

**Project Overview****#812984****Project Title:** Greenwood Villa Quadplexes**Jurisdiction:** City of Fayetteville**Application Type:** 5.1) Rezoning (Map Amendment)**State:** NC**Workflow:** Staff Review**County:** Cumberland**Project Location****Project Address or PIN:** 712 MILLER AVE (0416681081000) **Zip Code:** 28,304**GIS Verified Data****Property Owner: Parcel**

- 712 MILLER AVE: MILLER APARTMENTS LLC

**Acreage: Parcel**

- 712 MILLER AVE: 2.38

**Zoning District:****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:****500 Year Flood:****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:** MR-5**Acreage to be Rezoned:** 1.57**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:**

The property is currently developed as the Greenwood Villa Quadplexes.

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

The properties to the north are zoned MR-5 and are developed as the multi-family Greenwood Villa Apartments. The properties to the east are zoned SF-10 and are single family residences. The properties to the southeast and south are zoned SF-6 and are multi-family duplexes. The properties to the southwest and west are single family residences. The properties to the northwest are zoned MR-5 and consist of one single family residence and the multi-family Ireland Drive Quads.

**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 proposed amendment is consistent with the City's 2040 Comprehensive Plan goals as follows:

Goal 1: Focus value and investment around infrastructure and strategic nodes; and

Goal 4: Foster safe, stable and attractive neighborhoods.

Further, the proposed amendment aligns with the City's 2040 Comprehensive Plan policies as follows:

LU 1: Encourage growth in areas well served by infrastructure and urban services;

LU 6: Encourage development standards that result in quality neighborhoods; and

LU 7: Encourage a mix of housing types for all ages and incomes.

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

The current owner desires to rezone the portion of the tract of land that is currently zoned SF-6 to MR-5 for one unified zoning district on the entire property.

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

The proposed amendment addresses the community need for consistent and unified zoning. The project currently addresses the community need for diverse housing.

**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 northern one-third portion (approximation) of the property is currently zoned MR-5. The southern two-thirds portion (approximation) of the property is currently zoned SF-6. The proposed amendment will provide a unified zoning district on the entire property.

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

The property is currently developed as the Greenwood Villa Quadplexes, and no further development is contemplated at this time. The proposed amendment will unify the zoning district on the entire property.

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

The property is currently developed, and the proposed amendment will not encourage premature development on the property.

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

The proposed amendment will not result in strip-style commercial development.

**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 proposed amendment will not result in the creation of an isolated zoning district unrelated to adjacent surrounding zoning districts. The proposed amendment will unify the zoning district between the two portions of the property.

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

The proposed amendment will not result in significant adverse impacts on the property values of the surrounding lands.

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

The proposed amendment will not result in significant adverse impacts on the natural environment.

**Primary Contact Information**

**Project Contact - Agent/Representative**

R. Jonathan Charleston, Esq.  
The Charleston Group

**Project Owner**

Darrin Collins  
Miller Apartments, LLC

201 Hay Street, Suite 2000  
Fayetteville, NC 28301  
P:910-485-2500  
F:910-485-2599  
[jcharleston@charlestongroup.com](mailto:jcharleston@charlestongroup.com)

2928 Hybart Street  
Fayetteville, NC 28303  
P:910-222-8763  
[darrin@cresfund.com](mailto:darrin@cresfund.com)

**Project Contact - Primary Point of Contact for the Attorney**

Catherine R. Iwashita Bamba, Esq.  
The Charleston Group  
201 Hay Street, Suite 2000  
Fayetteville, NC 28301  
P:910-485-2500  
F:910-485-2599  
[cbamba@charlestongroup.com](mailto:cbamba@charlestongroup.com)

**NC State License Number:**

**As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$30,000. :**

**Contractor's NC ID#:**

**Indicate which of the following project contacts should be included on this project:** Attorney



## Planning & Zoning

433 Hay Street  
Fayetteville, NC 28301  
910-433-1612  
www.fayettevillenc.gov

### Project Overview

#812984

**Project Title:** Greenwood Villa Quadplexes  
**Application Type:** 5.1) Rezoning (Map Amendment)  
**Workflow:** Staff Review

