

**PLANNING BOARD - SEPTEMBER 16, 2025**  
**COUNCIL CHAMBERS - 6:00 PM**

**Joe Terranova**  
**Greg Caulder**  
**Angela Jones**  
**Jeffery McLean**  
**Mitchell Prevatte**

**Walter Smith**  
**Lisa Douglas**  
**Lee Pam Odom**  
**Randy Hammonds**  
**Ray Britt**

**AGENDA**

**I. Call to Order**

**II. Minutes Approval**

- A. Planning Board - Regular Meeting - August 19th, 2025

**III. Agenda Items**

- A. Request for Sign Ordinance Amendment-Feather Flags - P4 Request - PB2 - ArTriel Kirchner, Planning & Neighborhood Services
- B. Laura Kinder Rezoning - 304 & 306 S. Rozier Street – P-4 PB - ArTriel Kirchner, Planning & Neighborhood Services
- C. Jason Britt Special Use Permit – Old Whiteville Road parcel #2905-01-007 - ETJ-PB - ArTriel Kirchner, Planning & Neighborhood Services
- D. William Sinclair rezoning - 3170 Elizabethtown Road – P-2 - PB - ArTriel Kirchner, Planning & Neighborhood Services
- E. Mac Adolf Montilus' request for Conditional Zoning (CZ) Amendment - 2406 N. Roberts Ave. – P3 - PB - ArTriel Kirchner, Planning & Neighborhood Services

**IV. Adjournment**

MEMBERS - IF YOU ARE UNABLE TO ATTEND THE MEETING PLEASE CALL THE PLANNING DEPARTMENT AT 671-3838 BY 4 P.M.

**Lumberton Planning Board**

Item: II.A.

**Lumberton, North Carolina**



**Request for Action**

**Meeting Date:** September 16, 2025

**Originated By:**

**Submission Date:** 09/10/2025

**Subject:** Planning Board - Regular Meeting - August 19th, 2025

**Summary/Background of Subject Matter:**

Minutes from the August 19th, 2025 Planning Board are available for review.

**Staff Recommendation:**

Review and approve minutes

**City Manager's Comments:**

**Signature:**

**Department:**

**ATTACHMENTS:**

1. August 19, 2025



# CITY OF LUMBERTON

## PLANNING BOARD

### MINUTES • AUGUST 19, 2025

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**Council Chambers**

Joe Terranova	Walter Smith
Greg Caulder	Lisa Douglas
Angela Jones	Lee-Pam Odom
Jeffery McLean	Randy Hammonds
Mitchell Prevatte	Ray Britt

**6:00 PM**

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**I. Call to Order****II. Minutes Approval**

A. Planning Board - Regular Meeting - May 20, 2025

**III. Agenda Items**

A. Proposed Creation of an Ordinance for Multifamily Conversion of Hotels/Motels - Withdraw Request - ArTriel Kirchner, Planning & Neighborhood Services

Deputy Planning Director, Brian Nolley gave a brief overview that previous draft ordinance to allow conversion of hotels/motels to multi-family dwellings was being withdrawn due to developers no longer interested in pursuing conversions within the city at this time.

B. Request for Sign Ordinance Amendment-Feather Flags - P4 Request - ArTriel Kirchner, Planning & Neighborhood Services

Deputy Planning Director, Brian Nolley presented the board with a copy of a draft ordinance to allow and regulate feather flags. As this was not a public meeting, no discussion took place. The board was advised to review the draft ordinance and come back at the next meeting to discuss.

**IV. Adjournment**

Hearing no other business before the board, Chairman Terranova called for a motion to adjourn. The meeting was adjourned.

[MIN\_SIGNATURES]

**Lumberton Planning Board**

Item: III.A.

**Lumberton, North Carolina**



**Request for Action**

**Meeting Date:** September 16, 2025

**Originated By:** Planning & Neighborhood Services

**Submission Date:** 08/27/2025

**Subject:** Request for Sign Ordinance Amendment-Feather Flags - P4 Request - PB2

**Summary/Background of Subject Matter:**

The Planning Department has conducted research, looking at various municipalities that regulate feather flags. Based on the research, we have developed a draft ordinance suitable for the City of Lumberton. Please review and return any comments or concerns to your next scheduled meeting in September. The September meeting will be public, inviting the community to comment on the draft.

Attached is a list of locations that received violation and/or citation notices regarding the unpermitted display of feather flags. These locations will receive a letter notifying them of the public meeting's date, time, and location.

**Staff Recommendation:**

The planning staff recommends that the Planning Board hold tonight's public meeting, entertain public comment and make a recommendation to City Council regarding this matter..

**City Manager's Comments:**

**Signature:**

**Department:** Planning & Neighborhood Services

**ATTACHMENTS:**

1. Feather FlagsD2
2. violators

**\*\*\*7-28-2025 This Ordinance is a draft and has not been approved by City Council\*\*\***

**Secs. 35-285. Feather Flags**

- (a) Feather Flag: A freestanding advertising device consisting of a mounting device, a pole, and a weather-resistant material that contains text, photos, or designs intended to increase awareness of a business entity or event. Feather flags are also known as bow flags, sails, and blade signs.
- (b) One feather flag is permitted per 50 feet of lot frontage, up to a total of 4 feather flags per parcel. A separation of 50 feet between feather flags is required.
- (c) Feather flags may be a maximum of 3 feet wide.
- (d) The maximum height is 10 feet above the adjacent grade.
- (e) Feather flags shall be affixed with ground mounts with the pole installed perpendicular to the ground. Aboveground mounts including, but not limited to, feet or legs shall not be permitted.
- (f) Feather flags shall not be mounted to any structure within the right-of-way.
- (g) No additional objects may be attached to the feather flag, including, but not limited to, streamers, ribbons, or balloons.
- (h) Feather flags shall be removed or replaced if found to be faded; broken, torn, flayed, damaged, or otherwise in disrepair.
- (i) Logos or colors may appear on flags. No third party advertising can appear on flags (example: "Coke", "Marlboro", etc.). First-party advertising (such as a business name) may appear on feather flags.
- (j) Locations where Feather Flags are prohibited:
  - a. In no case shall a feather flag be mounted in the right-of-way or public utility easement.
  - b. On or over any public property in the city unless erected by or on behalf of or pursuant to the authorization of a governmental body.
  - c. No feather flag shall substantially interfere with the view necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private roads.
  - d. In Historic/Landmark Overlay districts.

- e. Within the Southeastern Crossroads Industrial Park.
- f. Within the Downtown Overlay District.
- g. Any property established as a beautification site by the City and its Appearance Commission. These sites are:
  - A) Mohr Plaza — West Second St. & Martin Luther King, Jr., Drive
  - B) Baker-Caldwell Park — Elm Street and Elizabethtown Road
  - C) Bicentennial Park — Water and Sixth Streets and Water and Fourth Streets
  - D) Shoney's — Elm Street and Roberts Ave.
  - E) Historic Triangle — Pine and Cedar Streets
  - F) Robeson County Library — First and Chestnut Streets
  - G) Marion Road and Martin Luther King, Jr. Drive
  - H) Alamac Road at S. Chestnut Street
  - I) Carthage Road and Tenth Street
  - J) Corner of Linkhaw and Fayetteville Roads
  - K) Corner of Seals and 5th Streets
  - L) Corner of Cottonwood Drive and 5th Street
- h. Any public street surface.
- i. Any area within the visibility triangle.
- j. Any traffic control device or sign, utility pole or structure, or tree located upon public property or within the public right-of-way.
- (k) A sign permit is required to erect feather flags. Sign permit applications must be accompanied by a site plan showing the proposed location(s).
- (l) City-sponsored special events are exempt from this section.

**Secs. 35-286. Violations**

Violations of the provisions of this chapter or failure to comply with any of its requirements shall subject the offender to a civil penalty of two hundred dollars (\$200.00) per day per violation until the unlawful condition(s) is/are abated and shall also be subject to enforcement and penalties outlined in Article VII. Enforcement and Review, of the Code of the City of Lumberton.

Existing Ordinance regarding Flags and Flag Poles. This ordinance does not allow for feather flags, per section 35-284(C).

- (c) The maximum dimensions of any flag shall be proportional to the flag pole height. The hoist side of the flag(s) shall not exceed 20% of the vertical height of the pole. In addition, flags are subject to the following dimensional limitations:

Pole Height [ft]	Maximum Flag(s) Size [total square ft]
Up to 25 ft.	24 sq. ft.
25 to 39 ft.	40 sq. ft.
40 to 49 ft.	60 sq. ft.
50 to 59 ft.	96 sq. ft.
60 to 69 ft.	150 sq. ft.
70 ft.	216 sq. ft.

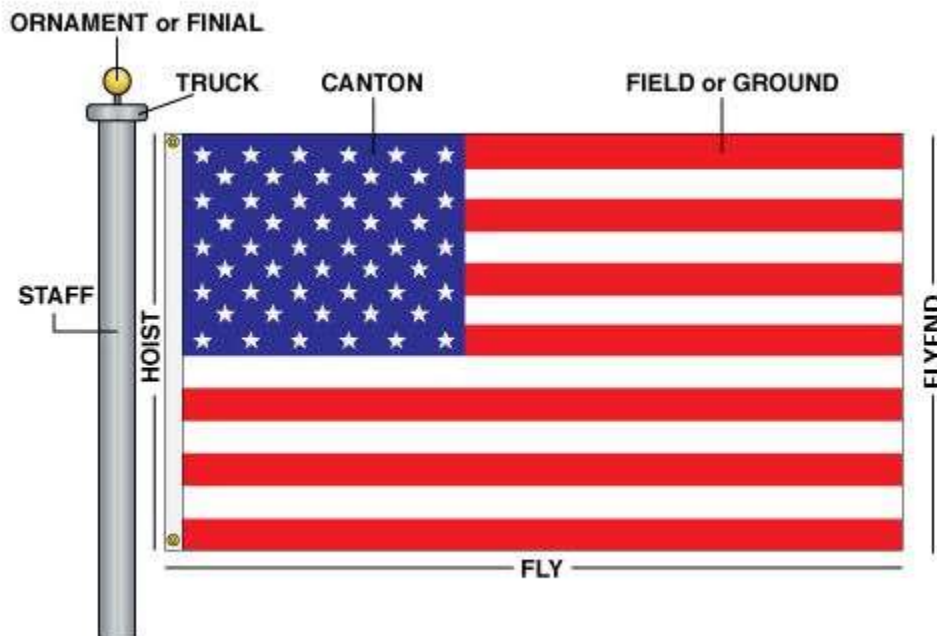
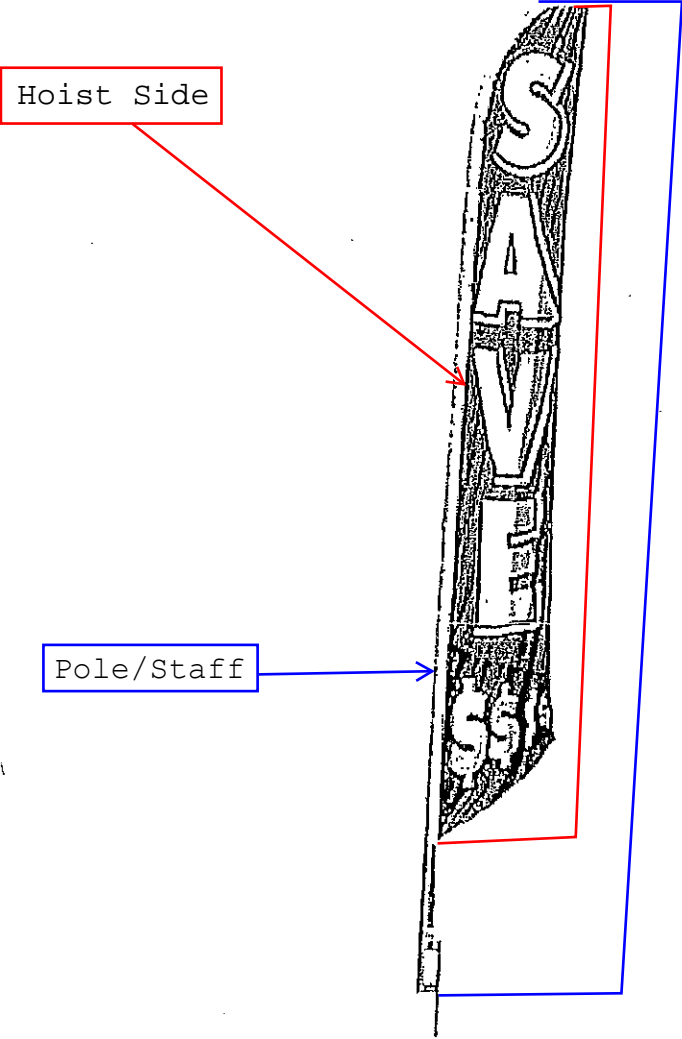


Photo Source: [https://lh3.googleusercontent.com/kLdGMnPmmYTSwvUKcUN2bx9kOQPfmo-HFh-KQah50GV\\_RE0bXkaOHXPeki-ti6FxFR1-lpwUC69r2UIXrMOoNIQSQ3baaUDQpw=s1600](https://lh3.googleusercontent.com/kLdGMnPmmYTSwvUKcUN2bx9kOQPfmo-HFh-KQah50GV_RE0bXkaOHXPeki-ti6FxFR1-lpwUC69r2UIXrMOoNIQSQ3baaUDQpw=s1600)

Example of flag or banner that is in violation of the city ordinance



**Sec. 35-284. Flagpoles and Flags**

(a) The term flag in this subsection shall mean a piece of cloth or material of like flexibility, usually rectangular in shape, attached from one (1) or two (2) edges, of distinctive color and design, used as a symbol, decoration or advertisement. This definition includes political flags and does not include purely decorative flags erected on residential property. References to flagpole height in this subsection refer to vertical flagpoles. References to the number of flags and flag poles and flag dimensions refer to both vertical flagpoles and mast arm flagpoles [for example, staffs extending at an angle from a building].

(b) Except as otherwise provided herein, flags shall be displayed on flag poles. Such poles in nonresidential zoning districts shall not exceed the allowed height of the zoning district or 70 feet whichever is less. Flagpoles may not be placed on top of buildings unless they are located in the B-1, B-2 or B-2H districts. Variations from this ordinance regarding the height of poles located on top of buildings may be granted by the Board of Adjustment, through application for a special use permit. Flagpoles in residential districts shall not exceed 15 feet unless a special use permit is granted by the Board of Adjustment. A fee shall not be charged for a use permit request for a residential flag.

(c) The maximum dimensions of any flag shall be proportional to the flag pole height. The hoist side of the flag(s) shall not exceed 20% of the vertical height of the pole. In addition, flags are subject to the following dimensional limitations:

Pole Height [ft]	Maximum Flag(s) Size [total square ft]
Up to 25 ft.	24 sq. ft.
25 to 39 ft.	40 sq. ft.
40 to 49 ft.	60 sq. ft.
50 to 59 ft.	96 sq. ft.
60 to 69 ft.	150 sq. ft.
70 ft.	216 sq. ft.

(d) Each commercial property shall be allowed a maximum of 3 flag poles and each residential property shall be

allowed a maximum of 1 flag pole unless a special use permit is granted by the Board of Adjustment.

- (e) A maximum of 3 flags shall be allowed per flag pole.
- (f) Logos or colors may appear on flags. No third party advertising can appear on flags (example: "Coke", "Marlboro", etc.). First party advertising (such as a business name) may appear on flags provided that the total area for signage on a given site or at a given development is not exceeded, and all other requirements of Article XVII are met.
- (g) A vertical flag pole must be set back from all property boundaries a distance which is at least equal to the height of the pole.
- (h) The flag and flag poles shall be maintained in good repair. Flag poles with broken halyards shall not be used and flags which are torn or frayed shall not be displayed.
- (i) On United States and North Carolina holidays, there shall be no maximum flag size or number or other limitations on manner of display.

(9-8-2006)

*City of*



*Lumberton*

*Planning & Neighborhood Services*

August 27, 2025

**NOTICE OF ORDINANCE AMENDMENT-FEATHER FLAGS**

**Subject: The Planning Department has conducted research on creating an ordinance that will allow the display of feather flags. Based on the research, we have developed a draft ordinance suitable for the City of Lumberton.**

Notice is hereby given that **Planning Board for the City of Lumberton** will hold a **public meeting** on the above mentioned subject, which is identified on the reverse side pursuant to Chapter 35 of the City Code.

The public meeting is set for **September 16, 2025**, and will be held in the Council Chambers at City Hall beginning at **6:00 P.M.** Substantial changes in the proposed amendment may be made following the meeting. You are invited to attend and make comments upon the amendment.

I have enclosed a copy of the proposed amendment for your review. If you have any questions, please contact the Planning and Neighborhood Services Department during normal business hours at City Hall.

Sincerely,

A handwritten signature in black ink, appearing to read "Ar'Triel A. Kirchner".

