

**Project Overview**
**#1228356**
**Project Title:** 458 Lansdowne Rd

**Jurisdiction:** City of Fayetteville

**Application Type:** 5.1) Rezoning (Map Amendment)

**State:** NC

**Workflow:** Staff Review

**County:** Cumberland

**Project Location**
**Project Address or PIN:** 458 LANSDOWNE RD  
 (0407661937000)

**Zip Code:** 28314

**GIS Verified Data**
**Property Owner: Parcel**

- 458 LANSDOWNE RD: GANT, TIMOTHY;GANT, APRIL

**Acreage: Parcel**

- 458 LANSDOWNE RD: 0.96

**Zoning District: Zoning District**

- 458 LANSDOWNE RD: SF-10

**Subdivision Name:**
**Fire District:**
**Airport Overlay District:**
**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:** LC

**Acreage to be Rezoned:** 0.96

**Is this application related to an annexation?:** No

**Water Service:** Public

**Sewer Service:** Public

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

Most of the property contains a concrete parking area that was used by a restaurant before it closed down. There is an existing driveway that connects the property to Lansdowne Road.

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

The property is currently zoned SF-10. The adjoining property to the southwest is zoned LC. The adjoining property to the northwest is zoned SF-10 and is a lake. All other adjoining property is zoning SF-10 and contains single family houses.

**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.:**

The comprehensive plan shows the subject parcels to be Low Density Residential, however, the property is approximately 1/4 mile east of land designed to be Office/Institutional.

Office/Institutional designated land is anticipated to be medium intensity nonresidential such as offices, schools/institutions, and light industrial. Buildings are meant to be grouped on the parcel.

While not specifically designed for Office/Institutional, the subject parcels are in close proximity to that designated land use and are along a major thoroughfare which would lend itself to the stated nonresidential uses.

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

No

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

The subject parcels contain the remnants of an abandoned restaurant. The land has sat idle for many years and is currently overgrown with a partially demolished building. Re-development of this parcel is key to improve the aesthetics of the corridor and to provide office/institutional services for the surrounding residential neighborhoods.

**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 property to the southwest is owned by the same owners and is zoned LC. That property contains the remnants of an old restaurant and its parking lot. The parking lot is partially on the subject property and the rear driveway for the restaurant is actually on the subject property too. Eventhough these are two different parcels with two different zoning districts they have functionally operated as one common development for many years. Aerials show that this condition was created at some point between 1982 and 1995 and has remained the same ever since.

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

This amendment would clean up what is essentially a split zoning designation since the existing development is functionally contained on two different parcels.

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

No premature development is anticipated since the property is currently developed.

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

The list of permitted uses in the LC zoning district does allow for a mix of uses that would traditionally be located in a strip-style commercial. However, the UDO contains specific setback and buffering requirements that take in to account the surrounding single-family uses.

As stated in the UDO "The Limited Commercial (LC) District is established and intended to accommodate a wider range of moderate-intensity general retail, business, and service uses that serve groups of neighborhoods instead of just an individual neighborhoode.g., grocery stores, drugstores, large restaurants, gas stations, and higher order retail uses like specialty stores. The district is not intended to accommodate intensive commercial or other business uses. Residential uses are encouraged on the upper floors of nonresidential establishments. The district is subject to standards intended to ensure development is compatible with surrounding residential neighborhoods."

**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.:**

The adjacent parcel is currently zoned LC, so an isolated zoning district will not be created since it currently exists.

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

Since this property currently contains a parking lot and driveway that serves a restaurant on an adjacent parcel it is not anticipated that a change in zoning designation will impact property values.

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

Since this property currently contains a parking lot and driveway that serves a restaurant on an adjacent parcel it is not anticipated that a change in zoning designation will impact the natural environment.

## Primary Contact Information

**Contractor's NC ID#:**

**Project Owner**

Timothy Gant

225 Forest Creek

Fayetteville, NC 28303

P:910-527-5553

[h2contractingkbh@gmail.com](mailto:h2contractingkbh@gmail.com)

**Project Contact - Agent/Representative**

Kyle Holmes

H2 Contracting LLC

731 McGilvary St.

Fayetteville , NC 28301

P:910-484-0524

[h2contractingkbh@gmail.com](mailto:h2contractingkbh@gmail.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:**

**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 Mechanical Contractor:**

**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:**

FILED Jun 14, 2022  
AT 10:04:30 AM  
BOOK 11497  
START PAGE 0143  
END PAGE 0148  
INSTRUMENT # 24199  
RECORDING \$26.00  
EXCISE TAX \$1,400.00