**Jurisdiction:** City of Fayetteville  
**State:** NC  
**County:** Cumberland

### Project Location

**Project Address or PIN:** 0416-68-1081 (Unverified)

**Zip Code:** 28,304

### GIS Verified Data

**Property Owner:**  
**Zoning District:**  
**Fire District:**  
**Hospital Overlay District:**  
**Cape Fear District:**  
**Haymount Historic District:**  
**100 Year Flood:**  
**Watershed:**

**Acreage:**  
**Subdivision Name:**  
**Airport Overlay District:**  
**Coliseum Tourism District:**  
**Downtown Historic District:**  
**Floodway:**  
**500 Year Flood:**

### General Project Information

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**Previous Amendment Case #:**

**Acreage to be Rezoned:** 1.57

**Water Service:** Public

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**Previous Amendment Approval Date:**

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

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<b>Primary Contact Information</b>
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**Project Contact - Agent/Representative**

R. Jonathan Charleston, Esq.  
The Charleston Group  
201 Hay Street, Suite 2000  
Fayetteville, NC 28301  
P: (Phone)910-485-2500  
F: (Fax)910-485-2599  
jcharleston@charlestongroup.com

**Project Owner**

Darrin Collins  
Miller Apartmenrts, LLC  
2928 Hybart Street  
Fayetteville, NC 28303  
P: (Phone)910-222-8763  
darrin@cresfund.com

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F: (Fax)910-485-2599  
cbamba@charlestongroup.com

**NC State License Number:**

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**Indicate which of the following project contacts should be included on this project:** Attorney

**Contractor's NC ID#:**

## AFFIDAVIT OF OWNERSHIP

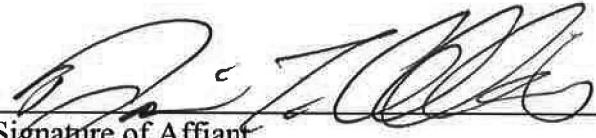
Darrin Collins, Member  
Miller Apartments, LLC

I, \_\_\_\_\_, being duly sworn, deposes and says:

1. That I am the owner of the property/properties located at  
712 Miller Avenue in the City of Fayetteville, a political  
subdivision of the State of North Carolina.

2. I do hereby give permission to The Charleston Group 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  
or before July 14, 2022.

  
\_\_\_\_\_  
Signature of Affiant

\_\_\_\_\_  
Signature of Affiant

Cumberland County, North Carolina

Sworn to and subscribed before me this day on the 14<sup>th</sup> day of July, 2022

  
\_\_\_\_\_  
Signature of Notary Public

(Official Seal)

MELISSA SHELTON  
Notary Public, North Carolina  
Harnett County  
My Commission Expires  
November 07, 2024

Melissa Sheldon, Notary Public  
Printed Name of Notary Public

My Commission Expires: November 7, 2024

FILED	Jul 03, 2019
AT	12:36:32 PM
BOOK	10536
START PAGE	0069
END PAGE	0071
INSTRUMENT #	20261
RECORDING	\$26.00
EXCISE TAX	\$0.00

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

**Parcel Identifier No. 0416-68-1081**

**Excise Tax: \$0.00**

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

**Return after recording to: Richard A. Galt, PLLC, 2533 Raeford Road, Fayetteville, NC 28305**

**Brief Description for the Index: 2.38 AC MILLER AVE APARTMENTS RECOMB**

**This Deed made this the 1<sup>st</sup> day of July, 2019 by and between:**

GRANTOR	GRANTEE
<b>DIVERSIFIED CAPITAL INVESTMENTS I, LLC, a North Carolina limited liability company</b>	<b>MILLER APARTMENTS, LLC, a North Carolina limited liability company</b>
<b>Mailing Address: 2928 Hybart Street Fayetteville, NC 28303</b>	<b>Mailing Address: 2928 Hybart Street Fayetteville, NC 28303</b>

**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 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.**

submitted electronically by "Richard A Galt PLLC"  
in compliance with North Carolina statutes governing recordable documents  
and the terms of the submitter agreement with the Cumberland County Register of Deeds.