Dr. Ar'Triel A. Kirchner, CFM, CZO  
Director of Planning & NS



## Businesses Issued Violations/Citations for Vertical/Feather Type Flags

Business Name	Address	Violation Notice & Date	Citation Notice & Date
Rex's Game Room	4555 Fayetteville Rd., L'ton 28358	#310 02/07/2025	
Subway	2731 N. Roberts Ave., L'ton 28358	#311 02/07/2025	#155 02/21/2025
KM Beauty & Barber	1306-B E. 5th St., L'ton 28358	#312 02/14/2025	#162 05/30/2025
Florist The Blessing LLC.	2019 E. 5th St., L'ton 28358	#313 02/14/2025	
Carroll's Pets & Grooming	3537 Fayetteville Rd., L'ton 28358	#314 02/14/2025	
Lumbee Girl Boutique	315 E. 20th Street, L'ton 28358	#315 02/14/2025	
Stock's Trading Co.	1950 Roberts Ave., L'ton 28358	#316 02/14/2025	
R A P H A	300 Corporate Drive, L'ton 28358	#317 02/21/2025	
Hyundai of Lumberton	4330-A Kahn Drive, L'ton 28358	#318 02/21/2025	
Total Stylz	3485 Fayetteville Rd., L'ton 28358	#319 02/21/2025	
Deal King Auto	4601 Fayetteville Rd., L'ton 28358	#320 02/23/2025	
Southern Tides Holdings,LLC	P.O. Box 4147, Mooresville, N.C. 28117	#321 03/14/2025	
Mr. Cees Diner	1940 N. Roberts Ave., L'ton 28358	#322 03/14/2025	
Your Turn	1306 Roberts Ave., L'ton 28358	#323 03/14/2025	#159 05/30/2025
Juarez Barber & Beauty Salon	1209 Pine St., L'ton 28358	#324 03/14/2025	
Towne Florist	2749 N. Roberts Ave., L'ton 28358	#325 03/14/2025	
Legal Grounds Coffee	219 Elm St., L'ton 28358	#326 03/14/2025	
Touch of Healing Hands Home Care, LLC	325 E. 4th St., L'ton 28358	#327 03/14/2025	
Exclusives	4340 Fayetteville Rd., L'ton 28358	#328 03/14/2025	
Thee She Shed	790 S. Roberts Ave., L'ton 28358	#404 04/04/2025	#161 05/30/2025
Farmers Home Furniture	1725 Roberts Ave., L'ton 28358	#411 05/30/2025	
Auto Sales	1114 E. 2nd St., L'ton 28358	#412 05/30/2025	
Burger King/CEBSR Properties,LLC	1901 N. Pine Street, L'ton 28358	#408 05/15/2025	#160 05/30/2025
Black's Tire & Auto Service	5020 Fayetteville Rd., L'ton 28358	#410 05/21/2025	
Express Diner	2207 W. 5th Street, L'ton 28358	#409 05/21/2025	
We Shine Boutique	2008 Pine Street, L'ton 28358	#407 05/15/2025	
Melendez	3671 Meadow Rd., L'ton 28358	#406 05/15/2025	
Finn Oliver Country Buffet	1933 Roberts Ave., L'ton 28358	#405 04/09/2025	#158 04/17/2025
Mattress Firm	5080 Fayetteville Rd., L'ton 28358	#403 04/04/2025	
Orphans of Kenya Project	P.O. Box 186, Red Springs 28377	#402 04/04/2025	
Retro City Arcade	326 N. 24th Street, L'ton 28358	#401 03/26/2025	
Supreme Auto Service	2307 Elizabethtown Rd., L'ton 28358	#117 02/07/2025	#154 02/21/2025
Parachute	200 Liberty Hill Rd., L'ton 28358	#125 02/07/2025	#156 02/21/2025
Queen Nails	588 B Bailey Rd., L'ton 28358	#122 02/07/2025	#157 03/14/2025
Thee Locksmith	801 W. 5th Street, L'ton 28358	#123 02/07/2025	
Tienda Hispana	1705 E. 5th Street, L'ton 28358	#126 02/07/2025	
Lumberton Chevrolet	500 Linkhaw Rd., L'ton 28358	#129 02/07/2025	
Lopez Auto Repair	1625 W. 5th Street, L'ton 28358	#128 02/07/2025	
Fine Cigars & Vapes	325 E. Elizabethtown Rd., L'ton 28358	#127 02/07/2025	
I-95 Tobacco & Vape	2753 Roberts Ave., L'ton 28358	#130 02/07/2025	
Hwy 55	2402 Roberts Ave., L'ton 28358	#118 02/07/2025	
Booty Brothers	4420 Kahn Drive, L'ton 28358	#413 07/31/2025	

**Lumberton Planning Board**

Item: III.B.

**Lumberton, North Carolina**



**Request for Action**

**Meeting Date:** September 16, 2025

**Originated By:** Planning & Neighborhood Services

**Submission Date:** 09/09/2025

**Subject:** Laura Kinder Rezoning - 304 & 306 S. Rozier Street – P-4 PB

**Summary/Background of Subject Matter:**

Laura Kinder is requesting to rezone property located at 304 & 306 S. Rozier Street, parcel # 3239-02-049, Deed Bk. 01229, Pg. #0859/Map Book: 6 Page: 93.

**Staff Recommendation:**

The planning staff recommends that the Planning Board hold tonight's public meeting, entertain public comment and make a recommendation to City Council regarding this matter.

**City Manager's Comments:**

**Signature:**

**Department:** Planning & Neighborhood Services

**ATTACHMENTS:**

1. Kinder Conditional Rezoning Packet
2. kinder Recorded Variance

City of



Lumberton

DEPARTMENT OF PLANNING & NEIGHBORHOOD SERVICES  
APPLICATION FOR ZONING MAP AMENDMENT

\*\*\* **CONDITIONAL** \*\*\*

TO: THE CITY COUNCIL OF THE CITY OF LUMBERTON

The undersigned hereby respectfully requests that the Official Zoning Map of the City of Lumberton, North Carolina be amended as hereinafter described:

(NOTE: Please complete this application by typing or printing legibly.)

1. **Applicant:**

**Owner:**

Full Legal Name: LAWKA MAE Kinde Full Legal Name: \_\_\_\_\_  
 Physical Home Address: 205 Cambridge Blvd Physical Home Address: \_\_\_\_\_  
Lumberton, N.C. 28355 \_\_\_\_\_  
 Mailing Address: SAME Mailing Address: SAME  
 Telephone: 562 441 1533 Telephone: \_\_\_\_\_

Legal Name of Business: \_\_\_\_\_

EMAIL: \_\_\_\_\_

2. **Description of Property:**

304 Rozier St Lumberton, NC 1229 859  
 (Address) (Deed Book) (Page)  
6 93 179 ft. 3354.2 sq ft.  
 (Map Book) (Page) (Frontage) (Area)

3. **Tax Map Identification Number (parcel number):** 323902049

4. **Existing Zoning District Designation of Property:** M1 - R7

5. **Requested Zoning District Designation of Property:** CZ- R7 - B2

6. **Applicant's Interest In Property (check one):**  Owner  Owner's Agent  Lease-to-Own  
 Tenant  Family member  Other (explain) \_\_\_\_\_

7. **Legal Description of Property:** Attach a running description of the portion of the property to be rezoned in metes and bounds sufficient to reconstruct the same on the property.

8. **Site Map:** Attach a map of the property in question.

9. **Application Fee:** Submit the fee payment with application. The application fee is **nonrefundable**.

1 of 3

\*\*\*All property owners must provide a physical address and sign their application. Additional signature page(s) are available upon request.\*\*\*

File # 6.234

2/6/2014

Updated 4/5/2012

P.O. Box 1388 ♦ 500 N. Cedar Street ♦ Lumberton, NC 28359 ♦ Phone : 910-671-3838 ♦ Fax : 910-671-3975



DEPARTMENT OF PLANNING & NEIGHBORHOOD SERVICES  
APPLICATION FOR ZONING MAP AMENDMENT

10. Applicant's Intended Use of Property (Applicant should attach a detailed business plan which includes the intended use of the property):

This property has a 3 Bdrm  
1 bath home with carport.  
My intention is to sell the  
home (have had a buyer)

The land also has an old  
garage which I've been using  
myself for storage.

I intend to split deed (the  
surveyor was paid and  
made plans which I  
submitted to do this.)  
My intention to keep this  
garage building for  
my personal use and  
able to sell the 3 Bdrm  
home.

Thank you  
Laura M. Kindee

City of



Lumberton

DEPARTMENT OF PLANNING & NEIGHBORHOOD SERVICES  
APPLICATION FOR ZONING MAP AMENDMENT

11. Notarized Signatures:

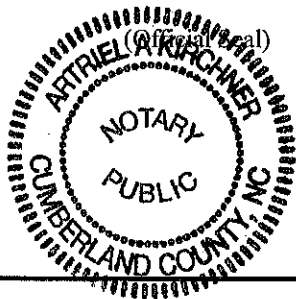
Applicant: LAURA MAE KINDER 205 Cambridge Blvd  
Full Legal Name (type or print) Home Address Lumberton NC

STATE OF North Carolina COUNTY OF Robeson

I, Arriel A. Kirchner a Notary Public in and for said County and State, do hereby certify that the following individual personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Applicant: Laura M. Kinder  
Signature

WITNESS my hand and official seal, this the 23 day of July, 2025



Arriel A. Kirchner  
Official Signature of Notary

Arriel A. Kirchner, Notary Public  
Notary's printed or typed name

My Commission Expires: October 4, 2025

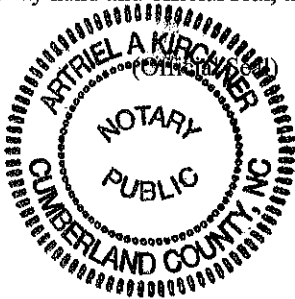
Owner: LAURA MAE KINDER 205 Cambridge Blvd,  
Full Legal Name (type or print) Home Address

STATE OF N. Carolina COUNTY OF Robeson

I, Arriel A. Kirchner a Notary Public in and for said County and State, do hereby certify that the following individual personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Owner: Laura M. Kinder  
Signature

WITNESS my hand and official seal, this the 23 day of July, 2025



Arriel A. Kirchner  
Official Signature of Notary

Arriel A. Kirchner, Notary Public  
Notary's printed or typed name

My Commission Expires: October 4, 2025

3 of 3

\*\*\*All property owners must provide a physical address and sign their application. Additional signature page(s) are available upon request.\*\*\*

File #6.234

2/6/2014

Updated 4/5/2012

P.O. Box 1388 ♦ 500 N. Cedar Street ♦ Lumberton, NC 28359 ♦ Phone : 910-671-3838 ♦ Fax : 910-671-3975

LOCATION SKETCH nts

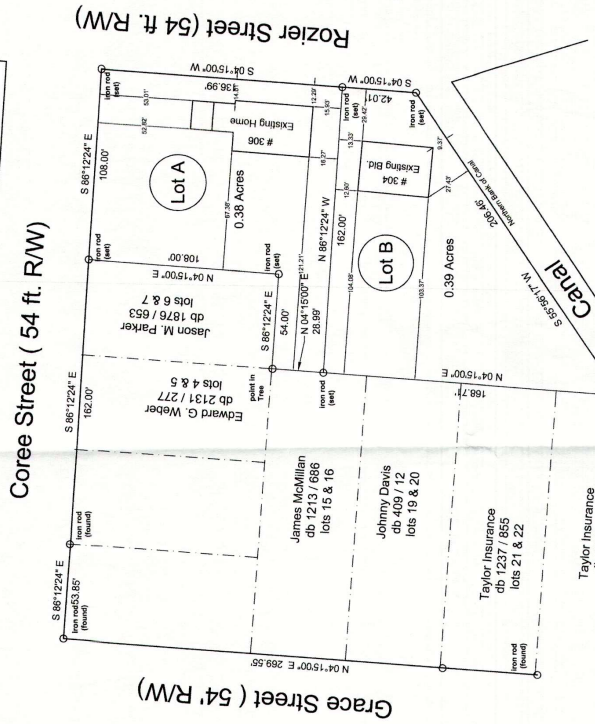


I hereby certify that the lots shown herein are within the Subdivision Jurisdiction of The City of Lumberton and that this map as been approved by the City of Lumberton and as such this map is approved for recording by the Lumberton Planning & Neighborhood Services Director, subject to it being recorded in the Robeson County Registry within 30 Days of the date below.

Planning & Neighborhood Services Director \_\_\_\_\_ date \_\_\_\_\_

I hereby certify that I am of owner of the land shown hereon, which is within the Subdivision Jurisdiction of the City of Lumberton, NC and I freely adopt this plan of subdivision & recombination

Laura M. Kinder \_\_\_\_\_



North Carolina  
Robeson County

I, \_\_\_\_\_ Review Officer of Robeson County certify that the map or plat to which this certification is attached meets all Statutory Requirements for recording.

Review Officer \_\_\_\_\_ Date \_\_\_\_\_

Recombination Survey of Lots 8-14  
R. A. Rozier Subdivision  
Laura M. Kinder, owner  
City of Lumberton, Robeson County, NC

Surveyed January 15, 2024  
Deed Book 1229 Page 859.

Map Book 6 Page 93.  
Parcel ID # 3239 02 049  
1"=50 feet



- Notes:
- All measurements are ground.
  - Existing iron stakes as noted.
  - Subject to any easements of record that may exist this date.



North Carolina  
Robeson County  
I, Joseph M. Parker, PLS 2868, certify that this map was prepared from actual survey made under my supervision; deeds and descriptions as noted hereon. That the ratio of Precision of the field survey is 1:10,000; that any lines not surveyed are shown as broken lines from information noted hereon; The original tract of land being recorded in Deed Book 1229 PG 859. This Map was prepared in accordance with G.S. 47-30 as amended. Area by the coordinate method.

I certify that this plat creates a recombination of land in an area of a county that regulates the subdivision of land.

Witness my hand and seal this the 2nd Day of February 2024.

Joseph M. Parker PLS 2868

- Legend:
- N North
  - S South
  - E East
  - W West
  - Power Pole
  - # 4 rebar

Joe M. Parker  
Surveying & Mapping  
271 Pittman Road  
Lumberton, NC 28358  
(910) 739-9613  
NC PLS 2868  
NC PLS 11593, COA 1176

Owner:  
Laura M. Kinder  
205 Cambridge Blvd  
Lumberton, NC 28358  
Joe B 441 1533

*City of*



*Lumberton*

*Planning & Neighborhood Services*

Request for Rezoning  
6.234 Kinder

<b>PETITIONER(S):</b>	<b>OWNER(S):</b>
<b>Petitioner:</b> Laura Kinder 205 Cambridge Blvd. Lumberton, NC 28358	Same as the petitioner
<p><b>Rezoning:</b> Laura Kinder rezoning - 304 &amp; 306 S. Rozier Street – P-4</p> <p>Laura Kinder is requesting to rezone property located at 304 &amp; 306 S. Rozier Street, parcel # 3239-02-049, Deed Bk. 01229, Pg. #0859/Map Book: 6 Page: 93.</p> <p><b>Analysis:</b> The property is zoned M-1, Light Manufacturing and R-7, Residential Single Family/Duplex. Currently, there is a single-family residence located on the M-1 district of the property and a storage building located on the R-7 district. The owner is requesting to subdivide and sell the residence and retain the storage building for personal use; therefore, a rezoning is required.</p> <p>Furthermore, this request is to rezone the residence (Lot ‘A’) from M-1 to R-7 and rezone the storage building (Lot ‘B’) from R-7 to CZB-2, community business – personal inside storage use only.</p> <p>On August 19, 2025, a Variance was granted to reduce the minimum setbacks to meet the requirements of R-7 and B-2.</p>	

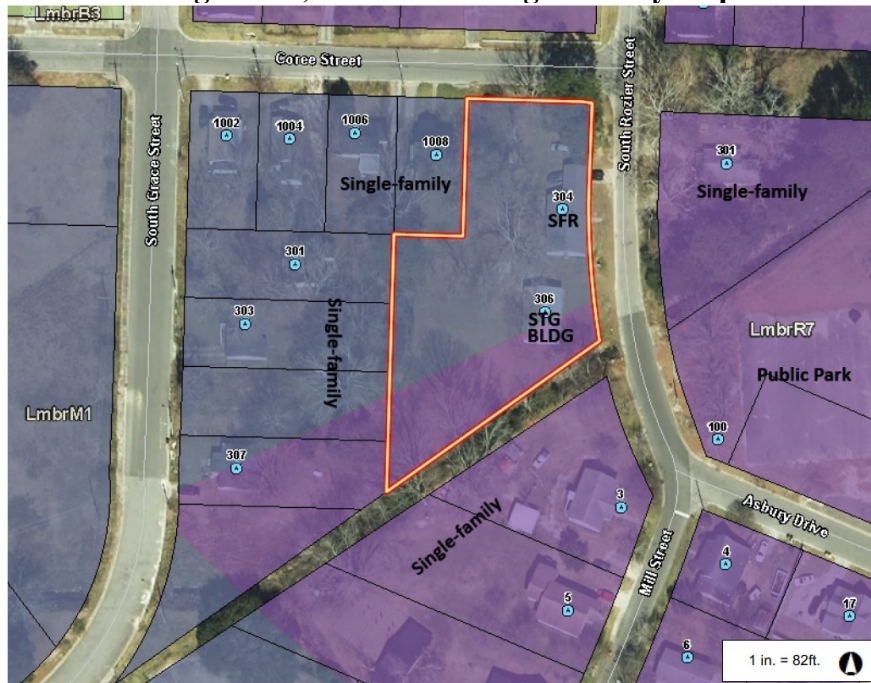
# City of Lumberton

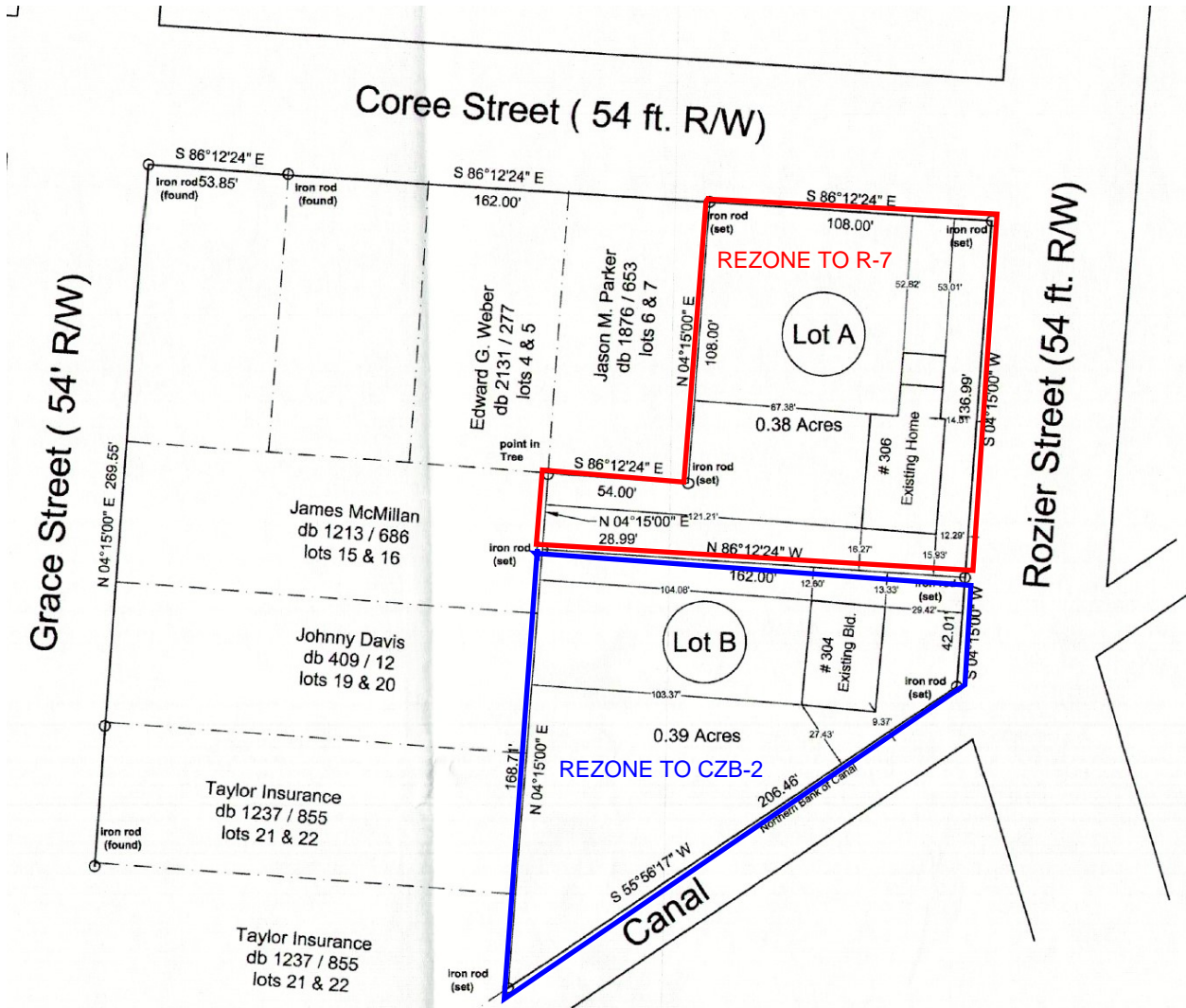
## Planning & Neighborhood Services

LOCATION: 304 & 306 S. Rozier Street – 3239-02-049



Zoning: M-1, Light Manufacturing & R-7, Residential Single-Family/Duplex







*Planning & Neighborhood Services*

**PARCEL INFORMATION**

<b>Owner</b>	<b>Parcel #(s)</b>	<b>Zoning</b>	<b>Area</b>
Laura Kinder	3239-02-049	M-1, Light Manufacturing R-7, Residential Single Family/Duplex	~ 0.77 acres ~ 33,541.2 square feet
Laura Kinder	3239-02-049	M-1, Light Manufacturing R-7, Residential Single Family/Duplex	Proposed Lot 'A' ~ 0.38 acres
Laura Kinder	3239-02-049	M-1, Light Manufacturing R-7, Residential Single Family/Duplex	Proposed Lot 'B' ~ 0.39 acres

