

Project Overview

#1242625

Project Title: 2326 Owen Drive

Jurisdiction: City of Fayetteville

Application Type: 5.1) Rezoning (Map Amendment)

State: NC

Workflow: Staff Review

County: Cumberland

Project Location

Project Address or PIN: 2326 OWEN DR (0426419941000)

Zip Code: 28306

GIS Verified Data

Property Owner: Parcel

- 2326 OWEN DR: MCCAULEY & MCDONALD INVESTMENTS INC

Acreage: Parcel

- 2326 OWEN DR: 0.91

Zoning District: Zoning District

- 2326 OWEN DR: cnty

Subdivision Name:

Fire District:

Airport Overlay District: Airport Overlay District

- 2326 OWEN DR: 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: Community Commercial

Acreage to be Rezoned: .91

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:

Convenience store, gas pumps, car wash

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

Vacant land, zoned CZ

Auto Parts Store, zoned C3

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.:

Site has been used for commercial purposes in excess of 30 years. It is a corner lot, less than 1 acre, at the intersection of two major local thoroughfares. At some point in the past, the property was rezoned without our knowledge, despite the fact that we have had a recorded real estate interest in the property for more than 30 years.

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 location has been successfully operated as a convenience store for decades, where community members have been purchasing fuel and household items. We would like to continue to offer those goods.

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.:

This property, and the property surrounding it, have been designated as commercial properties.

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

The proposal would not change the existing development pattern. And is entirely consistent with historical uses.

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

It would not.

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

It would not. The existing building would remain as its current use.

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.:

It would not. Adjacent parcels are zoned commercial.

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

The value of the property to the rear would be enhanced by this property remaining in commercial use.

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

It does not. It would be used for the purposes it has always been used.

Primary Contact Information

Contractor's NC ID#:

Project Owner

Mary Talley
McCauley & McDonald Investments Inc
PO Box 361
Fayetteville, NC 28302
P:9104831861
mcmcinvestment@aol.com

Project Contact - Agent/Representative

Mary Talley
McCauley & McDonald Investments Inc
PO Box 361
Fayetteville, NC 28302
P:9104831861
mcmcinvestment@aol.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:

AFFIDAVIT OF OWNERSHIP

I, John McCauley, being duly sworn, deposes and says:

1. That I am the owner of the property/properties located at 2326 OWEN DR in the City of Fayetteville, a political subdivision of the State of North Carolina.

2. I do hereby give permission to MARY TALLEY 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 FEB 8, 2024.

[Signature], President
Signature of Affiant
FOR MCCAULEY MCDONALD INVESTMENTS INC

Signature of Affiant

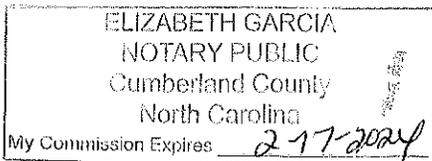
Cumberland County, North Carolina

Sworn to and subscribed before me this day on the 8th day of FEBRUARY, 2024

[Signature]
Signature of Notary Public

(Official Seal)

ELIZABETH GARCIA, Notary Public
Printed Name of Notary Public



My Commission Expires: 2-17-2024

FILED
CUMBERLAND COUNTY NC
J. LEE WARREN, JR.
REGISTER OF DEEDS
FILED Aug 01, 2019
AT 12:38:25 pm
BOOK 10556
START PAGE 0523
END PAGE 0526
INSTRUMENT # 23799
RECORDING \$51.00
EXCISE TAX \$1,040.00
JR

NORTH CAROLINA SPECIAL WARRANTY DEED

Excise Tax: \$1,040.00

Parcel Identifier No. 0426-41-9941 Verified by _____ County on the ____ day of _____, 20____
By: _____

Return:
Mailing Address: Rebecca F. Person PLLC

This instrument was prepared by: Robert L. Laney, Esq.

Brief description for the Index: 2 trs. Owen Dr. O Cumberland Rd.

THIS DEED made this 30th day of July, 2019, by and between

GRANTOR	GRANTEE
Nelson Family Investments, L.L.C. Mailing Address: P.O. 10513 Greensboro, NC 27404	Mailing Address: McCauley and McDonald Investments, Inc. P.O. Box 361 Fayetteville, NC 28302

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

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

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

Tue, 30 Jul 2019 2:30:26 PM 

See Exhibit "A"

The property hereinabove described was acquired by Grantor by instrument recorded in Book 8097 page 10.

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 _____ 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 has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, other than the following exceptions: See Exhibit "B"

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

Nelson Family Investments, L.L.C.

(Entity Name)

By: Frank Nelson

Print/Type Name & Title: Frank Nelson, Manager

STATE OF:

COUNTY OF:

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

Frank Nelson

Date: 07/30/2019

Cole M. Nero
Notary Public

Cole M. Nero

Printed or Typed Name of Notary Public

My commission expires: 01/18/2023

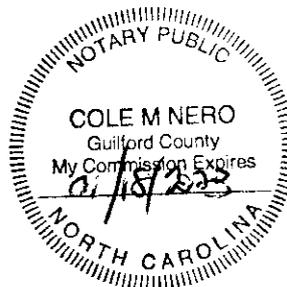


Exhibit "A"

The Land is described as follows:

TRACT ONE:

BEGINNING at a terra cotta insulator placed in the ground in the northern margin of the public road leading from Fayetteville to Cumberland Mills in the western line of the land belonging to Carolina Power and Light Company, and running thence with the northern margin of said public road, South 76 degrees 10 minutes West 114.84 feet to an iron pipe in the northern margin of said road; thence North 15 degrees 59 minutes West 356.4 feet to a point in the eastern line of the tract of which this is a part, and running thence South 33 degrees 40 minutes East 378.8 feet to the beginning.

TRACT TWO:

BEGINNING at the point where the southwestern edge of the right of way of Owen Drive intersects the northern edge of the right of way of Cumberland Road; and runs thence along and with the northern edge of the right of way of Cumberland Road South 76 degrees 10 minutes West 177.73 feet to a terra cotta pipe; thence North 33 degrees 40 minutes West 343.28 feet to a point in the southwestern edge of the right of way of Owen Drive; and thence along and with the southwestern edge of the right of way of Owen Drive South 56 degrees 10 minutes East 436.83 feet to the point of **BEGINNING**, containing 0.68 acre, more or less, and being a small portion of the land conveyed to Carolina Power & Light Company by deed from S. W. Tillinghast, et al, dated February 5, 1923, and recorded in Book 294, page 410, Cumberland County Registry.

LESS AND EXCEPT from the above-described tracts of land that portion of same taken by or conveyed to the North Carolina Department of Transportation in Consent Judgment recorded in Book 4567, Page 487 and Deed recorded in Book 9759, Page 516, of the aforesaid Registry.

For history of title see deed recorded in Book 8097, Page 10 of the Cumberland County Registry.

Exhibit "B"

1. Taxes for the year 2019 and subsequent years, not yet due and payable.
2. Contract with the City of Fayetteville regarding annexation recorded in Book 2418, page 35, Cumberland County, Registry.
3. Memorandum of Lease with McCauley and McDonald Investments, Inc., recorded in Book 2933, page 497, aforesaid records.
4. Easement to the City of Fayetteville recorded in Book 2958, page 162, aforesaid records.
5. Easement to Carolina Power and Light Company, recorded in Book 2320, page 123, aforesaid records.