**NORTH CAROLINA GENERAL WARRANTY DEED**

R-13905-22

Excise Tax:	\$1,400.00
Parcel ID:	
Mail/Box to:	Jennifer Kirby Fincher, PLLC, 324 N. McPherson Church Rd, Fayetteville, NC 28303
Prepared by:	Jennifer Kirby Fincher, PLLC, 324 N. McPherson Church Rd, Fayetteville, NC 28303
Brief description for the index:	6 Tracts Cliffdale Rd

THIS GENERAL WARRANTY DEED ("Deed") is made on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, by and between:

GRANTOR	GRANTEE
Chan Ho and wife, Suk Hee Ho 300 Black Belt World Dr Knightdale, NC 27545	Timothy Gant and wife, April Gant 225 Forest Creek Fayetteville, NC 28303

*Enter in the appropriate block for each Grantor and Grantee their name, mailing address, and, if appropriate, state of organization and character of entity, e.g. North Carolina or other corporation, LLC, or partnership. Grantor and Grantee includes the above parties and their respective heirs, successors, and assigns, whether singular, plural, masculine, feminine or neuter, as required by context.*

FOR VALUABLE CONSIDERATION paid by Grantee, the receipt and legal sufficiency of which is acknowledged, Grantor by this Deed does hereby grant, bargain, sell and convey to Grantee, in fee simple, all that certain lot, parcel of land or condominium unit in the City of Fayetteville, Fayetteville City, Cumberland County, North Carolina and more particularly described as follows (the "Property"):

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

All or a portion of the Property was acquired by Grantor by instrument recorded in Book 9407 Page 59.

All or a portion of the Property  includes or  does not include the primary residence of a Grantor.

A map showing the Property is recorded in Book \_\_\_\_\_ Page \_\_\_\_\_.

TO HAVE AND TO HOLD the Property and all privileges and appurtenances thereto belonging to Grantee in fee simple. Grantor covenants with Grantee that Grantor is seized of the Property in fee simple, Grantor has the right to convey the Property in fee simple, title to the Property is marketable and free and clear of all encumbrances, and Grantor shall warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

restrictions, easements and rights-of-way of record; ad valorem property taxes for the current year.

IN WITNESS WHEREOF, the Grantor has duly executed this North Carolina General Warranty Deed, if an entity by its duly authorized representative.

Chan Ho  
Name: Chan Ho

Suk Hee Ho  
Name: Suk Hee Ho

Name:

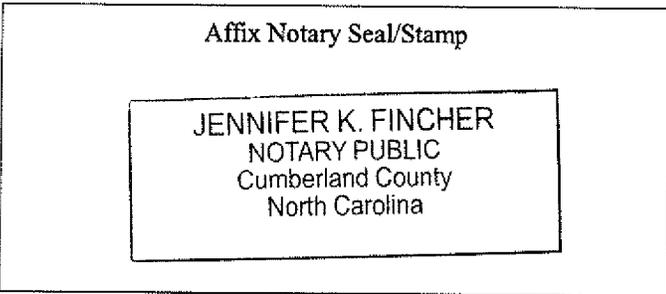
Entity Name

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF NORTH CAROLINA, COUNTY OF CUMBERLAND

I, Jennifer K Fincher, a Notary of the above state and county, certify that the following person(s) personally appeared before me on the 13 day of June, 2022 each acknowledging to me that he/she/they signed the foregoing document, in the capacity represented and identified therein (if any):  
Chan Ho and Suk Hee Ho



Jennifer K Fincher  
Notary Public (Official Signature)  
My commission expires: 4/17/26  
4/17/26

**Tract 1: PIN # 0407-66-1937**

BEING all of Lot 4 as shown on a map entitled "Recombination for Constantin Saliba Heirs" a plat of the same duly recorded in Book 129, Page 110, Cumberland County Registry, North Carolina.

**Tract 2: PIN # 0407-56-8853**

Lying and being in the City of Fayetteville, Cumberland County, North Carolina, about 200 feet west of the intersection of Cliffdale Road and Lansdowne Road, and being more particularly described as follows:

BEGINNING at the northeast corner of the tract of which this is a part, and runs thence as the east line of said tract of which this is a part S 41 degrees 53' 00" E 77.44 feet to a point in said east line; thence as a new line S 89 degrees 40' 15" W 479.08 feet to a point in the west line of the tract of which this is a part; thence as said west line N 00 degrees 51' 00" W 50.25 feet to the northwest corner of the tract of which this is a part; thence as the north lines of the said tract N 89 degrees 42' 00" E 240.36 feet to a point; thence continuing as the north lines N 87 degrees 17' 00" E 187.97 feet to the BEGINNING, containing 0.54 acres, and being a portion of the lands conveyed to Constantin Saliba by deed recorded in Deed Book 3048, Page 311, Cumberland County Registry. Bearings herein are to Plat Book 46, page 75 meridian.

