



# City of Fayetteville

433 Hay Street  
Fayetteville, NC  
28301-5537  
(910) 433-1FAY (1329)

## Meeting Agenda - Final Zoning Commission

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Tuesday, April 11, 2023

6:00 PM

FAST Transit Center

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### 1.0 CALL TO ORDER

### 2.0 APPROVAL OF AGENDA

### 3.0 CONSENT

#### 3.01 Approval of Minutes: March 14, 2023

### 4.0 EVIDENTIARY HEARINGS

#### 4.01 A23-14. Variance to reduce the setback requirement and increase the maximum height and square footage of a freestanding ground sign located at 225 Green Street (REID #0437644914000), containing 2.56 acres ± and being the property of Allison Holdings LLC, represented by Stan Futrell.

### 5.0 PUBLIC HEARINGS (Public & Legislative)

#### 5.01 P23-11. Initial conditional zoning of two contiguous parcels totaling 4.68± acres, requesting annexation, to Heavy Industrial (HI/CZ) located at 1682 Middle River Loop (REID #0447464759000), being the property of Charles F. Horne, and 1662 Middle River Loop (REID #0447466947000), being the property of Billy D. Horne and Fay J. Horne, represented by Cynthia Smith of Moorman, Kizer & Reitzel, Inc.

#### 5.02 P23-12. Rezoning from Single-Family Residential 10 (SF-10) to Mixed Residential 5 (MR-5), located at 0 Graham Road and 6677 Bailey Lake Road (REID #0406037174000 & 0406131181000), totaling 5.56 acres ± and being the property of LEF LLC, J & K General Contractor Inc., represented by Michael Adams of MAPS Surveying Inc.

#### 5.03 P23-13. Conditional Rezoning from Heavy Industrial (HI) to Heavy Industrial/Conditional Zoning (HI/CZ) to allow car washing and auto detailing on 1.57± acres, located at 616 Person Street (REID #0437929325000), and being the property of AOM II, LLC, represented by E.C., (Ned) Garber, III.

### 6.0 OTHER ITEMS OF BUSINESS

### 7.0 ADJOURNMENT



# City of Fayetteville

433 Hay Street  
Fayetteville, NC 28301-5537  
(910) 433-1FAY (1329)

## City Council Action Memo

File Number: 23-3311

**Agenda Date:** 4/11/2023

**Version:** 1

**Status:** Agenda Ready

**In Control:** Zoning Commission

**File Type:** Consent

**Agenda Number:** 3.01

**TO:** Zoning Commission

**THRU:** Development Services, Planning and Zoning Division

**FROM:** Catina Evans - Office Assistant II

**DATE:** April 11, 2023

**RE:** Approval of Meeting Minutes: March 14, 2023

**COUNCIL DISTRICT(S):**

All

**Relationship to Strategic Plan:**

Strategic Operating Plan FY 2022

Goals 2026

Goal VI: Collaborative Citizen & Business Engagement

- Objective 6.2 - Ensure trust and confidence in City government through transparency & high-quality customer service.

**Executive Summary:**

The City of Fayetteville Zoning Commission conducted a meeting on the referenced date, which they considered items of business as presented in the draft.

**Background:**

NA

**Issues/Analysis:**

NA

**Budget Impact:**

NA

**Options:**

1. Approve draft minutes;

2. Amend draft minutes and approve draft minutes as amended; or
3. Do not approve the draft minutes and provide direction to Staff.

**Recommended Action:**

Option 1: Approve draft minutes.

**Attachments:**

Draft Meeting Minutes: March 14, 2023

**MINUTES  
CITY OF FAYETTEVILLE  
ZONING COMMISSION MEETING  
FAST TRANSIT CENTER COMMUNITY ROOM  
MARCH 14, 2023 @ 6:00 P.M.**

**MEMBERS PRESENT**

Pavan Patel, Chair  
Stephen McCorquodale, Vice-Chair  
Roger Shah  
Kevin Hight  
Clabon Lowe, Alternate

**STAFF PRESENT**

Craig Harmon, Senior Planner  
Heather Eckhardt, Planner II  
Lauren Long, Planner II  
David Winstead, Zoning Administrator  
Lisa Harper, Assistant City Attorney  
Catina Evans, Office Assistant II

**MEMBER ABSENT**

Alex Keith

The Zoning Commission Meeting on Tuesday, March 14, 2023, was called to order by Chair Pavan Patel at 6:01 p.m. The members of the Board stated their names for the record.

**I. APPROVE THE AGENDA**

**MOTION:** Stephen McCorquodale made a motion to approve the agenda.  
**SECOND:** Roger Shah  
**VOTE:** Unanimous (5-0)

**II. APPROVAL OF CONSENT ITEMS TO INCLUDE THE MINUTES FOR THE  
FEBRUARY 14, 2023, MEETING**

**MOTION:** Roger Shah made a motion to approve the consent items.  
**SECOND:** Stephen McCorquodale  
**VOTE:** Unanimous (5-0)

Mr. Patel asked if any of the Board members had any partiality (conflicts of interest) to disclose regarding any of the cases on the agenda for the evening. The commissioners did not have any partiality with any of the cases. Mr. Patel asked if the commissioners had any exparte communication (site visits or conversations with parties to include staff members or the general public) to disclose in regards to the cases. The Commissioners did not have any exparte communication to disclose regarding the cases.

**I. LEGISLATIVE HEARINGS**

Mr. Patel opened the legislative hearing for case P23-09.

**P23-09.** Initial zoning of a 10± acre parcel, requesting annexation, to Heavy Industrial (HI) located at 1530 Middle River Loop (REID #0447576483000) and being the property of Carolina Sun Investments, LLC represented by Scott Brown of 4D Site Solutions.



Lauren Long presented case P23-09. The applicant, Carolina Sun Investments, is requesting an Initial Zoning to Heavy Industrial (HI) in conjunction with an annexation petition. Ms. Long showed the Board an aerial map of the area. The applicant requests the area be rezoned Heavy Industrial (HI) in conjunction with a petition to annex into the city's corporate limits. The Future Land Use Map calls for the area to be an employment center. Ms. Long stated that Kabota of Fayetteville lies on the property, which is classified as heavy equipment sales, rental and storage. North of the site is an undeveloped area that is also owned by Carolina Sun Investments. To the east is Carolina Power and Signalization, a utility contractor, to the west lies Larry's Sausage Company, a meat processing facility, and to the south is I-95 business. The land was developed between 2018 and 2019, when the standards of that time would have been applicable to this site. Currently, this area is not in compliance with development standards for landscaping, perimeter buffers, screening, open space, sidewalks, signage, the separation distance requirement (based on the existing use), and the barbed wire perimeter fence which is a prohibited style of fence. For general knowledge, when a parcel is annexed into the Fayetteville City limits all existing areas that fall under Cumberland County development standards would come under review as an existing nonconformity with the City of Fayetteville. The nonconformity section of the Unified Development Ordinance (UDO) has provisions that would eventually bring the nonconformity into compliance. Ms. Long informed the Zoning Commission that they could recommend the applicant re-submit a conditional rezoning to impose conditions to bring the site closer into compliance.

