

Project Overview

#792426

Project Title: 7009 Fillyaw**Jurisdiction:** City of Fayetteville**Application Type:** 5.2) Conditional Rezoning**State:** NC**Workflow:** Staff Review**County:** Cumberland**Project Location****Project Address or PIN:** 7009 FILLYAW RD (PIN 9499-91-8931) (Unverified)**Zip Code:** 28,303**GIS Verified Data****Property Owner:****Acreage:****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****Proposed Conditional Zoning District:** MR-5/CZ - Conditional Mixed Residential 5**Lot or Site Acreage to be rezoned:** 15.14**Was a neighborhood meeting conducted?:** No**Date of Neighborhood Meeting:****Number of Residential Units:** Not to exceed 160**Nonresidential Square Footage:** TBD**Landowner Information****Landowner Name:** Alternative Investment Holdings, Inc.**Deed Book and Page Number:** 11420-826**Written Description of Request - Answer all the questions under this section (upload additional sheets as needed).****A) Describe the proposed use of the rezoned land, including the proposed types of site improvements, buildings, uses, proposed activities, hours of operation, and operating characteristics.:**

Multi-Family Townhome Complex.

B) Describe the proposed conditions that should be applied.:

Not to exceed 160 total units on the subject property.

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

The property is surrounded by single family residences zoned SF-6, excepting the following:

1. The southeastern property is zoned SF-6 and is the site of the Cedar Heights Townhomes complex; and
2. The northeastern property is zoned MR-5 and is the site of Jamestown Commons apartment complex.

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 property was recently purchased by the current owner who desires to develop the property as a multi-family townhomes community.

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

The proposed project addresses the community need for housing in the area.

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 subject property is currently zoned SF-6 which does not allow for multi-family development without a special use permit. The proposed change to MR-5 will allow for the development of multi-family townhomes.

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

The proposed amendment will allow the subject property to be developed as a multi-family townhomes community similar in density allowances as the existing Cedar Heights Townhomes complex.

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

The proposed amendment will not encourage premature development. The surrounding properties are established multi-family and single family communities.

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 create an isolated zoning district unrelated to the adjacent and surrounding zoning districts. The northeastern property is a multi-family apartment complex. The southeastern property is a townhomes complex.

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

Project Owner

Darrin Collins
Alternative Investment Holdings, Inc.
220 N. McPherson Church Road, Suite A
Fayetteville, NC 28303
P:910-670-0630
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

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

FILED	Mar 16, 2022
AT	04:34:52 PM
BOOK	11420
START PAGE	0826
END PAGE	0831
INSTRUMENT #	11089
RECORDING	\$26.00
EXCISE TAX	\$350.00

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$350.00

PARCEL IDENTIFIER NO. 9499-91-8931

VERIFIED BY _____ COUNTY ON THE ____ DAY OF _____, 2022
THIS INSTRUMENT WAS PREPARED BY: HARRY MARSH LAW PLLC (*Lion Title Insurance*)

RETURN TO: HARRY MARSH LAW PLLC 1320 MATTHEWS-MINT HILL ROAD, MATTHEWS, NC 28105
BRIEF DESCRIPTION FOR THE INDEX: 7009 FILLYAW RD

THIS DEED made this 10 day of March, 2022, by and between

GRANTOR	GRANTEE
Kenneth A. McKethan, Jr. and Joanna A. McKethan, a married couple, and Robert N. McKethan and Cynthia McKethan, a married couple, and James F. McKethan and Deborah D. McKethan, a married couple	Alternative Investment Holdings, Inc., a North Carolina Business Coporation
Mailing Address 2836 NC Hwy 82 Dunn, NC 28334	Property Address 7009 Fillyaw Rd Fayetteville, NC 28303
	Mailing Address 220 N McPherson Church Rd Suite A Fayetteville, NC 28303

WITNESSETH: That said Grantor has remained and released and by these presents do remise, release, convey and forever convey unto Grantee, their heirs, and/or successors and assigns, all right, title, claim and interest of the Grantor in and to a certain lot(s) or parcel of land situated in the City of Fayetteville, Cumberland County, North Carolina, and more particularly described as follows:

TRACT I:

