plan drawn to an engineering scale, showing the location of all buildings, yard dimensions, driveways, fencing, lighting parking areas, landscaping, and all other pertinent data to the case; and
4. A check made payable to the "Cumberland County" in the amount of \$ 1260 . 00 (See attached Fee Schedule)

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

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

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

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

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

NOTE: Be specific and list all intended uses.

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

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

APPLICATION FOR
CONDITIONAL ZONING

1. PROPOSED USE(S):

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

- Accessory Uses
- Dwelling-Single Family

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

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

2. DIMENSIONAL REQUIREMENTS:

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

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

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

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

3. SIGN REQUIREMENTS:

Reference the district sign regulations proposed from Article XIII.

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

4. LANDSCAPE AND BUFFER REQUIREMENTS:

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

N/A

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

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

5. MISCELLANEOUS:

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

N/A

6. SITE PLAN REQUIREMENTS:

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

7. STATEMENT OF ACKNOWLEDGMENT:

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

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

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

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

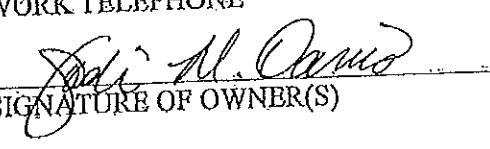
106 LOOKOUT CANE NEW BERN, NC 28562
ADDRESS OF OWNER(S)

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

252-571-6667
HOME TELEPHONE

WORK TELEPHONE


SIGNATURE OF OWNER(S)


SIGNATURE OF OWNER(S)

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

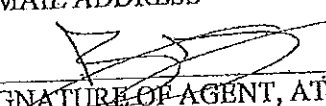
109 Hay Street, Suite 301, Fayetteville, NC 28301
ADDRESS OF AGENT, ATTORNEY, APPLICANT

919-909-9632
HOME TELEPHONE

919-909-9632
WORK TELEPHONE

bdipasquale@mckeehomesnc.com
E-MAIL ADDRESS

N/A
FAX NUMBER


SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

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Kristin M Davis

NAME OF OWNER(S) (PRINT OR TYPE)

317 Victory Falls Dr. Apex, NC 27539

ADDRESS OF OWNER(S)

ksunderd@gmail.com

E-MAIL

425 367 3016

HOME TELEPHONE

WORK TELEPHONE

Kristin M Davis

SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)

McKee Homes, Inc. - Blayze DiPasquale

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

109 Hay Street, Suite 301, Fayetteville, NC 28301

ADDRESS OF AGENT, ATTORNEY, APPLICANT

919-909-9632

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919-909-9632

WORK TELEPHONE

bdipasquale@mckeehomesnc.com

E-MAIL ADDRESS

N/A

FAX NUMBER

[Signature]

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

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

chrislewis.davis@gmail.com
E-MAIL

425 367 3015
HOME TELEPHONE

WORK TELEPHONE


SIGNATURE OF OWNER(S)

SIGNATURE OF OWNER(S)

McKee Homes, Inc. - Blayze DiPasquale
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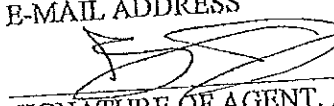
109 Hay Street, Suite 301, Fayetteville, NC 28301
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919-909-9632
WORK TELEPHONE

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

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

orion2049@gmail.com
E-MAIL

910-~~777~~484-9280
HOME TELEPHONE

910-261-5157
WORK TELEPHONE

Boyd D. Parsons
SIGNATURE OF OWNER(S)

Mae Smith Parsons
SIGNATURE OF OWNER(S)

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

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

919-909-9632
HOME TELEPHONE

919-909-9632
WORK TELEPHONE

bdipasquale@mckeehomesnc.com
E-MAIL ADDRESS

N/A
FAX NUMBER

[Signature]
SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

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James D. Hubbard

Norma Garcia

NAME OF OWNER(S) (PRINT OR TYPE)

11113 Forest Crown, Live Oak, TX 78233

ADDRESS OF OWNER(S)

offmgrnorma@yahoo.com

E-MAIL

210-400-3087

HOME TELEPHONE

WORK TELEPHONE

James D. Hubbard

SIGNATURE OF OWNER(S)

[Signature]

SIGNATURE OF OWNER(S)

McKee Homes, Inc. - Blayze DiPasquale

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

109 Hay Street, Suite 301, Fayetteville, NC 28301

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919-909-9632

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WORK TELEPHONE

bdipasquale@mckeehomesnc.com

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Cheri + Marty (Glenn) Lassiter

NAME OF OWNER(S) (PRINT OR TYPE)

18726 Avery Park Dr., Cornelius, NC 28031

ADDRESS OF OWNER(S)

Cheridlass@gmail.com

E-MAIL

704-895-5140

HOME TELEPHONE

980-721-8618

WORK TELEPHONE

Cheri Lassiter

SIGNATURE OF OWNER(S)

Glenn Martin Lassiter II

SIGNATURE OF OWNER(S)

McKee Homes, Inc. - Blayze DiPasquale

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

109 Hay Street, Suite 301, Fayetteville, NC 28301

ADDRESS OF AGENT, ATTORNEY, APPLICANT

919-909-9632

HOME TELEPHONE

919-909-9632


WORK TELEPHONE

bdipasquale@mckeehomesnc.com

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Tommy J. Woodell Debra H. Woodell
NAME OF OWNER(S) (PRINT OR TYPE)

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

The marlboman 12 @ gmail.com
E-MAIL

910 483 9277
HOME TELEPHONE

910 818 4017
WORK TELEPHONE

Tommy J. Woodell
SIGNATURE OF OWNER(S)

Debra H. Woodell
SIGNATURE OF OWNER(S)

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

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

919-909-9632
HOME TELEPHONE

919-909-9632
WORK TELEPHONE

bdipasquale@mckeehomesnc.com
E-MAIL ADDRESS

N/A
FAX NUMBER

[Signature]
SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

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Travis Allen Hubbard Jill Elisabeth Hubbard
NAME OF OWNER(S) (PRINT OR TYPE)

801 Southwood DR SHIPPENSBURG PA 17257
ADDRESS OF OWNER(S)

travis.hubbard@volvo.com
E-MAIL

828-275-3529
HOME TELEPHONE

717-530-6181
WORK TELEPHONE

Travis A Hubbard
SIGNATURE OF OWNER(S)

Jill Elisabeth Hubbard
SIGNATURE OF OWNER(S)

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

109 Hay Street, Suite 101, Fayetteville, NC 28301
ADDRESS OF AGENT, ATTORNEY, APPLICANT

919-909-9632
HOME TELEPHONE

919-909-9632
WORK TELEPHONE

bdipasquale@mckeehomesnc.com
E-MAIL ADDRESS

N/A
FAX NUMBER

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

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

MIKE PAM 68 @ YAHOO.COM
E-MAIL

(919) 356-5813 - PAM CELL
HOME TELEPHONE

(919) 888-0420 MIKE CELL
WORK TELEPHONE

Pamela Domanski
SIGNATURE OF OWNER(S)

Michael Domanski
SIGNATURE OF OWNER(S)

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

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

919-909-9632
HOME TELEPHONE

919-909-9632
WORK TELEPHONE

bdipasquale@mckeehomesnc.com
E-MAIL ADDRESS

N/A
FAX NUMBER

[Signature]
SIGNATURE OF AGENT, ATTORNEY, OR APPLICANT

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

6510
0010

8K6510PG010

20762

RECEIVED

5-3-2004 PM 3:36:18

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

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

Revenue: 0
NORTH CAROLINA

ROBESON COUNTY

mail: Linda Johnson (starling)
1925 Tom Hodges Rd.
Way. NC 28384
DEED

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

WITNESSETH:

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

SEE ATTACHED SCHEDULE "A"

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

The designation of the party of the first part and the party of the second part as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

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

6518
8811

BK6510PG011

Linda S. Johnson (SEAL)
LINDA S. JOHNSON

Mae S. Parsons (SEAL)
MAE S. PARSONS

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

Pamela Hodges (SEAL)
PAMELA HODGES

Barbara Jean Smith (SEAL)
BARBARA JEAN SMITH

Boyd Parsons (SEAL)
BOYD PARSONS

Debra Woodell (SEAL)
DEBRA WOODELL

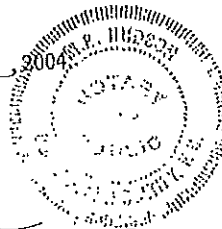
Derrick Hodges (SEAL)
DERRICK HODGES

NORTH CAROLINA

ROBESON COUNTY

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

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



M.B. Hudson
NOTARY PUBLIC

My Commission expires: 12-8-2005

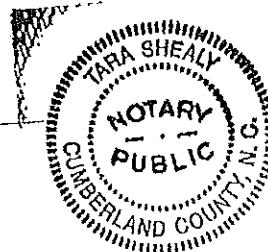
NORTH CAROLINA

ROBESON COUNTY

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

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

Tara Shealy
NOTARY PUBLIC



My Commission Expires November 22, 2006

6518
0812

BK6510PG012

NORTH CAROLINA

ROBESON COUNTY

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

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



Margaret B Wright
NOTARY PUBLIC

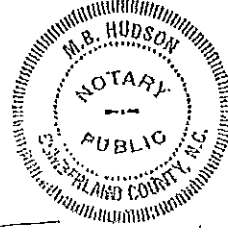
My Commission expires: 7 March 2006

NORTH CAROLINA

ROBESON COUNTY

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

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



M.B. Hudson
NOTARY PUBLIC

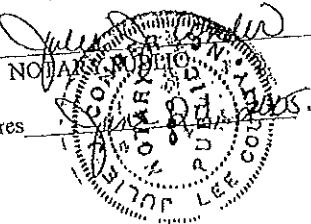
My Commission expires: 12-8-05

NORTH CAROLINA

LEE COUNTY

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

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



My Commission Expires Jul 2005

6518
0013

BK 6510 PG 013

NORTH CAROLINA

CUMBERLAND COUNTY

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

REGISTER OF DEEDS
CUMBERLAND COUNTY, NORTH CAROLINA

BY: _____
ASSISTANT/DEPUTY

SCHEDULE "A"

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

LOT NUMBER ONE: Lying on the west side of the Wilmington Road: BEGINNING at a sweet gum, McLemore's corner, and runs south 6 west with the big ditch 27 chains to a stake at the fork of the ditch; thence south 82 west 9 chains to Miss Lill Hall's corner in the north edge of the branch; thence with her line north 29 chains to McLemore and Paul Nichols' corner in the south edge of the branch; thence with McLemore's and Paul Nichols' line to the beginning, containing $26\frac{1}{2}$ acres, more or less.

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

LOT NUMBER THREE: Located on the west side of the Wilmington Road, adjoining the lands of the said L. M. Hall and William Smith and others; Beginning at a long straw pine on the east edge of a ditch in William Smith's line, thence with said Smith's line north 79 east 6 chains and 51 links to a stake in the Wilmington Road in the center of a branch; thence with the Wilmington Road north 24 west 18 chains to a stake; thence north 2 east 7 chains and 84 links to a stake in the west margin of the Wilmington Road, Mrs. Dorin Murphrey's corner; thence with Louise M. Hall's line to the beginning with a big ditch, containing $7\frac{1}{2}$ acres, more or less.

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

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

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

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

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

CUMBERLAND COUNTY DEED—XVI.

1700, 1800, 1900, 2000, 2100, 2200, 2300, 2400, 2500, 2600, 2700, 2800, 2900, 3000, 3100, 3200, 3300, 3400, 3500, 3600, 3700, 3800, 3900, 4000, 4100, 4200, 4300, 4400, 4500, 4600, 4700, 4800, 4900, 5000, 5100, 5200, 5300, 5400, 5500, 5600, 5700, 5800, 5900, 6000, 6100, 6200, 6300, 6400, 6500, 6600, 6700, 6800, 6900, 7000, 7100, 7200, 7300, 7400, 7500, 7600, 7700, 7800, 7900, 8000, 8100, 8200, 8300, 8400, 8500, 8600, 8700, 8800, 8900, 9000, 9100, 9200, 9300, 9400, 9500, 9600, 9700, 9800, 9900, 10000

STATE OF NORTH CAROLINA,
CUMBERLAND COUNTY. }THIS DEED, Made this 21 day of July, AD, 1951, by
Ruby Edith Melvin (single) and Annie Mae Cox, and her husband E.R. Cox,of Bladen County and State of North Carolina, parties
of the first part, and James W. Melvin,of Rabeson County and State of North Carolina, party of the second part,WITNESSETH, That said party ies of the first part, in consideration of Ten (\$10.00) Dollars and other good
and valuable considerations Dollars

to them paid by said party of the second part the receipt of which is hereby acknowledged, have bargained and sold

and by these presents do bargain, sell and convey to said party of the second part, and his heirs and assigns,

all these or parcel of land in Greys Creek Township, Cumberland County,

State of North Carolina, adjoining the lands of _____

and others, bounded as follows, viz:

Lot No. 1. Lying on the West side of the Wilmington Road; Beginning at a sweet gum, McLeMore's corner, and runs South 6 West with the Big Ditch 27 chains to a stake at the Fork of the ditch; thence South 82 West 9 chains to Miss Lill Hall's corner in the North edge of the Branch; thence with her line North 29 chains to McLeMore and Paul Nichol's corner in the South edge of the Branch; thence with McLeMore's and Paul Nichol's line to the beginning, containing 26½ acres.

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

Robert McLaughlin's land.

Lot No. 3. Located on the west side of the Wilmington Road, adjoining the lands of the said L.M. Hall and William Smith, and others, Beginning at a long straw pine on the east edge of a ditch in William Smith's line, thence with said Smith's line North 79 East 6 chains and 51 links to a stake in the Wilmington Road, in the center of a branch; thence with the Wilmington Road, North 24 West 18 chains to a stake; thence North 2 East 7 chains and 84 links to a stake in the West margin of the Wilmington Road, Mrs. Dorin Murphrey's corner; thence with Louise M. Hall's line to the beginning, with a big ditch, containing 7½ acres.