Ms. Long showed the Board the location of the barbed wire fence, street-yard plantings, and the gravel area. Mr. McCorquodale conferred for clarification that the applicant would need to annex the property into the City in order to receive services from the City. Ms. Long said yes. Mr. Shah stated for clarification that at the time the fence was built it was allowed and now the fence is nonconforming as the land is being annexed into the City. Ms. Long said the property was conforming within the County. Mr. McCorquodale asked where the barbed wire was located and Ms. Long showed him where the fence was located.

Ms. Long stated that the Staff recommends approval of the proposed rezoning based on the following:

- The proposed zoning map amendment implements the policies adopted in the Future Land Use Plan (FLUP) and *can be* made to conform to the provisions found in the Unified Development Ordinance (UDO).
- The proposed zoning district already exists west of the site and would promote compatible economic and commercial development consistent with Goal #2 of the Future Land Use Goals.
- The proposed zoning district promotes logical and orderly development that would make no substantial impact upon public health, safety, or general welfare.

There were no speakers, so Mr. Patel closed the legislative hearing for case P23-09.

Mr. Shah asked Ms. Long for clarification in regard to the resubmission process. Ms. Long clarified that due to the fact that the site was established between 2018 and 2019, it is now nonconforming under the current UDO guidelines. Therefore, the Board could impose standards to bring the site into conformity. Mr. Shah asked Ms. Long if the site was in compliance and Ms. Long said no. Mr. Shah stated for clarification that the applicant would have to make changes to the site in order to be in compliance. Ms. Long said there are provisions in the nonconformity section of the Unified Development Ordinance in regard to if the applicant wanted to expand the site. She said there are certain sections of the UDO that would go into effect in this case. Ms. Long stated that there are requirements for open space, landscaping, and sidewalks. Each one of those sections of the UDO (depending on the level of expansion on the site) would be triggered. For example, if the applicant came into the office and asked for a site plan review to add 2,000 square feet to a building—before anyone could approve that site plan, those issues or whatever areas of the UDO would be triggered—those issues (in which the parcel failed to meet regulations under the Unified Development Ordinance) would have to be rectified. Mr. Hight pointed out

that the property is not in a pedestrian area, and he inquired why there was a need for sidewalks. Ms. Long said it was standard practice.

**MOTION:** Stephen McCorquodale made a motion to approve the rezoning case P23-09 to Heavy Industrial (HI) based on sections 160D-604 and -605. And in this case, it is consistent with the Future Land Use Plan and the Comprehensive Plan based on goals 1 and 3 and the land use plan strategies of 1.1 (Work with Public Works Commission (PWC) and other utility providers to ensure that public facilities and services are planned in a coordinated manner) and 1.3 (Consider the costs and benefits of future extensions of utility service) within this area which is the reason the applicant applied for this zoning to be in conjunction with the zoning request, and 2.1 (It encourages economic development in designated areas). The proposed land use is consistent and aligns with the area's designation on the Future Land Use Map. The proposed designation, as requested, would permit uses that are complimentary to those existing on adjacent tracts. The reasonableness—the size, physical conditions, and other attributes of the proposed use(s) will benefit the surrounding community as stated by staff. The proposed uses address the needs of the area and/or City. Mr. McCorquodale said the proposal adapts the zoning code to reflect modern land-use trends and patterns. The amendment is also in the public interest because it improves consistency with the long-range plan and it improves the tax base within that corridor. Mr. McCorquodale said it facilitates a desired kind of development. It provides that needed Heavy Industrial additional use within that area.

**SECOND:** Pavan Patel

**VOTE:** Unanimous (5-0)

Mr. Patel opened the legislative hearing for case P23-10.

**P23-10.** Rezoning from Single-Family Residential 10 (SF-10) to Community Commercial (CC), located at 0 Bingham Drive (REID #0406541854000), totaling 7.61 acres ± and being the property of Tarek Gayed and Antwan Awad, represented by The Charleston Group.

Heather Eckhardt presented case P23-10. The request is to rezone the property from Single-Family Residential 10 (SF-10) to Community Commercial (CC). The parcel is located in District 6. It is south of Raeford Road and near Miracle Temple Holy Deliverance Church of God. Ms. Eckhardt showed the Board that the yellow area on the zoning map is the SF-10 district. The pink-lined areas are four parcels that were zoned Limited Commercial/Conditional Zoning (LC/CZ) in 2021 to restrict lounges and bars from being built on the land. The subject property is a large vacant wooded property. To the north and east of the property is the Arran Lakes subdivision. To the west is a Limited Commercial/Conditional Zoning (LC/CZ) property that had mobile homes that have been removed. The Future Land Use Map calls for the land to be Low-Density Residential and Park/Open Space. Staff is recommending denial of the Community Commercial zoning request because it does not meet the Future Land Use Plan policies and the zoning is incongruent with the surrounding area. Ms. Eckhardt said the Board could approve more restrictive zoning such as Limited Commercial (LC) or Neighborhood Commercial (NC).

Mr. Pavan opened the legislative hearing for speakers.

