

Project Overview**#1201417**

Project Title: Bobcat Facility - Angelia M Street
Application Type: 5.1) Rezoning (Map Amendment)
Workflow: Staff Review

Jurisdiction: City of Fayetteville
State: NC
County: Cumberland

Project Location

Project Address or PIN: 2246 ANGELIA M ST
(0447927785000)

Zip Code: 28312

GIS Verified Data

Property Owner: Parcel
• 2246 ANGELIA M ST: JUDD BROOK 6, LLC

Acreage: Parcel
• 2246 ANGELIA M ST: 3.5

Zoning District: Zoning District
• 2246 ANGELIA M ST: cnty

Subdivision Name:

Fire District:

Airport Overlay District: Airport Overlay District
• 2246 ANGELIA M ST: 1

Hospital Overlay District:

Coliseum Tourism District:

Cape Fear District:

Downtown Historic District:

Haymount Historic District:

Floodway:

100 Year Flood: <100YearFlood>

500 Year Flood: <500YearFlood>

Watershed:

General Project Information

Has the land been the subject of a map amendment application in the last five years?: No

Previous Amendment Approval Date:

Previous Amendment Case #:

Proposed Zoning District: Light Industrial (LI)

Acreage to be Rezoned: 3.5

Is this application related to an annexation?: Yes

Water Service: Public

Sewer Service: Public

A) Please describe all existing uses of the land and existing structures on the site, if any:

Sales and service facility for Bobcat equipment

B) Please describe the zoning district designation and existing uses of lands adjacent to and across the street from the subject site.:

Property across Whitehead Road is a landscaping contractor office with material storage.

Property at intersection of Whitehead Road and Angelia M Street is residential.

Property across Angelia M Street at 2239 Angelia M Street appears to be some type of industrial facility.

Property adjacent to the west is a vehicle maintenance facility.

Subject property is currently being used for Bobcat equipment sales and service.

Amendment Justification - Answer all questions on this and all pages in this section (upload additional sheets as needed).

A) State the extent to which the proposed amendment is consistent with the comprehensive plan and all other applicable long-range planning documents.:

Proposed amendment is consistent with the surrounding uses.

B) Are there changed conditions that require an amendment? :

Property will utilize public water and sanitary sewer which requires annexation.

C) State the extent to which the proposed amendment addresses a demonstrated community need.:

Allows for continued use of property and accessing public water and sanitary sewer. This will eliminate the need for a septic system.

D) State the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land, and why it is the appropriate zoning district for the land.:

The majority of the other properties along Angelia M Street are industrial. This amendment will allow the continued use as existing while accessing public water and sewer.

E) State the extent to which the proposed amendment results in a logical and orderly development pattern.:

Consistent with existing uses in the area. Property is located on a major arterial road with easy access to I-95 which is important for industrial uses.

F) State the extent to which the proposed amendment might encourage premature development.:

Most of the surrounding properties are already developed with similar uses. The existing Bobcat sales and service facility is currently operating on this property.

G) State the extent to which the proposed amendment results in strip-style commercial development.:

Adjacent uses would qualify as commercial or light industrial.

H) State the extent to which the proposed amendment results in the creation of an isolated zoning district unrelated to adjacent and surrounding zoning districts.:

This does not create an isolated zoning district. This property and surrounding properties are currently zoned M(P) in the County with the exception of one property zoned Rural Residential.

I) State the extent to which the proposed amendment results in significant adverse impacts on the property values of surrounding lands.:

This amendment continues an existing use, consistent with surrounding uses, and would not have adverse impacts on property values. The proposed improvements will improve property values.

J) State the extent to which the proposed amendment results in significantly adverse impacts on the natural environment.:

None. By using public water and sanitary sewer, septic tanks will not be required which could impact groundwater quality. The development will also include a stormwater control measure to treat stormwater runoff.

Primary Contact Information

Contractor's NC ID#:

Project Owner

Chris Classen
Judd Brook 6, LLC
4551 Cox Road, Suite 425
Glen Allen, VA 23060

P:860-531-2655

chris.classen@scott-scott.com

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$40,000. :

NC State General Contractor's License Number: 82711

Project Contact - General Contractor

Julianne Harrelson

Critical Path Solutions

109 Gillespie Street

Fayetteville, NC 28301

P:910-745-8112

j.harrelson@criticalpathsolutions.com

NC State Electrical Contractor #1 License Number:

NC State Electrical Contractor #2 License Number:

NC State Mechanical Contractor's #1 License Number:

NC State Mechanical Contractor's #2 License Number:

NC State Plumbing Contractor #1 License Number:

NC State Plumbing Contractor #2 License Number:

Indicate which of the following project contacts should be included on this project: Engineer, General Contractor

FILED Dec 31, 2020
AT 02:35:39 PM
BOOK 10981
START PAGE 0381
END PAGE 0385
INSTRUMENT # 50177
RECORDING \$26.00
EXCISE TAX \$790.00

NORTH CAROLINA SPECIAL WARRANTY DEED
THIS FORM IS NOT A "NORTH CAROLINA BAR ASSOCIATION" FORM
NO TITLE EXAMINATION OR OPINON PERFORMED BY PREPARER

Parcel Identifier No.: 0447-92-7785

Excise Tax: \$790.00

Prepared by: Richard A. Galt, PLLC, 2533 Raeford Road, Fayetteville, NC 28305

Return after recording to: Joel Jenkins, Esq.