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

4882
8451

JB236

THIS INSTRUMENT DRAWN BY

CHECKED BY

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

NORTH CAROLINA
COUNTY OF Cumberland
TAX MAP AND LOT

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

BK4802PG0451

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

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

WITNESSETH

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

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

RECEIVED

2-9-1998 PM 2:35

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

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

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

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

This deed is subject to the following provisions only:

None

CUMBERLAND COUNTY NC 02/09/98

\$4.00



Real Estate
Excise Tax

4882
8452

BK4802PG0452

Project 6.449003T

Parcel: 021

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

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

IN WITNESS WHEREOF, the GRANTORS have hereunto set their hands and seals (or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors) the day and year first above written.

(Corporate Name) Rubell S. Harris (SEAL)
BY: Rubell S. Harris (SEAL)
ATTEST: M. D. Shaw (President) (SEAL)
NOTARY PUBLIC (Secretary) (SEAL)
SAMPSON COUNTY, NC

ACCEPTED FOR THE DEPARTMENT OF TRANSPORTATION

BY: [Signature] FEB 4 1998

NORTH CAROLINA, Cumberland COUNTY

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

GRANTORS personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this the 8 day of January, 1998.

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

NORTH CAROLINA, _____ COUNTY

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

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

My Commission expires: _____ Notary Public

The foregoing Certificate is of M. D. Shaw

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,
Robin M. Jones Deputy / Assistant - Register of Deeds



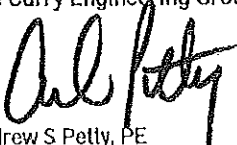
MEMORANDUM			
Project:	Woodell Tract Rezoning	Date:	June 3, 2021
Applicant:	McKee Homes, Inc	Subject:	Letter on Code Compliance
Contact Information:	Andrew Petty / andy@curryeng.com / 919.552.0849	To:	Telly Shinas, MCRP
		CC:	David Moon, AICP

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

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

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

Sincerely,
The Curry Engineering Group, PLLC

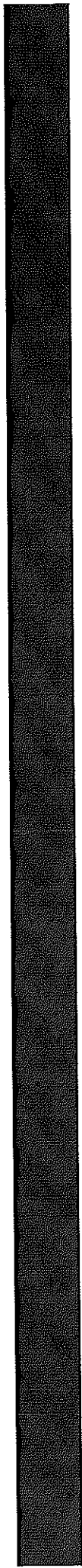


Andrew S. Petty, PE
Vice President / Senior Engineer

REZONING CASE # P21- 33

REID: 0443449314000

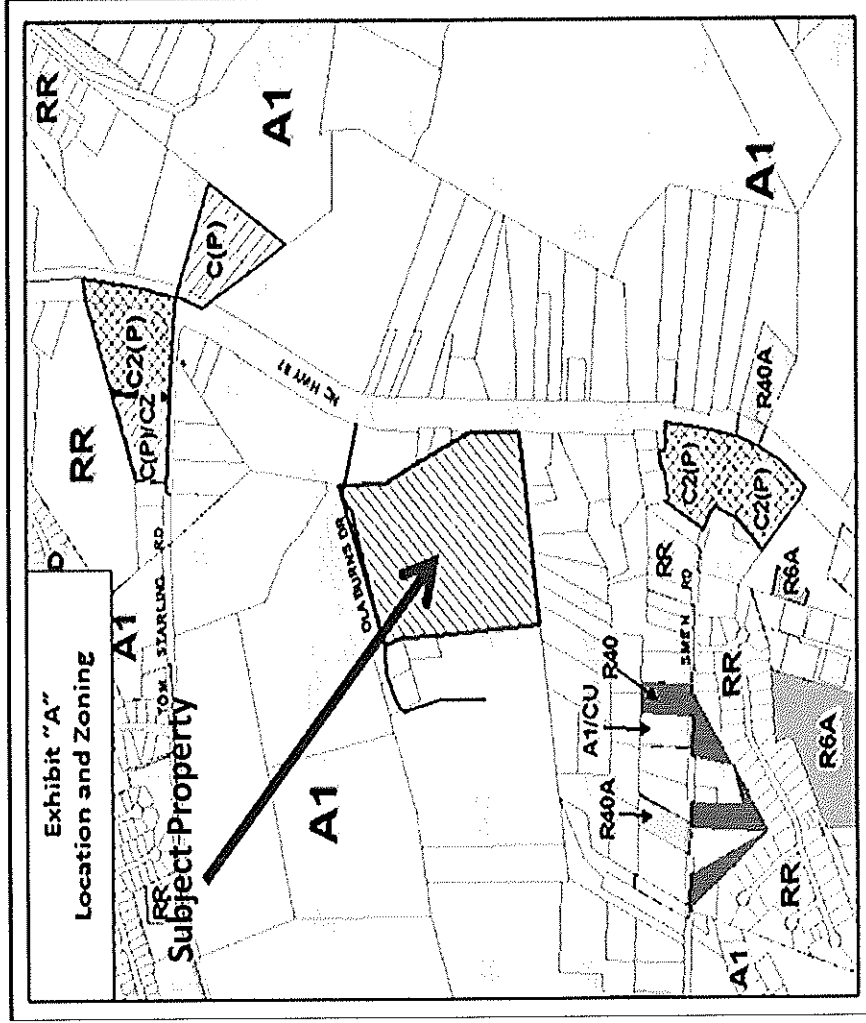
APPLICANT PRESENTATION



EXISTING PROPERTY

LOCATION AND ZONING

(Exhibit A from staff report)

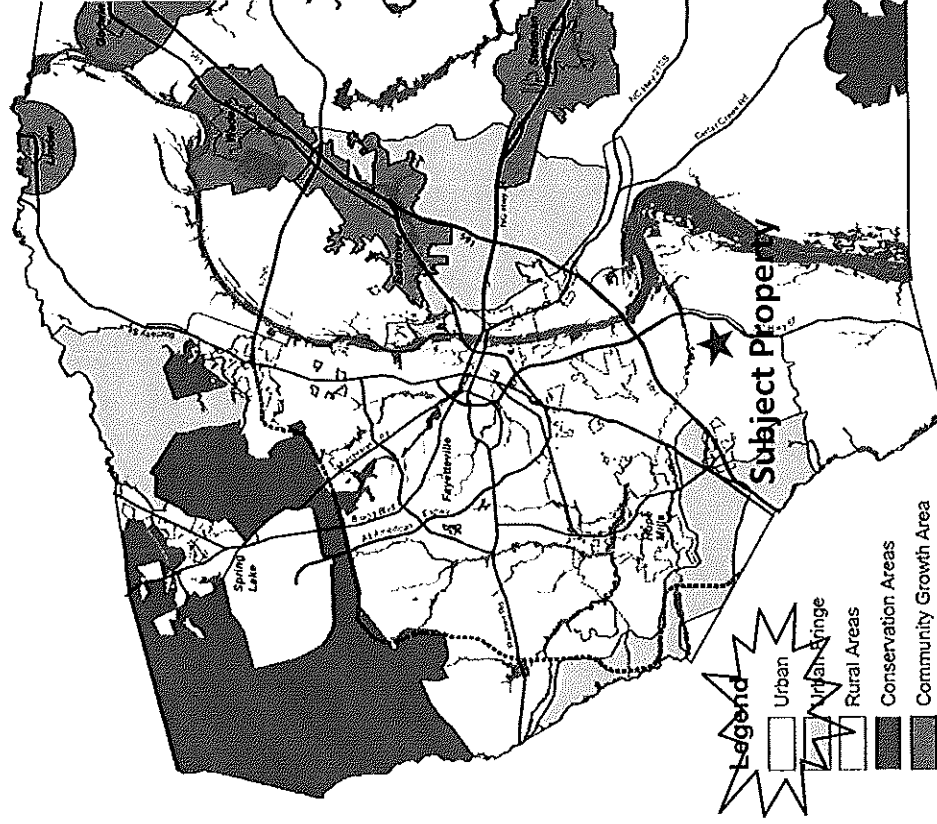


JUSTIFICATION FOR REQUEST

COMPREHENSIVE PLANNING

GROWTH STRATEGY MAP

2030 GROWTH STRATEGY MAP



JUSTIFICATION FOR REQUEST

COMPREHENSIVE PLANNING

GROWTH STRATEGY MAP

WHY IS THIS IMPORTANT?

The Urban Growth Strategy area is defined as "Areas Designated for Immediate Urban Level Development"

Urban Areas provide for the continued development and redevelopment of the larger, contiguous urbanized areas in Cumberland County (i. e. Fayetteville, Hope Mills and Spring Lake). Urban Areas include lands that are currently urban in character and have a full range of urban services in place, or are well located for the timely, cost-effective provision of urban services. Urban Areas should be the top priority area for planning, programming and providing public urban services including, generally, centralized water and sewer, parks, schools, police, fire and rescue services, garbage service, storm water systems, streets & roads, transit, cultural facilities, sidewalks, streetlights, and other amenities. To encourage development in these areas, the public sector may provide incentives in the form of density bonuses, infrastructure subsidies, or other advantages. New development densities should generally occur at 4 or more units per acre and may be much higher in some locations.

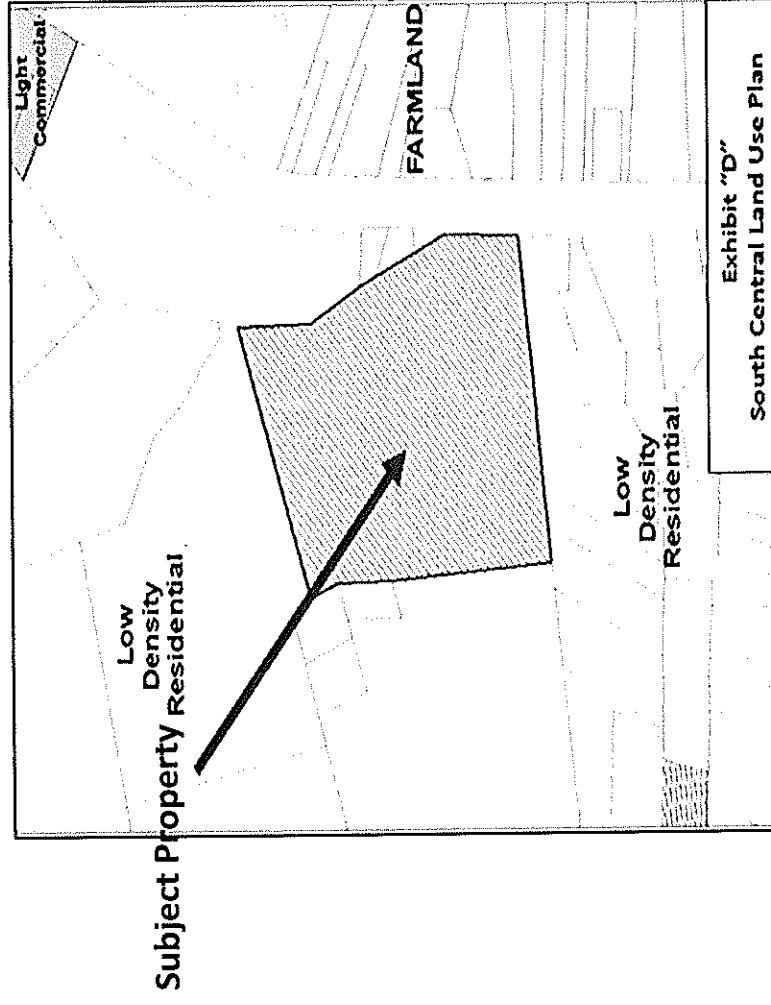
CONCLUSION: PROPOSED DENSITY WITH THIS REZONING REQUEST IS 3.24 UNITS/ACRE WHICH IS IN LINE WITH THE CUMBERLAND COUNTY GROWTH STRATEGY MAP.

JUSTIFICATION FOR REQUEST

COMPREHENSIVE PLANNING

FUTURE LAND USE PLAN

(Exhibit D from staff report)



JUSTIFICATION FOR REQUEST

COMPREHENSIVE PLANNING

FUTURE LAND USE PLAN

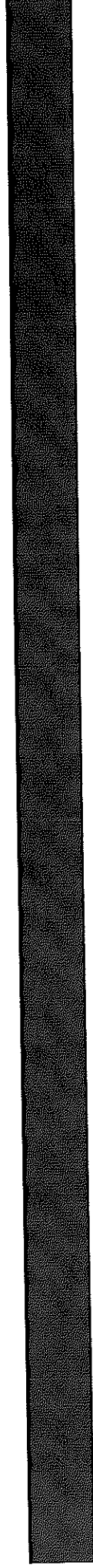
WHY IS THIS IMPORTANT?

This site is located in the low density future land use plan designation.

Per the Cumberland County Subdivision Ordinance, adopted July 1, 1970 with latest amendment of March 20, 2012 low density is defined as

"Residential development having a density of 2.2 to six dwelling units per acre."

CONCLUSION: PROPOSED DENSITY WITH THIS REZONING REQUEST IS 3.24 UNITS/ACRE WHICH IS CONSISTENT AND COMPLIANT WITH THE LOW DENSITY RESIDENTIAL LAND USE PLAN.



VOLUNTARY NEIGHBORHOOD MEETING



JUSTIFICATION FOR REQUEST

COMMUNITY INVOLVEMENT

VOLUNTARY NEIGHBORHOOD MEETING

WHY IS THIS IMPORTANT?

To be a good steward to the community and get feedback from the surrounding residents, McKee Homes and Curry Engineering organized a voluntary neighborhood meeting on July 13, 2021 from 6:30-7:30 PM at the John Dove Pone Recreational Center to discuss the proposed rezoning case and subdivision plan.