BEGINNING at an iron pin, small oak pointers, on the north side of a branch, on a ridge just south of a spring, the same being formerly Lutterloh's corner or in Lutterloh's line, and being the second or southeast corner of the 120-3/4 acre tract of land of which this is a part, and running thence with said first line (reversed) of said tract of which this is a part, North 4 degrees 15 minutes East 25 chains and 45 links to and passing the first or northeast corner of said 120-3/4 acres of which this is a part and also the first or southeast corner of the ninety acre tract of land of which this is also a part, to an iron pipe in the southern margin of the Public road leading from the Yadkin Road to the Raeford cut off public road; thence with the southern margin of said public road, North 82 degrees West 4 chains and 99 links; thence North 70 degrees 30 minutes West 5 chains and 90 links; thence North 88 degrees 45 minutes West 87 links to an iron pipe at the intersection of the margin of said road with the run of a branch thence (its various courses), South 10 degrees East 6 chains and 26 links; thence South 7 degrees 30 minutes West 10 chains and 9 links; thence South 14 degrees 30 minutes East 88 links; thence South 38 degrees 30 minutes East 1 chain and 7 links; thence South 43 degrees East 2 chains and 91

Submitted electronically by "Harry Marsh Law"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Cumberland County Register of Deeds.

links; thence South 36 degrees East 1 chain and 73 links; thence South 26 degrees 30 minutes East 2 chains and 20 links; thence South 19 degrees East 1 chain and 54 links; thence South 0 degrees 30 minutes East 2 chains and 53 links; thence South 6 degrees 20 minutes West 2 chains and 15 links to a stake in the middle of the run of said branch in the southern line of the tract of which this is a part; thence with the line of the tract of which this is a part, North 73 degrees East 4 chains and 75 links to the BEGINNING, containing 23.31 acres, more or less .

The above described property is the same as described in a deed dated May 4, 1946, from B. L. Adams and Nellie Adams, his wife, to David O. Hennager and Frances Mary Hennager, his wife, of record in Book 490, Page 208, in the Office of the Register of Deeds for Cumberland County. And the said Frances Mary Hennager mentioned in said deed is one and the same person as Mary Frances Hennager, one of the grantors in deed recorded in Book 529, Page 156, Cumberland County Registry.

EXCEPTED FROM THE ABOVE DESCRIBED PROPERTY THE FOLLOWING:

1. See Book 675, Page 599, Cumberland County Registry, containing 2.95 acres.
2. See Deed recorded in Book 2071, page 368, Cumberland County Registry, containing 2.975 acres.
3. See Deed recorded in Bok 2454, page 487, Cumberland County Register of Deeds and containing 7.86 acres.

TRACT II:

BEGINNING at the intersection of McKethan's western line with the southern right-of- way margin of the Fillyaw Road in the center of Persimmon Branch, and running thence with the center of Persimmon Branch South 08 degrees 52 minutes East, 355.91 feet to a stake; thence South 07 degrees 21 minutes West, 696.62 feet to a stake in Persimmon Branch; thence due West, 91.57 feet to a stake; thence North 02 degrees 17 minutes West, 661.81 feet to a stake; thence North 20 degrees 28 minutes East, 407.82 feet to a stake in the southern right-of-way margin of Fillyaw Road, thence with the southern right-of-way margin of Fillyaw Road as it curves to the right in an easterly direction on a radius of 895.63 feet, an arc distance of 9.64 feet to the point of BEGINNING, containing 3.204 acres, more or less.

And being a portion of the property conveyed to Don B. Broadwell and Waverly C. Broadwell by Herbert H. Thorp, Trustee, by deed dated February 23, 1965, recorded in Book 1100, Page 250, Cumberland County Registry.

This conveyance is made subject to restrictive covenants running with the land as set forth in said deed recorded in Book 1100, Page 250, Cumberland County Registry.

The above described property is subject to all restrictions, reservations, easements and rights-of-ways of record, specifically those that follow:

1. City of Fayetteville easement in Book 3966, Page 750, Cumberland County Registry.
2. NC Dept. of Transportation easement in Book 4044, Page 405, Cumberland County Registry.
3. City of Fayetteville easement in Book 4237, Page 311, Cumberland County Registry.
4. City of Fayetteville easement in Book 5244, Page 401, Cumberland County Registry.

Property Address: 7009 Fillyaw Rd, Fayetteville, NC 28303
Parcel ID: 9499-91-8931

All or a portion of the property herein conveyed (____) includes or (X) does not include the primary residence of a Grantor.

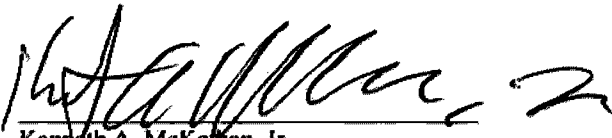
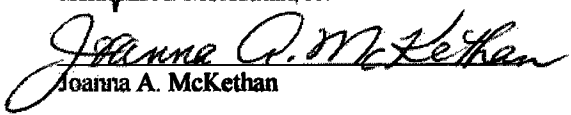
The properties hereinabove described was acquired by Grantor by instrument recorded in Book 9438 at Page 0521.