This Deed made this the 31st day of December, 2020 by and between:

J-3473020-Y

GRANTOR	GRANTEE
JOHN R. BRANTLEY, III and wife, BARBARA L. BRANTLEY	JUDD BROOK 6, LLC, a Virginia limited liability company
Mailing Address: 4 Mallard Shores Place Lexington, SC 29072	Mailing Address: 919 E. Main Street, Suite 2010 Richmond, VA 23219

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

FOR LEGAL DESCRIPTION, SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY THIS REFERENCE.

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

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

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

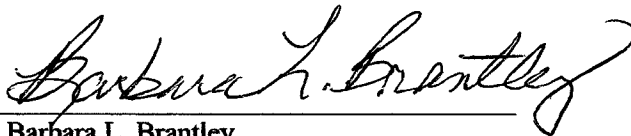
Title to the property hereinabove described is subject to the following exceptions:

All valid and enforceable easements, restrictions and rights-of-way of record; and the lien of ad valorem taxes for 2020.

[SIGNATURE PAGES FOLLOW]

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

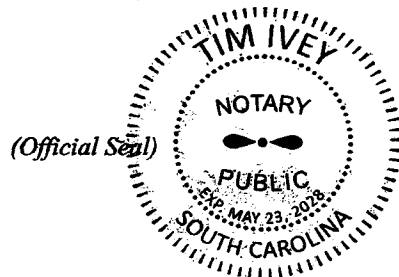
Barbara L. Brantley, the wife of John R. Brantley, III, joins in this Deed solely for the purpose of relinquishing, waiving and releasing her right to a life estate in one-half (1/2) in value of the above-described premises of which her husband was seized and possessed of an estate of inheritance at any time during coverture as provided in N.C. Gen. Stat. Section 29-30(a) and relinquishes, waives and releases any and all other rights created in said statute or any other statute to like effect. The following makes no warranty, express or implied, as to the title to the premises.


By: Barbara L. Brantley

State of North Carolina
County of Cumberland

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

Dated: 12/28/2020




Notary Public

Printed Name: Tim Ivey
Notary Public

My commission expires: May 23, 2028

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

By: John R. Brantley, III

State of North Carolina
County of Cumberland

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

Dated: December 31, 2020

Richard A Galt
Notary Public

Printed Name: Richard A Galt
Notary Public

(Official Seal) My commission expires: Dec 15, 2025

Richard A Galt
NOTARY PUBLIC
Cumberland County, NC
My Commission Expires December 15, 2025

EXHIBIT "A"

LEGAL DESCRIPTION

TRACT ONE: BEGINNING at a concrete monument on the western right of way margin of State Road 1761 (Whitehead Road) said monument being also on the northern right of way margin of North Carolina Highway #24, and runs thence with said margin of North Carolina Highway #24, South 56 degrees 35 minutes 45 seconds West 206.20 feet to another concrete monument on right of way margin of North Carolina Highway #24, thence continuing with said margin, North 89 degrees 14 minutes 31 seconds West 332.38 feet to an iron pipe; thence leaving said highway right of way, North 08 degrees 42 minutes 29 seconds West 232.02 feet to an iron pipe on the southern right of way margin of a 60.0 foot ingress and egress strip; thence with said margin of the 60.0 foot strip, North 81 degrees 17 minutes 31 seconds East 510.66 feet to an iron pipe on the western right of way margin of Whitehead Road, thence with said margin South 13 degrees 07 minutes 11 seconds East 100.70 feet to a concrete monument; thence continuing with said margin, South 06 degrees 51 minutes 45 seconds East 100.0 feet to the BEGINNING and containing 3.0 acres. Being the same land described in a deed recorded in Book 2660, Page 203, Cumberland County Registry.