**ADJACENT PROPERTY SITE DATA**

	<b>Zoning</b>	<b>Land Use</b>
<b>Subject Property</b>	M-1, Light Manufacturing R-7, Residential Single Family/Duplex	- To subdivide the property - Single Family (1.110) - Storage Building (10.210)
<b>North</b>	R-7, Residential Single Family/Duplex	Single-family residential
<b>South</b>	R-7, Residential Single Family/Duplex	Single-family residential
<b>East</b>	R-7, Residential Single Family/Duplex	Single-family residential City of Lumberton, Public Park
<b>West</b>	M-1, Light Manufacturing R-7, Residential Single Family/Duplex	Single-family residential

**STAFF ANALYSIS**

**PROJECT OVERVIEW**

**Variance:** On August 19, 2025, a Variance was granted to reduce the minimum setbacks as follows to meet the setbacks for the respective zoning districts:

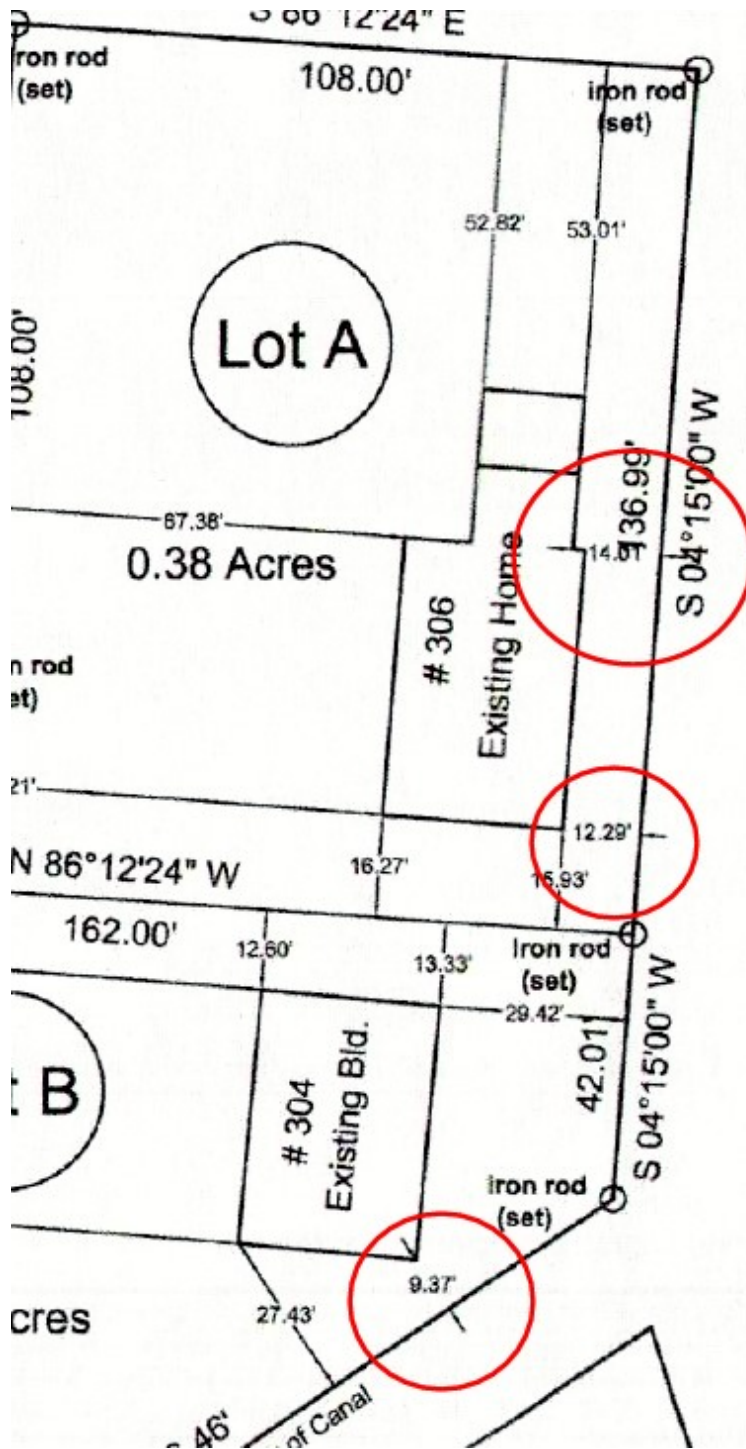
- 1) Zone R-7 - The right of way line for Lot 'A' from 20 feet to 14.01 feet for the existing residential building.
- 2) Zone R-7 - The right of way line for Lot 'A' from 20 feet to 12.29 feet for the existing residential building.
- 3) Zone B-2 - The side boundary line of Lot 'B' from 10 feet to 9.37 feet for the existing storage building.

City of



Lumberton

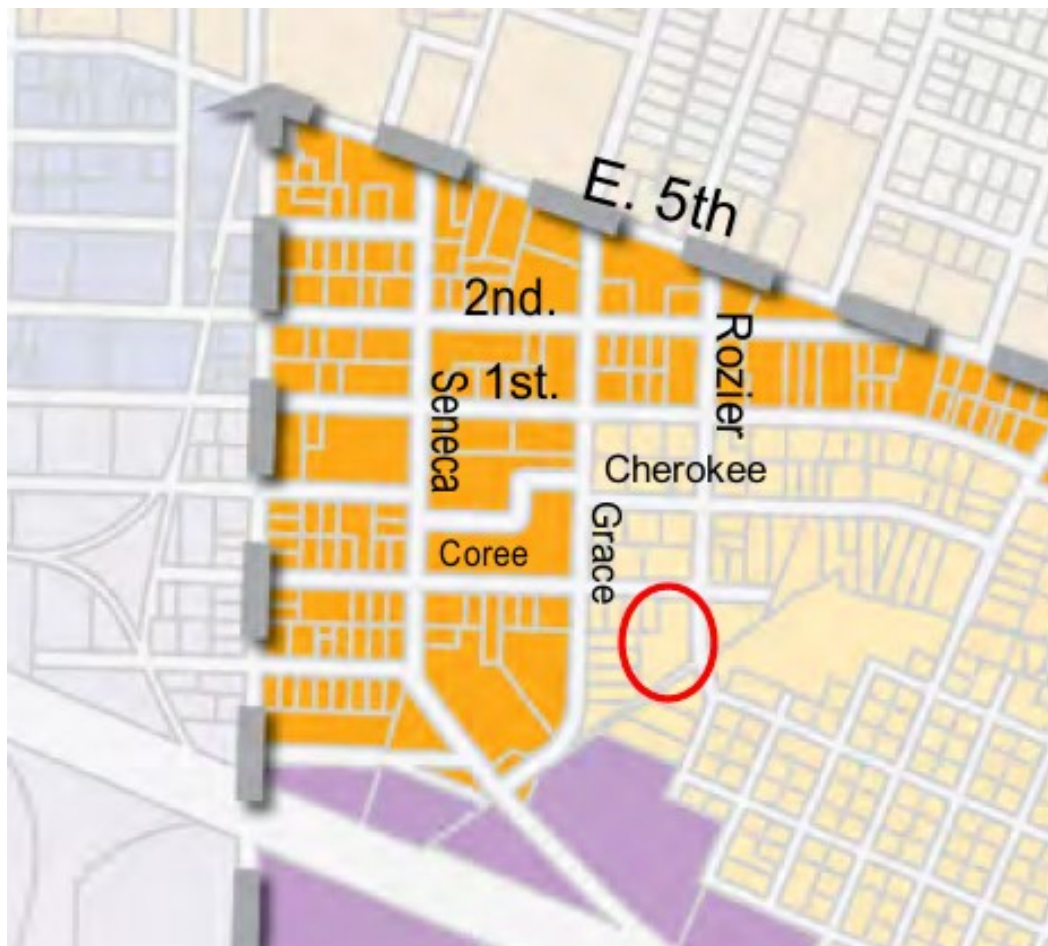
Planning & Neighborhood Services



Rozier Street (54 ft. R/W)

**PLANNING & ZONING**

**Land Use Plan:** The Land Use Plan designates the future use of this parcel as low intensity and is located in Precinct 4.



**LOW INTENSITY**

The Low Intensity land use category is intended to accommodate both the preservation and growth of low to medium density neighborhoods (4 to 6 dwelling units / acre) consisting primarily of single-family residences, as well as small scale multi-family residential development, such as two and three family dwellings. While primarily residential in character, certain low impact nonresidential uses are appropriate for development within these areas, such as small churches, daycare centers, traditional home occupations and similar uses which will not conflict with the character of these areas when they are situated and developed in a manner that is consistent with an overall low-intensity land use pattern.



*Planning & Neighborhood Services*

**Setback and Lot Size:**

<b>Zoning District</b>	<b>Min. Lot Size</b>	<b>Min. Lot Width</b>	<b>Min. Front Setback (right of way)</b>	<b>Min. Side &amp; Rear Setbacks (unless a right of way borders it, then right-of-way min setbacks are observed).</b>	<b>Maximum Height</b>
R-7	7,000 sq.ft.	70'	20'	8'	35'
M-1	No Minimum	100'	30'	15'	85'
B-2	3,000 sq.ft.	50'	20'	10'	35'

**Screening Requirement: 10.210 All storage within completely enclosed structures**

<b>Type "C" Screen</b>
1.110 Single-family residences Other than mobile homes
1.120 Mobile homes
1.130 Single- family residences with accessory apartment
1.200 Two family residences

**Opaque screen, type "C."** A screen that is opaque to a height of at least eight (8) feet. An opaque screen is intended to exclude completely all visual contact between uses and to create a strong impression of spacial separation. The opaque screen may be composed of a wall, fence or earth berm.

# City of Lumberton

## Planning & Neighborhood Services

**Flood Zone 'X' Not in 100-YR Floodplain:** Area of minimal risk and determined to be outside the 100 and 500-year floodplains.

Map Number: 3720030100K Panel Effective Date: 12/6/2019



### PLANNING STAFF RECOMMENDATION TO COUNCIL

CPC review the request, refer the petition to the **September 16, 2025** Planning Board meeting for their review, and authorize the Planning Director to set the date of the public hearing.

The B-2 (community business) districts are designed to accommodate commercial development on a scale that is less intensive than that permitted in a B-1 district. A lesser intensity of development is achieved through setback, height, and minimum lot size requirements that are more restrictive than those applicable to the B-1 zone. The types of uses permissible in these zones are generally similar to the types permissible in a B-1 zone, except that additional automobile-oriented businesses (e.g. , drive-in banks and restaurants), not allowed in the B-1 zone, are permissible in these zones. The B-2 and B-2H thus may provide a transition in some areas between a B-1 zone and a residential zone or may provide for a smaller scale shopping center that primarily serves one neighborhood or area of the city (as opposed to a regional shopping center). The dimensional restrictions in the zone are also designed in appropriate areas to encourage the renovation for commercial purposes of buildings that formerly were single-family residences. The only difference between B-2 and B-2H zones is the difference in height limitations spelled out in section 35-186. Therefore, all other references in this chapter to the B-2 district shall be deemed to include the B-2H district.

### **I. B-2 Zoning District Permitted Uses**

1.210 Duplex

1.220 Two-family conversion

1.310 Multifamily residences Other than mobile home parks

1.330 Multifamily conversion

1.410 Homes for handicapped or infirm, Family Care Homes (Level II & III)

1.510 Rooming houses, boarding houses

1.520 Tourist homes and other temporary residences renting by the day or week

1.600 Temporary emergency, construction, and repair residences

2.111 Miscellaneous Sales and Rental of Goods, Merchandise and Equipment

2.113 Convenience stores

2.120 Low- volume traffic generation sales

3.110 Offices - Operations designed to attract and serve customers or clients on the premises, such as the offices of attorneys, realtors, other professions, insurance and stock brokers, travel agents, etc.

3.120 Offices - Operations designed to attract little or no customer or client traffic other than employees of the entity operating the principal use

3.130 Office or clinics of physicians or dentists

3.230 Banks with drive-in windows

4.110 Majority of dollar volume of business done with walk-in trade Manufacturing, Processing, Creating, Repairing, Renovating, Painting, Cleaning, Assembling of Goods, Merchandise and Equipment

4.120 Majority of dollar volume of business done without walk-in trade

5.200 Churches, synagogues and temples (including associated residential structures for religious personnel and associated buildings but not including elementary school or secondary school buildings)

5.310 Libraries, museums, art galleries, art centers and similar uses (including associated educational and instructional activities) Located within a building designed and previously occupied as a residence or within a building having a gross floor area not in excess of 3,500 square feet

5.320 Libraries, museums, art galleries, art centers and similar uses (including associated educational and instructional activities) Located within any permissible structure

5.400 Social, fraternal clubs and lodges, union halls, and similar

6.110 Bowling alley, skating rinks, indoor tennis and squash courts, indoor athletic and exercise facilities and similar uses

6.121 Movie theatres Seating capacity of not more than 300

8.100 Restaurants No substantial carry-out or delivery service, no drive-in service, no service or consumption outside fully enclosed structure

8.200 Restaurants No substantial carry-out or delivery service, no drive-in service, service or consumption outside fully enclosed structure

8.300 Carry-out and delivery service, consumption outside fully enclosed structure allowed

9.100 Motor vehicle sales or rentals, excluding manufactured home sales

9.500 Gas sales

9.600 Car wash

9.810 Manufactured home sales office without, display units.

10.100 Automobile parking garages or parking lots not located on a lot on which there is another principal use to which the parking is related

10.210 Storage of goods not related to sale or use of those goods on the same lot where they are stored within completely enclosed structures

16.000 Dry Cleaner, Laundromat

18.100 Towers and antennas fifty feet in height or less

18.200 Disguised/attached antennas

20.000 Funeral Homes

22.000 Nursery Schools; Day Care Centers

23.000 Temporary Structures used in Connection With the Construction of a Permanent Building or for Some Nonrecurring Purpose

24.300 Taxi stands

25.000 Commercial Greenhouse Operations

28.200 Minor Subdivisions

## **II. B-2 Zoning District Requires a Special Use Permit**

1.420 Nursing care, intermediate care homes

1.430 Child care homes

1.440 Halfway houses

1.530 Hotels, motels, and similar businesses or institutions providing overnight accommodations

2.112 ABC stores

3.140 Government Office Buildings

4.400 Manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandise and equipment Outside storage of recyclable materials greater in area than 400 sq. ft. and/or higher than 8 feet above the finished grade

5.110 Elementary and secondary (including associated grounds and athletic and other facilities)

5.120 Trade or vocational schools

5.130 Colleges, universities, community colleges (including associated facilities such as dormitories, office buildings, athletic fields, etc.)

6.122 Movie theatres Seating capacity 301—999

6.150 Billiard parlors/Pool Halls & Game Centers

6.210 Privately owned outdoor recreational facilities such as golf and country clubs, swimming or tennis clubs, etc., not constructed pursuant to a permit authorizing the construction of some residential development

6.220 Publicly owned and operated outdoor recreational facilities such as athletic fields, golf courses, tennis courts, swimming pools, parks, etc., not constructed pursuant to a permit authorizing the construction of another use such as a school

13.100 Police stations

13.200 Fire stations

13.300 Rescue squad, ambulance service

13.400 Civil defense operation

13.510 & 13.520 Training Facilities Activity conducted within or outside fully enclosed building

14.400 Reclamation landfill

15.100 Post office

17.100 Neighborhood Utility Facilities

24.100 Bus stations

24.200 Train stations

28.100 Major Subdivisions

28.300 Public utility facilities without direct or indirect access

The R-7 district is designed to accommodate single-family and two-family dwelling units.

**I. R-7 Zoning District Permitted Uses**

1.110 Single-family residences Other than mobile homes

1.210 Duplex

1.220 Two-family conversion

1.410 Homes for handicapped or infirm, Family Care Homes (Level II & III)

1.600 Temporary emergency, construction, and repair residences

1.700 Home occupations

5.200 Churches, synagogues and temples (including associated residential structures for religious personnel and associated buildings but not including elementary school or secondary school buildings)

14.110 Agricultural operations, farming Excluding livestock

14.200 Silvicultural operations

18.100 Towers and antennas fifty feet in height or less

18.200 Disguised/attached antennas

23.000 Temporary Structures used in Connection With the Construction of a Permanent Building or for Some Nonrecurring Purpose

28.200 Minor Subdivisions

## **II. R-7 Zoning District Requires a Special Use Permit**

1.130 Single- family residences with accessory apartment

1.330 Multifamily conversion

1.420 Nursing care, intermediate care homes

1.430 Child care homes

1.440 Halfway houses

5.110 Elementary and secondary (including associated grounds and athletic and other facilities)

5.130 Colleges, universities, community colleges (including associated facilities such as dormitories, office buildings, athletic fields, etc.)

5.310 Libraries, museums, art galleries, art centers and similar uses (including associated educational and instructional activities) Located within a building designed and previously occupied as a residence or within a building having a gross floor area not in excess of 3,500 square feet

6.210 Privately owned outdoor recreational facilities such as golf and country clubs, swimming or tennis clubs, etc., not constructed pursuant to a permit authorizing the construction of some residential development

6.220 Publicly owned and operated outdoor recreational facilities such as athletic fields, golf courses, tennis courts, swimming pools, parks, etc., not constructed pursuant to a permit authorizing the construction of another use such as a school

13.100 Police stations

13.200 Fire stations

13.300 Rescue squad, ambulance service

13.400 Civil defense operation

13.520 Training Facilities Activity conducted within or outside fully enclosed building

14.400 Reclamation landfill

17.100 Neighborhood Utility Facilities

21.100 Cemetery

22.000 Nursery Schools; Day Care Centers

28.100 Major Subdivisions

28.300 Public utility facilities without direct or indirect access

The following districts are hereby established primarily to accommodate enterprises engaged in the manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise, or equipment: M-1 , M-2 and M-3. The M-3 (planned industrial) district is intended to encourage the development of a well-planned industrial park.