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 lawful claims of all persons whomsoever, other than the following exceptions:

All such valid and enforceable easements, restrictions and rights of way of record and the lien of ad valorem taxes for the current year which the grantee herein assumes and agrees to pay.

IN WITNESS WHEREOF, the Grantor has hereunto set their hand and seal the day and year first above written.


Kenneth A. McKethan, Jr.

Joanna A. McKethan

STATE OF NORTH CAROLINA

COUNTY OF Harnett

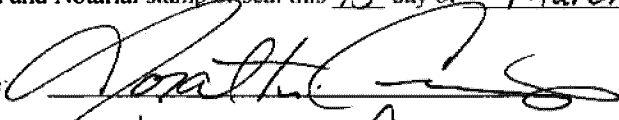
I certify that **Kenneth A. McKethan, Jr. and Joanna A. McKethan**, who are known to me or proved to me on the basis of satisfactory evidence to be the persons described, personally appeared before me this day; acknowledging to me that they voluntarily signed the foregoing instrument for the purposes therein expressed.

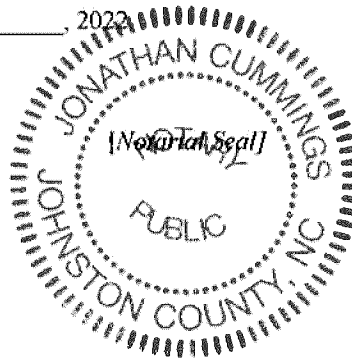
Witness my hand and Notarial stamp or seal this 15th day of March, 2022.

Notary Signature:

Notary's Printed Name:

My Commission Expires:


Jonathan Cummings
8/21/2023



Robert N. McKethan
Robert N. McKethan

STATE OF North Carolina

COUNTY OF Watauga

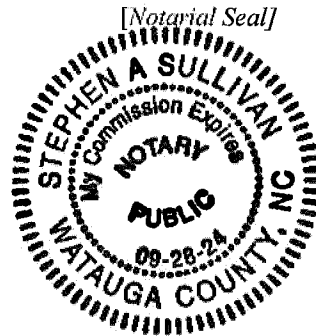
I certify that **Robert N. McKethan**, who is known to me or proved to me on the basis of satisfactory evidence to be the person described, personally appeared before me this day; acknowledging to me that she voluntarily signed the foregoing instrument for the purposes therein expressed.

Witness my hand and Notarial stamp or seal this 15 day of March, 2022.

Notary Signature: Stephen A. Sullivan

Notary's Printed Name: Stephen A. Sullivan

My Commission Expires: September 28, 2024



Cynthia McKethan
Cynthia McKethan

STATE OF North Carolina

COUNTY OF Watauga

I certify that **Cynthia McKethan**, who is known to me or proved to me on the basis of satisfactory evidence to be the person described, personally appeared before me this day; acknowledging to me that she voluntarily signed the foregoing instrument for the purposes therein expressed.

Witness my hand and Notarial stamp or seal this 10 day of March, 2022.

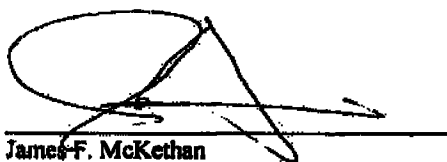
Notary Signature: Robbin L Trice

Notary's Printed Name: Robbin L Trice

My Commission Expires: 5/26/2022

[Notarial Seal]

ROBBIN L TRICE
North Carolina Notary Public
Avery County
Commission Expires May 26, 2022



James F. McKethan



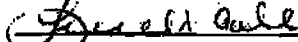
Deborah D. McKethan

STATE OF NORTH CAROLINA

COUNTY OF Cumberland

I certify that **James F. McKethan and Deborah D. McKethan**, who are known to me or proved to me on the basis of satisfactory evidence to be the persons described, personally appeared before me this day; acknowledging to me that they voluntarily signed the foregoing instrument for the purposes therein expressed.

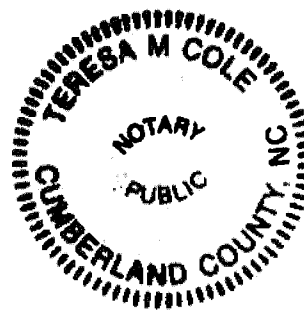
Witness my hand and Notarial stamp or seal this 14th day of March, 2022.

Notary Signature:  _____

Notary's Printed Name: Teresa M. Cole

My Commission Expires: 7-24-2026

[Notarial Seal]



AFFIDAVIT OF OWNERSHIP

I, Darrin Collins, President of
Alternative Investment Holdings Inc., being duly sworn, deposes and says:

1. That I am the owner of the property/properties located at
7009 Fillyaw Rd. Fayetteville, NC 28303 in the City of Fayetteville, a political
subdivision of the State of North Carolina.