Speakers in favor:

Jonathan Charleston, 201 Hay Street, Suite 2000, Fayetteville, NC 28301

- Mr. Charleston introduced his client, Tyrek Gayed, and he raised his hand. Mr. Charleston said he understands the City Staff's recommendation, but he points out the city ordinance states what can go in the Community Commercial (CC) zoning district. Mr. Charleston said it (CC zoning district) is not Heavy Commercial. Restaurants, offices, professional services, and retail sales can go in this area. Anything such as adult clubs and such would require a special use permit and the applicant would have to go before City Council.
- He said Community Commercial (CC) is not what you think of as heavy commercial as in industrial uses.
- Mr. Charleston posed the rhetorical question as to why other areas have 11%-39% growth and Fayetteville has only 4.6% growth. He stated that development has been restrictive in the City and this has stunted growth.
- Mr. Charleston argued that places of worship are commercial activities. They have meetings and other events on site. Churches have family activities that are not bad for the area.
- Mr. Charleston stated that across the street City Council rezoned 4 parcels for commercial purposes.
- Bingham Drive will continue to evolve over time and we should allow that to happen organically.
- We should have residential and commercial purposes in the area.
- Mr. Charleston asked the Board to consider this rezoning. He noted that in the Staff recommendation, it is stated that there is another zoning that could be put in that area. And the UDO stated what could be put there under the Community Commercial zoning and what would need a Special Use Permit to exist there.
- Mr. Charleston stated that what you will see is that older neighborhoods can be revived. He pointed out that a property owner could see the value of their property evolve as a result of this development.
- Mr. Charleston asked the Board to consider that there are commercial uses in close proximity to this area. Four parcels were rezoned so as to allow for everything except bars and nightclubs. He said if anything like that were to occur, the owner would have to get City Council approval.
- Mr. Charleston stated that the rezoning in 2021 was a catalyst for development in this area as stated by the City Council. He pointed out that this property is on an arterial road that carries citizens from residential to commercial districts across the City.
- Mr. Charleston pointed out that there is Community Commercial rezoned property across the street that is zoned for commercial use. Although the staff references the UDO, it is just a guide.
- He stated that the commercial uses would be beneficial by providing services that are needed in the commercial districts such as employment opportunities in close proximity to where people live and play.

Mr. Shah asked Mr. Charleston if the property that was rezoned by the City and located across the street is Community Commercial. Mr. Charleston said it is Limited Commercial. The restriction for that property is that there would be no bars in the area. Mr. Shah asked Mr. Charleston if the drawings are the exact plans for the site and Mr. Charleston said yes. Mr. Shah stated for clarification that the area has to be Community Commercial for the type of business that he (the applicant) wants in that area, and Mr. Charleston said yes. Mr. Shah asked Mr. Charleston if the two-story buildings would be residences. Mr. Charleston said the applicant is contemplating offices and retail space in the buildings. Mr. Shah noted that the retention pond is in the back of the property.

Ms. Harper asked the next speaker to state his name, and she acknowledged that he was just asking a question. Mr. Harmon asked the speaker to state his name and address for the record. Tarek Gayed stated his name and address and identified himself as the property owner.

Tarek Gayed, 624 Cooper Beech Lane, Wake Forest, NC 28371

- Mr. Gayed pointed out where he would have a restaurant on the property.

- Mr. Shah asked Mr. Gayed if the five two-story buildings would be for office and retail use. Mr. Gayed said yes. Mr. Gayed said the area in the back was not planned for development because he developed 50% of the property.
- Mr. Shah asked Mr. Gayed if he could have a restaurant and everything he planned under Limited Commercial zoning. Mr. Gayed said he would be able to have a restaurant (with Limited Commercial zoning).

Mr. Pavan asked Mr. Gayed how far he is in regard to the planning process for the development. Mr. Gayed said that he went to the Zoning Commission (in 2017) for approval (to rezone the property from Single-Family Residential 10 (SF-10) to Office and Institutional (OI)) and City Council denied it. Mr. Shah asked Mr. Charleston what was the closest retail business to this property. Mr. Charleston listed a few of the businesses that were close to the property.

Mr. Patel closed the legislative hearing for case P23-10.

Mr. McCorquodale said for clarification that under most of those conditions and to keep the integrity of the neighborhood, any of those businesses that want to rent that space would have to go to the City and apply for a special use permit. Ms. Eckhardt replied that the businesses could exist there by right if they meet the requirement of being over 500 feet from a church, daycare or school. Mr. Shah wanted to know if this would be the case if the property is zoned Community Commercial. Ms. Eckhardt said now it is so, but it may change in the future in the Unified Development Ordinance. Mr. McCorquodale asked if the owner submitted the plans for this property to the Technical Review Committee. Ms. Eckhardt said yes.

Mr. McCorquodale asked Mr. Charleston if the restaurant would face Bingham Drive. Mr. Charleston said yes. Mr. Hight asked Mr. Gayed if there were potential tenants lined up to rent the retail space. Mr. Gayed said he would occupy the restaurant space.

**MOTION:** Mr. Shah made a motion to approve this amendment to Community Commercial based on the evidence submitted and the finds that the rezoning is consistent with the Future Land Use Plan and also by the attached Consistency and Reasonableness Statement. One thing he felt is that that area does need some sort of commercial growth. The Limited Commercial or Office Institutional zoning would not allow for what the applicant is seeking here. It would be good for the surrounding community to have a place to eat and maybe other retail structures in the back. Mr. Shah said that part of the road or that part of the town is lacking some of the commercial businesses and services that other parts of the town have. The nearest commercial development is the Food Lion development which is a mile or a half mile away. Mr. Shah said he was not sure how far away it was. By looking at the pictures, with all the rooftops in the back, with all the residences all around, Mr. Shah guessed if they (the residents) wanted to fill (their cars) up with gas, they would have to go out quite a bit. The same thing if they wanted to cut their hair they would have to go far. If they wanted to eat, they would have to go far or go on the other road. Mr. Shah stated that he does think that part of the town or that part of the road needs commercial growth. Based on that, he said it is consistent with a responsive City Government supporting a diverse and viable economy. Mr. Shah said it is consistent with a city invested in today and tomorrow. It is consistent with some land use policies and strategies and it will encourage growth in areas well-served by infrastructure and urban services, including roads, utilities, parks, schools, police, fire, and emergency services. It is consistent with adequate infrastructure to be in place prior to or in tandem with new development. It will create a well-designed and walkable commercial and mixed-use district. Mr. Shah clarified that the reason he stated this was because of what he saw when looking at the structures that the applicant is seeking. It will ensure these developments meet site designs and

requirements. Once again, Mr. Shah reiterated that he feels that part of the area or that part of town does need some commercial day-to-day businesses where people can go and do not have to drive that far. The proposed use addresses the needs of the area and/or the City. And of course, it will improve the tax base for the City. For those reasons, he said he made a motion to approve this rezoning to Community Commercial.

**SECOND:** Stephen McCorquodale

**VOTE:** Unanimous (5-0)

## **II. OTHER BUSINESS**

Mr. Pavan asked if there are any other items of business. Mr. Harmon said that there would be three or four cases next month. He said there would be one variance as well. Mr. Harmon stated that today is the final day to submit items for next month's meeting (Tuesday, April 11, 2023).

## **III. ADJOURNMENT**

**MOTION:** Kevin Hight made a motion to adjourn the March 14, 2023, meeting.

**SECOND:** Roger Shah

**VOTE:** Unanimous (5-0)

The meeting adjourned at 6:50 p.m.