The property hereinabove described was acquired by instrument recorded in Book 6705, Page 216.

A map showing the above described property is recorded in Plat Book 112, Page 174.

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 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 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: zoning ordinances affecting the premises; restrictive covenants, utility easements, permits, rights-of-way as the same may appear of record; matters which would be revealed by an accurate and comprehensive survey and inspection of the preemies; and ad valorem taxes for 2019.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed by its duly authorized Manager, and its seal to be hereunto affixed by authority of its Manager, effective the day and year first above written.

**DIVERSIFIED CAPITAL INVESTMENTS I, LLC,  
a North Carolina limited liability company**

**By its Manager,**

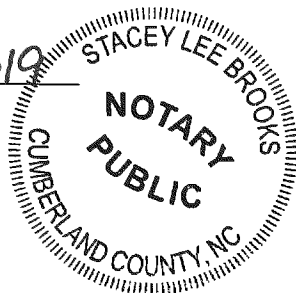
**CENTRAL MANAGEMENT GROUP, LLC,  
a North Carolina limited liability company**

By:   
Name: Darrin Collins  
Title: Manager

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: Darrin Collins, Manager, Central Management Group, LLC, Manager of Diversified Capital Investments I, LLC.

Dated: 7-2-2019



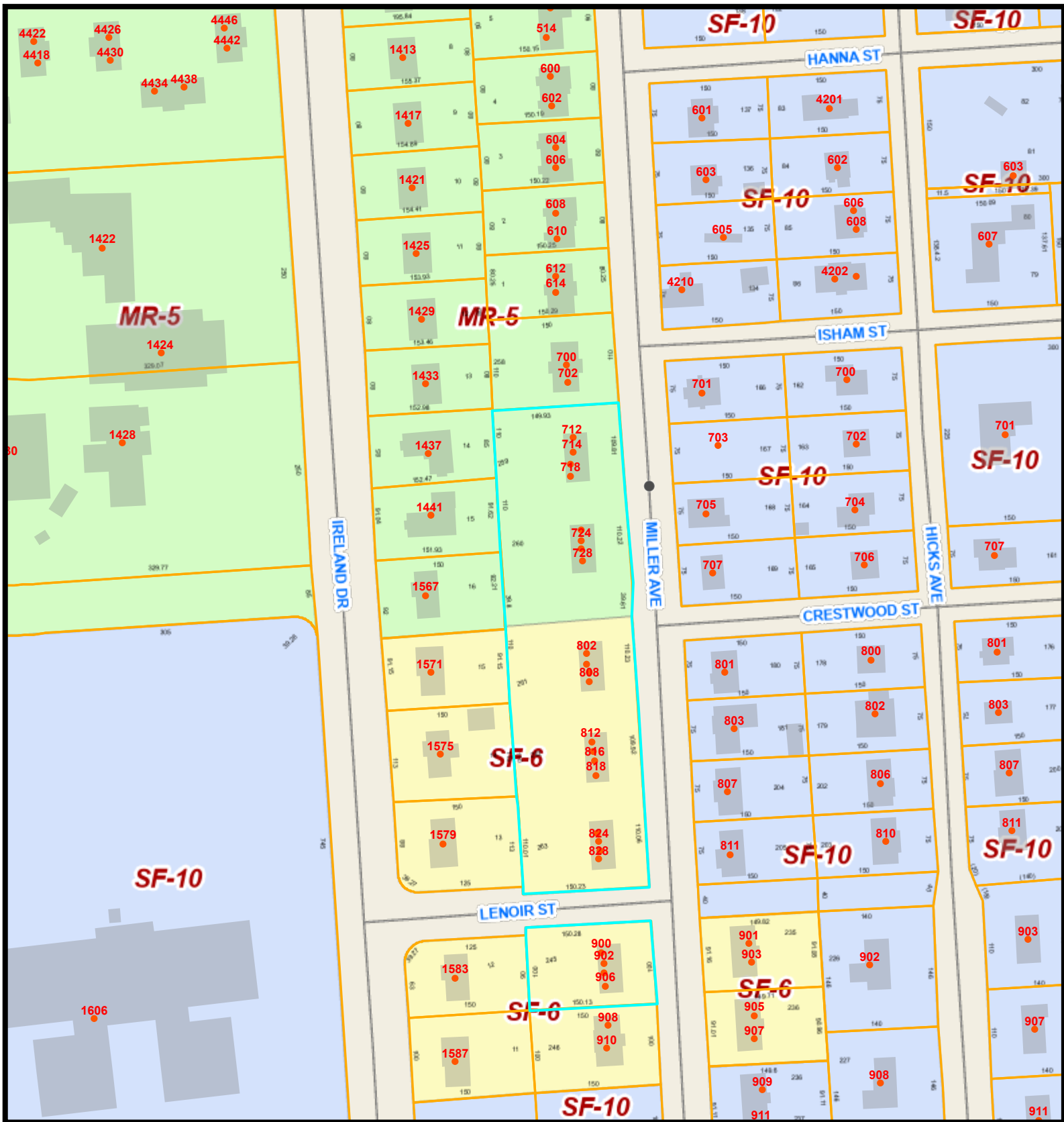
  
Notary Public

Printed Name: Stacey Lee Brooks

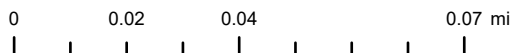
My commission expires: 7-21-23

**EXHIBIT "A"****LEGAL DESCRIPTION**

Starting at a new mag-nail at the intersection of Crestwood Street and Miller Avenue and running thence South 00 degrees 15 minutes 42 seconds East, 339.91 feet to a new mag-nail at the intersection of the foresaid Miller Avenue and Lenior Drive; thence South 13 Degrees 47 minutes 13 seconds West, 123.71 feet to an existing iron Stake, said existing iron stake being the southeast corner of Lot 265 as shown on a plat recorded in Plat Book 17, Page 61 of the Cumberland County Registry, North Carolina, said existing iron stake being the point and place of BEGINNING; thence with southern line of said Lot 245, South 89 degrees 43 minutes 15 seconds West, 