2. I do hereby give permission to The Charleston Group Lawyers 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

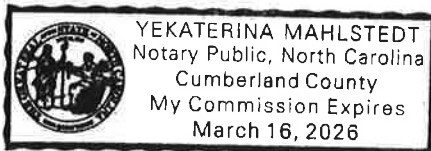
Signature of Affiant

Cumberland County, North Carolina

Sworn to and subscribed before me this day on the 15 day of June, 2022.

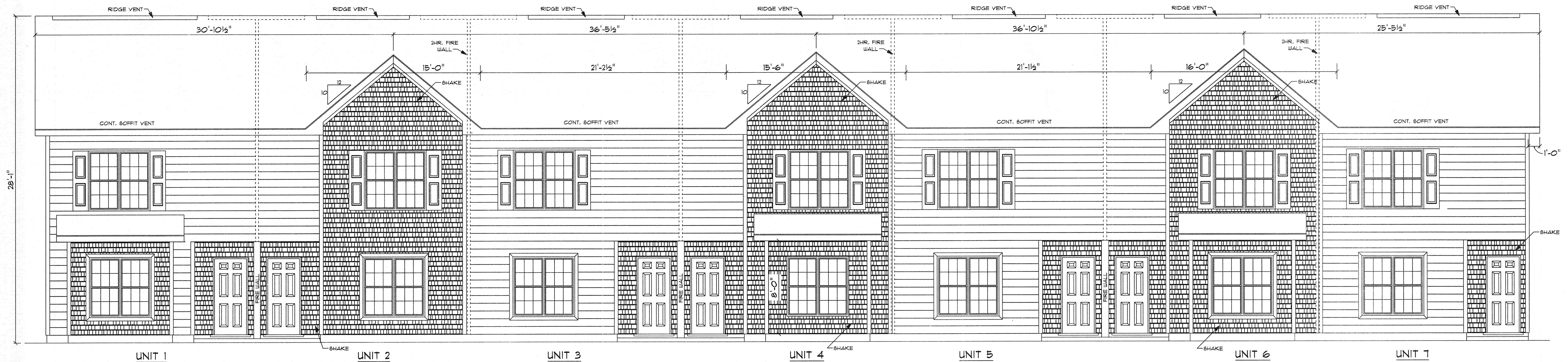

Signature of Notary Public

(Official Seal)



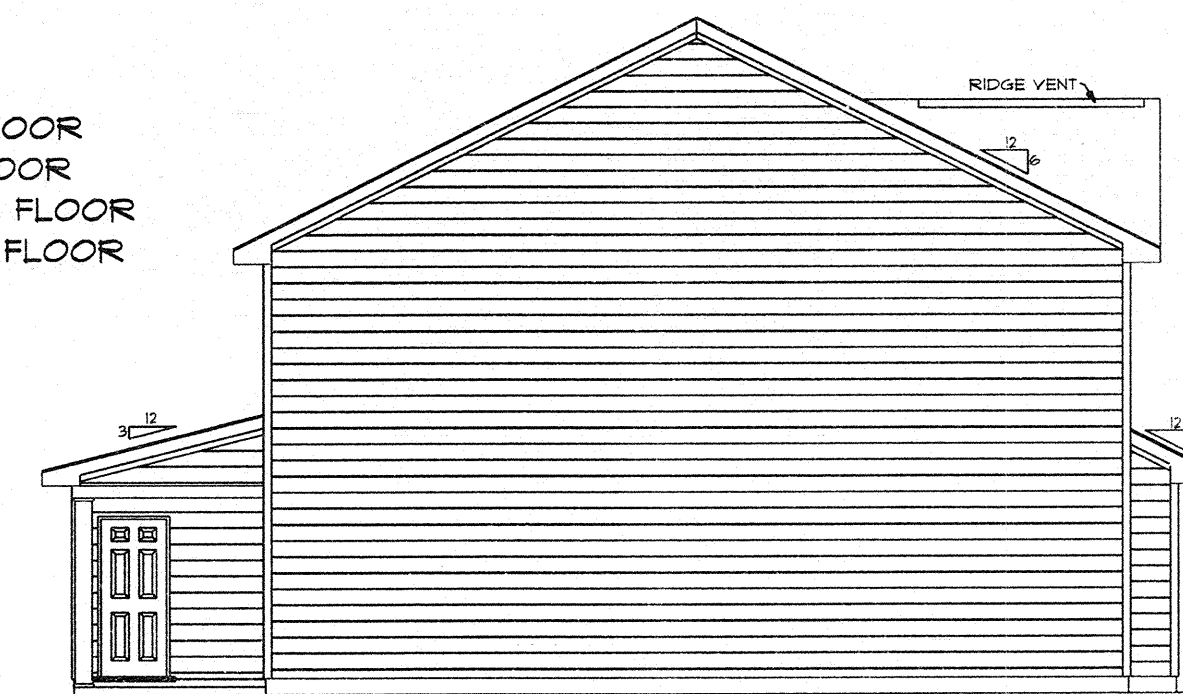
Yekaterina Mahlstedt, Notary Public
Printed Name of Notary Public