Respectfully submitted by Catina Evans



# City of Fayetteville

433 Hay Street  
Fayetteville, NC 28301-5537  
(910) 433-1FAY (1329)

## City Council Action Memo

File Number: 23-3300

**Agenda Date:** 4/11/2023

**Version:** 1

**Status:** Agenda Ready

**In Control:** Zoning Commission

**File Type:** Evidentiary Hearing

**Agenda Number:** 4.01

**TO:** Zoning Commission

**THRU:** Craig Harmon, CZO - Senior Planner

**FROM:** Heather Eckhardt, CZO - Planner II

**DATE:** April 11, 2023

**RE:** A23-14. Variance to reduce the setback requirement and increase the maximum height and square footage of a freestanding ground sign located at 225 Green Street (REID #0437644914000), containing 2.56 acres ± and being the property of Allison Holdings LLC, represented by Stan Futrell.

**COUNCIL DISTRICT(S):**

2 - Shakeyla Ingram

**Relationship to Strategic Plan:**

Strategic Operating Plan FY 2022

Goals 2027

Goal 4: Desirable Place to Live, Work and Recreate

- Objective 4.5 - Ensure a place for people to live in great neighborhoods.

**Executive Summary:**

**30.2.C.14 Variance:**

The purpose of a variance is to allow certain deviations from the dimensional standards of this Ordinance (such as height, yard setback, lot coverage, or similar numeric standards) when the landowner demonstrates that, owing to special circumstances or conditions beyond the landowner's control (such as exceptional topographical conditions, narrowness, shallowness, or the shape of a specific parcel of land), the literal application of the standards would result in undue and unique hardship to the landowner and the deviation would not be contrary to the public interest.

Variances are to be sparingly exercised and only in rare instances or under exceptional

circumstances to relieve undue and unique hardships to the landowner. No change in

permitted uses or applicable conditions of approval may be authorized by variance.

**Background:**

Owner: Allison Holdings LLC

Applicant: Stan Futrell

Requested Action: Reduce the setback requirement and increase maximum height and square footage of a freestanding ground sign

Zoning District: Downtown 2 (DT-2)

Property Address: 225 Green Street

Size: 2.56 acres ±

Existing Land Use: Office

Surrounding Zoning and Land Uses

- North: DT-2 - Legal office and bank
- South: DT-1 - Cross Creek Linear Park Trail
- East: DT-2 - Church, legal office, and park
- West: DT-1 - Cross Creek Linear Park Trail

Letters Mailed: 24

**Issues/Analysis:**

The subject property is 2.56 acres and is located at 225 Green Street. The site is commonly known as the Systel building. The 11-story structure contains the Internal Revenue Service, North Carolina Department of Environmental Quality, The Friend's Table, and a variety of office uses. According to the Cumberland County Tax Office records, the subject property was constructed in 1972.

The applicant has requested a variance to reduce the setback requirement and increase the permitted height and square footage for a freestanding sign. The subject property is currently zoned Downtown 2 (DT-2). Signage within the DT-2 zoning district is regulated by Table 30-5.L.8.A., Permitted Signs in Non Residential Zoning Districts, and Article 30-5.L.9., Signs Permitted in the DT-1 and DT-2 Downtown Zoning District. Note 8 in Table 30-5.L.8.A states that when there is a conflict between the two sections, the provisions of Section 30-5.L.9 shall apply. Additionally, Section 30-1.F.1 of the Unified Development Ordinance states "If a provision of this ordinance is inconsistent with another provision of this Ordinance,...the more restrictive provision shall govern...".

The applicant has requested a variance to three standards of the sign ordinance: setback, height, and copy area. The ordinance standards for ground signs in the DT-2 zoning district are below with the superseding sections italicized:

Setback:

- 30-5.L.9.a.7.d: Must be located in a yard area not required by the zoning district and one sign shall be permitted for each yard so provided.
- 30-5.L.8.A: *10 feet*

Height:

- 30-5.L.9.a.7.d: *The sign shall not be higher than seven feet above the elevation of the sidewalk from which it is intended to be viewed.*
- 30-5.L.8.A: 20 feet

Copy Area:

- 30-5.L.9.a.7.d: *One square foot of sign area per linear foot of building frontage with a maximum area of 20 square feet.*
- 30-5.L.8.A: One square foot of sign area per linear foot of building frontage with a maximum area of 150 square feet.

The applicant intends to remove the existing sign and install a new sign in a new location. The proposed sign is 71.77 square feet, 10.83 feet tall, and is proposed to be 5 feet from the front property line along Green Street.

The specific measurements for the requested variances are as follows:

1. Reduction in setback from 10 feet to 5 feet
2. Increase in permitted height from 7 feet to 10.83 feet
3. Increase in permitted copy area from 20 square feet to 71.77 square feet

#### **Insufficient Justification for Variance**

The following does not constitute grounds for a Variance:

1. The siting of other nonconforming or conforming uses of land or structures in the same or other districts;
2. The request for a particular use expressly, or by inference, prohibited in the district; or
3. Economic hardship or the fact that property may be utilized more profitably with a Variance.

#### **Subsequent Development**

Due to the nature of the downtown area and its dense development, there is no minimum lot size in the DT-2 zoning district. The subject property is 2.56 acres which is comparable to other properties in the immediate area. The site was initially developed in 1972. Per the applicant, the current sign has been in existence since at least 1998 when the current owner purchased the building. Since its construction, the sign has been refaced as the bank tenancy has changed and when the North Carolina Department of Environmental and Natural Resources became the North Carolina Department of Environmental Quality.

The following findings are based on the responses submitted in the application by the applicant and the best available information about the proposal without the benefit of testimony provided at the evidentiary hearing.

Findings of Fact Statements as reviewed by the Planning Staff:

- 1. There is sufficient evidence that the strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships as shown by the following evidence:**

The applicant states "Currently customers of the building's tenants (IRS, Bank, NC DEQ, various others) have a hard time finding the address of 225 Green St. We have to tell them when they call looking for a tenant to look for the black glass 11 story building, near the Market House traffic circle. We fill that a larger sign located `near our main entrance on Green St would solve this directional problem, especially if the new signage was taller and looked similar to the building."

- 2. There is sufficient evidence that any practical difficulties or unnecessary hardships result from unique circumstances related to the land, and are not the result of the actions of the landowner as shown by the following evidence:**

The applicant states "We are finding that city parking along Green St is part of the problem, not allowing customers to see the building parking entrance and physical location (225 Green St). Taller directional signage along Green St entrance would allow customers to find us."