**I. M-1 Zoning District Permitted Uses**

- 1.600 Temporary emergency, construction, and repair residences
- 2.113 Convenience stores
- 2.130 Wholesale sales
- 2.210 High- volume traffic generation, Storage and display of goods outside fully enclosed building allowed
- 2.220 Low- volume traffic generation, Storage and display of goods outside fully enclosed building allowed
- 2.230 Wholesale sales
- 3.120 Offices - Operations designed to attract little or no customer or client traffic other than employees of the entity operating the principal use
- 3.210 Operations designed to attract and serve customers or clients on the premises
- 3.220 Operations designed to attract little or no customer or client traffic other than the employees of the entity operating the principal use
- 4.120 Majority of dollar volume of business done without walk-in trade Manufacturing, Processing, Creating, Repairing, Renovating, Painting, Cleaning, Assembling of Goods, Merchandise and Equipment
- 4.200 Operations conducted within or outside fully enclosed building Manufacturing, Processing, Creating, Repairing, Renovating, Painting, Cleaning, Assembling of Goods, Merchandise and Equipment
- 4.400 Manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandise and equipment Outside storage of recyclable materials greater in area than 400 sq. ft. and/or higher than 8 feet above the finished grade.
- 5.120 Trade or vocational schools
- 5.200 Churches, synagogues and temples (including associated residential structures for religious personnel and associated buildings but not including elementary school or secondary school buildings)
- 5.310 Libraries, museums, art galleries, art centers and similar uses (including associated educational and instructional activities) Located within a building designed and previously occupied as a residence or within a building having a gross floor area not in excess of 3,500 square feet
- 5.400 Social, fraternal clubs and lodges, union halls, and similar

- 6.110 Bowling alley, skating rinks, indoor tennis and squash courts, indoor athletic and exercise facilities and similar uses
- 6.121 Movie theatres Seating capacity of not more than 300
- 6.122 Movie theatres Seating capacity 301—999
- 6.230 Golf driving ranges not accessory to golf courses, par 3 golf courses, miniature golf courses, skateboard parks, water slides, and similar uses
- 9.100 Motor vehicle sales or rentals, excluding manufactured home sales
- 9.300 Motor vehicle repair and maintenance, not including substantial body work
- 9.400 Motor vehicle painting and body work
- 9.500 Gas sales
- 9.600 Car wash
- 9.700 Motor vehicles, sales, service repair Outside storage of recyclable materials greater in area than 400 sq. ft. and/or higher than 8 feet above finished grade.
- 9.810 Manufactured home sales office without, display units.
- 10.210 Storage of goods not related to sale or use of those goods on the same lot where they are stored All storage within completely enclosed structures
- 10.300 Parking of vehicles or storage of equipment outside enclosed structures where: (i) vehicles or equipment are owned and used by the person making use of the lot, and (ii) parking or storage is more than a minor and incidental part of the overall use made of the lot
- 10.400 Storage and parking Outside storage of recyclable materials greater in area than 400 sq. ft. and/or higher than 8 feet above finished grade.
- 11.000 Scrap Materials Salvage Yards, Junkyards, Automobile Graveyards
- 13.610 Temporary Emergency Aid Facilities Located within an existing building and new construction
- 13.620 Mobile Units (including Recreational Vehicles)
- 14.110 Agricultural operations, farming excluding livestock
- 14.200 Silvicultural operations
- 15.400 Military reserve, national guard centers
- 18.100 Towers and antennas fifty feet in height or less
- 18.200 Disguised/attached antennas
- 22.000 Nursery Schools; Day Care Centers

23.000 Temporary Structures used in Connection With the Construction of a Permanent Building or for Some Nonrecurring Purpose

24.100 Bus stations

24.200 Train stations

24.300 Taxi stands

25.000 Commercial Greenhouse Operations

27.000 Off- Premises Signs

28.200 Minor Subdivisions

## **II. M-1 Zoning District Requires a Special Use Permit**

- 5.110 Elementary and secondary (including associated grounds and athletic and other facilities)
- 5.130 Colleges, universities, community colleges (including associated facilities such as dormitories, office buildings, athletic fields, etc.)
- 6.130 Coliseums, stadiums and all other facilities listed in the 6.100 classification designed to seat or accommodate simultaneously more than 1,000 people
- 6.150 Billiard parlors/Pool Halls & Game Centers
- 6.210 Privately owned outdoor recreational facilities such as golf and country clubs, swimming or tennis clubs, etc., not constructed pursuant to a permit authorizing the construction of some residential development
- 6.220 Publicly owned and operated outdoor recreational facilities such as athletic fields, golf courses, tennis courts, swimming pools, parks, etc., not constructed pursuant to a permit authorizing the construction of another use such as a school
- 6.250 Automobile and motorcycle racing tracks
- 6.260 Drive-in movie theatres
- 7.300 Institutions (other than halfway houses) where mentally ill persons are confined, intensive residential treatment facilities (Level IV)
- 7.500 Organized Shelters Facilities: 7.510 Type A; 7.520 Type B; & 7.530 Type C
- 10.220 Storage inside or outside completely enclosed structures
- 13.100 Police stations
- 13.200 Fire stations
- 13.300 Rescue squad, ambulance service
- 13.400 Civil defense operation
- 13.510 & 13.520 Training Facilities Activity conducted within or outside fully enclosed building
- 14.300 Mining or quarrying operations, including on-site sales of products
- 14.400 Reclamation landfill
- 15.200 Airport
- 17.100 Neighborhood Utility Facilities
- 17.200 Community or regional Utility Facilities
- 18.300 towers and antennas more than fifty feet in height
- 21.100 Cemetery

21.200 Crematorium

28.100 Major Subdivisions

28.300 Public utility facilities without direct or indirect access


**2025007801**  
 ROBESON CO, NC FEE \$26.00  
 PRESENTED & RECORDED:  
**09-05-2025 09:08:58 AM**  
 VICKI L LOCKLEAR  
REGISTER OF DEEDS  
 BY: JENNIFER BRITT  
ASSISTANT  
**BK: D 2536**  
**PG: 234-235**

**NORTH CAROLINA**

**VARIANCE**

**ROBESON COUNTY**

*Hold: City of Lumberton*

PROPERTY OWNER: Laura Kinder

Tax Map: 3239 Block: 02 Lot: 049

DEED REFERENCE: Deed Book: 1229 Page: 859

VARIANCE FROM PROVISION OF ARTICLE XII, SECTION 35-184 & SECTION 35-185 OF THE CODE OF THE CITY OF LUMBERTON, NORTH CAROLINA, FOR THE PURPOSE OF:

Reducing required setbacks for residential single- family home and accessory building.

MEETING DATE: August 19, 2025

On the date listed above, the Board of Adjustment of the City of Lumberton met to consider an application to issue a Variance from the aforelisted section of the Code of the City of Lumberton, North Carolina, at the aforelisted property location.

Having heard all the evidence and argument presented at the hearing, the Board finds that:

- (1) Unnecessary hardship would result from the strict application of the ordinance;
- (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. (Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.);
- (3) The hardship did not result from actions taken by the applicant or the property owner;
- (4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured and substantial justice is achieved.

Based upon the aforementioned findings, the Board concludes that strict enforcement of the Ordinance would result in practical difficulties or unnecessary hardships and that the spirit of the Ordinance will be observed, public safety and welfare secured and substantial justice done and that, therefore, the application for the Variance from the aforelisted section of the Code of the City of Lumberton, North Carolina, for the aforelisted purpose is hereby approved, subject to the following conditions:

- (1) Prior to commencing any development on reliance of this variance, the owner shall secure the necessary zoning, special use, or conditional use permits from the City of Lumberton.

(2) The owner shall complete the development in accordance with the plans and representations as reflected in the records of the hearing on this matter, a copy of which is filed in the Planning & Neighborhood Services Department of the City of Lumberton, North Carolina.

(3) In issuing the Variance, the Board has placed the following additional conditions or requirements upon the owner, his successors and assigns in exercising the rights granted herein: NONE NOTED.

(4) If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this Variance shall be void and of no effect.

Nothing authorized by the Variance may be done until the property owner properly executes and returns to the City the attached acknowledgement of the issuance of this Variance so that the City may have it recorded in the Robeson County Registry.

IN WITNESS WHEREOF, the City of Lumberton has caused this Variance to be issued in its name, and the undersigned, being all of the property owners of the property above described, do hereby accept this Variance, together with all its conditions, as binding on them and their successors in interest.

CITY OF LUMBERTON

BY: [Signature]  
Chairman, Board of Adjustment

ATTEST:

[Signature]  
Secretary, Board of Adjustment

Owner(s) of the above identified property, do hereby acknowledge receipt of this Variance. The undersigned owners do further acknowledge that no work may be done pursuant to this Variance except in accordance with all of its conditions and requirements and that this restriction shall be binding on them and their successors in interest.

[Signature] (SEAL) \_\_\_\_\_ (SEAL)  
Owner Owner

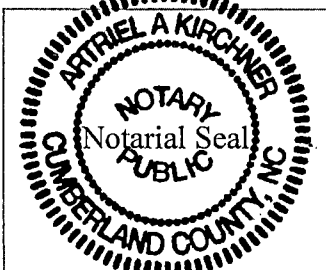
\_\_\_\_\_  
Owner Owner

STATE OF North Carolina COUNTY OF Robeson

I, Arriel A. Kirchner, a Notary Public in and for said County and State, do hereby certify that Laura M Kinder and

Personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal this 3 day of September, 2025



[Signature]  
Notary Signature

My Commission Expires: October 4, 2025

**Lumberton Planning Board**

Item: III.C.

**Lumberton, North Carolina**



**Request for Action**

**Meeting Date:** September 16, 2025

**Originated By:** Planning & Neighborhood Services

**Submission Date:** 09/09/2025

**Subject:** Jason Britt Special Use Permit – Old Whiteville Road parcel #2905-01-007 - ETJ-PB

**Summary/Background of Subject Matter:**

Jason Britt is requesting a Special Use Permit for a major Subdivision of property located on Old Whiteville Road (parcel # 2905-01-007).

**Staff Recommendation:**

The planning staff recommends that the Planning Board hold tonight’s public meeting, entertain public comment and make a recommendation to City Council regarding this matter.

**City Manager's Comments:**

**Signature:**

**Department:** Planning & Neighborhood Services

**ATTACHMENTS:**

1. Britt SUP Application Packet
2. Applicant Attachment
3. S&EC\_Old Whiteville Road Property - Wetland Sketch Map Packet 2025
4. Britt Recorded Variance

**DEPARTMENT OF PLANNING & NEIGHBORHOOD SERVICES  
CITY OF LUMBERTON, NORTH CAROLINA  
APPLICATION FOR A SPECIAL USE PERMIT**

**TO: THE CITY COUNCIL OF THE CITY OF LUMBERTON**

The undersigned hereby respectfully requests that the City Council of the City of Lumberton issue a Special Use Permit as hereinafter described:

<p><b>1. Applicant:</b></p> <p>Legal Name: <u>JASON M BRITT</u></p> <p>Physical Address: <u>611 BEULAH CH RD</u> <u>LUMBERTON NC 28358</u></p> <p>Mailing Address: <u>611 BEULAH CH RD</u> <u>LUMBERTON NC 28358</u></p> <p>Telephone: <u>910-258-2644</u></p> <p>Name of Business: _____</p> <p>EMAIL: _____</p>	<p><b>Owner:</b></p> <p>Legal Name: <u>JASON M BRITT</u></p> <p>Physical Address: <u>611 BEULAH CH RD</u> <u>LUMBERTON NC 28358</u></p> <p>Mailing Address: <u>611 BEULAH CH RD</u> <u>LUMBERTON NC 28358</u></p> <p>Telephone: <u>910-258-2644</u></p> <p>Business Address: _____</p>
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**Description of Property:**

<p><b>2.</b> <u>OLD WHITEVILLE RD LUMBERTON NC</u> (Address)</p>	<p><u>2396</u> (Deed Book)</p>	<p><u>590-592</u> (Page)</p>
<p><u>61</u> (Map Book)</p>	<p><u>185</u> (Page)</p>	<p><u>284.20 FT</u> (Frontage)</p>
		<p><u>2.14 ACRES</u> (Area)</p>

**3. Tax Map Identification (parcel number):** 290501007

**4. Proposed Use of Property:** RESIDENTIAL SINGLE FAMILY

**5. Zoning District Designation of Property:** AGRICULTURE

**6. Development Site Plan:** See Appendix A of Land Use Ordinance.

**7. Notice of Hearing:** All property owners within 150' of the perimeter of the property subject of this petition must be notified by first class mail. Please attach list of all such property owners as reflected on the current tax Assessor's Roll with current mailing addresses, Taxing Township, Map Number, Block Number, and parcel Number.

**8. Supportive Information:** At the Hearing, you will be responsible for providing information to the City Council to enable it to determine whether the development, if completed as proposed, will comply with the requirements of the Land Use Ordinance. You should be ready to show the following relative to the proposed development:

- a. That it will not materially endanger the public health or safety; and
- b. That it will not substantially injure the value of adjoining or abutting property; and
- c. That it will be in harmony with the area in which it is to be located; and
- d. That it will be in general conformity with the Land Use Plan Thoroughfare Plan, or other plan officially adopted by the City.

**9. Application Fee:** Submit the fee payment with application. The application fee is nonrefundable.

File # 7.196 1 of 2  
By 7.176 5/28/21

ADDRESS:

10. Briefly describe Applicants intended use of the property (Applicant must attach a detailed business plan, if applicable):

SUBDIVIDE TWO LOTS FOR RESALE

11. Notarized Signatures:

I certify that all of the information presented by the undersigned in this Application is accurate to the best of my knowledge, information and belief.

Applicant: Jason M Britt 611 Beulah Ln Rd Lumberton NC  
Name Physical Address

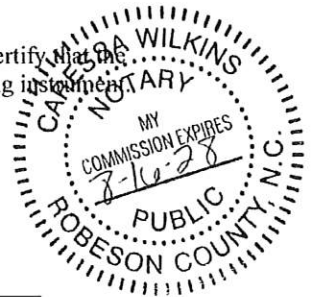
Applicant: [Signature]  
Signature

STATE OF NC COUNTY OF Robeson

I, Carressa Wilkins, a Notary Public in and for said County and State, do hereby certify that the following individual personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal this 13 day of June, 2025.

Carressa Wilkins My Commission Expires: 8-16-2028  
Notary Public Signature



Owner: Jason M Britt 611 Beulah Ln Rd Lumberton NC  
Name Physical Address

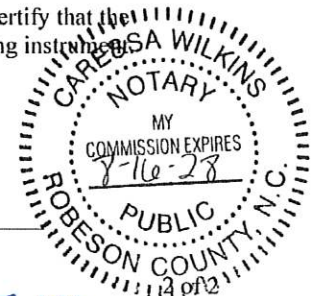
Owner: [Signature]  
Signature

STATE OF NC COUNTY OF Robeson

I, Carressa Wilkins, a Notary Public in and for said County and State, do hereby certify that the following individual personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

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Carressa Wilkins My Commission Expires: 8-16-2028  
Notary Public Signature



File # 7.196 5/28/21  
Ref. 7.176

*City of*



*Lumberton*

*Planning & Neighborhood Services*

**Request for Special Use Permit**

7.198 Jason Britt

<b>PETITIONER(S):</b>	<b>OWNER(S):</b>
<b>Name of Petitioner:</b> Jason Morris Britt	<b>Name of Owner:</b> Jason Morris Britt
<b>Address:</b> 611 Beulah Church Rd.	<b>Address:</b> 611 Beulah Church Rd.
<b>City/State/Zip:</b> Lumberton, NC	<b>City/State/Zip:</b> Lumberton, NC
<b>Mailing Address:</b> 611 Beulah Church Rd.	<b>Mailing Address:</b> 611 Beulah Church Rd.
<b>City/State/Zip:</b> Lumberton, NC 28358	<b>City/Sate/Zip:</b> Lumberton, NC 28358

**Special Use Permit Request:** Jason Britt is requesting a Special Use Permit for a major Subdivision.

Jason Britt is requesting a Special Use Permit for a major Subdivision of property located on Old Whiteville Road (parcel # 2905-01-007). This request is to subdivide the property into two single-family residential lots and develop a 50' private Road. The parent tract of land was previously subdivided more than 8 times, and the requested two lots are considered a major subdivision requiring a Special Use Permit.