150.31 feet to an existing iron pipe, said existing iron pipe being the southwest corner of said Lot 245; thence with the western line of said lot 245 and beyond, continuing with the western line of said Plat Book 17, Page 61, North 00 degrees 15 minutes West, 729.82 feet to an existing iron pipe, said existing iron pipe being the north west corner of Lot 259 of said Plat Book 17, Page 61; thence with the northern line of said Lot 259, North 89 degrees 42 minutes 36 seconds East, 149.93 feet to and existing iron pipe, said existing iron pipe being the northeast corner of said Lot 259 and a point in the western right-of-way margin of the foresaid Miller Avenue (60 foot right-of-way); thence with the eastern line of said Lot 259, South 00 degrees 17 minutes 57 seconds East, 109.81 feet to and existing iron pipe, said existing iron pipe being a common corner with Lot 260 of said Plat Book 17, Page 61; thence with the eastern line of said Lot 260, South 00 degrees 02 minutes 22 seconds East, 110.22 feet to an existing iron pipe, said existing iron pipe being the common corner with that 0.138 acre tract of land described and recorded in Deed Book 4890, Page 797 of the foresaid Cumberland County Registry, North Carolina; thence with the eastern line of the foresaid 0.138 acre tract, South 01 degrees 05 minutes 00 seconds East, 39.61 feet to an existing iron pipe, a common corner with Lot 261 of said Plat Book 17, Page 61; thence with the eastern line of said Lot 261 and beyond, with the eastern line of said Plat Book 17, Page 61, South 00 degrees 15 minutes 42 seconds East 470.21 feet to the point and place of Beginning, being Lot 245 and Lots 259-263 of the foresaid Plat Book 17, Page 61 and the foresaid 0.138 acre tract as described and recorded in Deed Book 4890, Page 747 less and except the 40 foot right-of-way of Lenior Drive containing 103,560 square feet or 2.38 acres more or less, and also being that property shown on a plat entitled "RECOMBINATION FOR; DEKASCOR PROPERTIES, LLC, MILLER AVENUE APARTMENTS" and recorded in Plat Book 112, Page 174 of the said Cumberland County Registry, North Carolina.