My Commission Expires: March 16, 2026

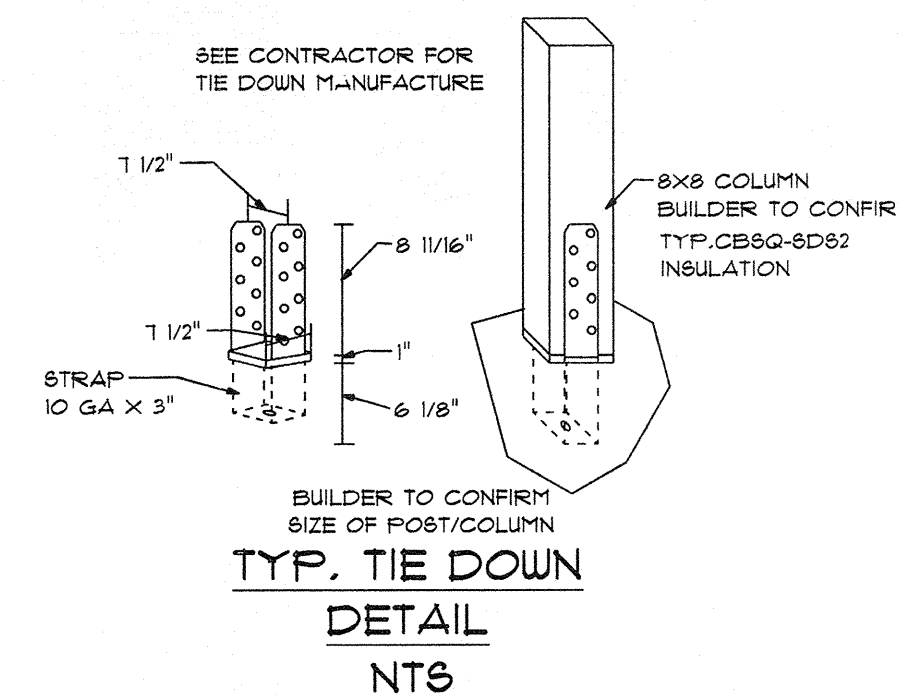


FRONT ELEVATION
SCALE: 1/4" = 1'0"

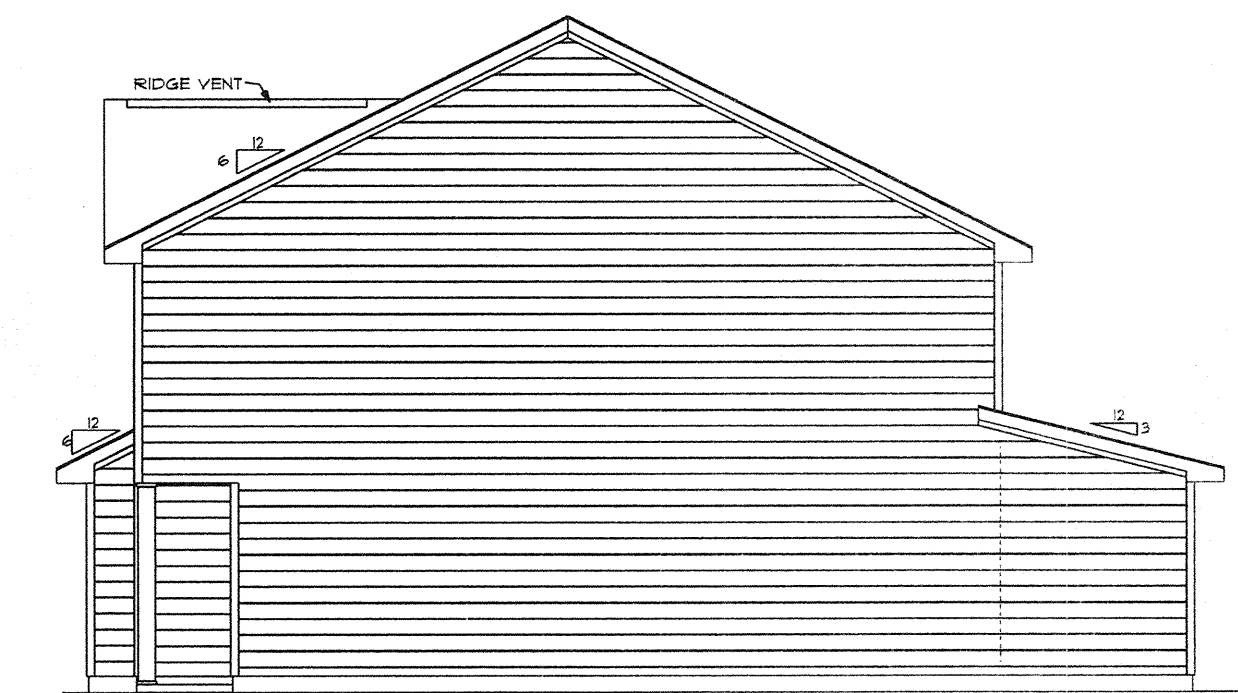
8'0" FINISHED CEILING HEIGHT ON FIRST FLOOR
6'8" WINDOW HEADER HEIGHT ON FIRST FLOOR
8'0" FINISHED CEILING HEIGHT ON SECOND FLOOR
6'8" WINDOW HEADER HEIGHT ON SECOND FLOOR
CANTILEVER ALL ROOF TRUSSES