Notifications were sent to property owners within 200' of the subject property on July 1, 2021

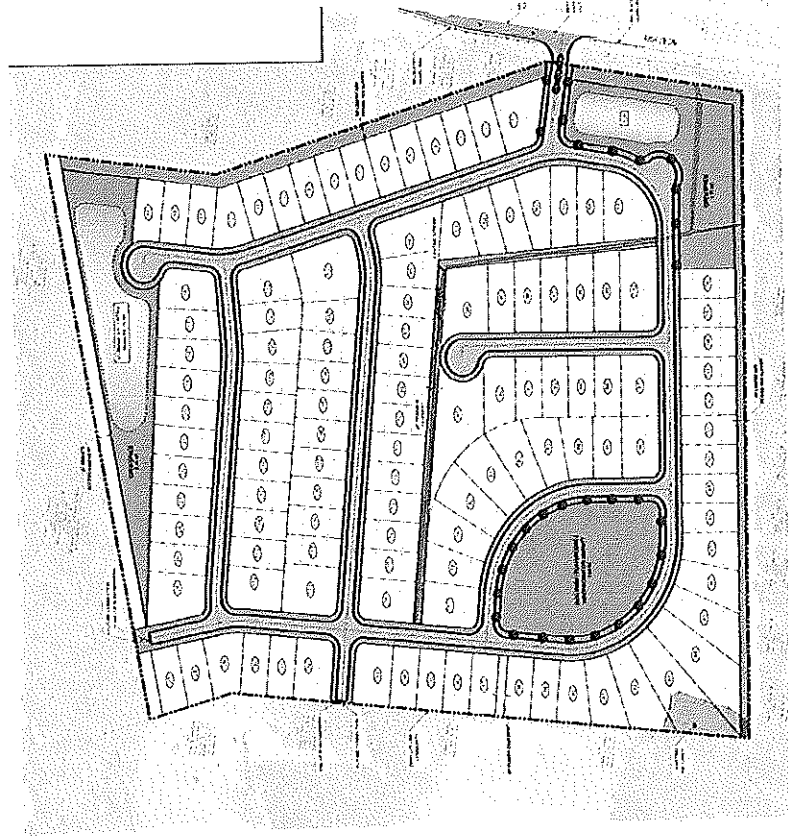


JUSTIFICATION FOR
REQUEST

COMMUNITY INVOLVEMENT

**VOLUNTARY
NEIGHBORHOOD
MEETING**

WHAT WAS SHOWN?

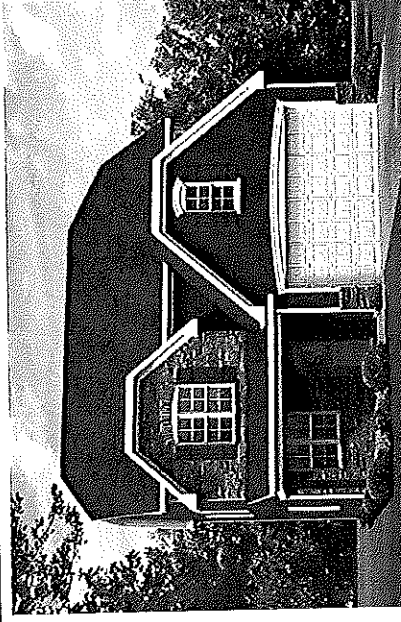
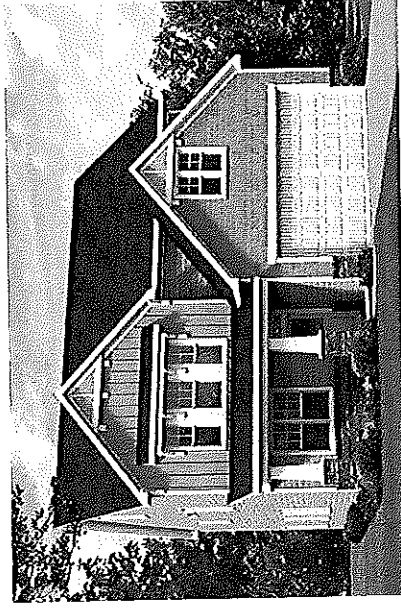


JUSTIFICATION FOR
REQUEST

COMMUNITY INVOLVEMENT

VOLUNTARY
NEIGHBORHOOD
MEETING

WHAT WAS SHOWN?



JUSTIFICATION FOR REQUEST

COMMUNITY INVOLVEMENT

VOLUNTARY NEIGHBORHOOD MEETING

WHAT WAS DISCUSSED?

In addition to representatives of McKee Homes, Curry Engineer, MIKA Management and Cape Fear Commercial a total of 4 neighboring residents attended the meeting.

A summary of the rezoning proposal with conditional site plan and preliminary home elevations were presented.

A summary of the topics discussed were as follows:

Q1. How many homes are being proposed?

A1. 122 homes.

Q2. Would Ola Burns Drive be renamed? The road was named for surrounding resident's grandmother.

A2. There is no desire to do that. In fact, if there are some other historical or other sentimental features of the property we are willing to incorporate into the name of the subdivision and/or street names.

JUSTIFICATION FOR REQUEST

COMMUNITY INVOLVEMENT

VOLUNTARY NEIGHBORHOOD MEETING

WHAT WAS DISCUSSED?

Additional questions:

Q3. Would Ola Burns Drive be paved?

A3. No. If Ola Burns is a NCDOT maintained street, NCDOT would need to do that or would allow it.

Q4. How will properties that use Ola Burns Drive be affected by this subdivision?

A4. The proposed plan allocates for a private access easement to allow for Ola Burns to continue to be used by those property owners. Additionally, the proposed plan is providing a stub street that Ola Burns will connect to which would allow those residents to utilize the subdivision entrance of Highway 87. This will be a safer route than what currently exists since NCDOT will require a dedicated right turn lane into the subdivision.

Q5. Will all the trees be cut down? What about a buffer?

A5. The plan is to provide a 20' buffer along the south property line and the east property line. The north property line has the access easement for Ola Burns Drive. No buffer is proposed along the west property line because it is anticipated that future development of these large parcels will back up to these lots. The project will attempt to preserve existing vegetation in these buffers.

JUSTIFICATION FOR REQUEST

COMMUNITY INVOLVEMENT

VOLUNTARY NEIGHBORHOOD MEETING

WHAT WAS DISCUSSED?

McKee homes provided additional information on the home types and price ranges.

The development team provided dates for the Joint Planning Board Meeting and County Commissioners meetings.

The development team gave a preliminary schedule of events and encouraged all attendees to take business cards in case additional questions or concerns arose after the neighborhood meeting was over.

The meeting was adjourned right at 7:30 PM.

JUSTIFICATION FOR REQUEST

COMMUNITY INVOLVEMENT

VOLUNTARY NEIGHBORHOOD MEETING

WHAT CAME OUT OF THE MEETING?

After the neighborhood meeting the applicant is offering the following as additional voluntary conditions as part of the rezoning:

1. All construction related traffic is prohibited from utilizing Ola Burns Drive for the duration of the subdivision and home construction (with the exception of condition #2).
2. The developer will provide up to 3 inches of ABC stone resurfacing of Ola Burns Drive within the subject property boundaries. As part of the resurfacing, this will include repairing existing potholes. This resurfacing will be provided prior to the first certificate of occupancy of the subdivision and will be a one time resurfacing. Upon completion of the resurfacing the maintenance of the road will be the responsibility of the individual properties to which the road is located upon.
3. The developer will provide supplemental plantings in a 20' wide perimeter buffer along the south property line. Existing trees within the buffer shall be retained provided they are in good health, do not conflict with the project development and at least 5' inside the buffer line. The buffer shall include a minimum of 10 shrubs and 4 trees per 100' for the full length of the buffer. Existing vegetation shall be permitted to count towards the required plantings. Should supplemental plantings be necessary, a minimum of 2.5" caliper trees at 10' planting height and 3 gallon shrubs will be provided.
4. Anti-monotony requirement. No unit shall be constructed with an exterior elevation or color palette that is identical to the unit on either side or directly across the street.

JUSTIFICATION FOR REQUEST

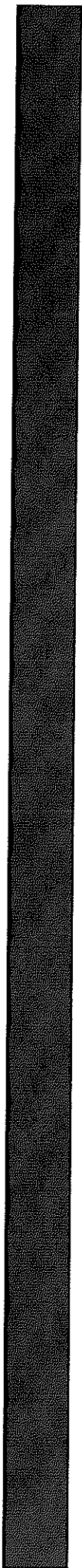
SUMMARY & CONCLUSION

WHY WE FEEL THIS REZONING IS IN THE BEST INTEREST OF THE COUNTY?

The proposed rezoning from A1 to R7.5 Conditional Use with accompanying site plan is in compliance with the adopted Cumberland County land use plan designation of Low Density Residential AND follows the guidelines of the Urban Area of the strategic growth map to provide immediate urban land development.

This project is located along a major thoroughfare which can support the growth proposed.

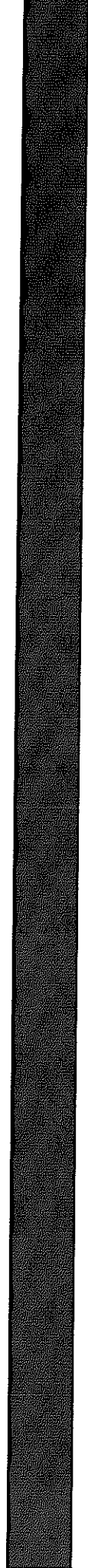
The project provides an additional street network with future connectivity to adjacent properties that can help support public services and emergency support services.



REZONING CASE P21-
33

CUMBERLAND
COUNTY, NC

Questions





PLANNING AND INSPECTIONS DEPARTMENT

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF AUGUST 16, 2021

TO: BOARD OF COUNTY COMMISSIONERS

FROM: CUMBERLAND COUNTY JOINT PLANNING BOARD

DATE: 8/5/2021

SUBJECT: CASE P21-34

BACKGROUND

Case P21-34: Rezoning of 19.6+/- acres from A1 Agricultural District to R30 Residential District or to a more restrictive zoning district, located east of Rockhill Road, north of Rocky River Road, submitted by Ben Stout (agent) on behalf of George Tatum (owner).

RECOMMENDATION / PROPOSED ACTION

Planning Board Action: Recommended approval of the rezoning request from A1 Agricultural District to R30 Residential District at the July 20, 2021 meeting for the reasons stated and as fully reflected in the minutes of the Planning Board Meeting which are incorporated herein by reference.

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

If the Board of Commissioners wishes to follow the recommendation of the Planning Board in this case, the following motion is appropriate:

MOTION:

For Case P21-34, I move to approve the rezoning request from **A1 Agricultural District to R30 Residential District** and find the request consistent with the Eastover Area Land Use Plan, which calls for Rural Density Residential at this location. The request is reasonable and in the public interest because the R30

Residential District allows dwelling types and a density that promote harmony and character with the surrounding land use activities and zoning.

If the Board of Commissioners does not wish to follow the recommendation of the Planning Board in this case, the following motion is appropriate:

MOTION:

For Case P21-34, I move to deny the rezoning request from **A1 Agricultural District to R30 Residential District** and find the request not consistent with the Eastover Area Land Use Plan. Denial of the request is reasonable and in the public interest because _____.

ATTACHMENTS:

Description

Action Memo

Type

Backup Material

Amy H. Cannon
County Manager

Tracy Jackson
Assistant County Manager



Rawls Howard
Director

David Moon
Deputy Director

Planning & Inspections Department

AUGUST 5, 2021

MEMO TO: Cumberland County Board of Commissioners

FROM: Cumberland County Joint Planning Board

SUBJECT: **Case P21-34:** Rezoning of 19.6+/- acres from A1 Agricultural District to R30 Residential District or to a more restrictive zoning district, located east of Rockhill Road, north of Rocky River Road, submitted by Ben Stout (agent) on behalf of George Tatum (owner).

ACTION: Recommended approval of the rezoning request from A1 Agricultural District to R30 Residential District at the July 20, 2021 meeting for the reasons stated and as fully reflected in the minutes of the Planning Board Meeting which are incorporated herein by reference.

MINUTES OF JULY 20, 2021

Mr. Shinas presented the case information and photos.

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

Public comment opened.

There were people signed up to speak in favor and in opposition.

Mr. Ben Stout spoke in favor. Mr. Stout said that they will voluntarily annex into the Town of Eastover, they wanted to find a compromise so that they could have lower density projects and larger lot sizes, so they could do higher end projects. All of the soils have been tested so they will take a septic system. They will have twenty-three lots with a minimum of thirty thousand square feet. They think it's a good mix being inside of the city limits but also having a rural setting. Mr. Stout stated that they wanted to try and do everything the right way.

Mr. Scott Brown spoke in favor. Mr. Brown said that they are compliant with the land use plan as far as what they are asking for, it is served by public water, and suitable for septic. Mr. Brown asked the board to follow the staff's recommendations and approve R30 rezoning.

Mr. Mark Harris spoke in opposition. Mr. Harris stated that his concerns are with being downhill from the subject property which will have twenty-three septic tanks and there is a spring that runs over his land. He is also concerned with the increase in traffic. Mr. Harris feels that the zoning should be consistent with what is in the area. He would also like to see fewer houses with fewer septic tanks.

Amy H. Cannon
County Manager

Tracy Jackson
Assistant County Manager



Rawls Howard
Director

David Moon
Deputy Director

Planning & Inspections Department

Mr. Alan Fisher spoke in opposition. Mr. Fisher said that he was concerned about the number of houses going in and the number of septic tanks being that close to his property. Mr. Fisher said that he would like to see the number of houses lowered and rezoning to R40.
Public comment closed.

Mrs. Moody referenced a Bethany case from a few months ago where the plan said A1 that the nature was supposed to be rural, why would we change from what the plan says to now go to R30.

Mr. Crumpler said that there is also R40 up and down that road it does fit the land use plan for that area. R30 is acceptable in the land use plan. In this case there is a land use plan where Bethany doesn't have a land use plan.

Mr. Crumpler asked Mr. Stout about precautions to keep kids crawling through barbed wire to get on surrounding property.

Mr. Stout said he hadn't really thought about it because it's kind of hard to predict what might happen in the future. But they typically have natural buffers around the property and will leave it in a natural state.