THE COUNTY OF CUMBERLAND AND ITS GIS DEPARTMENT DISCLAIMS ACCOUNTABILITY FOR THIS PRODUCT AND MAKES NO WARRANTY EXPRESSED OR IMPLIED CONCERNING THE ACCURACY THEREOF. RESPONSIBILITY FOR INTERPRETATION OF THIS PRODUCT LIES WITH THE USER.



Current Time: 7/14/2022 1:51 PM

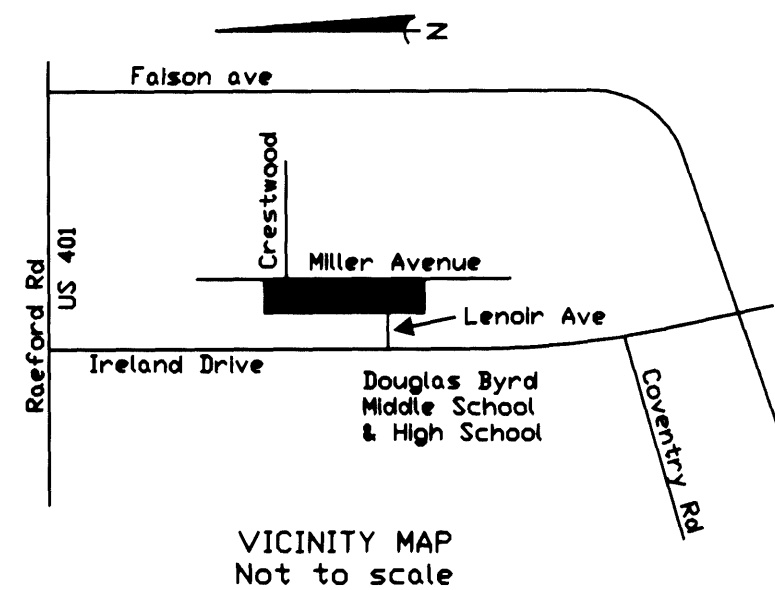
Parcels	SF-10 SF-10
Addresses	SF-6 SF-6
Buildings	Streets
Fayetteville Zoning	
MR-5 MR-5	

BK 112 Pg 174

COURSE	CALL - MEASURED	CALL - RECORD
'A' to 'C'	N 00°15' W 729.82'	N 00°15' W 730.00'
'C' to 'D'	N 89°42'36" E 149.93'	N 89°45' E 150.00'
'D' to 'E'	==	S 00°15' E 730.00'
** Varies - line showed is a physical survey between existing corner s found in the field. See drawing.		
'E' to 'A'	S 89°43'15" W 150.31'	S 89°45' W 150.00'

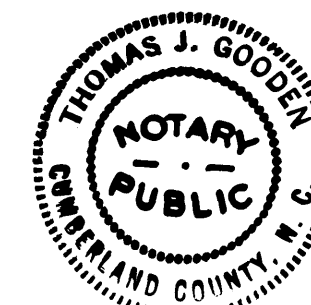
ZONED R-6  
Parking spaces - #Required#  
#By current standards#  
15 spaces per unit  
24 units = 36 parking spaces  
EXISTING - 24 parking spaces  
REFERENCE: Deed Book 4890, Page 795 & 797  
Plat Book 17, Page 61

SEE ALSO:  
Deed Book 2355, Page 283  
Deed Book 734, Page 36 (Not Plottable)  
AREA - TOTAL = 103,560 square feet or 2.38 acres more or less.  
This parcel is located in Flood Zone 'C'  
according to Community-Panel Number  
370076 0155 B, Effective date February 17, 1982.