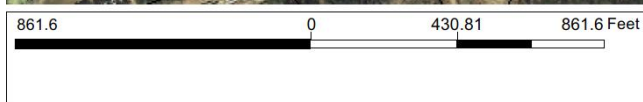
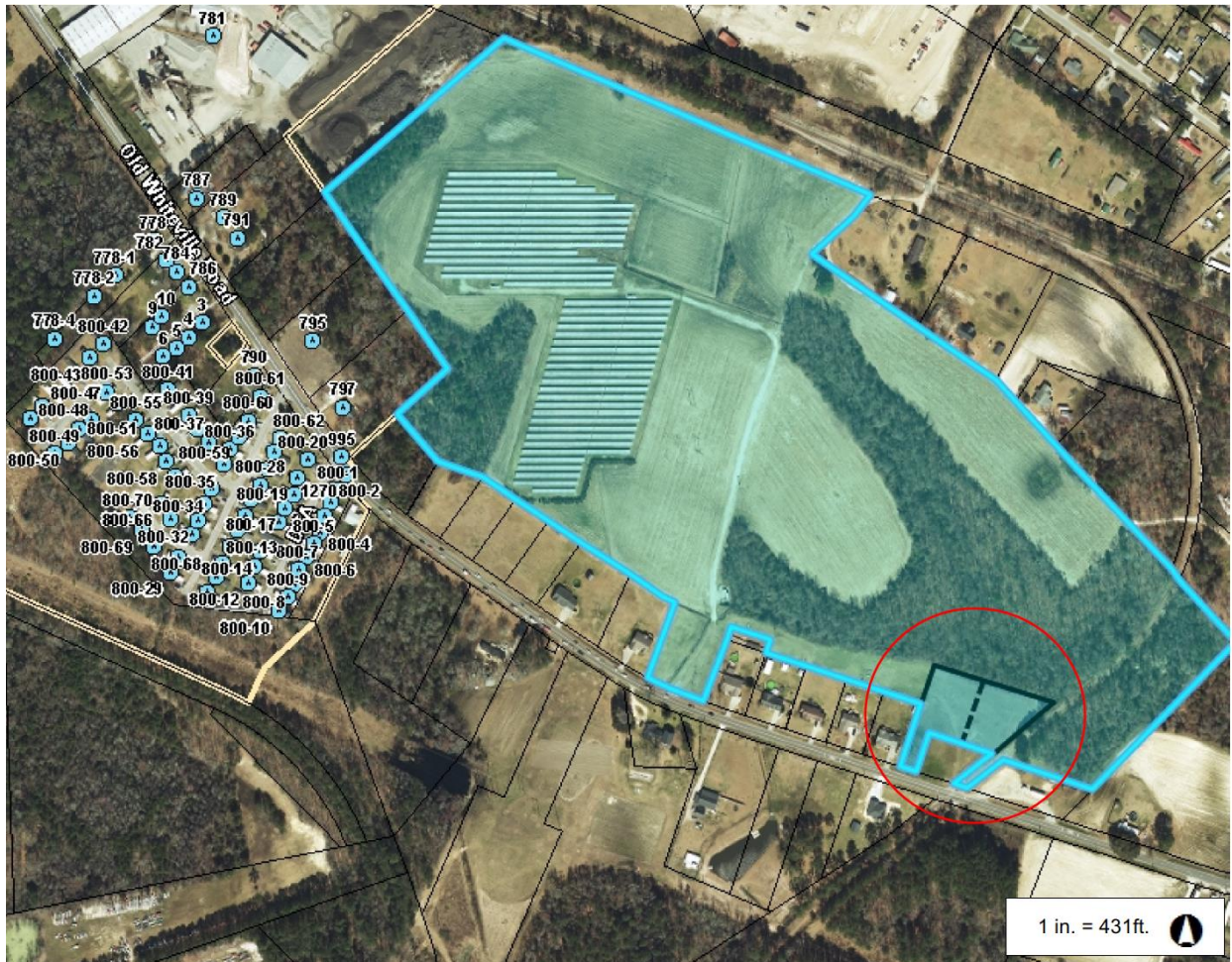
On August 19, 2025, a Variance was granted to allow the creation of two single-family residential lots served by a private road not constructed to public street standards for a tract of land where a previous approval for a private road not constructed to public street standards has been created.



## Planning & Neighborhood Services

LOCATION: PARCEL # PART OF 2905-01-007

Old Whiteville Rd

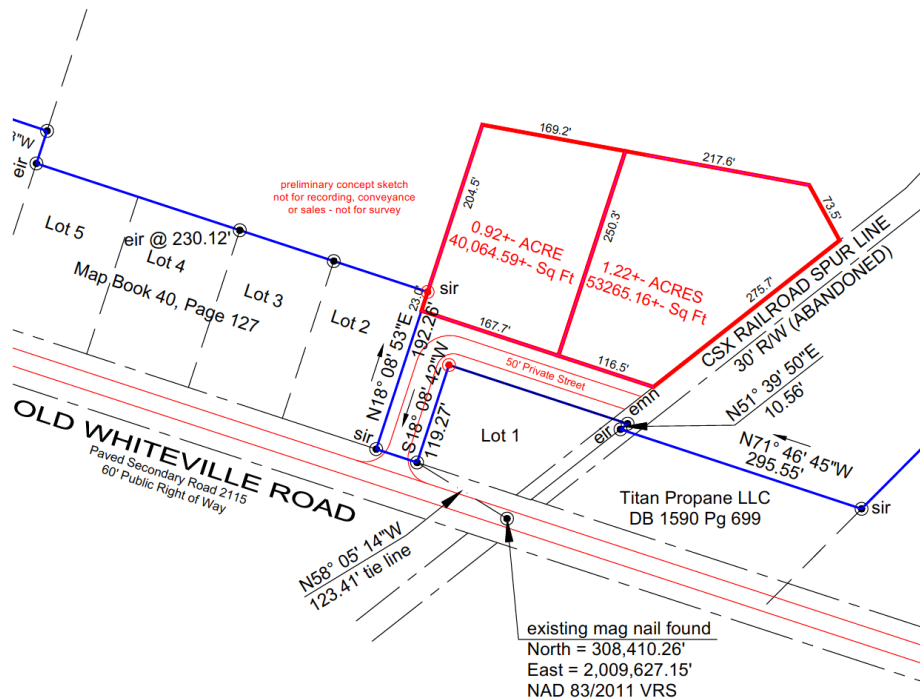


This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.  
THIS MAP IS NOT TO BE USED FOR NAVIGATION

# City of Lumberton

Planning & Neighborhood Services

**CURRENT REQUEST: PART OF PARCEL # 2905-01-007**



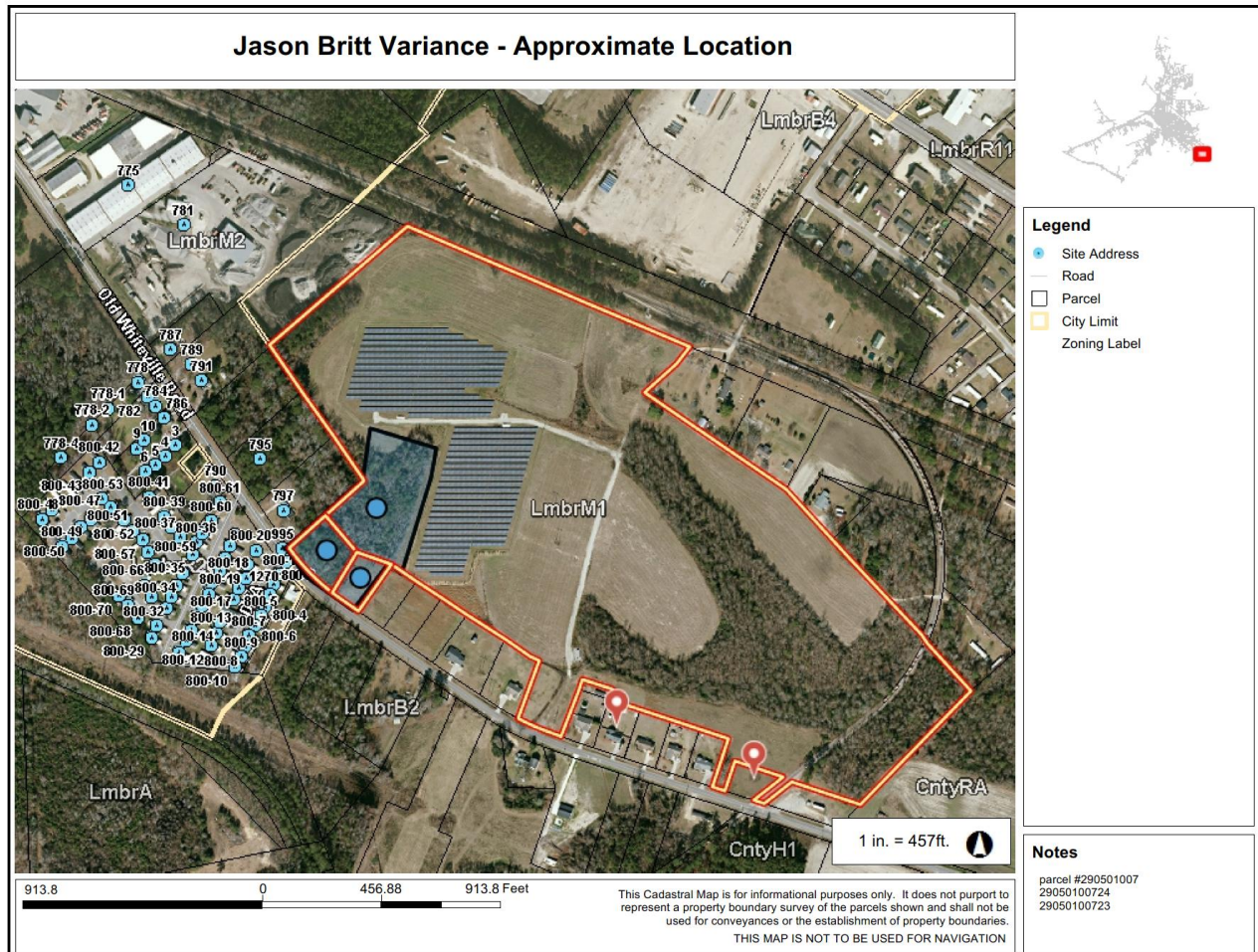
## Planning & Neighborhood Services

### PROJECT OVERVIEW

**Variance:** On August 19, 2025, a Variance was granted to allow the creation of two single-family residential lots served by a private road not constructed to public street standards for a tract of land where a previous approval for a private road not constructed to public street standards has been created.

**PREVIOUS REQUEST: PARCEL #'s 2905-01-00724; 2905-01-00723 & PART OF 2905-01-007**

Old Whiteville Rd





*Planning & Neighborhood Services*

**PLANNING & ZONING**

<i>Parcel #(s)</i>	<i>Zoning</i>	<i>Width</i>	<i>Area</i>	<i>Limits of Construction</i>
290501007	Agriculture/M1	~153' (various)	~60 Acres	~2.14 Acres
<b>Portion to be subdivided</b>	Agriculture	167.7 116.5	40,064.59 Acres 53,265.16 Acres	

**MINIMUM (MAX) SETBACK AND LOT SIZE REQUIREMENTS**

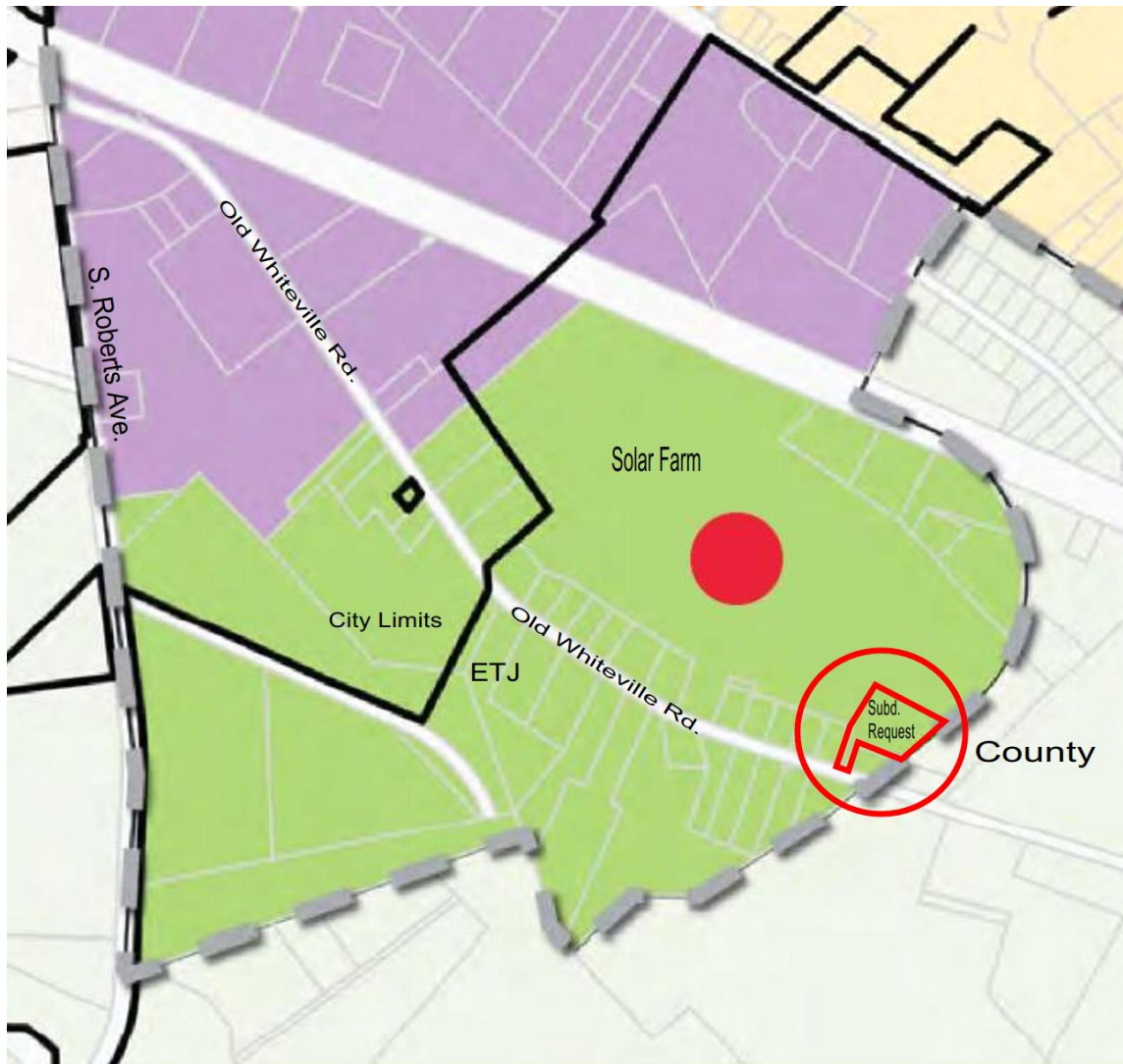
<i>Zoning District</i>	<i>Min. Square Footage</i>	<i>Min. Road Frontage</i>	<i>Min. Front Setback (right of way)</i>	<i>Min. Side Setback (no right of way)</i>	<i>Min. Rear Setback (no right of way)</i>	<i>Max. Height</i>
<b>Agriculture (A)</b>	<b>40,000</b>	<b>100'</b>	<b>50'</b>	<b>20'</b>	<b>20'</b>	<b>35'</b>
<b>Light Manufacturing (M1-Lease Line for the Solar Farm only)</b>	No min.	100'	30'	15'	15'	35'

**ADJACENT PROPERTY SITE DATA**

	<i>Zoning</i>	<i>Zoning Description</i>	<i>Land Use</i>
<b>Subject Property</b>	A M1	Agriculture Light Manufacturing	Agriculture Solar Farm
<b>North</b>	A	Agriculture	Single Family Residential
<b>South</b>	A R-20 CntyC1	Agriculture Residential Single Family County Highway District	Single Family Residential Vacant Land Country Side Mobile Home Park
<b>East</b>	Cnty-RA	County Residential Agriculture	Single Family Residential
<b>West</b>	A	Agriculture	Single Family Residential

**EXISTING LOT INFORMATION:** Current use of property – Solar Farm.

**Land Use Plan:** Future use of the parcel is rural and is located in the ETJ.



## RURAL

The Rural land use category is applied to those areas which are situated outside of areas deemed to have the most growth potential. Where development does occur in these areas, it is expected to be at less than 1 dwelling unit per acre and to not be served by the city’s wastewater system. While generally agricultural and low density residential in character, certain nonresidential land uses that serve the surrounding rural community are appropriate when sited in locations that do not negatively impact the character, such as small convenience retail uses at rural crossroads or larger scale commercial uses that are intended to directly support the rural agricultural economy.

**FLOOD RISK INFORMATION SYSTEM (FRIS) INFORMATION**

**Flood Zone:** Zone X is the flood insurance rate zone that corresponds to areas outside the 0.2% annual chance floodplain, areas within the 0.2% annual chance floodplain, and to areas of 1% annual chance flooding where average depths are less than 1 foot, areas of 1% annual chance flooding where the contributing drainage area is less than 1 square mile, and areas protected from the 1% annual chance flood by levees. No Base Flood Elevations or depths are shown within this zone.

**Map Number:** 3720030000k **Panel Effective Date:** 12/6/2019

**▲ Jason Britt Request**

Jul 17, 2025



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- Legend**
- |                   |   |
|-------------------|---|
| Panels            | Flood Hazard Areas                              |
| Political Areas   | AE  |
| Stream Centerline | Floodway (AE)                                   |
| Cross Sections    | 0.2 % Chance Annual Flood Hazard                |
| Levee             | Future Conditions 1% Annual Chance Flood Hazard |

North Carolina Floodplain Mapping Program





*Planning & Neighborhood Services*

**DEVELOPMENT UPON APPROVAL**

If this Special Use Permit is granted the applicant must submit site development plans to the City of Lumberton, and other applicable Federal and State Departments, for review and approval prior to development. All conditions of the Special Use Permit and Variance must be met prior to issuance of a Certificate of Occupancy.

**PLANNING DEPARTMENT RECOMMENDATION TO CITY COUNCIL (CPC)**

Council review the request, refer the petition to the September 16, 2025 Planning Board meeting for their review, and authorize the Planning Director to set the date of the public hearing.

## Askew, ArTriel

---

**From:** Jason Britt <jason.britt@ncfbins.com>  
**Sent:** Thursday, August 14, 2025 11:20 AM  
**To:** Askew, ArTriel  
**Subject:** FW: MEETING 8-19-2025  
**Attachments:** S&EC\_Old Whiteville Road Property - Wetland Sketch Map Packet 2025.pdf

ArTriel,

Wanted to see if we could add these photos along with the wetland delineation attachment to the PowerPoint for 8-19 meeting.