In Case P21-34, Mr. Lloyd made a motion, seconded by Mrs. Moody to approve the rezoning request from A1 Agricultural District to R30 Residential District and find the request is consistent with the Eastover Area Land Use Plan (2018) which calls for Rural Density Residential at this location. Staff further finds that recommending approval of the request is reasonable and in the public interest because the R30 Residential District would allow dwelling types and a density that would be in harmony and character of the area based on compatibility with the surrounding land use activities and zoning. The motion passed with Mr. Williams, Mr. Burton, Mr. Stewart, and Mr. Baker voting in opposition.

First Class and Record Owners' Mailed Notice Certification

A certified copy of the tax record owner(s) of the subject and adjacent properties and their tax record mailing address is contained within the case file and is incorporated by reference as if delivered herewith. The record owners' certified receipt of notice is also included.



NORTH CAROLINA
PLANNING & INSPECTIONS

PLANNING STAFF REPORT
REZONING CASE # P21-34
Planning Board Meeting: July 20, 2021

Location: Rockhill Rd/Rocky River Rd
Jurisdiction: County-Unincorporated

REQUEST

Rezoning A1 to R30

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

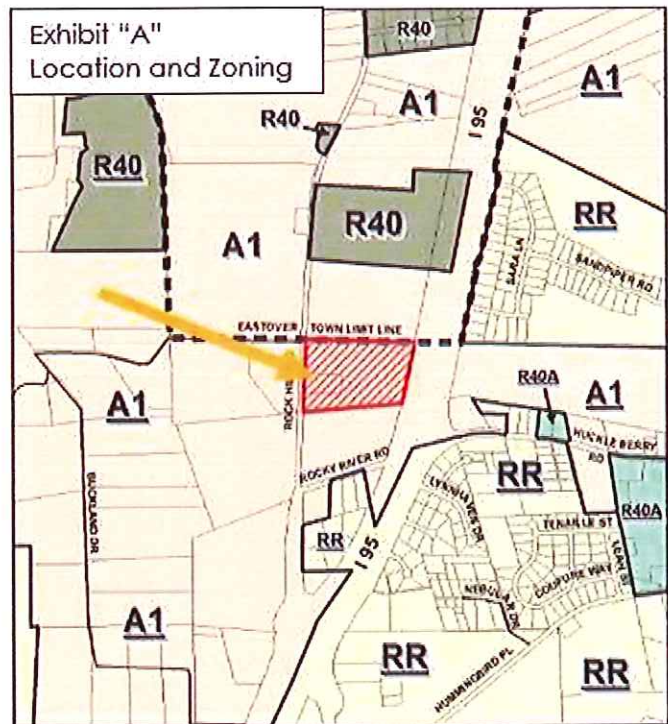
PROPERTY INFORMATION

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

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

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

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



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

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

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

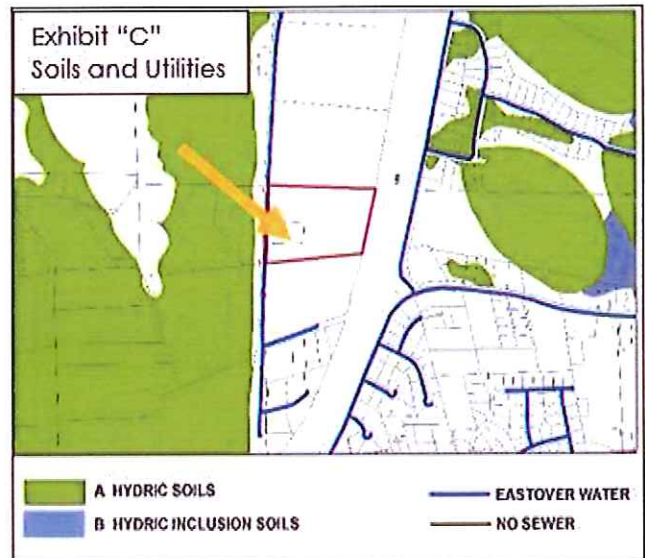
East: I-95 ROW directly abuts the subject property. Beyond the I-95 ROW, the adjacent properties are vacant and wooded.

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

South: Vacant and wooded.

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

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



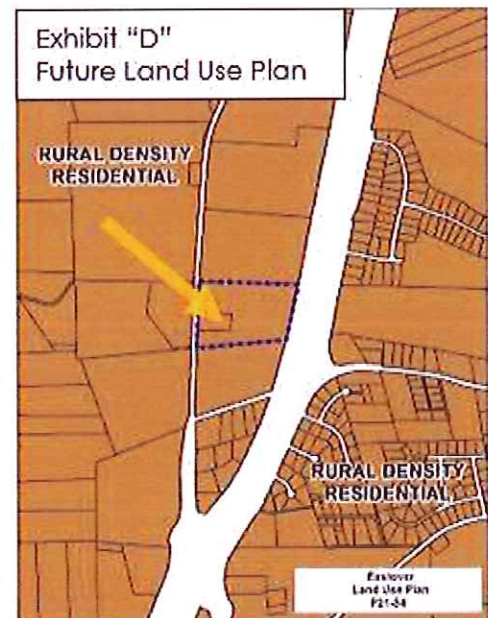
DIMENSIONAL PROVISIONS FOR REQUESTED DISTRICT:

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

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

APPLICABLE PLAN GOALS/POLICIES:

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



IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

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

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

SCHOOLS CAPACITY/ENROLLMENT:

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

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

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

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

CONDITIONS OF APPROVAL: N/A

CODE DEVIATIONS: N/A

STAFF RECOMMENDATION

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

Attachments:
Notification Mailing List
Zoning Application

ATTACHMENT – NOTIFICATION MAILING LIST

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

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

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

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

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

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

STOUT, BEN
1786 METROMEDICAL DR
FAYETTEVILL, NC 28304

FISHER, JOYCE
1542 ROCK HILL RD
EASTOVER, NC 28312

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

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

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

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

BOWERS, BRIAN S
3209 LYNNHAVEN DR
FAYETTEVILLE, NC 28312

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

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

DIAMOND, CHARLES R
3329 MERCEDES DR
FAYETTEVILLE, NC 28312

EVERHART, GERAN
409 STONECROP DR
FAYETTEVILLE, NC 28312

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

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

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

HYE, RHONDA SPENCER
3219 LYNNHAVEN DR
FAYETTEVILLE, NC 28312

JENKINS, ANGELA D
1025 OAKSTONE DR
FAYETTEVILLE, NC 28314

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

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

LOCK, CHRISTY R
000419 STONECROP DR
FAYETTEVILLE, NC 28312

MARTIN, MARYANN
3246 ROCKY RIVER RD
FAYETTEVILLE, NC 28312

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

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

PARKS, YVONNE
3314 MERCEDES DR
FAYETTEVILLE, NC 28312

PELUSO, DELPHINA J
3305 SYMPHONY CT
FAYETTEVILLE, NC 28312

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

REIBER, MEGAN LEIGH
813 SARA LN
FAYETTEVILLE, NC 28312

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

SCHULTZ, TINA
420 STONECROP DR
FAYETTEVILLE, NC 28312

SEWARD, JELAN
413 STONECROP DR
FAYETTEVILLE, NC 28301

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

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

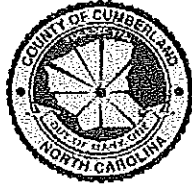
TURNER, BRANDON R; & JACQUELINE
3759 HUCKLEBERRY RD
FAYETTEVILLE, NC 28312

WATKINS, MIKE W
820 WITHERSPOON CT
MCDONOUGH, GA 30253

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

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

ZONING APPLICATION



County of Cumberland

Planning & Inspections Department

CASE #: P21-34

PLANNING BOARD
MEETING DATE: _____

DATE APPLICATION
SUBMITTED: 5-10-21

RECEIPT #: 77407

RECEIVED BY: JB

APPLICATION FOR REZONING REQUEST CUMBERLAND COUNTY ZONING ORDINANCE

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

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

Rezoning Procedure:

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

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

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

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

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

1. Requested Rezoning from A1 to ~~B40~~ R30 ⁽¹⁴⁾
2. Address of Property to be Rezoned: Rock Hill Road
3. Location of Property: east side of Rockhill Road on south side of intersection of Rock Hill Road and Broad Muskeg Road
4. Parcel Identification Number (PIN #) of subject property: 0467077414000 & 0467073312000
(also known as Tax ID Number or Property Tax ID)
5. Acreage: 19.6 Frontage: 803' Depth: 1,155'
6. Water Provider: Well: _____ PWC: _____ Other (name): ESD
7. Septage Provider: Septic Tank X PWC _____
8. Deed Book 8115, Page(s) 350, Cumberland County Registry. (Attach copy of deed of subject property as it appears in Registry).
9. Existing use of property: wooded
10. Proposed use(s) of the property: single family residential
11. Do you own any property adjacent to or across the street from this property?
Yes _____ No X If yes, where? _____
12. Has a violation been issued on this property? Yes _____ No X

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

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

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

Geroge Tatum

NAME OF OWNER(S) (PRINT OR TYPE)

2504 E Pelican Drive, Oak Island, NC 28465

ADDRESS OF OWNER(S)

HOME TELEPHONE #

WORK TELEPHONE #

Ben Stout

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

1786 Metromedical Drive, Fayetteville, NC 28304

ADDRESS OF AGENT, ATTORNEY, APPLICANT

ben@benstoutconstruction.com

E-MAIL

910-476-4502

HOME TELEPHONE #

910-779-0019

WORK TELEPHONE #

SIGNATURE OF OWNER(S)

SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

SIGNATURE OF OWNER(S)

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

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2504 E Pelican Drive, Oak Island, NC 28465

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910 624 6579

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WORK TELEPHONE #

Ben Stouh

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1786 Metromedical Drive, Fayetteville, NC 28304

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ben@benstouhconstruction.com

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HOME TELEPHONE #

910-779-0019

WORK TELEPHONE #

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SIGNATURE OF AGENT, ATTORNEY OR APPLICANT

Ben Stouh
SIGNATURE OF OWNER(S)

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8115
0350

BK8115PG0350

FILED
CUMBERLAND COUNTY NC
J. LEE WARREN, JR.
REGISTER OF DEEDS

FILED Apr 03, 2009
AT 08:01:00 am
BOOK 08115
START PAGE 0350
END PAGE 0352
INSTRUMENT # 11820
RECORDING \$20.00
EXCISE TAX (None)
LAS

Excise Tax \$ 0.00

Recording Time, Book and Page

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

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

Brief Description for the index

NORTH CAROLINA GENERAL WARRANTY DEED

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

GRANTOR

GRANTEE

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

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

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

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

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

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

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

8115
0352

BK 8115 PG 0352

Exhibit A

TRACT I

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

TRACT II

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

TRACT III

BEING all of Lots 1, 2 and 3 of property of R.B. Minges as per plat of same as recorded in Plat Book 70, Page 62, Cumberland County Registry.
Deed Ref: Bk. 4332, Pg. 90.

TRACT IV

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

8115
0350

BK8115PG0350

FILED
CUMBERLAND COUNTY NC
J. LEE WARREN, JR.
REGISTER OF DEEDS
FILED Apr 03, 2009
AT 08:01:00 am
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END PAGE 0352
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LAS

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Recording Time, Book and Page

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Verified by _____ County on the _____ day of _____, 20____
by _____

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Robbin Tatum, and Robbin M. Tatum), divorced and single

GRANTEE

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

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

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

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TRACT II

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

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BEING all of Lots 1, 2 and 3 of property of R.B. Minges as per plat of same as recorded in Plat Book 70, Page 62, Cumberland County Registry.
Deed Ref: Bk. 4332, Pg. 90.

TRACT IV

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

FAYETTEVILLE PUBLISHING COMPANY
 458 Whitfield Street, Fayetteville, NC 28306
 Phone (910) 678-9000 Toll Free 1-800-345-9895 Fax (910) 323-1451

Order Confirmation

PUBLIC NOTICE

The Cumberland County Board of Commissioners will meet at 6:15 p.m. on August 16, 2021, in room 118 of the County Courthouse at 117 Dick Street to hear the following:

P21-26 rezoning 14.04 +/- ac A1 to R20 or a more restrictive zoning district; 2120 Smith Rd; Northwood Investment, LLC (owner)

P21-27 rezoning 2.36 +/- ac R10 to C1(P) or more restrictive zoning district; 6234 Camden Rd; Sharon Edwards (owner)

P21-28 rezoning 48 +/- ac A1 to R30/CZ all residential sub up to 52 lots or more restrictive zoning district; John Nunnery Rd south of Bainbridge Rd; Molcie Farms LLC (owner)

P21-31 rezoning 25 +/- ac RR District to R7.5/CZ District up to 77 lots all sub or more restrictive zoning district; south of Clinton Rd, west of Forte Rd; Nicholas, Brad, John, and David Hancock (owners)

P21-33 rezoning 41.98 +/- ac A1 Agricultural District to R7.5 Residential/CZ District up to 122 lots all sub or to a more restrictive zoning district; west of NC 87 Hwy and south of Olaburns Drive; James D. Hubbard and Norma Garcia; Cheri and Marty Lassiter; Tommy J Woodell and Debra H. Woodell; Travis Allen Hubbard and Jill Elizabeth Hubbard; Pamela and Michael Domanski; Michael and Jodi Davis; Christopher Davis, Kristin M. Davis; Boyd D. Parsons Jr. and Mae Smith Parsons (owners)

P21-34 rezoning 19.6 +/- ac A1 District to R30 District or more restrictive zoning district; east of Rockhill Rd, north of Rocky River Rd; George Tatum (owner)

P21-36 rezoning 12.36 +/- ac A1 District to C(P) District or more restrictive zoning district; east of Cedar Creek Dr, north of Tabot Church Rd; Cathy Tatum Vinson (owner)

P21-40 rezoning 0.92 +/- ac A1 District to R40 District or more restrictive zoning district; at 5177 Stewart Rd; Michael Longhany (owner)

P21-41 rezoning 2.80 +/- ac M(P) District to C(P) District or more restrictive zoning district; at 2965 Gillespie St; Emmons & Wheeler, LLC (owner)
 8/2, 9 5250774

Ad Order Number

0005250774

Customer

CUMB CO JOINT PLANNING

Sales Rep.