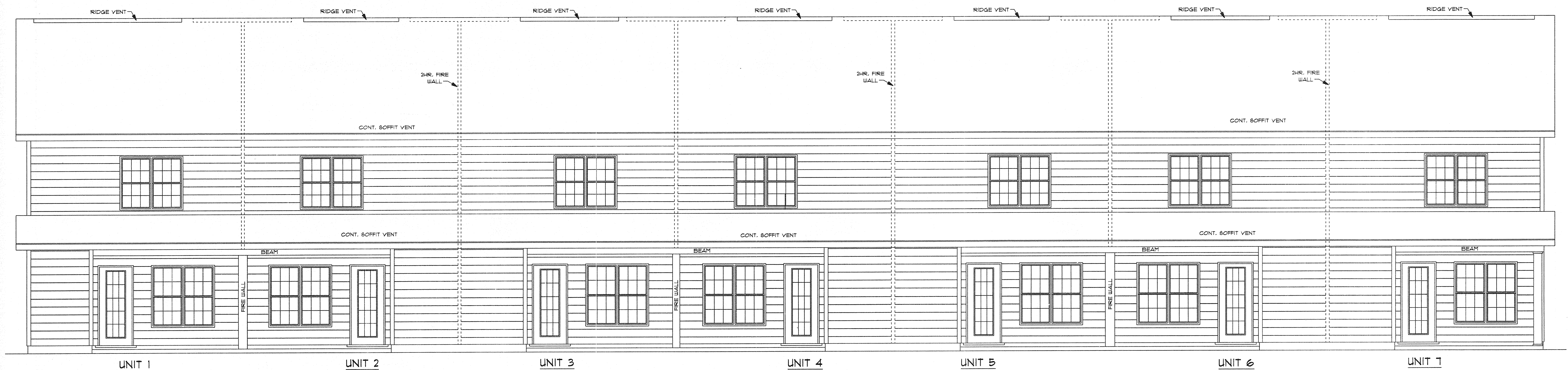
LEFT ELEVATION
SCALE: 1/8" = 1'0"



TYP. TIE DOWN
DETAIL
NTS



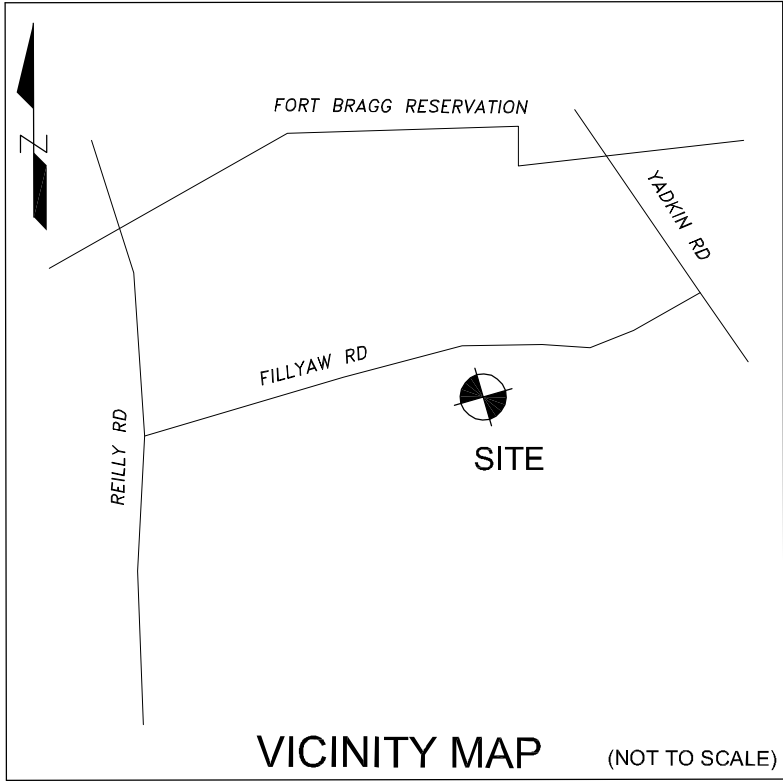
RIGHT ELEVATION
SCALE: 1/8" = 1'0"