Thanks

**Jason Britt**

Agent

**North Carolina Farm Bureau® Mutual Insurance Group**

Robeson County Farm Bur/Adams

Office: 910-738-7171 Mobile: 910-258-2644

Fax: 910-739-1906

[jason.britt@ncfbins.com](mailto:jason.britt@ncfbins.com)



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of North Carolina



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**MDRT**

The Premier Association of Financial Professionals®

---

**From:** Jason Britt <jason.britt@ncfbins.com>  
**Sent:** Thursday, August 14, 2025 11:15 AM  
**To:** Jason Britt <jason.britt@ncfbins.com>  
**Subject:**











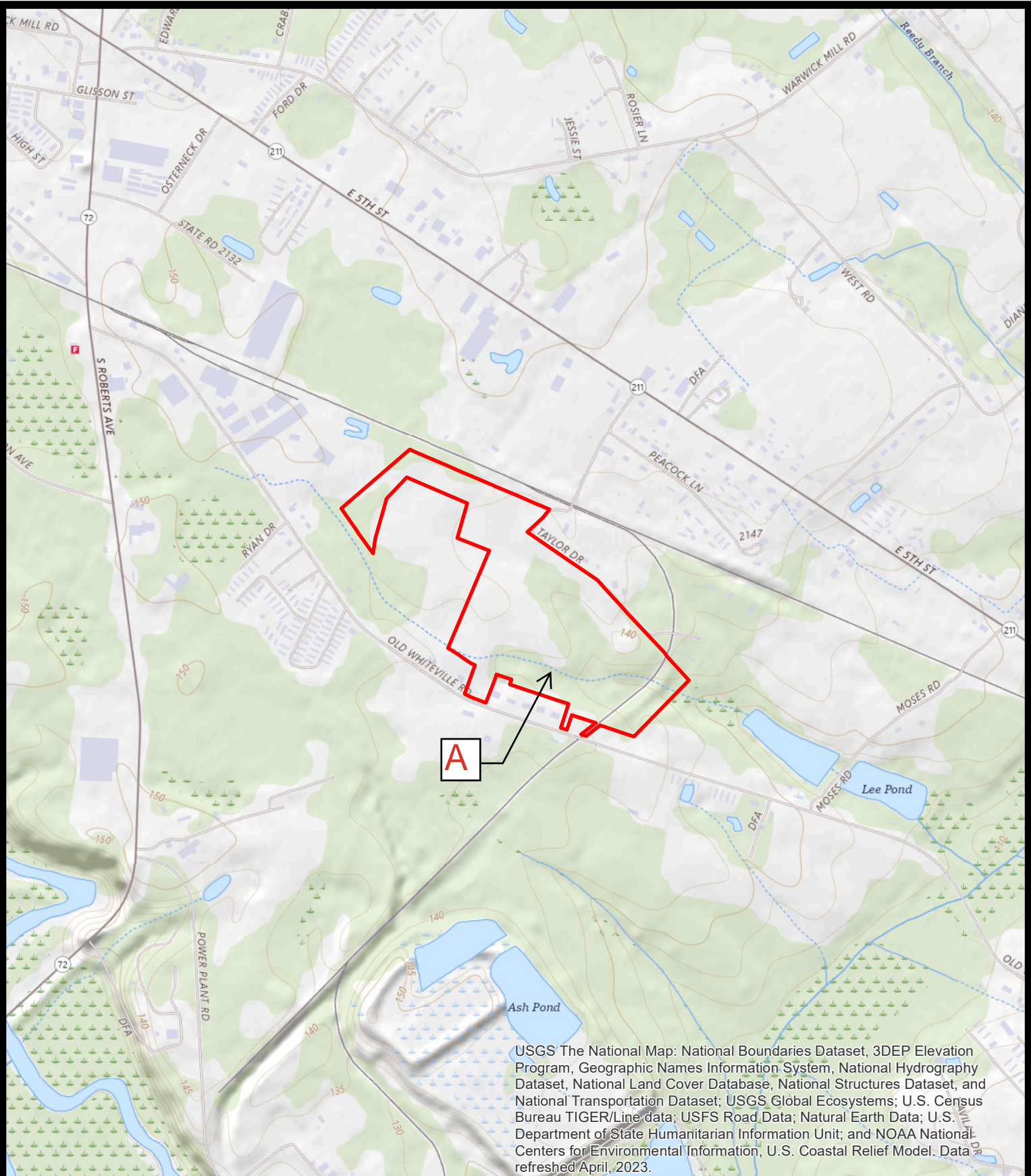








Sent from my iPhone



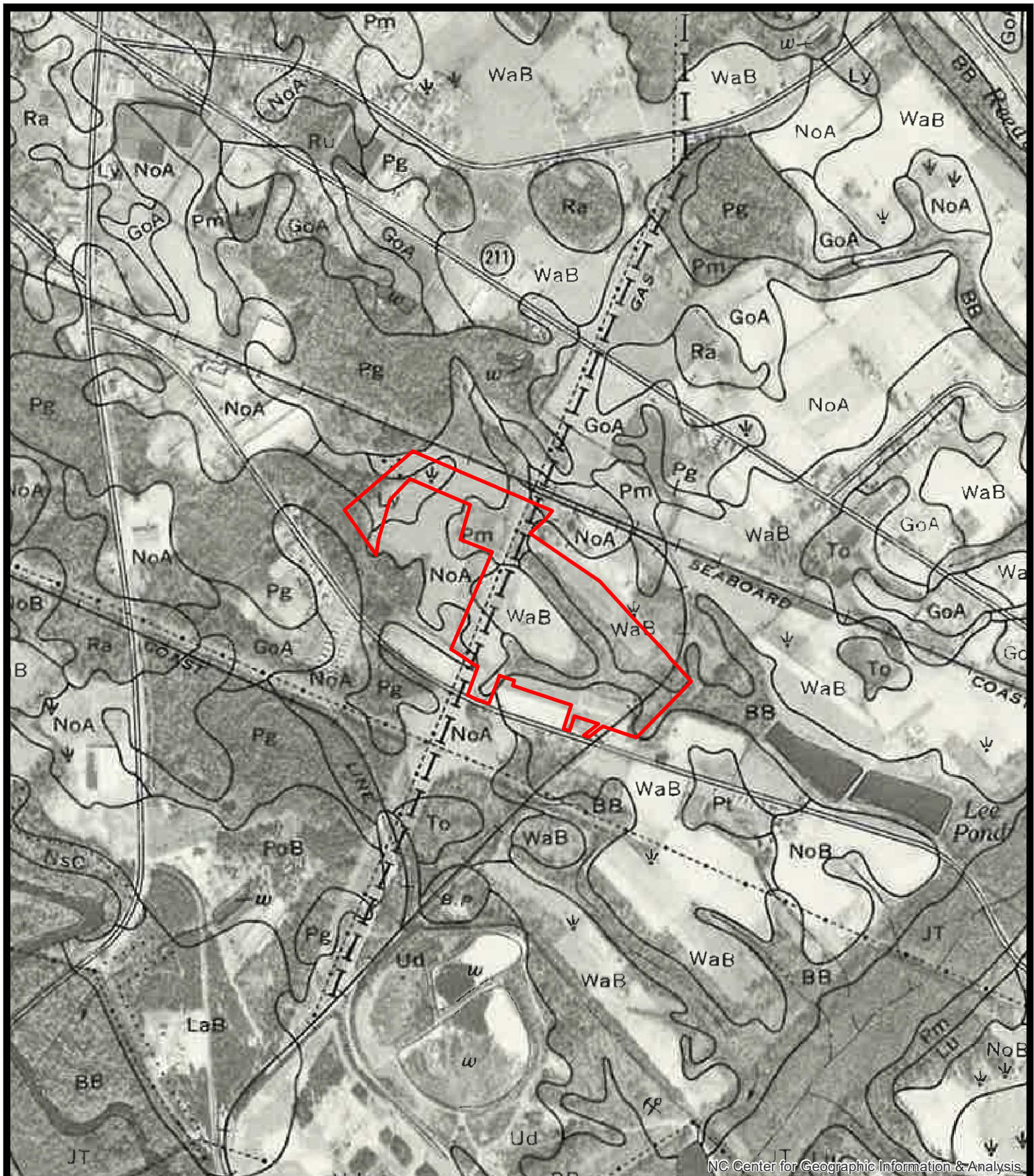
USGS The National Map: National Boundaries Dataset, 3DEP Elevation Program, Geographic Names Information System, National Hydrography Dataset, National Land Cover Database, National Structures Dataset, and National Transportation Dataset; USGS Global Ecosystems; U.S. Census Bureau TIGER/Line data; USFS Road Data; Natural Earth Data; U.S. Department of State Humanitarian Information Unit; and NOAA National Centers for Environmental Information, U.S. Coastal Relief Model. Data refreshed April, 2023.

Project Number:	<b>16342.W1</b>
Project Manager:	<b>KM</b>
Scale:	<b>1" = 1000'</b>
Date:	<b>01/17/2025</b>

Map Title:	<b>Figure 1 - USGS Map</b>
	<b>Old Whiteville Road,</b>
	<b>Lumberton, NC</b>
Source:	<b>USGS National Map</b>

N

**Soil & Environmental Consultants, Inc.**  
8412 Falls of Neuse Road, Suite 104, Raleigh, NC 27618 • Phone (919) 846-5900 • Fax (919) 846-9467  
sandec.com



NC Center for Geographic Information & Analysis

Project Number:  
**16342.W1**

Project Manager:  
**KM**

Scale:  
**1" = 1000'**

Date:  
**01/17/2025**

Map Title:  
**Figure 2 - Soil Survey Map**  
**Old Whiteville Road,**  
**Lumberton, NC**

Source: **Robeson County Soil**  
**Survey Sheet 49**

0 1,000 2,000  
Feet

**S&EC**

**Soil & Environmental Consultants, Inc.**  
8412 Falls of Neuse Road, Suite 104, Raleigh, NC 27615 • Phone (919) 846-5906 • Fax (919) 846-9467  
sandec.com

N

**Detailed Delineation of Waters of the US**  
Suitable for Preliminary Planning Only

S&EC reserves the right to modify this map based on more fieldwork, and any other additional information. Approximations were made using topographic maps, air photos, and ground truthing. If the site is going to be disturbed, S&EC's detailed delineation should be approved and permitted by the U.S. Army Corps of Engineers as required. These flags were gps'd using a Juniper Systems GNS3 Receiver. This unit is not survey grade and should be used only for preliminary planning. If the user of this work desires an accurate map of the regulated features flagged by S&EC, they should retain a NC Registered Professional Land Surveyor to locate S&EC's flagging.



**Legend**

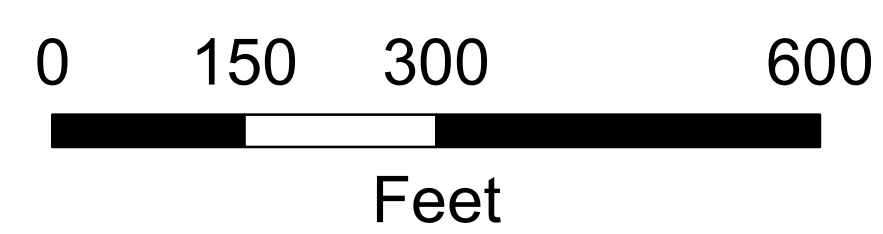
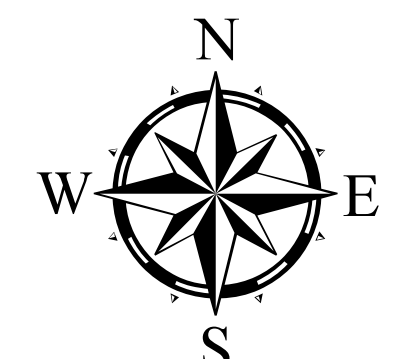
- Property Boundary
- Potentially Jurisdictional Perennial Stream
- Potentially Jurisdictional Intermittent Stream
- Potentially Jurisdictional Ditch
- Potentially Jurisdictional Wetland
- 2' Contours

Project No.  
16342.W1

Project Mgr.:  
KM

Scale:  
1" = 150'

02/03/2025



**Wetland Sketch Map**

Old Whiteville Road,  
Lumberton, NC

Source:  
Aerials from NC OneMap



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sandec.com



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sandec.com

## PROPERTY OWNER CERTIFICATION / AGENT AUTHORIZATION

Project Name/Description: \_\_\_\_\_ S&EC Project # \_\_\_\_\_

Date: \_\_\_\_\_

The Department of the Army  
U.S. Army Corps of Engineers, Wilmington District  
69 Darlington Avenue  
Wilmington, NC 28403

Attn: \_\_\_\_\_ Field Office: \_\_\_\_\_

I, the undersigned, a duly authorized owner of record of the property/properties identified herein, do authorize representatives of the Wilmington District, U.S. Army Corps of Engineers (Corps) and Soil & Environmental Consultants, Inc. (S&EC) staff (as my agent) to enter upon the property herein described for the purpose of conducting on-site investigations and issuing a determination associated with Waters of the U.S. subject to Federal jurisdiction under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899. This document also authorizes S&EC (as my agent) to act on my behalf and take all actions necessary for the processing, issuance and acceptance of a permit or certification and any and all associated standard and special conditions. This notification supersedes any previous correspondence concerning the agent for this project.

NOTICE: This authorization, for liability and professional courtesy reasons, is valid only for government officials to enter the property when accompanied by S&EC staff. You should call S&EC to arrange a site meeting prior to visiting the site.

### PARCEL INFORMATION:

Parcel Index Number(s) (PIN): \_\_\_\_\_

Site Address: \_\_\_\_\_

City, County, State: \_\_\_\_\_

### PROPERTY OWNER INFORMATION:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone No.: \_\_\_\_\_ Fax No.: \_\_\_\_\_ Mobile No.: \_\_\_\_\_

Email: \_\_\_\_\_

\_\_\_\_\_  
Property Owner (please print)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Property Owner Signature

***We hereby certify the above information submitted in this application is true and accurate to the best of our knowledge.***

**2025007800**  
 ROBESON CO, NC FEE \$26.00  
 PRESENTED & RECORDED:  
 09-05-2025 09:07:56 AM  
 VICKI L LOCKLEAR  
 REGISTER OF DEEDS  
 BY: JENNIFER BRITT  
 ASSISTANT  
**BK: D 2536**  
**PG: 232-233**

**NORTH CAROLINA**

**VARIANCE**

**ROBESON COUNTY** *Hold: City of Lumberton*

PROPERTY OWNER: Jason Britt

Tax Map: 2905 Block: 01 Lot: 007

DEED REFERENCE: Deed Book: 2396 Page: 590-592

VARIANCE FROM PROVISION OF ARTICLE XII, SECTION 35-220 OF THE CODE OF THE CITY OF LUMBERTON, NORTH CAROLINA, FOR THE PURPOSE OF:

Creation of two single-family residential lots served by a private road not constructed to public street standards for a tract of land where a previous approval for a private road not constructed to public street standards has been created.

MEETING DATE: August 19, 2025

On the date listed above, the Board of Adjustment of the City of Lumberton met to consider an application to issue a Variance from the aforelisted section of the Code of the City of Lumberton, North Carolina, at the aforelisted property location.

Having heard all the evidence and argument presented at the hearing, the Board finds that:

- (1) Unnecessary hardship would result from the strict application of the ordinance;
- (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. (Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.);
- (3) The hardship did not result from actions taken by the applicant or the property owner;
- (4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured and substantial justice is achieved.

Based upon the aforementioned findings, the Board concludes that strict enforcement of the Ordinance would result in practical difficulties or unnecessary hardships and that the spirit of the Ordinance will be observed, public safety and welfare secured and substantial justice done and that, therefore, the application for the Variance from the aforelisted section of the Code of the City of Lumberton, North Carolina, for the aforelisted purpose is hereby approved, subject to the following conditions:

- (1) Prior to commencing any development on reliance of this variance, the owner shall secure the necessary zoning, special use, or conditional use permits from the City of Lumberton.

(2) The owner shall complete the development in accordance with the plans and representations as reflected in the records of the hearing on this matter, a copy of which is filed in the Planning & Neighborhood Services Department of the City of Lumberton, North Carolina.

(3) In issuing the Variance, the Board has placed the following additional conditions or requirements upon the owner, his successors and assigns in exercising the rights granted herein: NONE NOTED.

(4) If any of the conditions affixed hereto or any part thereof shall be held invalid or void, then this Variance shall be void and of no effect.

Nothing authorized by the Variance may be done until the property owner properly executes and returns to the City the attached acknowledgement of the issuance of this Variance so that the City may have it recorded in the Robeson County Registry.

IN WITNESS WHEREOF, the City of Lumberton has caused this Variance to be issued in its name, and the undersigned, being all of the property owners of the property above described, do hereby accept this Variance, together with all its conditions, as binding on them and their successors in interest.

CITY OF LUMBERTON

BY: [Signature]  
Chairman, Board of Adjustment

ATTEST:

[Signature]  
Secretary, Board of Adjustment

Owner(s) of the above identified property, do hereby acknowledge receipt of this Variance. The undersigned owners do further acknowledge that no work may be done pursuant to this Variance except in accordance with all of its conditions and requirements and that this restriction shall be binding on them and their successors in interest.

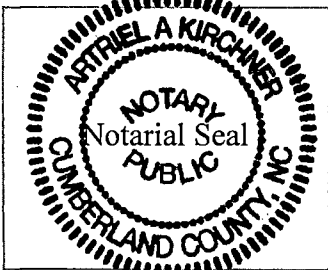
[Signature] (SEAL) \_\_\_\_\_ (SEAL)  
Owner Owner  
\_\_\_\_\_  
Owner Owner

STATE OF North Carolina COUNTY OF Robeson

I, Arriel A. Kirchner, a Notary Public in and for said County and State, do hereby certify that Jason Morris Britt and

N/A  
Personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and Notarial Seal this 4 day of September, 2025.



[Signature]  
Notary Signature

My Commission Expires: October 4, 2025

**Lumberton Planning Board**

Item: III.D.

**Lumberton, North Carolina**



**Request for Action**

**Meeting Date:** September 16, 2025

**Originated By:** Planning & Neighborhood Services

**Submission Date:** 09/09/2025

**Subject:** William Sinclair rezoning - 3170 Elizabethtown Road – P-2 - PB

**Summary/Background of Subject Matter:**

William Sinclair is requesting to rezone property located at 3170 Elizabethtown Road, parcel # 321103014, Deed Bk. 02134, Pg. #0334, from Agriculture to B-2.

**Staff Recommendation:**

The planning staff recommends that the Planning Board hold tonight's public meeting, entertain public comment and make a recommendation to City Council regarding this matter.

**City Manager's Comments:**

**Signature:**

**Department:** Planning & Neighborhood Services

**ATTACHMENTS:**

1. Sinclair Rezoning Packet

City of



Lumberton

DEPARTMENT OF PLANNING & NEIGHBORHOOD SERVICES
APPLICATION FOR ZONING MAP AMENDMENT

TO: THE CITY COUNCIL OF THE CITY OF LUMBERTON

The undersigned hereby respectfully requests that the Official Zoning Map of the City of Lumberton, North Carolina be amended as hereinafter described:

(NOTE: Please complete this application by typing or printing legibly.)

1. Applicant:

Owner:

Full Legal Name: William Soucheir

Full Legal Name: Same as the Applicant

Physical Home Address: 3170 ELIZABETHTOWN RD
Lumberton, NC 28358

Physical Home Address:

Mailing Address:

Mailing Address:

Telephone: 202 760 0770

Telephone:

Legal Name of Business: SOURCE AUTO SALES LLC

EMAIL: will02555@gmail.com

2. Description of Property:

Table with 4 columns: Address, Deed Book, Page, Map Book, Frontage, Area. Contains handwritten values for 3170 ELIZABETHTOWN RD.

3. Tax Map Identification Number (parcel number): 321103014

4. Existing Zoning District Designation of Property: agriculture

5. Requested Zoning District Designation of Property: B-2

6. Applicant's Interest In Property (check one): [X] Owner [ ] Owner's Agent [ ] Lease-to-Own [ ] Tenant [ ] Family member [ ] Other (explain)

7. Legal Description of Property: Attach a running description of the portion of the property to be rezoned in metes and bounds sufficient to reconstruct the same on the property.

8. Site Map: Attach a map of the property in question. [Handwritten: 2 maps]

9. Application Fee: Submit the fee payment with application. The application fee is nonrefundable.

1 of 3

\*\*\*All property owners must provide a physical address and sign their application. Additional signature page(s) are available upon request.\*\*\*

File # 6-235

2/6/2014

Updated 4/5/2012

P.O. Box 1388 ♦ 500 N. Cedar Street ♦ Lumberton, NC 28359 ♦ Phone : 910-671-3838 ♦ Fax : 910-671-3975

Handwritten signature/initials

City of



Lumberton

DEPARTMENT OF PLANNING & NEIGHBORHOOD SERVICES  
APPLICATION FOR ZONING MAP AMENDMENT

10. Applicant's Intended Use of Property (Applicant should attach a detailed business plan which includes the intended use of the property):

I plan on using the property for a used car dealership. The property was a used car dealership through my Dad Purdie Sirelain (Purdie's Auto Sales) from 1975 to 2022.