0090

Customer Account

003661000

Order Taker

0001

Customer Address

130 Gillespie Street, Attn: Laverne Howard,
 FAYETTEVILLE NC 28301 USA

Order Source

Telephone

Customer Phone

910-678-7600

Order Invoice Text

CCBoC - 8/16/21 meeting

Payor Customer

CUMB CO JOINT PLANNING

PO Number

Payor Account

003661000

Ordered By

Payor Address

130 Gillespie Street, Attn: Laverne Howard
 FAYETTEVILLE NC 28301 USA

Customer Fax

910-678-7631

Customer EMail

lhoward@co.cumberland.nc.us

Payor Phone

910-678-7600

Special Pricing

None

Net Amount

\$477.54

Tax Amount

\$0.00

Total Amount

\$477.54

Amount Due

\$477.54

Payment Method

Payment Amount

\$0.00

Ad Number

0005250774-01

Ad Type

CL Legal Line

Ad Size

: 1.0 X 63 cl

Color

<NONE>

Product

Placement/Classification

Run Dates

Inserts

Cost

FO::

401 - Legals

8/2/2021, 8/9/2021

2

\$458.64

OL::

401 - Legals

8/2/2021, 8/9/2021

2

\$18.90



ENGINEERING AND INFRASTRUCTURE DEPARTMENT

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF AUGUST 16, 2021

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JERMAINE WALKER, COUNTY ENGINEER

DATE: 8/17/2021

**SUBJECT: CONSIDERATION OF ACTION TAKEN AT THE AUGUST 10, 2021
AGENDA SESSION TO CEASE CONSIDERATION OF CONSULTANT
SERVICES FOR HISTORIC COURTHOUSE RENOVATIONS**

BACKGROUND

At the April 8, 2021 Board of Commissioners' Agenda Session, a representative from the Wooten Company presented two meeting room concepts to the Board. After the presentation, the Board instructed staff to arrange visits with the architect to the Historic Courthouse for the Commissioners and to bring the item back for further discussion at the next Agenda Session. Wooten reached out to the Board and arranged a visit to the Historic Courthouse Courtroom on April 16, 2021, at which time the proposed meeting room concept was explained in greater detail. Two commissioners attended that meeting (Commissioners Keefe and Lancaster).

To recap, the Wooten Company has identified the following costs associated with the proposed renovation: Historic Courthouse Courtroom: \$2,573,000 and the Cumberland County Courthouse - Rooms 118 & 119: \$2,235,500.

A conceptual design would be developed to allow the Commissioners to understand the related building renovations required to support the use of the Courtroom at the Historic Cumberland County Courthouse

- The above cost estimate for the Historic Courthouse does not include:
- Elevator Modernization Costs (proposed in FY22 CIP at \$250,000)
- 2nd floor bathroom renovations and ADA up-fit
- Addition of an Executive Meeting Room
- Technology Infrastructure Improvements

If renovated, this would lead to significant plumbing upgrades, a major difference in the appearance of the Historic Courthouse from one floor to the next due to a major renovation of most of the second floor and displacement of County second floor personnel. To address this issue, the Board of Commissioners then directed that the Staff work in determining the costs associated with renovating the basement through the third

floor.

The new expanded scope will include the following:

- Offices for County Commissioners (up to 9)
- County Manager's Office
- Clerk to the Board
- County Attorney's Office
- Public Information Office (PIO)
- Budgeting

Commissioners Room related items added from the above-mentioned previous concept include restoration of the balcony and the seating area under the balcony; accessible restrooms at the new Commissioners' Room level; an Executive Session Room.

Attached to this memo is a proposal from the Wooten Company to complete an additional scope of work, determining the above costs associated with renovations at the Historic Courthouse, in the amount of \$32,875.00 and to be completed in 35 days after approval of the proposal.

This item was presented at the August 10, 2021 Agenda Session. At that meeting Chairman Evans asked that this item and the RFQ for the general government services building be presented and discussed at the same time. After much discussion, a motion was made to cease consideration of consultant services for Historic Courthouse renovations and to approve the RFQ for consultant services for a general government services building. That motion passed with a vote of five to one.

RECOMMENDATION / PROPOSED ACTION

This item was presented at the August 10, 2021 Agenda Session. The Board of Commissioners approved moving this forward as an Item of Business to consider the motion made at that meeting to cease consideration of consultant services for Historic Courthouse renovations and to approve the RFQ for consultant services for a general government services building.

ATTACHMENTS:

Description

Wooten Expanded Scope Proposal

Type

Backup Material

July 20, 2021

Ms. Amy H. Cannon
County Manager
Cumberland County
117 Dick St.
Fayetteville, NC 28301

Re: Proposal for Historic Courthouse Utilization Conceptual Plan

Dear Ms. Cannon:

In response to your request, The Wooten Company is pleased to submit a fee proposal to provide professional services which expand the scope of our conceptual design for your Historic Courthouse in the Cumberland County. The following summary is our understanding of the objectives and scope of work.

Project Understanding

A conceptual design will be developed to allow the Commissioners to understand the related building renovations required to allow the certain departments to move from the Judge E. Maurice Braswell Cumberland County Courthouse into the Historic Cumberland County Courthouse at 130 Gillespie St, Fayetteville. Included in the move would be:

- Offices for County Commissioners (up to 9)
- County Manager's Office
- Clerk to the Board
- County Attorney's Office
- Public Information Office (PIO)
- Budgeting

Commissioners Room related items added to our previous concept include: restoration of the balcony and the seating area under the balcony; accessible restrooms at the new Commissioners' Room level; an Executive Session Room; and a complete modernization of the larger of the two elevators.

The complete Courthouse Conceptual Utilization Plan will provide a basis for planning and budgeting.

Scope of Work

Interviews

- The scope was determined in interviews with key County employees and elected officials at a meeting in the subject building on Friday, March 16th; and in discussions on site between Russell Pearlman and Jermaine Walker on Wednesday, July 7th.
- Develop an understanding of the area required and specific related building systems improvements needed to support the above noted occupants in the adaptive reuse in the Historic Courthouse.

Facility and Assessment

- Evaluate developmental constraints that the Historic Courthouse presents relative to the configuration of the rooms proposed to support the Commissioners Room and the above noted Departments.

Analysis

- Generate a schematic floor plans indicating the demolition and new work.
 - Indicating room furnishings on new work plan for scale reference.
- Provide opinion of construction costs.

County's Responsibility

- Designate a person to act as the County's representative with respect to the work to be performed under this agreement. Such person shall be the primary contact to transmit instructions, receive information, and to interpret and define County policies.
- Provide the following information:
 - CAD files of Historic Courthouse Floor Plans
 - CAD files of JEMB Floor Plans
 - Excel File of Names/Titles/Current Rooms of:
 - Offices for County Commissioners
 - Offices for County Manager
 - Offices for Clerk to the Board
 - Public Information Offices
 - Budget Office

- Contact the Fayetteville Historic Resources Commission for documentation regarding the designation of the Historic Courthouse.
- Provide timely review and comment on design issues.
- Coordinate elected officials and key employees to meet with Architect at times of mutual convenience.

Fee

Based on the scope of the project, we propose to provide the services outlined above at a fixed fee of Thirty-Two Thousand Eight Hundred Seventy-Five Dollars (\$32,875.00). We do not anticipate any reimbursable expenses associated with these efforts, however, if the need for any such expenses should arise, we will seek approval from the County before proceeding.

Schedule

We estimate that 35 days after execution of the agreement and receipt of the above noted Owner provided information will be required to complete additional scope of the study.

Please review our proposal and do reach out if you have any questions.

If you find our proposal acceptable, please indicate the County's approval by signing in the appropriate space below and returning a single copy of the agreement to our office.

We appreciate the opportunity that this exciting project affords us to be of continued service to Cumberland County. You have our assurance that The Wooten Company will make every effort to deliver quality service in a timely manner.

Sincerely,

THE WOOTEN COMPANY
Cumberland County



Robert E. Egan
Building Systems Group, Director
rdp

Accepted and Approved

Amy H. Cannon

Date



ENGINEERING AND INFRASTRUCTURE DEPARTMENT

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF AUGUST 16, 2021

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JERMAINE WALKER, COUNTY ENGINEER

DATE: 8/17/2021

**SUBJECT: CONSIDERATION OF REQUEST FOR QUALIFICATIONS (RFQ) FOR
CONSULTANT SERVICES FOR A GENERAL GOVERNMENT
SERVICES BUILDING**

BACKGROUND

On May 3, 2021, Cumberland County advertised a Request for Qualifications for a General Government Services Building Space Utilization and Site Analysis study. The Study will examine current usage within the Judge E. Maurice Braswell Cumberland County Courthouse (JEMB Courthouse), the Cumberland County Historic Courthouse, and 109 Bradford to determine the space needs for the departments that are currently housed in these facilities and which departments currently under the direction of the County Manager could be relocated to a future General Government Services Building. Additionally, the study will include conceptual design of the future facility and subsequent reuse and improvements to the three existing facilities. The Study will be used by County Commissioners and County Management to make determinations about the location and usage of the future General Government Services Building, as well as proposed use and improvements to the existing facilities. The final report will be presented to the Board of Commissioners and be utilized to continue the project into the design and construction phases. Additionally, the County may choose to retain the selected firm for performance of the design and construction administration services, should the firm be qualified, and it be in the best interest of the County.

The response period closed on May 28, 2021, with six firms responding. The Engineering and Infrastructure Department created a five-member selection committee to evaluate each response based upon the criteria outlined in the RFQ.

For the six (6) proposals for the RFQ for "General Government Services Building Space Utilization and Site Analysis Study," each evaluator had the same 30 qualifying questions with scoring from 1 to 5. With 5 being the highest and 1 being the lowest. The final ranking is below.

Of a possible 750 points for each proposal (30 questions X 5 points max X 5 evaluators = 750), ranking is

as follows:

1. **Creech & Associates, 594 total points.**
2. **Oakley Collier Architects, 528 total points.**
3. Boomerang Design, 514 total points.
4. Jenkins Peer Architects, 476 total points.
5. CJMW Architecture, 465 total points.
6. LS3P, 464 total points.

This item was presented at the August 10, 2021 Agenda Session. At that meeting Chairman Evans asked that this item and the consideration of consultant services for Historic Courthouse renovations be presented and discussed at the same time. After much discussion, a motion was made to cease consideration of consultant services for Historic Courthouse renovations and to approve the RFQ for consultant services for a general government services building. That motion passed with a vote of five to one.

RECOMMENDATION / PROPOSED ACTION

At the August 10, 2021, Agenda Session Meeting, the Board of Commissioners approved placing the proposed actions below on the August 16, 2021, Board of Commissioners' Meeting:

1. Accept the selection of Creech and Associates as the preferred choice to conduct the General Services Building Space Utilization and Site Analysis Study
2. Grant permission to enter negotiations for refined scope and final price at which time we will present to the Board for approval.

ATTACHMENTS:

Description	Type
RFQ Analysis and Design Questions	Backup Material
CC General Government Services RFQ Solicitation	Backup Material

NAME OF FIRM _____

REVIEWER _____

ANALYSIS AND DESIGN EVALUATION CRITERIA

For each person identified on the project's team:

Name, Title, Education.	Y	N	1	2	3	4	5
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Expected role on this project.	Y	N	1	2	3	4	5
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Number of years with firm.	Y	N	1	2	3	4	5
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Experience working relevant projects in the past 7 years?

Y	N	1	2	3	4	5
---	---	---	---	---	---	---

Professional certification?	Y	N	1	2	3	4	5
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Sustainable or LEED Certification?	Y	N	1	2	3	4	5
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Professional Architect?	Y	N	1	2	3	4	5
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Master Planner?	Y	N	1	2	3	4	5
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Structural Engineer?	Y	N	1	2	3	4	5
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Mechanical Engineer?	Y	N	1	2	3	4	5
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Electrical Engineer?	Y	N	1	2	3	4	5
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Facility Assessment Lead?	Y	N	1	2	3	4	5
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Courts Planner?	Y	N	1	2	3	4	5
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Demonstrated understanding of the scope of the analysis and identification of potential issues related to the study and future project.

Paragraph of firm's qualifications?	Y	N	1	2	3	4	5
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Addresses requirements of this RFQ?

Y	N	1	2	3	4	5
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Similar or related past studies?	Y	N	1	2	3	4	5
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Clear and thorough approach for fulfilling the requirements of the RFQ.

Overall method or approach to the study is clearly described?

Y	N	1	2	3	4	5
---	---	---	---	---	---	---

Clear strategy?	Y	N	1	2	3	4	5
-----------------	---	---	---	---	---	---	---

Sustainable strategy?	Y	N	1	2	3	4	5
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Conduct work force interviews?	Y	N	1	2	3	4	5
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Conduct facilities assessments?	Y	N	1	2	3	4	5
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Concept drawings, potential sites, 3-D views of new concept facility?

Y	N	1	2	3	4	5
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Deliverables for the County, intermediate version?

Y	N	1	2	3	4	5
---	---	---	---	---	---	---

Description of the Final Deliverables?

Y	N	1	2	3	4	5
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Management plan for the study that is practical and feasible, with clear organization, lines of communication and understanding of schedule.

Team Organization chart?	Y	N	1	2	3	4	5
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Overall leader identified?	Y	N	1	2	3	4	5
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Preliminary tasks identified?	Y	N	1	2	3	4	5
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Schedule for key tasks?	Y	N	1	2	3	4	5
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Meetings at milestones?	Y	N	1	2	3	4	5
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Duration of the study?	Y	N	1	2	3	4	5
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REQUEST FOR QUALIFICATIONS FOR GENERAL GOVERNMENT SERVICES BUILDING SPACE UTILIZATION AND SITE ANALYSIS STUDY

INTRODUCTION AND SUMMARY

Cumberland County is a community of approximately 328,000 citizens located in the Sandhills region of North Carolina. The County seeks to better understand its current utilization of three selected facilities to plan for the future design and construction of a General Government Services Building and make selected improvements to existing facilities.