- 3. There is sufficient evidence that the Variance is the minimum action that will make possible a reasonable use of land or structures as shown by the**



**following evidence:**

The applicant states "New signage by our main Green St entrance would be a great help in directing customers to the proper location (225 Green St)."

- 4. There is sufficient evidence that the Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit as shown by the following evidence:**

The applicant states "The new signage would be tastefully done to blend in with the downtown area, and would appear as a taller sign to direct customers to their appointments within the tallest building in Fayetteville."

- 5. There is sufficient evidence that in the granting of the Variance, the public safety and welfare has been assured and substantial justice has been done as shown by the following evidence:**

The applicant states "Signage would be installed by Fast Signs of Fayetteville in an area near the main parking entrance as to safely direct customers to the location of 225 Green St."

**Budget Impact:**

There is no immediate budgetary impact.

**Options:**

The Board's Authority: The board has the authority to approve or deny the request and must base its decision on the answers to the following five required findings of fact:

**If a member believes that the evidence presented is substantial, competent, and sufficient to meet the required findings of fact then the member may make a motion to approve the variance and the members must state all of the following five findings of fact along with the evidence that was presented to satisfy each finding.**

**If the members cannot find specific supporting facts under all five findings of fact, the members must consider a motion of denial. A motion of denial should indicate which of the five (5) of the findings of fact cannot be met.**

**The board can also place reasonable conditions on any variance approval.**

**If a member wishes to make a motion to approve the variance they should make a brief statement that recaps the evidence showing each of the five findings of fact. Any discussion by the Board following a motion may include a recap of the evidence supporting each of the five (5) factual findings.**

**Possible Motions and Factual Findings:**

**Motion to approve a variance for a reduction setback and an increase in sign copy area and sign height.**

**Findings of Fact Required to Approve this Request:**

1. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships as shown by the following evidence:

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2. Any practical difficulties or unnecessary hardships result from unique circumstances related to the land, and are not the result of the actions of the landowner as shown by the following evidence:

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3. The Variance is the minimum action that will make possible a reasonable use of land or structures as shown by the following evidence:

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4. The Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit as shown by the following evidence:

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5. In the granting of the Variance, the public safety and welfare have been assured and substantial justice has been done as shown by the following evidence:

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**Motion to approve a variance for any combination of the following**

1. **Reduce sign setback**
2. **Increase sign copy area**
3. **Increase sign height**

**Findings of Fact Required to Approve this Request:**

1. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships as shown by the following evidence:

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2. Any practical difficulties or unnecessary hardships result from unique circumstances related to the land, and are not the result of the actions of the landowner as shown by the following evidence:

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3. The Variance is the minimum action that will make possible a reasonable use of land or structures as shown by the following evidence:

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4. The Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit as shown by the following evidence:

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5. In the granting of the Variance, the public safety and welfare have been assured and substantial justice has been done as shown by the following evidence:

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**Motion to approve the variance(s) as requested but with added conditions**

**Findings of Fact Required to Approve this Request with added conditions:**

1. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships as shown by the following evidence:

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2. Any practical difficulties or unnecessary hardships result from unique circumstances related to the land, and are not the result of the actions of the landowner as shown by the following evidence:
- 

3. The Variance is the minimum action that will make possible a reasonable use of land or structures as shown by the following evidence:
- 

4. The Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit as shown by the following evidence:
- 

5. In the granting of the Variance, the public safety and welfare have been assured and substantial justice has been done as shown by the following evidence:
- 

**Motion to deny the variance as requested.**

**Findings of Fact Statements Required to Deny this Request:**

1. There is not sufficient evidence that the strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships as shown by the following evidence:
- 
2. There is not sufficient evidence that any practical difficulties or unnecessary hardships result from unique circumstances related to the land, and are not the result of the actions of the landowner as shown by the following evidence:
- 
3. There is not sufficient evidence that the Variance is the minimum action that will make possible a reasonable use of land or structures as shown by the following evidence:
- 
4. There is not sufficient evidence that the Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit as shown by the following evidence:
- 
5. There is not sufficient evidence that in the granting of the Variance, the public safety and welfare has been assured and substantial justice has been done as shown by the following evidence:
-

---

**Recommended Action:**

**Attachments:**

1. Application
2. Aerial Notification Map
3. Zoning Map
4. Land Use Map
5. Subject Property Photos
6. Surrounding Property Photos
7. Site Plan
8. Proposed Sign

**Project Overview****#965501**

**Project Title:** 225 Green St  
**Application Type:** 5.4) Variance  
**Workflow:** Staff Review

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

**Project Location**

**Project Address or PIN:** 225 GREEN ST (0437644914000) **Zip Code:** 28301

**GIS Verified Data**

**Property Owner: Parcel**  
• 225 GREEN ST: ALLISON HOLDINGS LLC

**Acreage: Parcel**  
• 225 GREEN ST: 2.56

**Zoning District: Zoning District**  
• 225 GREEN ST: LC

**Subdivision Name:**

**Fire District: Fire District**  
• 225 GREEN ST: Secondary Fire Zone

**Airport Overlay District:**

**Hospital Overlay District:**  
**Cape Fear District:**

**Coliseum Tourism District:**  
**Downtown Historic District: Downtown Historic District**  
• 225 GREEN ST: Downtown Historic District

**Haymount Historic District:**

**Floodway: FloodWay**  
• 225 GREEN ST: AE

**100 Year Flood:** <100YearFlood>  
**Watershed:**

**500 Year Flood:** <500YearFlood>

**Variance Request Information**

**Requested Variances:** Signage

**Section of the City Code from which the variance is being requested.:** larger directional/information signage for 11 story bld

**Describe the nature of your request for a variance and identify the standard(s)/requirement(s) of the City Code proposed to be varied.:**

install a larger directional/information (ground) sign in a more visible place as to direct people into building the meet with building tenants (IRS, NC DEQ, Dogwood Bank, and various other tenants. Current ground sign is in non visible location and is 8 ft wide by 5.5 ft high.

Propose new signage would be located new the main drive entrance on Green St and would be 6.63 ft wide and 10.83 ft

**Identify the zoning district designation and existing use of land for all adjacent properties, including those across the street.:**

Office, and professional use on Green St (law office, bank, church, post office)

high.

**Justification for Variance Request - Use this and the following pages to answer the questions (upload additional sheets if necessary).**

The Variance Standards states: A variance application shall be approved only upon a finding that all of the following standards are met.

1. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships; it shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;
2. Any practical difficulties or unnecessary hardships result from unique
3. circumstances related to the land, such as location, size, or topography, and are not the result from conditions that are common to the neighborhood or the general public be the basis from granting a variance;
4. The Variance is the minimum action that will make possible a reasonable use of land or structures;
5. The Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit; and
6. In the granting of this Variance, the public safety and welfare have been assured and substantial justice has been done.

### **Expiration - Variance**

**30-2.C.14.e.5.- Variance approval shall automatically expire if the applicant does not record the Variance with the Cumberland County Register of Deeds within 30 days after the date the Variance is approved.**

Please complete the following five (5) questions to verify the evidence that all the required standards are applicable to your property and/or situation.

**Please describe how strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.:**

Currently customers of the buildings tenants (IRS, Bank, NC DEQ, various others) have a hard time finding the address of 225 Green St. We have to tell them when they call looking for a tenant to look for the black glass 11 story building, near the Market House traffic circle. We fill that a larger sign located `near our main entrance on Green St would solve this directional problem, especially if the new signage was taller and looked similar to the building..

**Please describe how any practical difficulties or unnecessary hardships result from unique circumstances related to the land, such as location, size, or topography, and are not the result of the actions of the landowner, nor may hardships resulting from personal circumstances as well as hardships resulting from conditions that are common to the neighborhood or the general public be the basis for granting a variance.:**

We are finding that city parking along Green St is part of the problem, not allowing customers to see the building parking entrance and physical location (225 Green St). Taller directional signage along Green St entrance would allow customers to find us.

**Please describe how the Variance is the minimum action that will make possible a reasonable use of land or structures.:**

New signage by our main Green St entrance would be a great help in directing customers to the proper location (225 Green St)

**Please describe how the Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit.:**

The new signage would be tastefully done to blend in with the downtown area , and would appear as a taller sign to direct customers to their appointments within the tallest building in Fayetteville.

**Please describe how, in the granting of the Variance, the public safety and welfare have been assured and substantial justice has been done.:**

Signage would be installed by Fast Signs of Fayetteville in an area near the main parking entrance as to safely direct customers to the location of 225 Green St.

**Height of Sign Face : 10.83**

**Height of Sign Face:**

**Square Footage of Sign Face: 71.75**

**Height of Sign Face:**

**Square Footage of Sign Face : 71.75**

Square Footage of Sign Face:  
Square Footage of Sign Face:  
Square Footage of Sign Face:  
Square Footage of Sign Face:  
Square Footage of Sign Face:  
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Square Footage of Sign Face:  
Square Footage of Sign Face:  
Square Footage of Sign Face:  
Square Footage of Sign Face:

#### Primary Contact Information

Contractor's NC ID#:

#### Project Owner

Stan Futrell  
Allison Holdings, LLC  
225 Green St, Ste 104  
Fayetteville, NC 28301  
P:9103239010  
F:9103233957  
[sfutrell@systeloa.com](mailto:sfutrell@systeloa.com)

#### Project Contact - Agent/Representative

Stan Futrell  
Allison Holdings, LLC  
225 Green St, Ste 104  
Fayetteville, NC 28301  
P:9103239010  
F:9103233957  
[sfutrell@systeloa.com](mailto:sfutrell@systeloa.com)

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

#### Project Contact - General Contractor

Greg West  
RayWest DesignBuild  
2818 Raeford Rd, Ste 300  
Fayetteville, NC 28303  
P:910-824-0503  
[greg.west@raywestdesignbuild.com](mailto:greg.west@raywestdesignbuild.com)

NC State General Contractor's License Number: 76368

#### Project Contact: Primary Point of Contact for the Sign Contractor

Vic Cannon  
Fast Signs of Fayetteville  
2807 Raeford Rd,  
Fayetteville, NC 28303  
P:910-678-8111  
[vic.cannon@fastsigns.com](mailto:vic.cannon@fastsigns.com)

NC State Mechanical Contractor's #1 License Number:

NC State Mechanical Contractor's #2 License Number:

NC State Mechanical Contractor's #3 License Number:

NC State Electrical Contractor #1 License Number:

NC State Electrical Contractor #2 License Number:

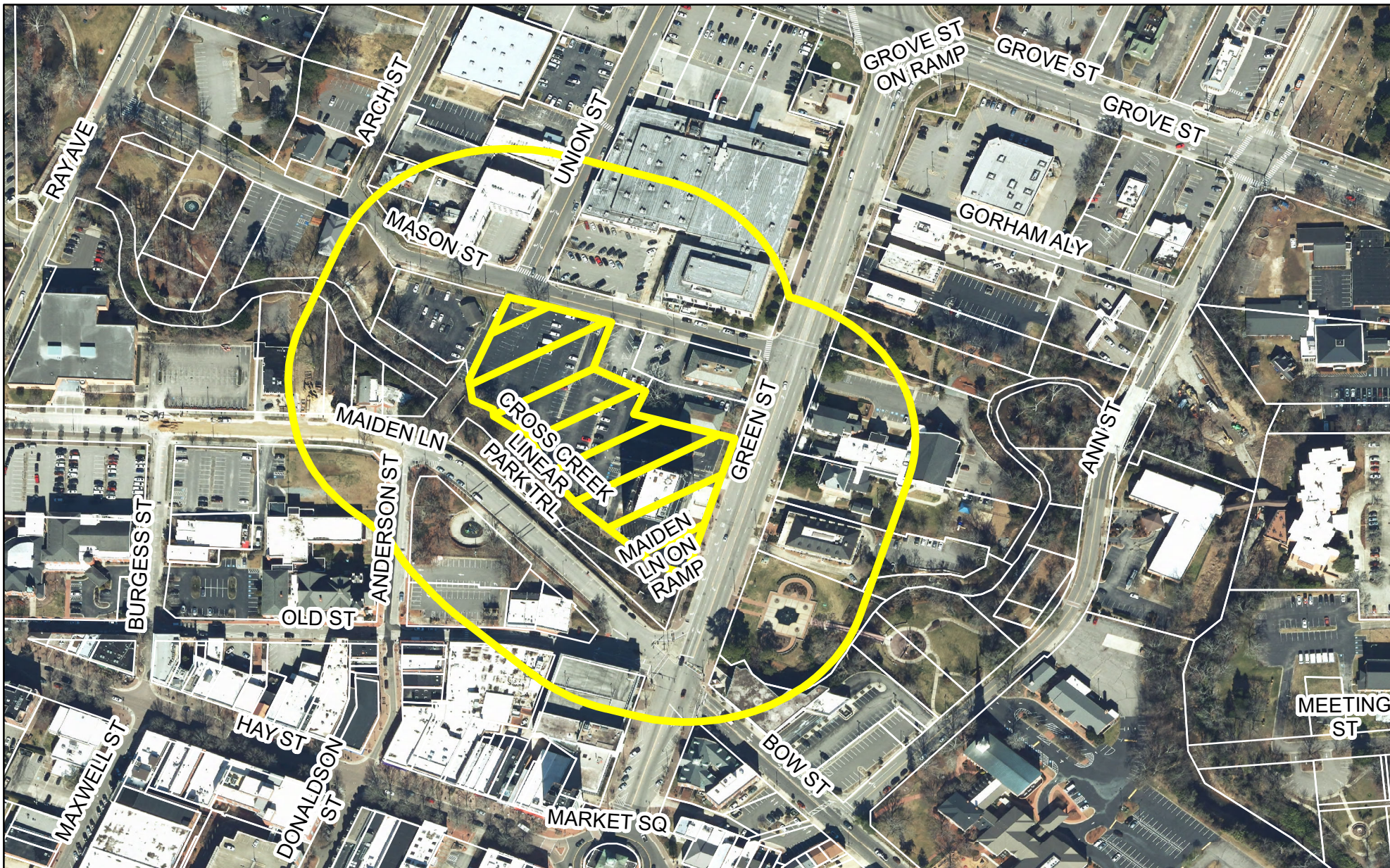
NC State Electrical Contractor #3 License Number:

NC State Plumbing Contractor #1 License Number:

NC State Plumbing Contractor #2 License Number:

Indicate which of the following project contacts should be included on this project: General Contractor, Sign Contractor







## Aerial Notification Map

Case #: A23-14

Request: Variance  
Freestanding sign

Location: 225 Green Street

### Legend

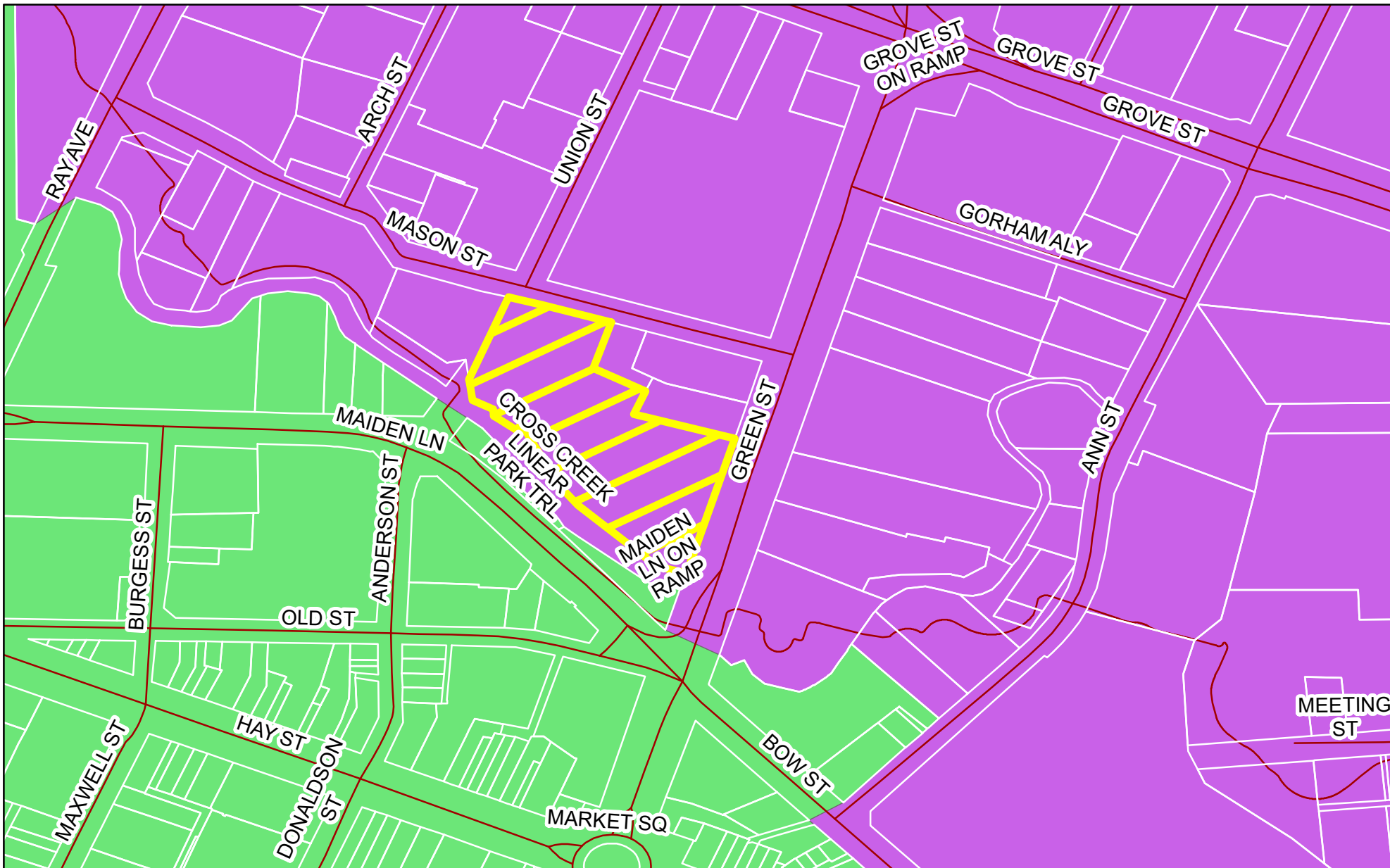
-  A23-14 Notification Buffer
-  A23-14



Letters are being sent to all property owners within the 300' buffer. Subject property is shown in the hatched pattern.