2 of 3

\*\*\*All property owners must provide a physical address and sign their application. Additional signature page(s) are available upon request.\*\*\*

File #

2/6/2014

Updated 4/5/2012

P.O. Box 1388 ♦ 500 N. Cedar Street ♦ Lumberton, NC 28359 ♦ Phone : 910-671-3838 ♦ Fax : 910-671-3975

City of



Lumberton

DEPARTMENT OF PLANNING & NEIGHBORHOOD SERVICES  
APPLICATION FOR ZONING MAP AMENDMENT

11. Notarized Signatures:

Applicant: William Sinclair 3170 E Elizabethtown RD  
Full Legal Name (type or print) Home Address

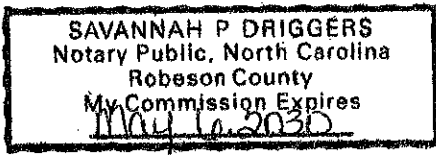
STATE OF North Carolina COUNTY OF Robeson

I, Savannah P. Driggers, a Notary Public in and for said County and State, do hereby certify that the following individual personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Applicant: William Sinclair  
Signature

WITNESS my hand and official seal, this the 7<sup>th</sup> day of August, 2025

(Official Seal)



Savannah P. Driggers  
Official Signature of Notary

Savannah P. Driggers, Notary Public  
Notary's printed or typed name

My Commission Expires: May 6, 2030

Owner: Same as above  
Full Legal Name (type or print) Home Address

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public in and for said County and State, do hereby certify that the following individual personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Owner: \_\_\_\_\_  
Signature

WITNESS my hand and official seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(Official Seal)

\_\_\_\_\_  
Official Signature of Notary

\_\_\_\_\_, Notary Public  
Notary's printed or typed name

My Commission Expires: \_\_\_\_\_

3 of 3

\*\*\*All property owners must provide a physical address and sign their application. Additional signature page(s) are available upon request.\*\*\*

File # \_\_\_\_\_

2/6/2014

Updated 4/5/2012



Planning & Neighborhood Services

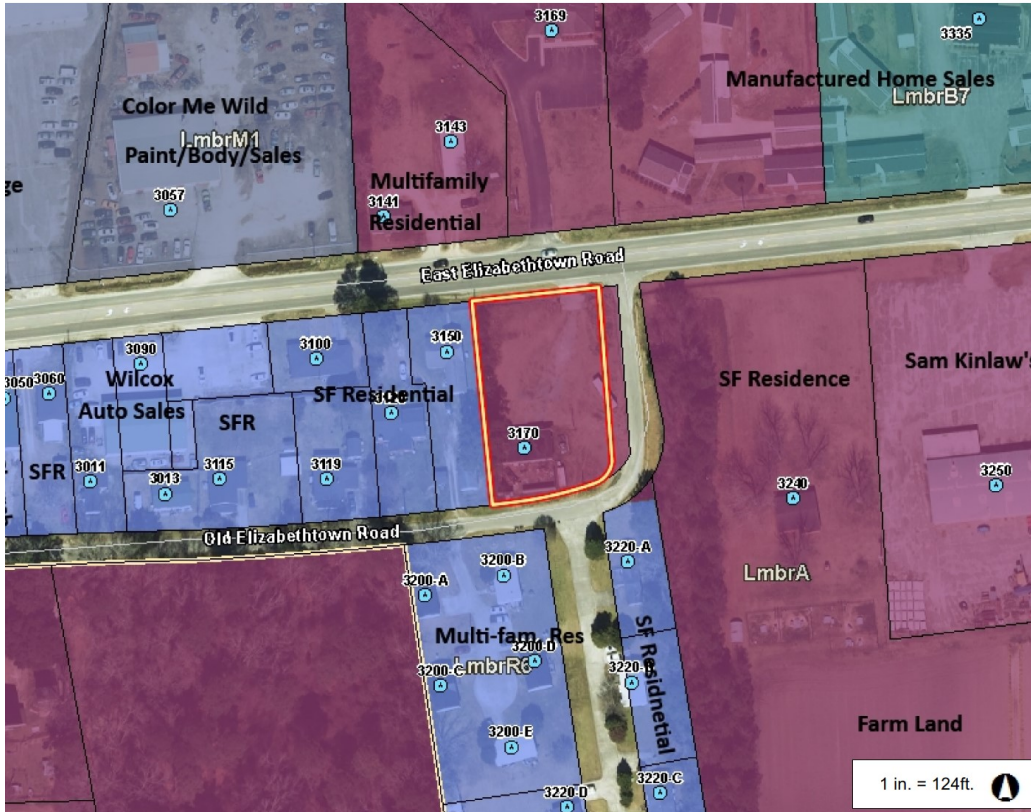
Request for Rezoning
6.235 William Sinclair

Table with 2 columns: PETITIONER(S) and OWNER(S). Includes details for William Sinclair and Sinclair William & Posey Ericka & Sinclair Natalie. Also includes Rezoning information: William Sinclair rezoning - 3170 Elizabethtown Road - P-2.

LOCATION: 3170 Elizabethtown Road - 3211-03-014



**Zoning: Agriculture**



### PARCEL INFORMATION

Owner	Parcel #(s)	Zoning	Area
SINCLAIR WILLIAM & POSEY ERICKA & SINCLAIR NATALI	3211-03- 014	'A' Agriculture	~ 0.62 acres ~ 27,000 square feet

### ADJACENT PROPERTY SITE DATA

	Zoning	Land Use
<b>Subject Property</b>	'A' Agriculture	Vacant commercial structure, formerly Purdies Auto Sales (9.100)
<b>North</b>	'A' Agriculture	Baird's Animal Hospital
<b>South</b>	R-6, Residential-Class-'A' Manufactured Homes	Mixed residential
<b>East</b>	'A' Agriculture	Single-family residential City of Lumberton, Public Park
<b>West</b>	R-6, Residential-Class-'A' Manufactured Homes	Single-family residential



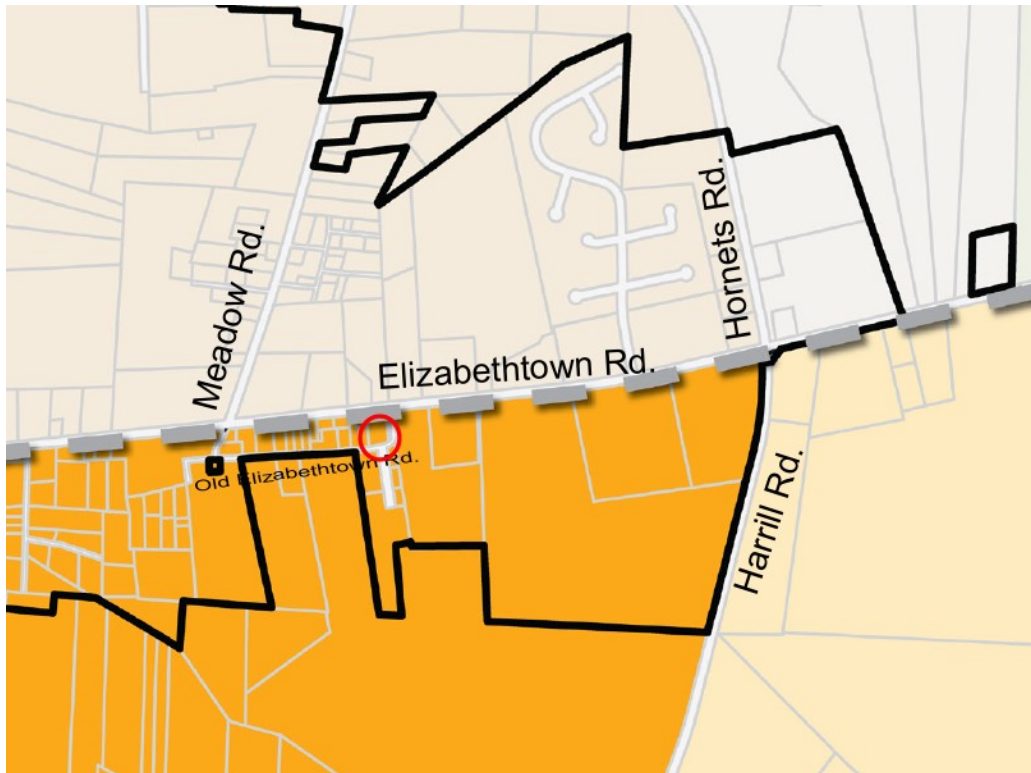
*Planning & Neighborhood Services*

**STAFF ANALYSIS**

**Analysis:** The owner is requesting to rezone the property from Agriculture to B-2 to reopen the auto sales establishment. Currently, there is a vacant commercial structure, formerly Purdies Auto Sales, located on the property.

**PLANNING & ZONING**

**Land Use Plan:** The Land Use Plan designates the future use of this parcel as medium intensity and is located in Precinct 2.



**MEDIUM INTENSITY**

The Medium Intensity land use category is intended to accommodate medium density residential development (up to 10 dwelling units / acre), including both single family residences and larger scale multi-family dwellings. This land use category is also intended to accommodate the use and development of land for medium intensity nonresidential uses, such as churches, schools, neighborhood scale retail, professional offices and similar uses when sited in a manner that does not negatively impact adjoining residential uses located within this or an adjacent lower intensity land use category. In general, these areas are intended to provide a transition between low and high intensity land uses, as well as to facilitate redevelopment in areas where increased density and/or intensity of use is desired.



*Planning & Neighborhood Services*

**Setback and Lot Size:**

Zoning District	Min. Lot Size	Min. Lot Width	Min. Front Setback (right of way)	Min. Side & Rear Setbacks (unless a right of way borders it, then right-of-way min setbacks are observed).	Maximum Height
Existing - A	40,000 sq.ft.	100'	50'	20'	35'
Requested B-2	3,000 sq.ft.	50'	20'	10'	35'

**Existing Setback and Lot Size:**

Zoning District	Lot Size	Lot Width	Setback (right of ways)	Right Side Setbacks	Height
- A	~ 0.62 acres ~ 27,000 sq.ft.	138'	E'Town Rd ~130' Old E'Town Rd (L Side) ~ 60' Old E'Town Rd (Rear Side) ~ 35'	R--10'	N/A

**Screening Requirement:** 9.100 Motor vehicle sales or rentals, excluding manufactured home sales.

Type "C" Screen
1.110- Single-family residences other than mobile homes
1.130-Single-family residences with accessory apartment
1.120-Single-family residences, mobile homes
1.200-Two family residences

**Opaque screen, type "C."** A screen that is opaque to a height of at least eight (8) feet. An opaque screen is intended to exclude completely all visual contact between uses and to create a strong impression of spacial separation. The opaque screen may be composed of a wall, fence or earth berm.

**Parking** - 1 space per 200 square feet of gross floor area. Building – 1,296 sq.ft. **Required 6 parking spaces.**

# City of Lumberton

## Planning & Neighborhood Services

**Flood Zone 'X' Not in 100-YR Floodplain:** Area of minimal risk and determined to be outside the 100 and 500-year floodplains.

▲ **3170 Elizabethtown Rd**

Aug 26, 2025



Legend	
	Panels
	Political Areas
	Stream Centerline
	Cross Sections
	Levee
	Flood Hazard Areas
	AE
	Floodway (AE)
	0.2 % Chance Annual Flood Hazard
	Future Conditions 1% Annual Chance Flood Hazard

North Carolina Floodplain Mapping Program



### PLANNING STAFF RECOMMENDATION TO COUNCIL

CPC review the request, refer the petition to the **September 16, 2025** Planning Board meeting for their review, and authorize the Planning Director to set the date of the public hearing.

The A (agricultural) district is designed to protect agricultural lands and woodlands within the city's planning jurisdiction, for this reason, larger minimum lot sizes are required. This district is also intended to accommodate some types of uses that would be appropriate in more sparsely populated areas but would not be appropriate in the more intensely developed residential zones.

**I. Agriculture 'A' Zoning District Permitted Uses**

1.110 Single-family residences other than Mobile Homes

1.120 Mobile homes, 1.121 Class A & 1.122 Class B

1.410 Homes for handicapped or infirm, Family Care Homes (Level II & III)

1.600 Temporary emergency, construction, and repair residences

1.700 Home occupations

5.200 Churches, synagogues and temples (including associated residential structures for religious personnel and associated buildings but not including elementary school or secondary school buildings)

6.240 Horseback riding; stables (not constructed pursuant to permit authorizing residential development)

12.100 Veterinarian

12.200 Kennel

14.110 Agricultural operations, farming excluding livestock

14.200 Silvicultural operations

18.100 Towers and antennas fifty feet in height or less

18.200 Disguised/attached antennas

19.000 Open-Air Markets and Horticultural Sales

23.000 Temporary Structures used in Connection With the Construction of a Permanent Building or for Some Nonrecurring Purpose

25.000 Commercial Greenhouse Operations

28.200 Minor Subdivisions

## **II. Agriculture 'A' Zoning District Requires a Special Use Permit**

- 1.130 Single- family residences with accessory apartment
- 1.420 Nursing care, intermediate care homes
- 1.430 Child care homes
- 1.440 Halfway houses
- 5.110 Elementary and secondary (including associated grounds and athletic and other facilities)
- 5.130 Colleges, universities, community colleges (including associated facilities such as dormitories, office buildings, athletic fields, etc.)
- 5.310 Libraries, museums, art galleries, art centers and similar uses (including associated educational and instructional activities) Located within a building designed and previously occupied as a residence or within a building having a gross floor area not in excess of 3,500 square feet
- 6.210 Privately owned outdoor recreational facilities such as golf and country clubs, swimming or tennis clubs, etc., not constructed pursuant to a permit authorizing the construction of some residential development
- 6.220 Publicly owned and operated outdoor recreational facilities such as athletic fields, golf courses, tennis courts, swimming pools, parks, etc., not constructed pursuant to a permit authorizing the construction of another use such as a school
- 6.260 Drive-in movie theatres
- 6.270 Recreational vehicle parks and/or campgrounds
- 13.100 Police stations
- 13.200 Fire stations
- 13.300 Rescue squad, ambulance service
- 13.400 Civil defense operation
- 13.510 & 13.520 Training Facilities with Activity conducted within or outside fully enclosed building
- 14.120 Agricultural operations, farming Including livestock
- 14.300 Mining or quarrying operations, including on-site sales of products
- 14.400 Reclamation landfill

15.200 Airport

15.300 Sanitary landfill

17.100 Neighborhood Utility Facilities

18.300 towers and antennas more than fifty feet in height

21.100 Cemetery

21.200 Crematorium

22.000 Nursery Schools; Day Care Centers

28.100 Major Subdivisions

28.300 Public utility facilities without direct or indirect access

The B-2 (community business) districts are designed to accommodate commercial development on a scale that is less intensive than that permitted in a B-1 district. A lesser intensity of development is achieved through setback, height, and minimum lot size requirements that are more restrictive than those applicable to the B-1 zone. The types of uses permissible in these zones are generally similar to the types permissible in a B-1 zone, except that additional automobile-oriented businesses (e.g. , drive-in banks and restaurants), not allowed in the B-1 zone, are permissible in these zones. The B-2 and B-2H thus may provide a transition in some areas between a B-1 zone and a residential zone or may provide for a smaller scale shopping center that primarily serves one neighborhood or area of the city (as opposed to a regional shopping center). The dimensional restrictions in the zone are also designed in appropriate areas to encourage the renovation for commercial purposes of buildings that formerly were single-family residences. The only difference between B-2 and B-2H zones is the difference in height limitations spelled out in section 35-186. Therefore, all other references in this chapter to the B-2 district shall be deemed to include the B-2H district.

### **I. B-2 Zoning District Permitted Uses**

1.210 Duplex

1.220 Two-family conversion

1.310 Multifamily residences Other than mobile home parks

1.330 Multifamily conversion

1.410 Homes for handicapped or infirm, Family Care Homes (Level II & III)

1.510 Rooming houses, boarding houses

1.520 Tourist homes and other temporary residences renting by the day or week

1.600 Temporary emergency, construction, and repair residences

2.111 Miscellaneous Sales and Rental of Goods, Merchandise and Equipment

2.113 Convenience stores

2.120 Low- volume traffic generation sales

3.110 Offices - Operations designed to attract and serve customers or clients on the premises, such as the offices of attorneys, realtors, other professions, insurance and stock brokers, travel agents, etc.

3.120 Offices - Operations designed to attract little or no customer or client traffic other than employees of the entity operating the principal use

3.130 Office or clinics of physicians or dentists

3.230 Banks with drive-in windows

4.110 Majority of dollar volume of business done with walk-in trade Manufacturing, Processing, Creating, Repairing, Renovating, Painting, Cleaning, Assembling of Goods, Merchandise and Equipment

4.120 Majority of dollar volume of business done without walk-in trade

- 5.200 Churches, synagogues and temples (including associated residential structures for religious personnel and associated buildings but not including elementary school or secondary school buildings)
- 5.310 Libraries, museums, art galleries, art centers and similar uses (including associated educational and instructional activities) Located within a building designed and previously occupied as a residence or within a building having a gross floor area not in excess of 3,500 square feet
- 5.320 Libraries, museums, art galleries, art centers and similar uses (including associated educational and instructional activities) Located within any permissible structure
- 5.400 Social, fraternal clubs and lodges, union halls, and similar
- 6.110 Bowling alley, skating rinks, indoor tennis and squash courts, indoor athletic and exercise facilities and similar uses
- 6.121 Movie theatres Seating capacity of not more than 300
- 8.100 Restaurants No substantial carry-out or delivery service, no drive-in service, no service or consumption outside fully enclosed structure
- 8.200 Restaurants No substantial carry-out or delivery service, no drive-in service, service or consumption outside fully enclosed structure
- 8.300 Carry-out and delivery service, consumption outside fully enclosed structure allowed
- 9.100 Motor vehicle sales or rentals, excluding manufactured home sales
- 9.500 Gas sales
- 9.600 Car wash
- 9.810 Manufactured home sales office without, display units.
- 10.100 Automobile parking garages or parking lots not located on a lot on which there is another principal use to which the parking is related
- 10.210 Storage of goods not related to sale or use of those goods on the same lot where they are stored within completely enclosed structures
- 16.000 Dry Cleaner, Laundromat
- 18.100 Towers and antennas fifty feet in height or less
- 18.200 Disguised/attached antennas
- 20.000 Funeral Homes
- 22.000 Nursery Schools; Day Care Centers
- 23.000 Temporary Structures used in Connection With the Construction of a Permanent Building or for Some Nonrecurring Purpose
- 24.300 Taxi stands

25.000 Commercial Greenhouse Operations

28.200 Minor Subdivisions

## **II. B-2 Zoning District Requires a Special Use Permit**

1.420 Nursing care, intermediate care homes

1.430 Child care homes

1.440 Halfway houses

1.530 Hotels, motels, and similar businesses or institutions providing overnight accommodations

2.112 ABC stores

3.140 Government Office Buildings

4.400 Manufacturing, processing, creating, repairing, renovating, painting, cleaning, assembling of goods, merchandise and equipment Outside storage of recyclable materials greater in area than 400 sq. ft. and/or higher than 8 feet above the finished grade

5.110 Elementary and secondary (including associated grounds and athletic and other facilities)

5.120 Trade or vocational schools

5.130 Colleges, universities, community colleges (including associated facilities such as dormitories, office buildings, athletic fields, etc.)