To that end, Cumberland County is issuing this Request for Qualifications (RFQ) to qualified Architectural/Engineering Consulting firms to perform a Space Utilization and Site Analysis Study ("Study"), for a planned General Government Services Building and improvements to existing facilities, in accordance with General Statute 143-64.31. The Study will examine current usage within the Judge E. Maurice Braswell Cumberland County Courthouse (JEMB Courthouse), the Cumberland County Historic Courthouse, and 109 Bradford to determine the space needs for the departments that are currently housed in these facilities and which departments currently under the direction of the County Manager could be relocated to a future General Government Services Building. Additionally, the study will include conceptual design of the future facility and subsequent reuse and improvements to the three existing facilities. The Study will be used by County Commissioners and County Management to make determinations about the location and usage of the future General Government Services Building, as well as proposed use and improvements to the existing facilities. The final report will be presented to the Board of Commissioners and be utilized to continue the project into the design and construction phases. Additionally, the County may choose to retain the selected firm for performance of the design and construction administration services, should the firm be qualified, and it be in the best interest of the County.

SCOPE OF WORK

The focus of the study will be as follows:

1. Programming analysis for County departments housed in the following buildings: Judge E. Maurice Braswell Cumberland County Courthouse, the Cumberland County Historic Courthouse, and 109 Bradford. The analysis will include an assessment of space

utilization, connectivity between departments and typical public workflow. Tasks under this item include but are not limited to the following:

- a. Develop a consistent method to measure and collect County facility space usage data.
 - b. Create drawings of existing facilities that detail interior and exterior dimensions.
 - c. Accurately depict space by County Department.
2. Develop proposed location alternatives and conceptual building and site design for a General Government Services Building. Location considerations should include, at a minimum, existing site condition, proximity to downtown Fayetteville, available parking, convenience for staff and public accessibility. Tasks under this item include but are not limited to the following:
 - a. Work with County Commissioners and staff to understand current and future needs. Interview or survey Commissioners and staff to obtain relevant information.
 - b. Research possible sites for the new facility, and work with the County to understand possible locations and any suggestions for new construction.
 - c. Provide a plan for departments to relocate as facilities are renovated or constructed.
 - d. Provide a narrative of the plan development process and assumptions used as a basis for the plan.
 - e. Provide architectural elements for a General Government Services Building that establish an attractive aesthetic while maintaining continuity with adjacent properties.
 - f. Provide information to the County on sustainable design options and associated green building certifications for consideration as a part of building design and operation.
 - g. Provide a conceptual-level plan, elevation, and three-dimensional view of the proposed facility and site plan.
 - h. Develop a draft version of the deliverables for staff review.
 - i. Provide a final draft of deliverables based on staff review.
 - j. Analysis should include review of environmental conditions (potential hazards such as flooding, stormwater, cultural), subsurface conditions, utility availability, etc.
3. Analysis and recommendations for improvements to the existing three facilities, to upfit for future use after construction and occupation of a General Government Services Building. Tasks under this item include but are not limited to the following:
 - a. Recommend a consistent method to perform facility condition assessments.
 - b. Document and report any safety issues found during the assessment.
 - c. Immediately report any life safety issues.
 - d. Develop a 20-year facility capital investment plan based on findings.
4. Develop cost estimates associated with the proposed General Government Services Building as well as for the proposed improvements to the existing facilities.

The existing facilities as mentioned above include the following departments to be included in the analysis:

- JEMB Courthouse: County Administration & Management, Superior District Courts, Human Resources, Probation, Register of Deeds, County Clerk, Clerk of Courts, Information Services, County Commissioners, Sheriff's Office Bailiffs and Court Security, Custodial Services, Magistrates, Guardian Ad Litem, Public Defender, District Attorney, County Legal, County Finance, and County Tax Office,
- Historic Courthouse: Engineering, Planning & Inspections, Environmental Health, FAMPO (Fayetteville Area Metropolitan Planning Organization, non-County department),
- 109 Bradford: Child Support Department, Communicare (Public non-profit organization)

ANALYSIS AND DESIGN EVALUATION CRITERIA

Cumberland County will use a variety of criteria in their evaluation process, including but not limited to overall qualifications, relevant experience with comparable facilities (courts, county management, department facilities) and references.

The following criteria will be the basis on which firms are selected.

1. Specialized qualifications and relevant experience on similar types of studies and in government facility design, with experience in sustainable building design.
2. Demonstrated understanding of the scope of the analysis and identification of potential issues related to the study and future project.
3. Clear and thorough approach for fulfilling the requirements of the RFQ.
4. Management plan for the study that is practical and feasible, with clear organization, lines of communication and understanding of schedule.

Following the deadline for receiving proposals, Cumberland County will review the proposals and develop a short list of firms to be interviewed. Those firms that are invited to interview will be expected to have key personnel available for presentation and interview at a future date to be set by the County. Representatives from County Management and Staff will be in attendance for the interviews. Following the interviews, the County anticipates recommending a selected firm to the Board of Commissioners at the next regularly scheduled Agenda Session meeting. Following the selection of a firm, the County will engage the firm for review of the proposed contract to evaluate project scope and cost. The Board of Commissioners will review the contract recommendation made by County Management and Staff at their next regularly scheduled Agenda Session meeting. Work on the study is anticipated to begin immediately after award of the contract.

PROPOSAL SUBMISSION REQUIREMENTS

Proposals must include the following information:

- Firm history and statement of qualifications, with identification of Team Project Manager
- Project Team organizational chart, including resumes of project team and relevant project experience.
- References: A brief description of projects completed with similar scope and size. For each project listed, please include name and contact information for the client represented.
- Description of the anticipated project approach, including a proposed project schedule.
- Fee schedule with hourly rate of services to be provided, by staff member.

Responses to this Request for Qualifications must be received by 5:00pm on May 28, 2021. Submissions shall be limited to twenty (20) pages in length. Please provide five (5) hard copies and one (1) digital copy of the submission in an envelope marked "RESPONSE TO RFQ FOR CUMBERLAND COUNTY GENERAL GOVERNMENT SERVICES BUILDING to:

Cumberland County Engineering & Infrastructure Department

Attn: Jermaine Walker, County Engineer

130 Gillespie St Rm 214

Fayetteville NC 28301

Office: 910.678.7636

Any questions are to be submitted via email to Jermaine Walker, County Engineer at jwalker@co.cumberland.nc.us, prior to 5:00 pm on May 21, 2021.

Cumberland County reserves the right to select the firm that best meets the needs of the County with regards to this project.



BRADFORD AVENUE



109 BRADFORD

BRAGG BOULEVARD

W. RUSSELL STREET

HAY STREET

ROWAN STREET

HISTORIC COURTHOUSE

GILESPIE STREET

DICK STREET

JUDGE E. MAURICE
BRASWELL COURTHOUSE

JUDGE E. MAURICE BRASWELL COURTHOUSE



HISTORIC COURTHOUSE



109 BRADFORD





CLERK TO THE BOARD OF COMMISSIONERS

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF AUGUST 16, 2021

TO: BOARD OF COUNTY COMMISSIONERS

FROM: KELLIE BEAM, DEPUTY CLERK TO THE BOARD

DATE: 8/11/2021

SUBJECT: MID-CAROLINA RURAL TRANSPORTATION ADVISORY COMMITTEE (RTAC)

BACKGROUND

The Rural Transportation Advisory Committee was established by a Memorandum of Understanding (MOU) between the counties of Bladen, Cumberland, Harnett, Sampson, their respective municipalities and the N. C. Department of Transportation. Membership as specified in the MOU shall consist of an elected official from Cumberland County. The Rural Transportation Advisory Committee has one (1) vacancy for a Cumberland County Commissioner.

Cumberland County Commissioner:

Commissioner Glenn Adams indicated he is willing to serve on the RTAC.

Position subject to State of Economic Interest (SEI) filing requirements.

(Position not subject to prohibition on dual office holding under NCGS 128-1.1.)

RECOMMENDATION / PROPOSED ACTION

Nominate a Cumberland County Commissioner to fill the one (1) vacancy above.



CLERK TO THE BOARD OF COMMISSIONERS

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF AUGUST 16, 2021

TO: BOARD OF COUNTY COMMISSIONERS

FROM: KELLIE BEAM, DEPUTY CLERK TO THE BOARD

DATE: 8/9/2021

SUBJECT: JOINT APPEARANCE COMMISSION (1 VACANCY)

BACKGROUND

The Joint Appearance Commission has the following one (1) vacancy. This vacancy was carried forward from the August 2, 2021, meeting for nomination.

Latara Ray – Resigned.

The Joint Appearance Commission indicated they still do not have a recommendation at this time.

I have attached the membership list and applicant list for this commission.

RECOMMENDATION / PROPOSED ACTION

Nominate individual to fill the one (1) vacancy above.

ATTACHMENTS:

Description

Joint Appearance Commission Nomination Background Information

Type

Backup Material

Joint Appearance Commission

The Joint Appearance Commission makes recommendations to governing bodies on appearance issues and promotes the enhancement of the appearance of the community.

Statutory Authorization: NCGS 160A-451

Member Specifications:

15 Members

- Appointed by the Board of Commissioners (4)
- Appointed by the Fayetteville City Council (4)
- And one each from the remaining municipalities in Cumberland County

Term: 2 Years

Compensation: None

Duties:

Meetings: Third Monday of the month at 5:30 PM

Meeting Location: City Hall 1st Floor, Cape Fear Room 433 Hay Street Fayetteville, NC

JOINT APPEARANCE COMMISSION
2-Year Terms

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible for Reappointment</u>
Dennis Tyrrel Walker 4677 Northgales Circle Fayetteville, NC 28314 574-1943/672-1808	11/19	2nd	Nov/21 11/30/21	No
Deanna Rosario 2322 Lull Water Drive Fayetteville, NC 28306 487-9775/850-4348/489-9775 D3C.ROSARIO@GMAIL.COM	8/20	1st	Aug/22 8/31/22	No
Kenneth C. Rogers Jr. 2512 Huntingbow Drive Hope Mills, NC 28348 910-584-3785 Kennyrogers8181@aol.com	5/18	1st	May/20	Yes
VACANT (Vacated by L. Ray)	5/18	2nd	Feb/20 2/28/20	No

Meetings: Second Monday of Month – 5:30 PM – City Hall, E. E. Smith Room, 2nd Floor

Contact: David Nash, Sr. Planner – Phone: 433-1995 – Fax: 433-1776
City of Fayetteville

APPLICANTS FOR
JOINT APPEARANCE COMMISSION

NAME/ADDRESS/TELEPHONE

OCCUPATION

EDUCATIONAL
BACKGROUND



CLERK TO THE BOARD OF COMMISSIONERS

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF AUGUST 16, 2021

TO: BOARD OF COUNTY COMMISSIONERS

FROM: KELLIE BEAM, DEPUTY CLERK TO THE BOARD

DATE: 8/9/2021

SUBJECT: REGIONAL LAND USE ADVISORY COMMISSION (RLUAC) BOARD OF DIRECTORS (1 VACANCY)

BACKGROUND

The Regional Land Use Advisory Commission was established through the authority of NCGS Chapters 160-A460 through 464 and 55A et. al. Each member county shall appoint one voting member.

Chairman of the RLUAC recommends **Rawls Howard**. (See attached)

RECOMMENDATION / PROPOSED ACTION

Nominate an individual to fill the one (1) vacancy above.

ATTACHMENTS:

Description

RLUAC Recommendation

Type

Backup Material



April 22, 2021

Candice H. White
Clerk to the Board
Cumberland County Board of Commissioners
PO Box 1829
Fayetteville, NC 28302-1829

Dear Ms. White,

This letter confirms my approval of a request to replace Mr. Tracy Jackson with Mr. Rawls Howard as the Voting Representative for Cumberland County on the Fort Bragg Regional Land Use Advisory Commission (RLUAC). Mr. Howard will also fill Mr. Jackson's position on the Board of Directors for the duration of Mr. Jackson's appointment. Mr. Jackson plans to remain involved with RLUAC as a non-voting member from Cumberland County.

Mr. Jackson has been a great a supporter of RLUAC and an active participant over the years he has represented Cumberland County and the Board appreciates his service. We welcome Mr. Howard as the new Cumberland County representative and look forward to working with him in the future.

Sincerely,

John K. McNeill
Chairman



CLERK TO THE BOARD OF COMMISSIONERS

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF AUGUST 16, 2021

TO: BOARD OF COUNTY COMMISSIONERS

FROM: KELLIE BEAM, DEPUTY CLERK TO THE BOARD

DATE: 8/11/2021

SUBJECT: FAYETTEVILLE TECHNICAL COMMUNITY COLLEGE BOARD OF TRUSTEES (1 VACANCY)

BACKGROUND

The Fayetteville Technical Community College Board of Trustees has the following one (1) vacancy:

Suzanna Tucker – unable to serve a second term. Dr. Keen recommends **Esther Thompson. (See attached)**

I have attached the current membership list and applicant list for this Board.

RECOMMENDATION / PROPOSED ACTION

Nominate individual to fill one (1) vacancy above.

ATTACHMENTS:

Description	Type
FTCC Board of Trustees Nomination Backup Information	Backup Material

Fayetteville Technical Community College Board of Trustees

The Fayetteville Technical Community College Board of Trustees is the administrative governing body for the Fayetteville Technical Community College.

Statutory Authorization: NCGS 115D-12

Member Specifications:

13 Members with Specific Categories:

- Appointed by the Cumberland County Board of Commissioners (4)
- Appointed by the Board of Education (4)
- Appointed by the Governor (4)
- The Student Government Association President serves as an Ex-Officio member.

Term: 4 Years

Compensation: None

Duties:

- Power to elect and employ the president of the College;
- Power to acquire, hold and transfer real and personal property;
- Power to enter into contracts;
- Power to institute and defend legal actions and to exercise such other rights and privileges as may be necessary for the management and administration of the College in accordance with the provisions and purposes of state law;
- Ensure the adequacy of the college's budget, educational programs and facilities;
- Advocate for the College;
- The Board of Trustees has the responsibility for the development and operation of the College in accordance with the provisions of the law and the standards of the State Board of Community Colleges.