**Tract 3: PIN # 0407-56-2870**

Lying and being in Seventy-First Township, Cumberland County, North Carolina about 450 feet east of the intersection of Cliffdale Road and Waters Edge Drive, and being more particularly described as follows:

BEGINNING at the most northern corner of the tract of which this is a part, said corner also being the most northern corner of lot 9 of The Cloisters subdivision recorded in Plat Book 46, Page 75, and runs thence as the northern line of the tract of which this is a part S 43 degrees 09' 00" E 145.23 feet to a point; thence S 58 degrees 20' 00" E 66.12 feet to a point; thence S 87 degrees 08' 00" E 143.74 feet to a point; thence N 89 degrees 42' 00" E 326.77 feet to the northeast corner of the tract of which this is a part; thence as the east line of the tract of which this is a part S 00 degrees 51' 00" E 50.25 feet to a point in said east line; thence a new line S 89 degrees 40' 15" W 544.65 feet to an existing iron pipe in the west line of the tract of which this is a part, said iron also being the most northern corner of lot 11 of The Cloisters subdivision; thence as the west line of the tract of which this is a part, and the east lines of lots 10 and 9 N 22 degrees 21' 00" W 215.72 feet to the BEGINNING, containing 0.80 acres, and being a portion of the lands conveyed to Constantin Saliba by deed recorded in Deed Book 3048, Page 309, Cumberland County Registry. Bearings herein are to Plat Book 46, Page 75 meridian.

**Tract 4: PIN # 0407-56-8668**

BEGINNING at a concrete monument located about 20 feet East of the high water mark of McFayden Lake and being the northeast corner of a 3.07 Acre tract described in a conveyance from McFayden to Barrett, in Deed Book 2190, page 557; thence South 41 degrees 25 minutes East 296.17 feet to a concrete monument in the northern margin of Cliffdale Road; thence South 41 degrees 25 minutes East, about 32.59 feet to a point in the center of Cliffdale Road ( a 60 foot right-of-way); thence with the center of said road, South 70 degrees 52 minutes West, 452.07 feet to a point; thence with the center of said road, South 74 degrees 48 minutes West, 101.03 feet to a point; thence with the center of said road, South 76 degrees 44 minutes West, 100.26 feet to the run of Beaver Creek; thence crossing a portion of Tract #2, a 14.658 conveyance from McFayden to Barrett recorded in Deed Book 2190, Page 589, North 12 degrees 26 minutes West 98.48 feet to a stake; thence North 00 degrees 23 minutes West, 341.38 feet to a stake in the approximate center line of the McFadyen Lake dam; thence with the approximate center line of McFayden Lake dam, South 89 degrees 50 minutes East, 240.36 feet to an iron stake, the northeast corner of the 3.07 Acre tract; thence with the approximate center line of the McFayden Lake dam; North 87 degrees 45 minutes East, 187.97 feet to the point of beginning. Containing 4.113 Acres of land, more or less, excluding that portion of property conveyed to Department of Transportation in Deed Book 3661, Page 57, Cumberland County Registry, North Carolina.

Less and Excepting the following tract:

Lying and being in the City of Fayetteville, Cumberland County, North Carolina, about 200 feet west of the intersection of Cliffdale Road and Lansdowne Road, and being more particularly described as follows:

BEGINNING at the northeast corner of the tract of which this is a part, and runs thence as the east line of said tract of which this is a part S 41 degrees 53' 00" E 77.44 feet to a point in said east line; thence as a new line S 89 degrees 40' 15" W 479.08 feet to a point in the west line of the tract of which this is a part; thence as said west line N 00 degrees 51' 00" W 50.25 feet to the northwest corner of the tract of which this is a part; thence as the north lines of the said tract N 89 degrees 42' 00" E 240.36 feet to a point; thence continuing as the north lines N 87 degrees 17' 00" E 187.97 feet to the BEGINNING, containing 0.54 acres, and being a portion of the lands conveyed to Constantin Saliba by deed recorded in Deed Book 3048, Page 311, Cumberland County Registry. Bearings herein are to Plat Book 46, page 75 meridian.