6.122 Movie theatres Seating capacity 301—999

6.150 Billiard parlors/Pool Halls & Game Centers

6.210 Privately owned outdoor recreational facilities such as golf and country clubs, swimming or tennis clubs, etc., not constructed pursuant to a permit authorizing the construction of some residential development

6.220 Publicly owned and operated outdoor recreational facilities such as athletic fields, golf courses, tennis courts, swimming pools, parks, etc., not constructed pursuant to a permit authorizing the construction of another use such as a school

13.100 Police stations

13.200 Fire stations

13.300 Rescue squad, ambulance service

13.400 Civil defense operation

13.510 & 13.520 Training Facilities Activity conducted within or outside fully enclosed building

14.400 Reclamation landfill

15.100 Post office

17.100 Neighborhood Utility Facilities

24.100 Bus stations

24.200 Train stations

28.100 Major Subdivisions

28.300 Public utility facilities without direct or indirect access

**Lumberton Planning Board**

Item: III.E.

**Lumberton, North Carolina**



**Request for Action**

**Meeting Date:** September 16, 2025

**Originated By:** Planning & Neighborhood Services

**Submission Date:** 09/09/2025

**Subject:** Mac Adolf Montilus' request for Conditional Zoning (CZ) Amendment - 2406 N. Roberts Ave. – P3 - PB

**Summary/Background of Subject Matter:**

Mac Adolf Montilus' request for Conditional Zoning (CZ) Amendment for property located at 2406 N. Roberts Avenue (parcel # 32060100701).

**Staff Recommendation:**

City Council review the request, refer the petition to the **September 16, 2025** Planning Board meeting for their review, and authorize the Planning Director to set the date of the public hearing.

**City Manager's Comments:**

**Signature:**

**Department:** Planning & Neighborhood Services

**ATTACHMENTS:**

1. Montilis Conditional Zoning Amendment Packet



DEPARTMENT OF PLANNING & NEIGHBORHOOD SERVICES  
APPLICATION FOR ZONING MAP AMENDMENT  
\*\*\* CONDITIONAL \*\*\*

TO: THE CITY COUNCIL OF THE CITY OF LUMBERTON

The undersigned hereby respectfully requests that the Official Zoning Map of the City of Lumberton, North Carolina be amended as hereinafter described:

(NOTE: Please complete this application by typing or printing legibly.)

1. Applicant:

Owner:

Full Legal Name: Mac Adolf Monhkus

Full Legal Name: Mac Adolf Monhkus

Physical Home Address: 108 Berkshire place  
Lumberton NC 28358

Physical Home Address: 108 Berkshire place  
Lumberton NC 28358

Mailing Address: 108 Berkshire place  
Lumberton NC 28358

Mailing Address: 108 Berkshire place  
Lumberton NC 28358

Telephone: (910) 736-1475

Telephone: (910) 736-1475

Legal Name of Business: Monhkus Realty

EMAIL: macmonhkus@hotmail.com

2. Description of Property:

2406 N Roberts Avenue Lumberton NC	2072	544
(Address)	(Deed Book)	(Page)
9392	220	1.05 Acre
(Map Book)	(Page)	(Area)
	(Frontage)	

3. Tax Map Identification Number (parcel number): 32060100701

4. Existing Zoning District Designation of Property: CZ B-4

5. Requested Zoning District Designation of Property: CZ B-4 Amendment

6. Applicant's Interest In Property (check one):  Owner  Owner's Agent  Lease-to-Own  
 Tenant  Family member  Other (explain)

7. Legal Description of Property: Attach a running description of the portion of the property to be rezoned in metes and bounds sufficient to reconstruct the same on the property.

8. Site Map: Attach a map of the property in question.

9. Application Fee: Submit the fee payment with application. The application fee is nonrefundable.

1 of 3

\*\*\*All property owners must provide a physical address and sign their application. Additional signature page(s) are available upon request.\*\*\*

File # \_\_\_\_\_  
2/6/2014  
Updated 4/5/2012

City of



Lumberton

DEPARTMENT OF PLANNING & NEIGHBORHOOD SERVICES  
APPLICATION FOR ZONING MAP AMENDMENT

10. Applicant's Intended Use of Property (Applicant should attach a detailed business plan which includes the intended use of the property):

Amend current conditional zoning to  
add office use # 3.110, # 3.130 & #  
3.120

2 of 3

\*\*\*All property owners must provide a physical address and sign their application. Additional signature page(s) are available upon request.\*\*\*

File #

2/6/2014

Updated 4/5/2012

P.O. Box 1388 ♦ 500 N. Cedar Street ♦ Lumberton, NC 28359 ♦ Phone : 910-671-3838 ♦ Fax : 910-671-3975

City of



Lumberton

DEPARTMENT OF PLANNING & NEIGHBORHOOD SERVICES  
APPLICATION FOR ZONING MAP AMENDMENT

11. Notarized Signatures:

Applicant: Mac Adolf Montilus 108 Berkshire Place Lumberton  
Full Legal Name (type or print) Home Address

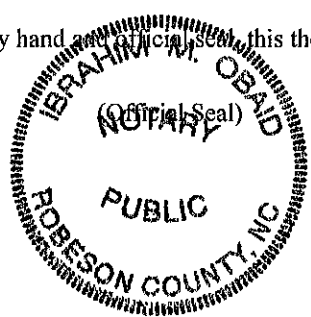
STATE OF North Carolina COUNTY OF Robeson

NC  
28358

I, Ibrahim M Obaid, a Notary Public in and for said County and State, do hereby certify that the following individual personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Applicant: \_\_\_\_\_  
Signature

WITNESS my hand and official seal, this the 11th day of August, 2025  
\_\_\_\_\_  
Official Signature of Notary



Ibrahim M Obaid, Notary Public  
Notary's printed or typed name

My Commission Expires: 07/31/2026

Owner: Mac Adolf Montilus 108 Berkshire Place Lumberton  
Full Legal Name (type or print) Home Address

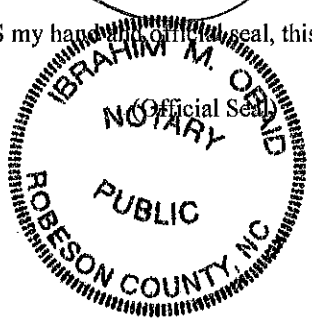
STATE OF North Carolina COUNTY OF Robeson

NC  
28358

I, Ibrahim M Obaid, a Notary Public in and for said County and State, do hereby certify that the following individual personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Owner: \_\_\_\_\_  
Signature

WITNESS my hand and official seal, this the 11th day of August, 2025  
\_\_\_\_\_  
Official Signature of Notary



Ibrahim M Obaid, Notary Public  
Notary's printed or typed name

My Commission Expires: 07/31/2026

3 of 3

\*\*\*All property owners must provide a physical address and sign their application. Additional signature page(s) are available upon request.\*\*\*

File # \_\_\_\_\_  
2/6/2014  
Updated 4/5/2012

# City of Lumberton

## Planning & Neighborhood Services

### Request for CZ Zoning Amendment 6.236 Mac Adolf Montilus

PETITIONER(S):	OWNER(S):	
Mac Adolf Montilus 108 Berkshire Place Lumberton, NC 28358	Same	

**Rezoning Request:** Mac Adolf Montilus request for Conditional Zoning (CZ) Amendment - 2406 N. Roberts Ave. – P3

**LOCATION:**

2406 N. Roberts Ave



Zoning:



**PROJECT OVERVIEW**

**Analysis:** Mac Adolf Montilus is requesting to amend the conditional zoning B-4 (restaurant use only) to allow office use #3.110, 3.130 and 3.120 for property located at 2406 N. Roberts Avenue (parcel # 32060100701). Previous condition(s) to remain.



*Planning & Neighborhood Services*

**PLANNING & ZONING**

<b>PARCEL INFORMATION</b>					
<b>Owner</b>	<b>Parcel #(s)</b>	<b>Zoning</b>	<b>Square Footage/ Area</b>	<b>Limits of Construction</b>	<b>EXISTING/PROPOSED USES</b>
Mac Adolf Montilus	32060100701	CZ B-4 (restaurant use only)	1.05 acres	1.05 acres	<i>EXISTING</i> #8.400 - Restaurants  NEW: #3.110 #3.120 #3.130
#8.400	(EXISTING) RESTAURANT				
#3.110	Operations designed to attract and serve customers or clients on the premises  EXAMPLES offices of attorneys, realtors, other professions, insurance and stock brokers, travel agents, etc.				
#3.120	Operations designed to attract little or no customer or client traffic other than employees of the entity operating the principal use.  EXAMPLE – Home Health Care agencies				
#3.130	Office or clinics of physicians or dentists				

**MINIMUM (MAX) SETBACK AND LOT SIZE REQUIREMENTS**

<i>Zoning District</i>	<i>Min. Square Footage</i>	<i>Min. Road Frontage</i>	<i>Min. Front Setback (right of way)</i>	<i>Min. Side Setback</i>	<i>Min. Rear Setback</i>	<i>Max. Height</i>
<b>Existing Zoning CZB-4</b>	No Minimum	100'	40' From all right of ways.	10' From all sides with no right of way	40' Right of way – Elmhurst Dr.	35'



*Planning & Neighborhood Services*

<i>Ext. Square Footage</i>	<i>Ext. Road Frontage</i>
45,738	220.31'

	<b>Zoning</b>	<b>Land Use</b>
<b>Subject Property</b>	<b>CZB-4</b>	<b>- Restaurant use only</b>
<b>North</b>	N/A R-15	Elmhurst Drive Vacant
<b>South</b>	N/A B-4	Roberts Avenue Hardee's/Bojangles Restaurants
<b>East</b>	CZ-B-4 – Restaurant use only	Highway 55 Restaurant
<b>West</b>	R-15	Single-Family Residential

**Land Use Plan:** The Land Use Plan Designation: Low Intensity Precinct 3.



*City of*



*Lumberton*

*Planning & Neighborhood Services*

**LOW INTENSITY**

The Low Intensity land use category is intended to accommodate both the preservation and growth of low to medium density neighborhoods (4 to 6 dwelling units / acre) consisting primarily of single-family residences, as well as small scale multi-family residential development, such as two and three family dwellings. While primarily residential in character, certain low impact nonresidential uses are appropriate for development within these areas, such as small churches, daycare centers, traditional home occupations and similar uses which will not conflict with the character of these areas when they are situated and developed in a manner that is consistent with an overall low intensity land use pattern.

**FLOOD RISK INFORMATION SYSTEM (FRIS) INFORMATION**

**Flood Zone ‘X’ (Not in floodplain):** Zone X is the flood insurance rate zone that corresponds to areas outside the 0.2% annual chance floodplain, areas within the 0.2% annual chance floodplain, and to areas of 1% annual chance flooding where average depths are less than 1 foot, areas of 1% annual chance flooding where the contributing drainage area is less than 1 square mile, and areas protected from the 1% annual chance flood by levees. No Base Flood Elevations or depths are shown within this zone.

**Flood Zone “Shaded X” (500-yr floodplain):** 0.2 Percent Annual Chance Flood: The flood that has a 0.2% chance of being equaled or exceeded in any given year.

**Flood Zone ‘AE’(100-yr floodplain):** Zones AE and A1-A30 are the flood insurance rate zones used for the 1-percent-annual-chance floodplains that are determined for the FIS by detailed methods of analysis. In most instances, BFEs derived from the detailed hydraulic analyses are shown at selected intervals in this zone. Mandatory flood insurance purchase requirements apply.



Map Number: 3710939200K Panel # 9392 Panel Effective Date: 12/6/2019

**DEVELOPMENT UPON APPROVAL**

If the amendment is granted the applicant must submit site development plans to the City of Lumberton, and other applicable Federal and State Departments, for review and approval prior to development. All conditions must be met prior to issuance of a Land Use Permit/Certificate of Occupancy.

**PLANNING DEPARTMENT RECOMMENDATION TO CITY COUNCIL (CPC)**

City Council review the request, refer the petition to the September 16, 2025 Planning Board meeting for their review, and authorize the Planning Director to set the date of the public hearing.

**2024009661**  
 ROBESON CO, NC FEE \$26.00  
 PRESENTED & RECORDED:  
**10-25-2024 10:07:12 AM**  
 VICKI L LOCKLEAR  
 REGISTER OF DEEDS  
 BY: KATELON FLOYD HUNT  
 DEPUTY  
**BK: D 2486**  
**PG: 231-233**

*Held for: City of Lumberton* **CONDITIONAL REZONING**

**ORDINANCE AMENDING THE LAND USE ORDINANCE AND OFFICIAL ZONING MAP  
 BY REZONING PROPERTY FROM R-15 (RESIDENTIAL SINGLE FAMILY) AND  
 B-3 (OFFICE RESIDENTIAL) TO CZ B-4 (CONDITIONAL ZONE BUSINESS GENERAL  
 COMMERCIAL)**

OWNER(S): DR. MAC MONTILUS  
 APPLICANT(S): DR. MAC MONTILUS  
 PARCEL: 32060100701  
 DEED: DEED BOOK 2072 PAGE 0544

WHEREAS, a petition requesting the rezoning of certain property was filed with the Director of Planning and Neighborhood Services on July 8, 2024;

WHEREAS, the proposed amendment initiated by said petition was submitted to the Planning Board for review and recommendation and the Planning Board did make a recommendation at its August 20, 2024, meeting;

WHEREAS, the City Council set a public hearing on the proposed amendment for September 9, 2024;

WHEREAS, the public notice of said public hearing was published in a newspaper having general circulation in the City of Lumberton on August 31, 2024 and September 7, 2024;

WHEREAS, written notice of said public hearing was mailed to the owners of the property to be rezoned as well as the owners as shown on the county tax listing of all properties, any portion of which is within one hundred fifty (150) feet of the property rezoned by the amendment, pursuant to City of Lumberton Code of Ordinances Section 35-323 on August 22, 2024;

WHEREAS, a sign containing notification of said public hearing was posted on the property to be rezoned on August 22, 2024;

WHEREAS, a public hearing on the question of rezoning was held on September 9, 2024, and all persons were given an opportunity to be heard;

WHEREAS, the City Council of the City of Lumberton does hereby determine and find that in accordance with the City of Lumberton's comprehensive zoning plan and for the purpose of promoting the health, safety, morals and the general welfare of the community, the property hereinafter described is best suited to be designated as CZ B-4 (Conditional Zone Business General Commercial ) and;

WHEREAS, G.S. 160D-702 grants to the City of Lumberton the power to zone, G.S. 160D-703 permits the City of Lumberton to divide its territorial jurisdiction into districts, and G.S. 160D-601 permits the City of Lumberton to amend its zoning boundaries;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lumberton that the Land Use Ordinance and Official Zoning Map of the City of Lumberton be and the same is hereby amended by rezoning that property more fully described herein from R-15 (RESIDENTIAL SINGLE FAMILY) AND B-3 (OFFICE RESIDENTIAL) TO CZ B-4 (CONDITIONAL ZONE BUSINESS GENERAL COMMERCIAL), said property being described as follows:

Lying and being adjacent to and on the northern side of NC Highway 211 (Roberts Avenue), adjacent to and on the southern side of Elmhurst Drive and adjoining the lands of Jean B. Noble (18-X/206) on the east, Lots 6 and 8 of Block E, Elmhurst Subdivision, Map Book 12, Page 101, on the west and being more particularly described as follows:

BEGINNING at an iron pipe (found) in the northern right of way line (150 ft. right of way) of NC Highway 211 (Roberts Avenue), the southeast corner of Lot 8 and the southeast corner of Lot 8, Block E, Elmhurst, Map Book 12, Page 101, and runs thence with the line of Lots 7 and 8 of Block E, Elmhurst, North 25 degrees 41 minutes 40 seconds East 134.04 feet to an iron pipe (found) in a ditch, the corner of Lots 7 and 8; thence with the line of Lots 5, 6 and 7 of said Elmhurst and a ditch South 63 degrees 15 minutes 40 seconds East 101.30 feet to an iron pipe (found), the corner of Lots 6 and 7; thence with the eastern line of Lot 6, Elmhurst, North 26 degrees 17 minutes 20 seconds East 144.79 feet to an iron pipe (found) in the curved southern right of way line (60 ft. right of way) of Elmhurst Drive, the northeast corner of said Lot 6; thence with the curved southern right of way line of Elmhurst Drive, the chord being South 63 degrees 22 minutes East 119.87 feet to an iron pipe (found), the northeast corner of Tract 1, contained herein (730/126); thence with the eastern line of said Tract 1 to and with the eastern line of Tract 2 (730/126) South 26 degrees 16 minutes West 265.56 feet to an iron rod (set) in the northern right of way line of NC Highway 211 (Roberts Avenue) (150 ft. right of way), the southeast corner of said Tract 2; thence with the curved northern right of way line of NC Highway 211 (Roberts Avenue); the following two chords: North 67 degrees 46 minutes 120.30 feet to an iron pipe (found) and North 65 degrees 34 minutes West 99.92 feet to the beginning, containing 1.05 acres, more or less.

And being those same three tracts conveyed to Same R. Noble and wife, Jean B. Noble to Dennis V. O'Brien and wife, Jane F. O'Brien by deed dated 10 May 1991 and recorded in Deed Book 730, Page 126, Robeson County Registry.

WHEREAS, the property owner has agreed to additional conditions. Cancellation of any or all conditions herein, requires approval by City Council. In granting the Conditional Zoning,

the Council, has placed the following additional conditions or requirements upon the owner, his successors and assigns in exercising the rights granted herein:

- Restaurant use only;
- No access to Elmhurst Drive.

On motion of Councilman Carroll, seconded by Councilman Cantey, the foregoing Amendment was adopted on the 15<sup>th</sup> day of September 2024.



*Bruce W. Davis*  
 \_\_\_\_\_  
 Bruce W. Davis, Mayor

ATTEST:  
*Laney Mitchell-McIntosh*  
 \_\_\_\_\_  
 Laney Mitchell-McIntosh, City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:  
*E. Holt Moore III*  
 \_\_\_\_\_  
 E. Holt Moore III, City Attorney

Ordinance No. 2024.09.08