Meetings: The third Monday of each month at 12:45 PM. No meetings in July and December. The maximum time per meeting would be four hours which includes committee meetings and lunch. Called meetings do occur occasionally and trustees are encouraged to attend some organizational meetings out of town or out of state. The Board is also divided into five sub committees that meet on the third Monday of each month prior to the 12:45 PM, Board Meeting, except July and December: (1) Finance Committee; (2) Human Resources Committee; (3) Building and Grounds Committee; and (4) Curriculum Committee; and (5) Planning Committee.

Meeting Location: Fayetteville Technical Community College, Board Room Tony Rand Student Center 2201 Hull Road Fayetteville, NC

Kellie Beam

Subject: FW: Appointment of Mrs. Esther Thompson

From: Monika Morris <morris@faytechcc.edu>

Sent: Wednesday, August 11, 2021 2:44 PM

To: Kellie Beam <kbeam@co.cumberland.nc.us>

Subject: Appointment of Mrs. Esther Thompson

CAUTION: This email originated from outside of the County. Do not open attachments, click on links, or reply unless you trust the sender or are expecting it.

Good afternoon, Kelly:

Dr. Keen approves of Mrs. Esther Thompson being appointed to the FTCC Board of Trustees.

Thank you,

Monika Morris

Executive Assistant to the President

Fayetteville Technical Community College

morris@faytechcc.edu

910-678-8222



FAYETTEVILLE TECHNICAL COMMUNITY COLLEGE
BOARD OF TRUSTEES
(County Appointees)
4 Year Terms

Name/Address	Date Appointed	Term	Expires	Eligible For Reappointment
David Williford (W/M) 2539 Mirror Lake Dr Fayetteville, NC 28303 323-1200/987-0548/483-2500 Dwillif363@aol.com	8/18	1st	Aug/22 8/31/22	Yes
Dr. Linwood Powell (W/M) 6032 Iverleigh Circle Fayetteville, NC 28311 488-1616/273-7178	6/19	2nd	June/23 6/30/23	No
Charles Harrell (W/M) 2016 Winterlochen Road Fayetteville, NC 28305 910-624-8842 charrell@harrellsauto.com	5/20	2nd	June/24 6/30/24	No
Suzanna Tucker 1834 Stetson Lane Fayetteville, NC 28304 910-867-0306 Suzannah.tucker@gmail.com	6/17	1st	June/21 6/30/21	Yes

§ 155D-12(b1) – No person who has been employed full time by the community college within the prior five (5) years and no spouse or child of a person currently employed full time by the community college shall serve on the board of trustees of that college. (See file.)

Contact person: Monika Morris, morrism@faytechcc.edu

PO Box 35236
Fayetteville, NC 28303
Phone: 678-8222
Fax: 678-8269

Meetings: Board has been meeting the 3rd Monday of each month at 12:30 pm – Tony Rand Student Center Board Room. No meetings in July or December. (Bylaws require one meeting per month.) Written notification is sent for all regularly-called meetings.

* Terms extended by the General Assembly.

APPLICANTS FOR
FAYETTEVILLE TECHNICAL COMMUNITY COLLEGE BOARD OF TRUSTEES

<u>NAME/ADDRESS/PHONE</u>	<u>OCCUPATION</u>	<u>EDUCATIONAL BACKGROUND</u>
ABRAMS, DR. MARCIA KAREN (B/F) 204 HELEN STREET FAYETTEVILLE, NC 28303 562-443-1734 Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO CATEGORY: GENERAL PUBLIC	ARCHBISHOP/MINISTER MY KING'S SERVICE	COLLEGE LISTED
BRADSHAW, BETSY M. 2816 MILLBROOK ROAD FAYETTEVILLE, NC 28303 824-1510/486-1605 BETSY.BRADSHAW@DHHS.NC.GOV Graduate-County Citizens' Academy: No Graduate-Institute for Community Leadership: No Graduate-Leadership Fayetteville: No Graduate-United Way's Multi-Cultural Leadership Program: No Graduate-other leadership academy: No CATEGORY: GENERAL PUBLIC & REGISTERED NURSE	FAMILY NURSE PRACTITIONER CHILDREN'S DEVELOPMENTAL SVC AGENCY	BS/FNP
DAWKINS, JUDY (W/F) 2004 MORGANTON ROAD FAYETTEVILLE NC 28305 323-4974/237-6785 JMWDAWKINS@GMAIL.COM Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: YES Graduate-other leadership academy: NO CATEGORY: GENERAL PUBLIC	RETIRED CIVIL SERVICE	SOME COLLEGE
DEBERRY, AN-QUE (-/F) 1405 E YELLOW RIBBON DRIVE FAYETTEVILLE NC 28314 702-978-0960 ANQUEDEBERRY@GMAIL.COM Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO CATEGORY: GENERAL PUBLIC	SOCIAL WORKER MAGELLAN HEALTH	BA-POLITICAL SCIENCE MASTERS-SOCIAL WORK

**FAYETTEVILLE TECHNICAL COMMUNITY COLLEGE BOARD OF TRUSTEES APPLICANTS,
PAGE 2**

EDUCATIONAL

NAME/ADDRESS/PHONE

OCCUPATION

BACKGROUND

DEBNAM, HENRY (HANK) (B/M) HEALTH SERVICES ADMINISTRATOR COLLEGE LISTED
705 WOODSTONE COURT ALLIANCE HEALTH
FAYETTEVILLE NC 28311
488-0522/818-8038/491-4798

HANK705@AOL.COM

Graduate-County Citizens' Academy: NO
Graduate-Institute for Community Leadership: NO
Graduate-Leadership Fayetteville: NO
Graduate-United Way's Multi-Cultural Leadership Program: NO
Graduate-other leadership academy: NO

CATEGORY: GENERAL PUBLIC

FISER, JOSEPH (-/M) HEALTH CARE LEADERSHIP MASTERS
1010 HAY STREET
FAYETTEVILLE NC 28305
513-885-4988/615-5572

BFIZE53@YAHOO.COM

Graduate-County Citizens' Academy: NO
Graduate-Institute for Community Leadership: NO
Graduate-Leadership Fayetteville: NO
Graduate-United Way's Multi-Cultural Leadership Program: NO
Graduate-other leadership academy: LEAD CLERMONT COUNTY OHIO

CATEGORY: GENERAL PUBLIC

HINSON, MARY (B/F) MENTAL THERAPIST PHD, MA
3470 THAMESFORD RD PRIVATE PRACTICE
FAYETTEVILLE NC 28311
919-491-3299

MHINSONLPC@GMAIL.COM

Graduate-County Citizens' Academy: NO
Graduate-Institute for Community Leadership: NO
Graduate-Leadership Fayetteville: NO
Graduate-United Way's Multi-Cultural Leadership Program: NO
Graduate-other leadership academy: NO

CATEGORY: GENERAL PUBLIC

HOLLOMAN, GWEN (B/F) HEALTH CARE ADMINISTRATOR BS-HEALTH CARE
721 EDGEHILL ROAD RETIRED ADMIN.
FAYETTEVILLE NC 28314
868-1691/261-7813

GHOLL80180@AOL.COM

Graduate-County Citizens' Academy: NO
Graduate-Institute for Community Leadership: NO
Graduate-Leadership Fayetteville: NO
Graduate-United Way's Multi-Cultural Leadership Program: NO
Graduate-other leadership academy: NO

CATEGORY: GENERAL PUBLIC

**FAYETTEVILLE TECHNICAL COMMUNITY COLLEGE BOARD OF TRUSTEES APPLICANTS,
PAGE 3**

EDUCATIONAL

NAME/ADDRESS/PHONE	OCCUPATION	BACKGROUND
JENKINS, JR. LYNDEL RAY (W/M) 1523 EPIC WAY HOPE MILLS NC 28348 910-423-2805/910-3667551 RAYJENKINSJR@GMAIL.COM Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO CATEGORY: GENERAL PUBLIC	CORPORATE TECHNICAL OFFICER CAPE FEAR VALLEY HEALTH SYSTEM	BACHELORS

LYNCH, MARK N. (W/M) 833 BRAGG BLVD FAYETTEVILLE NC 28301 483-1212/494-0233 MARK@QUALITYSOUNDINC.COM Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: YES Graduate-Leadership Fayetteville: YES Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO CATEGORY: GENERAL PUBLIC	ENGINEER QUALITY SOUND & VIDEO	COLLEGE LISTED
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MARIHUGH, SCOTT (W/M) 1640 WOODFIELD RD FAYETTEVILLE NC 28303 253-948-8849 SMARIHUGH@GMAIL.COM Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO CATEGORY: GENERAL PUBLIC	FINANCIAL MANAGEMENT US ARMY	BS/MBA
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MILLS, SUSAN (W/F) 4158 BENT GRASS DRIVE FAYETTEVILLE NC 28312 910-308-2409 VOTE4MILLS@AOL.COM Graduate-County Citizens' Academy: NO Graduate-Institute for Community Leadership: NO Graduate-Leadership Fayetteville: NO Graduate-United Way's Multi-Cultural Leadership Program: NO Graduate-other leadership academy: NO CATEGORY: GENERAL PUBLIC	HIGH SCHOOL TEACHER SAMPSON COUNTY PUBLIC SCHOOLS	BS
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**FAYETTEVILLE TECHNICAL COMMUNITY COLLEGE BOARD OF TRUSTEES APPLICANTS,
PAGE 4**

EDUCATIONAL

NAME/ADDRESS/PHONE	OCCUPATION	BACKGROUND
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PATTERSON, DENNIS (W/M) 6080 CEDAR CREEK RD FAYETTEVILLE, NC 28312 910-224-2182	SPECIAL FORCES COMMUNICATIONS INSTRUCTOR DEPT OF DEFENSE	BS/MS
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RANGERPAT1@GMAIL.COM

Graduate-County Citizens' Academy: NO
Graduate-Institute for Community Leadership: NO
Graduate-Leadership Fayetteville: NO
Graduate-United Way's Multi-Cultural Leadership Program: NO
Graduate-other leadership academy: NO

CATEGORY: GENERAL PUBLIC

PHILLIPS, ANDREA JENKINS (W/F) 2816 TRENTWOOD CT FAYETTEVILLE NC 28304 910-977-4528	TEACHER CC SCHOOLS *SERVES ON THE EQUALIZATION AND REVIEW BOARD*	MASTERS
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ANDREAJENKINSPHILLIPS@GMAIL.COM

Graduate-County Citizens' Academy: NO
Graduate-Institute for Community Leadership: NO
Graduate-Leadership Fayetteville: NO
Graduate-United Way's Multi-Cultural Leadership Program: NO
Graduate-other leadership academy: NO

CATEGORY: GENERAL PUBLIC

PLATER, J RAY SR. (B/M) 4805 WADE STEDMAN RD WADE NC 28395 723-2461/489-8628	PRESIDENT BUSINESS OWNER EXTENSION ENTERPRISE GROUP	MBA, MS
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JPLATER@E2GP.NET

Graduate-County Citizens' Academy: YES
Graduate-Institute for Community Leadership: No
Graduate-Leadership Fayetteville: No
Graduate-United Way's Multi-Cultural Leadership Program: No
Graduate-other leadership academy: No

CATEGORY: GENERAL PUBLIC

REEVES, IAN (-/M) 415 FAIRFAX AVE FAYETTEVILLE NC 28303 910-364-4362	PARALEGAL TRANSITIONING OUT OF ARMY	SOME COLLEGE
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IAN.B.REEVES@GMAIL.COM

Graduate-County Citizens' Academy: NO
Graduate-Institute for Community Leadership: NO
Graduate-Leadership Fayetteville: NO
Graduate-United Way's Multi-Cultural Leadership Program: NO
Graduate-other leadership academy: ARMY BASIC AND ADVANCED LEADERSHIP COURSE

CATEGORY: GENERAL PUBLIC

**FAYETTEVILLE TECHNICAL COMMUNITY COLLEGE BOARD OF TRUSTEES APPLICANTS,
PAGE 5**

EDUCATIONAL

NAME/ADDRESS/PHONE	OCCUPATION	BACKGROUND
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THOMPSON, ESTHER (PI/F) 511 FOREST LAKE RD FAYETTEVILLE NC 28305 910-670-5515	RETIRED	BS
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ETHOM874@GMAIL.COM

Graduate-County Citizens' Academy: NO
Graduate-Institute for Community Leadership: NO
Graduate-Leadership Fayetteville: NO
Graduate-United Way's Multi-Cultural Leadership Program: NO
Graduate-other leadership academy: NO

CATEGORY: GENERAL PUBLIC

TOMLIN, MARVIN GREGORY (B/M) 2605 HIGHPOINT CT FAYETTEVILLE NC 28304 423-8097/261-0986	SALES UNEMPLOYED	SOME COLLEGE
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MTOMLIN584@GMAIL.COM

Graduate-County Citizens' Academy: NO
Graduate-Institute for Community Leadership: NO
Graduate-Leadership Fayetteville: NO
Graduate-United Way's Multi-Cultural Leadership Program: NO
Graduate-other leadership academy: NO

CATEGORY: GENERAL PUBLIC

TWITTY, MARTELLE (B/F) 6404 DAVIS BYNUM FAYETTEVILLE NC 28306 910-922-2014	DENTAL HYGIENIST DAY AND NIGHT FAMILY DENTAL	DENTAL HYGIENE, BS
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MARTELLECOKE@GMAIL.COM

Graduate-County Citizens' Academy: NO
Graduate-Institute for Community Leadership: NO
Graduate-Leadership Fayetteville: NO
Graduate-United Way's Multi-Cultural Leadership Program: NO
Graduate-other leadership academy: NO

CATEGORY: GENERAL PUBLIC

WILLIAMS, EBONE (B/F) 2755 BARDOLINO DRIVE FAYETTEVILLE, NC 28306 410-776-9408	SPEECH LANGUAGE PATH. BACHELORS AFFINITY THERAPY SERVICES	
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EBONE.WILLIAMS@OUTLOOK.COM

Graduate-County Citizens' Academy: NO
Graduate-Institute for Community Leadership: NO
Graduate-Leadership Fayetteville: NO
Graduate-United Way's Multi-Cultural Leadership Program: NO
Graduate-other leadership academy: NO

CATEGORY: GENERAL PUBLIC

FAYETTEVILLE TECHNICAL COMMUNITY COLLEGE BOARD OF TRUSTEES APPLICANTS,
PAGE 6

EDUCATIONAL

<u>NAME/ADDRESS/PHONE</u>	<u>OCCUPATION</u>	<u>BACKGROUND</u>
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WILLIAMS, MELA (B/F) 3934 HEARTPINE DRIVE FAYETTEVILLE NC 28306 910-728-9263	ADJUNCT PROFESSOR OF CHRISTIAN EDUCATION	BS
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MMWILLIAMS1690@YAHOO.COM

Graduate-County Citizens' Academy: NO

Graduate-Institute for Community Leadership: NO

Graduate-Leadership Fayetteville: NO

Graduate-United Way's Multi-Cultural Leadership Program: NO

Graduate-other leadership academy: NO

CATEGORY: GENERAL PUBLIC



CLERK TO THE BOARD OF COMMISSIONERS

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF AUGUST 16, 2021

TO: BOARD OF COUNTY COMMISSIONERS

FROM: KELLIE BEAM, DEPUTY CLERK TO THE BOARD

DATE: 8/3/2021

SUBJECT: SENIOR CITIZENS ADVISORY COMMISSION (1 VACANCY)

BACKGROUND

At their August 2, 2021, meeting, the Board of Commissioners nominated the following individual to fill one (1) vacancy on the Senior Citizens Advisory Commission.