**Tract 5: PIN # 0407-56-4635**

To reach the point of BEGINNING, begin at the southwesternmost corner of the property conveyed from American Classic Industries, Inc., to Chestnut recorded in Book 2562, Page 225, Cumberland County Registry. in the centerline of Cliffdale Road and proceed North 04 degrees 52 minutes West 30.09 feet to the northern right-of-way margin of Cliffdale Road, being the POINT OF BEGINNING; and running thence for a first call with said northern margin South 89 degrees 37 minutes West 190.00 feet to the southeastern corner of the Triangle, formerly Riddle, tract; thence with the Triangle-Riddle eastern line North 00 degrees 23 minutes West, 185.00 feet; thence with the Triangle-Riddle northern line North 72 degrees 23 minutes West 360.00 feet and North 21 degrees 53 minutes West 278 feet, more or less, to a point lying in the high water mark of McFayden's Pond; thence with the high water mark of McFayden's Pond South 42 degrees 41 minutes East 145.23 feet ; thence South 57 degrees 52 minutes East 66.12 feet to a point in the headwall of McFayden's Pond; thence along the dam South 86 degrees 40 minutes East 143.74 feet and South 89 degrees 50 minutes East 326.77 feet to the northwestern corner of the Chestnut tract recorded in Book 2562, Page 225, Cumberland County Registry; thence with Chestnut's western line South 00 degrees 23 minutes East 341.38 feet and South 12 degrees 26 minutes East 61.49 feet to the POINT OF BEGINNING, containing 3.1 acres, more or less, excluding that portion of property conveyed to Department of Transportation in Deed Book 3661, Page 57, Cumberland County Registry, North Carolina.

**Less and Excepting:**

Lying and being in Seventy-First Township, Cumberland County, North Carolina about 450 feet east of the intersection of Cliffdale Road and Waters Edge Drive, and being more particularly described as follows:

BEGINNING at the most northern corner of the tract of which this is a part, said corner also being the most northern corner of lot 9 of The Cloisters subdivision recorded in PB 46, Pg 75, and runs thence as the northern lines of the tract of which this is a part S 43 degrees 09' 00" E 145.23 feet to a point; thence S 58 degrees 20' 00" E 66.12 feet to a point; thence S 87 degrees 08' 00" E 143.74 feet to a point; thence N 89 degrees 42' 00" E 326.77 feet to the northeast corner of the tract of which this is a part; thence as the east line of the tract of which this is a part S 00 degrees 51' 00" E 50.25 feet to a point in said east line; thence a new line S 89 degrees 40' 15" W 544.65 feet to an existing iron pipe in the west line of the tract of which this is a part, said iron also being the most northern corner of lot 11 of The Cloisters subdivision; thence as the west line of the tract of which this is a part, and the east lines of lots 10 and 9 N 22 degrees 21' 00" W 215.72 feet to the BEGINNING, containing 0.80 acres, and being a portion of the lands conveyed to Constantin Saliba by deed recorded in Deed Book 3048, Page 309, Cumberland County Registry. Bearings herein are to Plat Book 46, page 75 meridian.

**Tract 6: PIN # 0407-56-2543**

BEGINNING at a point in the northern margin of Cliffdale Road (SR 1403) said point being further described as the point of tangency of the radius return from Water's Edge Drive as recorded in Plat Book 43, Page 57, Cumberland County Registry and proceeding thence with the right-of-way of Water's Edge Drive in a northwesterly direction on a curve having a radius of 25 feet, an arc distance of 39.27 feet to a point; thence with a curve to the left having a radius of 124.67 feet, 121.16 feet to a point, the same being the southeast corner of Lot 12, THE CLOISTERS, as recorded in Plat Book 46, Page 76; thence with the eastern margin of Lots 11 and 12 of THE CLOISTERS, as recorded in Book of Plats 46, Page 75, North 38 degrees 56 minutes East 210.75 feet to a point, the same being the northeast corner of said Lot 11; thence South 72 degrees 51 minutes East 360 feet to a point; thence South 00 degrees 50 minutes East 185.00 feet to a point in the northern margin of Cliffdale Road; thence with the northern margin of Cliffdale Road, South 89 degrees 05 minutes West 369.57 feet to the point and place of BEGINNING, and containing approximately 2 acres, more or less, and being a portion of the property described in Deed recorded in Book 2666, Page 343, Cumberland County Registry, North Carolina. Less and Excepting the interest and estate acquired by the Department of Transportation in a certain condemnation action filed against Triangle Building Supply, Inc. in the General Court of Justice, Superior Court Division, as Civil Action No. 91 CVS 1097 and Memorandum of Action filed in Deed Book 3650, Page 290, to which action reference is to be made for a more specific description.

AFFIDAVIT OF OWNERSHIP

I, APRIL GANT + TIMOTHY GANT, being duly sworn, deposes and says:

1. That I am the owner of the property/properties located at 458 Landsdowne Rd. Fayetteville, NC 28314 PIN 0407661937000 in the City of Fayetteville, a political subdivision of the State of North Carolina.

2. I do hereby give permission to Kyle B. Holmes 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 1/23/24.

*[Handwritten Signature]*

Signature of Affiant

*[Handwritten Signature]*

Signature of Affiant

Cumberland County, North Carolina

Sworn to and subscribed before me this day on the 23 day of January, 2024.

*[Handwritten Signature]*

Signature of Notary Public

Nichole C. Holmes, Notary Public  
Printed Name of Notary Public

My Commission Expires: May 30, 2028

(Official Seal)