LEGEND	
---	Property line - surveyed
---	Property line - not surveyed
---	Old Lot Line
---	Easement line
---	Underground electric line
---	Overhead Electric Line
---	Existing edge of pavement
---	Existing asphalt curb
---	Existing storm drain line
---	Underground Phone Line
---	Setback line
---	Existing chain link fence
---	Existing welded-wire fence

- Existing corner - as noted
  - Iron stake set - rebar
  - EIP Existing iron pipe (hollow)
  - EIS Existing iron stake (solid)
  - ISS Iron stake set (rebar)
  - ☐ Phone box
  - ☐ Cable box
  - ☐ Electric box or transformer
  - Guy wire
  - ☐ Water meter
  - SSCO Sanitary sewer clean-out
  - ☐ Existing Fire Hydrant
  - ☐ Drop Inlet
  - ☐ Existing Sanitary Sewer Manhole
  - ☐ Existing water valve
  - ☐ Mag-nail - found
  - ☐ Mag-nail set
  - ☐ Existing Power Pole
- May not be drawn in exact location for purposes of clarity



CERTIFICATE OF OWNERSHIP AND DEDICATION  
The undersigned hereby acknowledges that the land shown on this plat is within the subdivision regulation jurisdiction of Cumberland County and that this plat and allotment is my free act and deed we do hereby dedicate forever all areas shown or indicated on said plat.

Richard L. Crockett  
OWNER

State of North Carolina  
Cumberland County  
I, Thomas J. Gooden, a Notary Public of the County and State aforesaid, certify that RICHARD L. CROCKETT personally appeared before me this day and acknowledge the execution of the foregoing instrument.  
Witness my hand and official stamp or seal this 19 day of October, 2004

Notary Public  
My commission expires 10/02/2006

I, Mark R. Seffels, certify that this plat was drawn by me from an actual survey made under my supervision from deed references as shown; that the boundaries not surveyed are clearly indicated as drawn from information found in references as shown; that the ratio of precision as calculated is 1:15,000+; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, registration number and seal this 18th day of October, A.D., 2004.

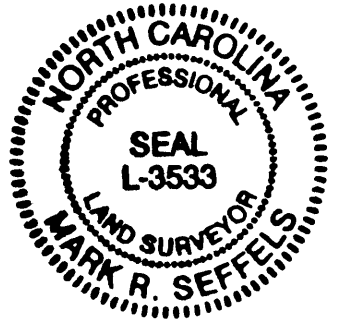
I, Mark R. Seffels, also certify that this survey meets GS 47-30 (f) (1) d. i. e. that it is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision.

Mark R. Seffels  
Mark R. Seffels, PLS L-3533 10-18-04

NO APPROVAL REQUIRED  
BY THE CITY OF FAYETTEVILLE

Mark R. Seffels  
SIGNATURE DATE

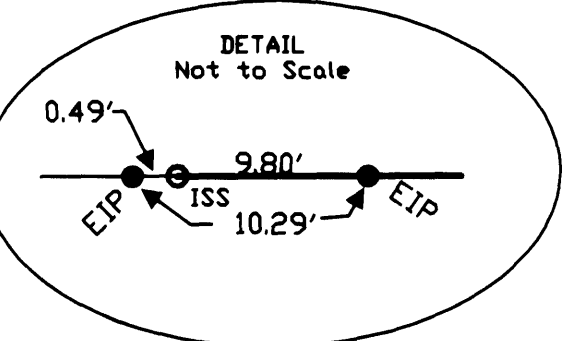
Planner 10-20-04  
TITLE



STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND  
I, Donna McFarland, Review Officer of Cumberland County, certify that the map or plat to which this certificate is affixed meets all statutory requirements for recording.  
Donna McFarland  
Date: Oct 22, 04

Willie I & Kay L. Blackmon  
Deed Book 6096, Page 379  
PIN 0416-67-2512-

10' Drainage Easement  
Deed Book 2533, Page 283



52183  
RECEIVED

10-22-2004 AM 11:34:46  
J. LEE WARREN JR.  
REGISTER OF DEEDS  
CUMBERLAND CO., N.C.

BK. 112 pg. 174

RECOMBINATION FOR:  
DEKASOR PROPERTIES, LLC  
MILLER AVENUE APARTMENTS  
712-906 Miller Avenue  
Fayetteville, NC 28304

Gooden & Associates, Inc.  
1745 Cypress Lakes Road  
Hope Mills, NC 28348  
Phone - 910-223-7766  
Fax 910-223-7788

Cross Creek  
Fayetteville  
Cumberland  
Township  
North Carolina  
County

30 0 30 60 90  
GRAPHIC SCALE - FEET