REAR ELEVATION
SCALE: 1/4" = 1'0"

7 UNITS
TEAKWOOD FOREST
TOWNHOMES FRONT ELEVATION
2-28-2021

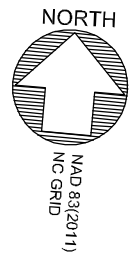
NAME: DARRIN COLLINS
PHONE: (910) 670-0630
DESIGNER: *[Signature]*
BUILDER: DARRIN COLLINS



LEGEND	
EIR-EXISTING IRON REBAR	
EIP-EXISTING IRON PIPE (PINCH TOP)	
EOP-EDGE OF PAVEMENT	
SSMH-SANITARY SEWER MANHOLE	
DB-DEED BOOK	
SF-SQUARE FEET	
AC-ACRE(S)	
PB-PLAT BOOK	
PP-POWER POLE	
R/W-RIGHT OF WAY	
FOB-FIBER OPTIC BOX	
RCP-REINFORCED CONCRETE PIPE	
LP-LIGHT POLE	
CB-CATCH BASIN	
CP-COMPUTED POINT	
TT-TRANSFORMER	
OL-GROUND LIGHT	
O/HE-OVERHEAD ELECTRIC	
WV-WATER VALVE	
FH-FIRE HYDRANT	
U/G SS-UNDERGROUND SANITARY SEWER	

SYMBOLS	
○-EIR/EIP/EIPT/CP	
●-SSCO	
□-ECM	
☆-PP/LP/UP	
⊙-SSMH	
⊙-WV	
⊙-FH	

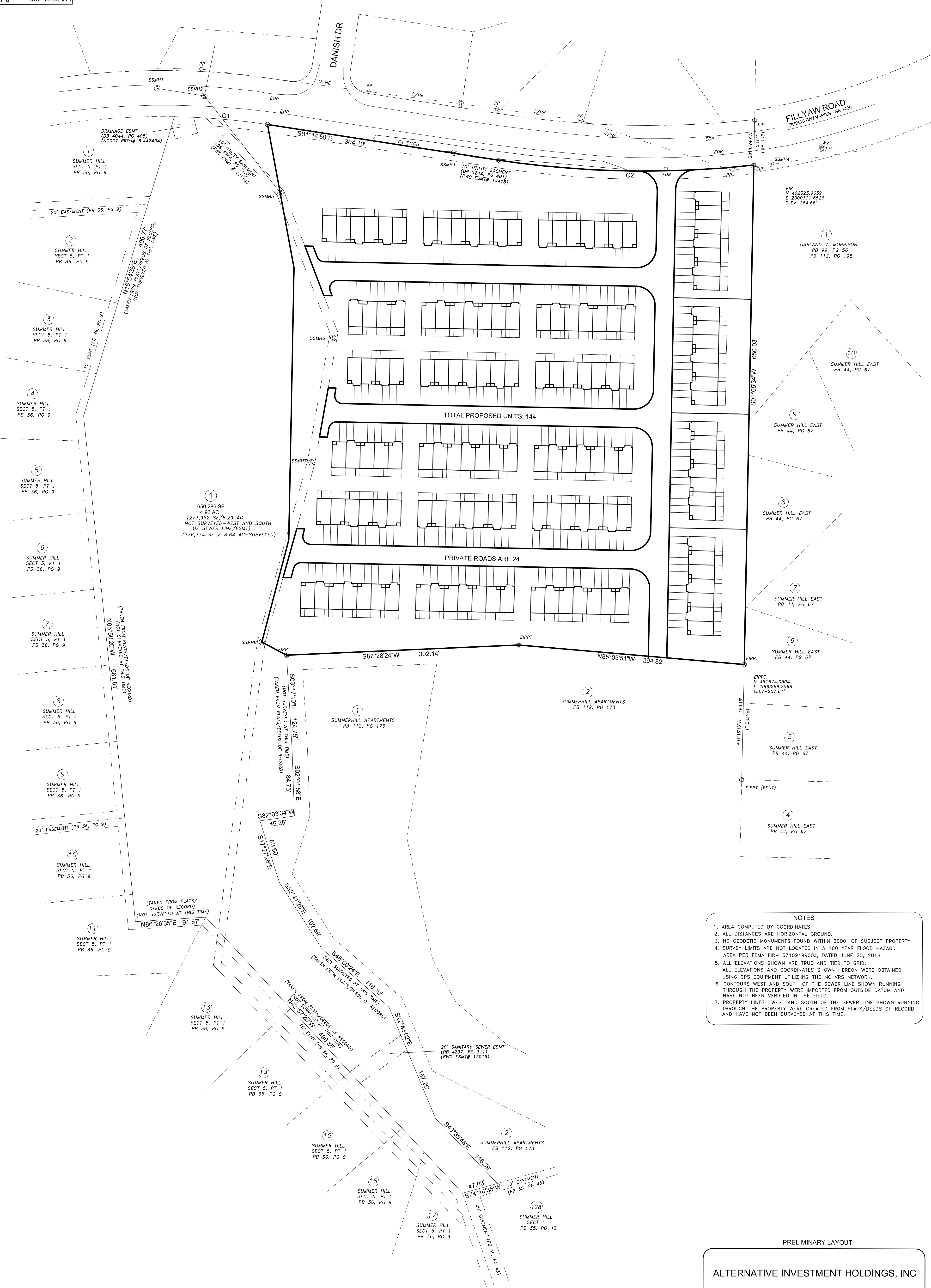
LINETYPES	
—SURVEYED LINE	
- - -LINE NOT SURVEYED(ADJONKER)	
- - -EASEMENT LINE	
- - -OVERHEAD ELECTRIC	
- - -RW LINE	