TRACT TWO: BEGINNING at an iron in the northern right of way of Highway NC 24, said iron being the southwest corner of a 3.0 acre tract heretofore conveyed to Southland Equipment

Company and runs thence as the northern right of way of Highway NC 24 two courses as follows: North 89 degrees 14 minutes 31 seconds West 71.14 feet to a concrete monument; thence South 89 degrees 15 minutes 26 seconds West 28.10 feet to a point; thence North 8 degrees 42 minutes 29 seconds West 216.43 feet to a point; thence North 81 degrees 17 minutes 31 seconds East 98.0 feet to an iron, the northwest corner of the 3.0 acre tract conveyed to Southland Equipment Company; thence as the western line of said tract, South 8 degrees 42 minutes 29 seconds East 232.02 feet to the point of BEGINNING, containing 0.50 acre more or less. Being the same land described in a deed recorded in Book 2791, Page 147, Cumberland County Registry.

LESS AND EXCEPTING ANY OUT-CONVEYANCES OF RECORD.

EXHIBIT "A"

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LESS AND EXCEPTING ANY OUT-CONVEYANCES OF RECORD.



Map Indicating City Limits

No scale



Petition Requesting Annexation (Non-Contiguous)

Date Received: _____ Received by: _____

Action by City Council: _____

Date Approved or Denied: _____

This form is based on the North Carolina General Statutes governing non-contiguous voluntary annexations (G.S. 160A-58-58.8).

Who should use this form?

A property owner who is requesting annexation of a non-contiguous property into the City of Fayetteville should use this form.

Statement of the Request:

To the Mayor and City Council of the City of Fayetteville, North Carolina:

1. We the undersigned owners of real property respectfully request that the area described in the attached metes and bounds legal description be annexed to the City of Fayetteville.
2. The area to be annexed is non-contiguous to the City of Fayetteville and the boundaries of such territory are shown in the attached metes and bounds legal description and in the attached map.

Project Location:

Street Address: 2246 Angelia M Street
PIN/REID: 0447-92-7785
Lot Area/Acreage: 3.50 Acres
Requested zoning district for property after annexation: Light Industrial (LI)
Have you obtained a vested right certificate from the Cumberland County Planning Department for any proposed development at this location? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, please attach evidence.

Submittal Requirement Checklist:

<input checked="" type="checkbox"/>	A metes and bounds legal description of the proposed annexation area is attached.
<input checked="" type="checkbox"/>	A deed of the property is attached indicating the deed book and page number.
<input checked="" type="checkbox"/>	A map showing the proposed annexation area in relation to the existing city limits is attached.
<input type="checkbox"/>	Evidence of vested rights obtained from County Planning Department (if applicable).
<input checked="" type="checkbox"/>	The area to be annexed is non-contiguous to the city limits and a map indicating the boundaries of such territory is attached.
<input type="checkbox"/>	When there is any question as to whether the area may be closer to another city than to the City of Fayetteville, the attached map shall also show the area proposed for annexation in relation to the primary corporate limits of the other city.

Primary Contact Information & Signatures:

If the property is owned by an individual (or individuals), please fill in the Individual section below. If the property is owned by a Corporation, Limited Liability Corporation (LLC), or Partnership, please fill in the appropriate section below. Be sure to provide names, signatures, and titles for each applicant.

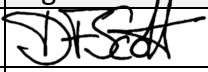


Individuals:

Print Name	Mailing Address	Phone Number	Signature

Corporation:

Name of Corporation:			
Print Name & Title	Mailing Address	Phone Number	Signature

Limited Liability Corporation (LLC):

Name of LLC: Judd Brook 6, LLC			
Print Name & Title	Mailing Address	Phone Number	Signature
Daryl F Scott, Member	4551 Cox Rd. Suite 425 Glen Allen, VA 23060	860-531-2648	
David R Scott, Member	4551 Cox Rd. Suite 425 Glen Allen, VA 23060	212-634-5615	
Chris Classen, Manager	4551 Cox Rd. Suite 425 Glen Allen, VA 23060	860-531-2655	

Partnership:

Name of Partnership:			
Print Name & Title	Mailing Address	Phone Number	Signature

AFFIDAVIT OF OWNERSHIP

I, DARYL Scott, being duly sworn, deposes and says:

1. That I am the owner of the property/properties located at 2246 Angelia M Street in the City of Fayetteville, a political subdivision of the State of North Carolina.

2. I do hereby give permission to Gradient, PLLC to submit a Conditional Rezoning/Rezoning/Variance/Special Use (circle one) application to the City of Fayetteville on my behalf for the above referenced property/properties.

3. This authority is only granted for the application to be submitted on December 15, 2023.

D Scott

Signature of Affiant

Signature of Affiant

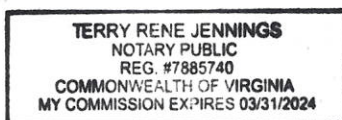
Cumberland County, North Carolina

Sworn to and subscribed before me this day on the 16th day of January, 2024.

Terry Rene Jennings
Signature of Notary Public

(Official Seal)

Terry Rene Jennings, Notary Public
Printed Name of Notary Public



My Commission Expires: 03/31/2024