NOMINEE(S)
Shamona Ross (new appointment)

I have attached the current membership list for this commission.

RECOMMENDATION / PROPOSED ACTION

Appoint individual to fill the one (1) vacancy above.

ATTACHMENTS:

Description	Type
Senior Citizens Advisory Commission Membership Roster	Backup Material

SENIOR CITIZENS ADVISORY COMMISSION
(Joint Fayetteville/Cumberland County)
2 Year Term
(County Appointees)

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
Donald Bennett Sr. 5844 Chason Ridge Dr. Apt C Fayetteville, NC 28314 845-216-1242 Dfbennettjr@gmail.com	5/21	2nd	Apr/23 4/30/23	No
VACANT (Vacated by B. Harris)	6/21	1st	Jun/23 6/30/23	Yes
Nettie Hayes-Miller 247 Eastwood Ave Fayetteville, NC 28301 823-2142/391-2965 Nmiller57@embarqmail.com	5/21	2nd	Jan/23 1/31/23	No
Pamela Collins 5640 Watersplash Ln Fayetteville, NC 28311 910-273-1927	5/21	1st	May/23 5/31/23	Yes
Tracy Honeycutt 5575 Lockridge Rd Fayetteville, NC 28311 322-8275/323-4191 thoneycutt@mccog.org	11/19	1st	Nov/21 11/30/21	Yes
Reva McNair 1514 Deanscroft Pl Fayetteville, NC 28314 910-864-5217 rgluvsjh@hotmail.com	5/21	2nd	Jan/23 1/31/23	No
Cynthia Johnson 4576 Crenshaw Drive Hope Mills, NC 28384	6/21	1st	Jun/23 6/30/23	Yes

Contact: Belinda Jackson– Senior Citizens Center Director – Phone: 433-1574
(Interoffice – Parks and Recreation) bjackson@ci.fay.nc.us

Regular Meetings: 2nd Tuesday of each month at 2:30 PM
FCPR Senior Center, Large Program Room
739 Blue Street, Fayetteville, NC



CLERK TO THE BOARD OF COMMISSIONERS

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF AUGUST 16, 2021

TO: BOARD OF COUNTY COMMISSIONERS

FROM: KELLIE BEAM, DEPUTY CLERK TO THE BOARD

DATE: 8/3/2021

SUBJECT: BOARD OF ADJUSTMENT (3 VACANCIES)

BACKGROUND

At their August 2, 2021, meeting, the Board of Commissioners nominated the following individuals to fill three (3) vacancies on the Board of Adjustment:

NOMINEE(S)

Alternate Member:

Kenneth Turner (new appointment)

Regular Member:

Robert Davis (new appointment)

Linda Amos (new appointment)

I have attached the current membership list for this Board.

RECOMMENDATION / PROPOSED ACTION

Appoint individuals to fill the three (3) vacancies above.

ATTACHMENTS:

Description

Board of Adjustment Membership Roster

Type

Backup Material

BOARD OF ADJUSTMENT
3 Year Term

Name/Address	<u>Date Appointed</u>	Term	Expires	<u>Eligible For Reappointment</u>
VACANT (Vacated by A. Ferguson)	8/18	2nd	Aug/21 8/31/21	No
VACANT (Vacated by M. McHenry)	6/19	2nd	June/22 6/30/22	No
Marva Lucas-Moore (B/F) 3014 Hampton Ridge Road Fayetteville, NC 28311 551-1904/227-9605 marva@lucasmoorerealtyinc.com	6/20 (serving unexpired term; eligible for one additional term)	1st	Sept/22 9/30/22	Yes
George Turner (W/M) 1012 Cain Road Fayetteville, NC 28303 221-4095/867-2116	9/18	2nd	Sept/21 9/30/21	No
Gregory Parks (W/M) 307 Devane Street Fayetteville, NC 28305 484-9666/483-8194	8/18	1st	Aug/21 8/31/21	Yes
<u>Alternate Members:</u> Robert E. Davis (B/M) 901 Kaywood Drive Fayetteville, NC 28311 910-488-1194	8/19	2nd	Aug/22 8/31/22	No
Stacy M. Long (W/M) 1909 Partridge Drive Fayetteville, NC 28304 919-896-8970/919-633-8244	8/19	2nd	Aug/22 8/31/22	No
Vickie M. Mullins (W/F) 5905 Turnbull Road Fayetteville, NC 28312 910-322-3100 Girlimon1@aol.com	2/21 (serving unexpired term; eligible for two additional terms)	1st	June/22 6/30/22	Yes

Board of Adjustment, page 2

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Alternate Members Continued:</u>				
VACANT (Vacated by Q. James)	9/18	1st	Sept/21 9/30/21	Yes
Linda Amos (B/F) 917 Bashlot Place Fayetteville, NC 28303 910-261-4003	10/19	1st	May/22 5/31/22	Yes
(serving unexpired term; eligible for one additional term)				

Meets 3rd Thursday of each month at 7:00 PM – Historic Cumberland County Courthouse, 130 Gillespie Street, Second Floor Hearing Room #3

Contact: Yolanda Bennett Planning & Inspections Department, 678-7608



CLERK TO THE BOARD OF COMMISSIONERS

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF AUGUST 16, 2021

TO: BOARD OF COUNTY COMMISSIONERS

FROM: KELLIE BEAM, DEPUTY CLERK TO THE BOARD

DATE: 8/3/2021

SUBJECT: TRANSPORTATION ADVISORY BOARD (2 VACANCIES)

BACKGROUND

On August 2, 2021, the Board of Commissioners nominated the following individuals to fill two (2) vacancies on the Transportation Advisory Board:

NOMINEE(S)

At-Large Representative:

Debra Kinney (new appointment)

Urban Transit Provider Representative:

Randy Hume (new appointment)

I have attached a current membership list for this board.

RECOMMENDATION / PROPOSED ACTION

Appoint individuals to fill the two (2) vacancies above.

ATTACHMENTS:

Description

Transportation Advisory Board Membership Roster

Type

Backup Material

TRANSPORTATION ADVISORY BOARD

2 Year Term

(All terms expire November 30th and begin December 1st according to the TAB bylaws.)

Name/Address	Date Appointed	Term	Expires	Eligible For Reappointment
<u>City of Fayetteville Representative</u>				
VACANT (Vacated by A. Thomas)	3/19	2nd	Nov/20 11/30/20	No
<u>Urban Transit Provider Representative</u>				
VACANT (Vacated by J. Roper)	11/18	2nd	Nov/20 11/30/20	No
<u>Mid-Carolina Council of Governments Director or Designee</u>				
Tracy Honeycutt	2/20	2nd	Nov/21 11/30/21	No
Mid-Carolina Council of Governments 5575 Lockridge Road Fayetteville, NC 28311 322-8275/323-4191 thoneycutt@mccog.org				
<u>County DSS Director or Designee</u>				
Ashley Patterson	2/21	1st	Feb/22 2/28/22	Yes
Cumberland County DSS 5121 Tern Place Fayetteville, NC 28311 677-2527/797-6657 ashleypatterson@ccdssnc.com				
<u>DSS Work First Representative</u>				
Dana Davis	2/20	2nd	Nov/21 11/30/21	No
Cumberland County DSS 7702 Buttonwood Ave Fayetteville, North Carolina 28314 973-9197/677-2339 Danadavis@ccdssnc.com				
<u>Workforce Development Center Director or Designee</u>				
VACANT (Vacated by N. Rodriguez)	3/19	1 st full term	Nov/20 11/30/20	Yes

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>Vocational Rehab Representative</u> VACANT (Vacated by E. Morales)	6/18	1st	Nov/20 11/30/20	Yes
<u>Sheltered Workshop Director or Designee</u> Nicole A. Willingham 4214 Donegal Drive Hope Mills, NC 28348 527-7403/605-4319 Nicolew45@gmail.com	6/21	1st	Nov/23 11/30/23	Yes
<u>Aging Programs Representative</u> Amber Gulch 6218 Bristol Drive Fayetteville, NC 28314 864-4311/322-5582/484-0111 agulch@ccccooa.org	2/20	1st	Nov/21 11/30/21	Yes
<u>Mental Health Representative</u> Terrasine Gardner 1187 Helmsley Drive Fayetteville, NC 28314 491-4816/536-3886	11/20	2nd	Nov/22 11/30/22	No
<u>Emergency Medical Services Representative</u> Alinda Bailey 4565 Greenwood Rd Fayetteville, NC 28306 910-584-7898	11/20	1st	Nov/22 11/30/22	Yes
<u>County Planning Department Director or Designee</u> Rawls Howard 130 Gillespie Street Fayetteville, NC 28301 910-678-7618 rhoward@co.cumberland.nc.us	2/21	1st	Feb/23 2/28/23	Yes
<u>County Health Director or Designee</u> Sharon Batten 2260 Dockvale Drive Fayetteville, NC 28306 424-6559/797-8773/433-3741 sharonebatten@hotmail.com	2/20	2nd	Nov/21 11/30/21	No

(All terms expire November 30th and begin December 1st according to the TAB bylaws.)

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible For Reappointment</u>
<u>At-Large Representatives</u>				
Mike Rutan 130 Gillespie Street Fayetteville, NC 28301 910-323-4191 Ext 34	11/20	2nd	Nov/22 11/30/22	No
Dorothy Harris 270 Lick Creek Drive Linden, NC 28356 910-502-2130 damazyckharris@twc.com	11/20	2nd	Nov/22 11/30/22	No
Veronica Pierce 703 Connaly Drive Hope Mills, NC 28348 910-678-2691 veronicapierce@ccs.k12.nc.us	11/20	2nd	Nov/22 11/30/22	No
VACANT (Vacated by D. McNair)	3/20	2 nd	Nov/21 11/30/21	No
<u>MPO Representative</u>				
Justin Ritchey 220 Sawtooth Dr Apt 3 Fayetteville, NC 28314 678-7632/210-852-5537 jritchey@co.cumberland.nc.us	2/21	1st	Nov/22 11/30/22	Yes
(serving unexpired term; eligible for one additional term)				
<u>Dialysis Center Representative</u>				
Nkechi Kamalu 105 Shadow Oak Lane Fayetteville, NC 28303 487-2177/850-3501/482-3491 nkemeg@yahoo.com	11/20	2nd	Nov/22 11/30/22	No

**Board was created by the Commissioners on 11/6/00.

Meetings: Second Tuesday in first month of each quarter (Jan., Apr., July, Oct.) at 10:00 AM – Special meeting held in June when necessary.

Location: Historic Courthouse, Courtroom 3

Contact: Ifetayo Farrakhan (Planning & Inspections) x7624, fax # 678-7601



BOARD OF COMMISSIONERS' OFFICE

MEMORANDUM FOR BOARD OF COMMISSIONERS AGENDA OF AUGUST 16, 2021

TO: BOARD OF COUNTY COMMISSIONERS

FROM: KELLIE BEAM, DEPUTY CLERK TO THE BOARD

DATE: 8/3/2021

SUBJECT: JOINT APPEARANCE COMMISSION (1 VACANCY)

BACKGROUND

On August 2, 2021, the Board of Commissioners nominated the following individual to fill one (1) vacancy on the Joint Appearance Commission:

NOMINEE(S)
Kenneth Rogers (new appointment)

I have attached the current membership list for this commission.

RECOMMENDATION / PROPOSED ACTION

Appoint individual to fill the one (1) vacancy above.

ATTACHMENTS:

Description	Type
Joint Appearance Commission Membership Roster	Backup Material

JOINT APPEARANCE COMMISSION
2-Year Terms

<u>Name/Address</u>	<u>Date Appointed</u>	<u>Term</u>	<u>Expires</u>	<u>Eligible for Reappointment</u>
Dennis Tyrrel Walker 4677 Northgales Circle Fayetteville, NC 28314 574-1943/672-1808	11/19	2nd	Nov/21 11/30/21	No
Deanna Rosario 2322 Lull Water Drive Fayetteville, NC 28306 487-9775/850-4348/489-9775 D3C.ROSARIO@GMAIL.COM	8/20	1st	Aug/22 8/31/22	No
VACANT (Vacated by C. Davis)	5/18	1st	May/20 5/31/20	Yes
VACANT (Vacated by L. Ray)	5/18	2nd	Feb/20 2/28/20	No

Meetings: Second Monday of Month – 5:30 PM – City Hall, E. E. Smith Room, 2nd Floor

Contact: David Nash, Sr. Planner – Phone: 433-1995 – Fax: 433-1776
City of Fayetteville