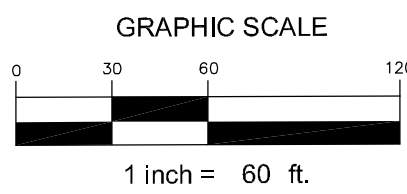
BOUNDARY CURVE TABLE				
CURVE	RADIUS	LENGTH	CH. BEARING	CHORD
C1	895.63'	121.64'	S85°07'44"E	121.55'
C2	1284.76'	333.21'	S88°53'01"E	332.28'

SEWER STRUCTURE TABLE						
STRUCTURE	RIM	INV IN	FROM	SIZE	INV OUT	TO
SSMH1	228.85'	212.13'	OFFSITE	8"PVC	223.36'	SSMH2
SSMH2	227.47'	212.13'	OFFSITE	8"PVC	211.94'	SSMH5
SSMH3	241.81'	231.09'	SSMH4	8"PVC	231.01'	SSMH3
SSMH4	266.26'	255.97'	OFFSITE	8"PVC	255.87'	SSMH7
SSMH5	219.77'		SSMH3			SSMH6
SSMH6	220.44'		SSMH5			SSMH7
SSMH7	217.36'		SSMH6			SSMH8
SSMH8	216.35'		SSMH7			SOUTH

*8"PVC DROP INVERT-ELEVATION ON TOP OF PIPE
**UNABLE TO OPEN-BOLTED SHUT



- NOTES
1. AREA COMPUTED BY COORDINATES.
 2. ALL DISTANCES ARE HORIZONTAL.
 3. NO GEODETIC MONUMENTS FOUND WITHIN 2000' OF SUBJECT PROPERTY
 4. SURVEY LIMITS ARE NOT LOCATED IN A 100 YEAR FLOOD HAZARD AREA PER FEMA FIRM 3710949900J, DATED JUNE 20, 2018
 5. ALL ELEVATIONS SHOWN ARE TRUE AND TIED TO GRID. ALL ELEVATIONS AND COORDINATES SHOWN HEREON WERE OBTAINED USING GPS EQUIPMENT UTILIZING THE NC VRS NETWORK.
 6. CONTOURS WEST AND SOUTH OF THE SEWER LINE SHOWN RUNNING THROUGH THE PROPERTY WERE IMPORTED FROM OUTSIDE DATUM AND HAVE NOT BEEN VERIFIED IN THE FIELD.
 7. PROPERTY LINES WEST AND SOUTH OF THE SEWER LINE SHOWN RUNNING THROUGH THE PROPERTY WERE CREATED FROM PLATS/DEEDS OF RECORD AND HAVE NOT BEEN SURVEYED AT THIS TIME.



PRELIMINARY LAYOUT

ALTERNATIVE INVESTMENT HOLDINGS, INC

TOWNSHIP: SEVENTY FIRST
CITY: FAYETTEVILLE, NC
COUNTY: CUMBERLAND
TAX PINS: 9499918931000

SCALE: 1" = 60'
DATE: JUNE 16, 2022
ZONING: N/A
ADDRESS: 7009 FILLYAW RD