## Zoning Map

Case #: A23-14

Request: Variance  
Freestanding sign

Location: 225 Green Street

## Legend



A23-14

## Zoning



DT-1

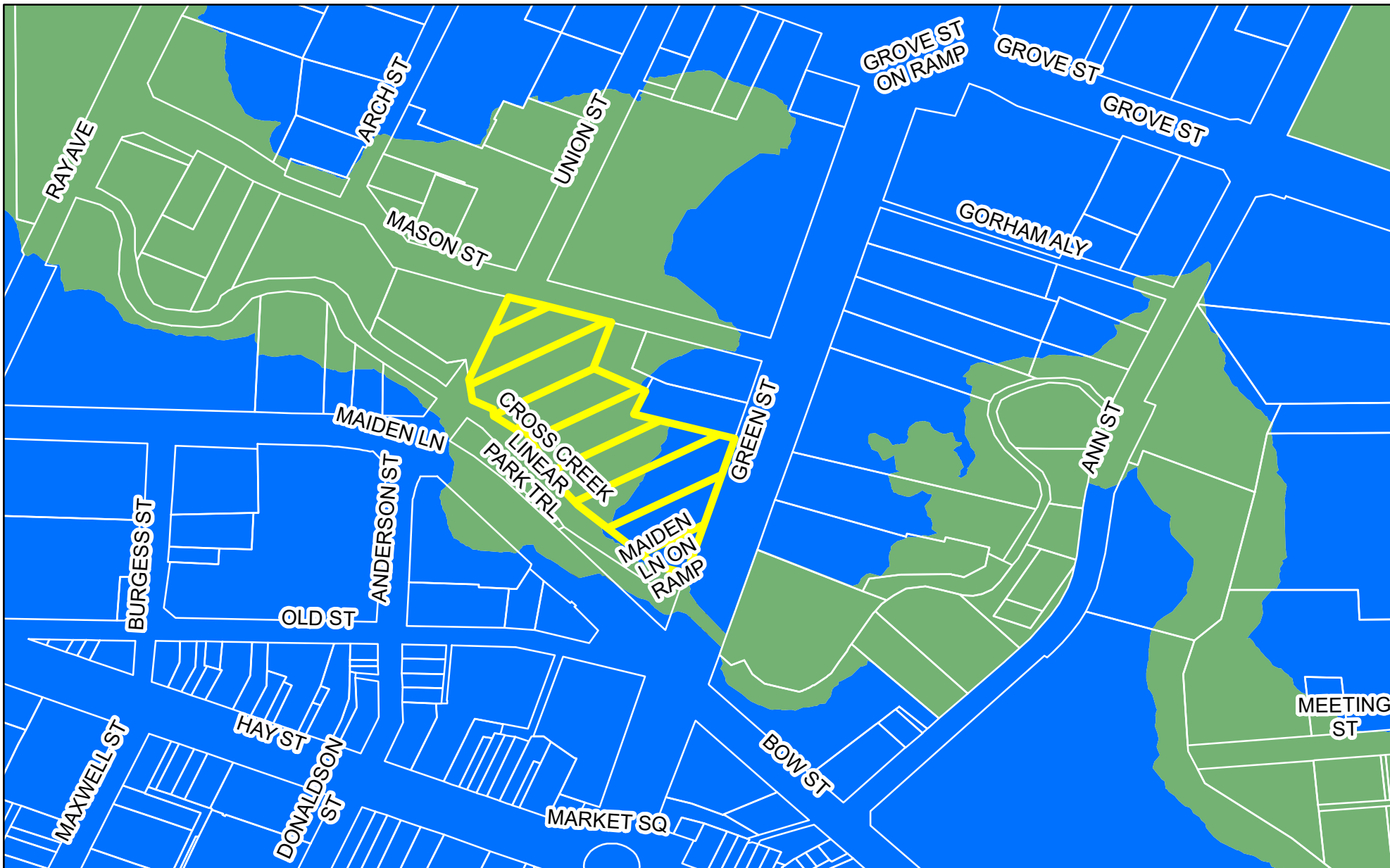


DT-2



Letters are being sent to all property owners within the 300' buffer. Subject property is shown in the hatched pattern.





## Land Use Map

Case #: A23-14

Request: Variance  
Freestanding sign

Location: 225 Green Street

## Legend



A23-14

## Land Use Plan 2040

### Character Areas

 PARKOS - PARK / OPEN SPACE

 DTMXU - DOWNTOWN



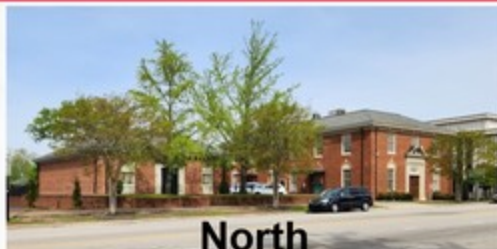
Letters are being sent to all property owners within the 300' buffer. Subject property is shown in the hatched pattern.





## Subject Property









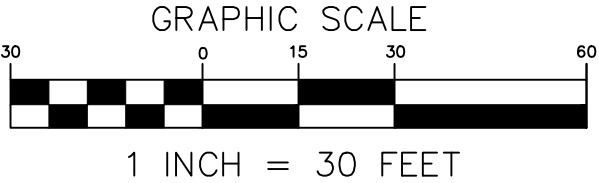
PROPOSED GROUND SIGN  
6.63' WIDE x 11' TALL

GREEN STREET

NORTH  
MASON STREET

5.1'

PRELIMINARY  
DO NOT USE FOR  
CONSTRUCTION



- NOTES:
1. THIS SKETCH PLAN IS NOT A SURVEY. ALL PROPERTY BOUNDARIES SHOWN ON THIS SKETCH PLAN WERE OBTAINED FROM CUMBERLAND COUNTY GIS. THE FRONT BOUNDARY SHALL BE LOCATED BY A PROFESSIONAL LAND SURVEYOR PRIOR TO ANY SIGN CONSTRUCTION TO ENSURE AT LEAST 5' SEPARATION FROM THE RIGHT-OF-WAY AND PROPOSED SIGN.
  2. SIGN DESIGN AND DIMENSIONS WERE PROVIDED BY OTHERS.
  3. THE PURPOSE OF THIS SKETCH PLAN IS TO ILLUSTRATE THE PROPOSED SIGN LOCATION ONLY.
  4. NO SIGN SHALL BE CONSTRUCTED PRIOR TO A SIGN PERMIT APPROVAL BY THE CITY OF FAYETTEVILLE PLANNING DEPARTMENT.

REVISIONS		PROPOSED SIGN LOCATION 225 GREEN STREET, FAYETTEVILLE, NC		ENGINEERING - SURVEYING - DESIGNING - DRAFTING Larry King & Associates, R.L.S., P.A. P.O. Box 53787 1333 Morganton Road, Suite 201 Fayetteville, North Carolina 28305 P. (910) 483-4300 F. (910) 483-4052 www.LKandA.com		
				NC FIRM LICENSE C-0887		
				DATE: 3/28/2023		
				SCALE: AS NOTED		
		TOWNSHIP: CROSS CREEK	COUNTY: CUMBERLAND	SURVEYED BY: N/A		
		STATE: NORTH CAROLINA		DRAWN BY: LANCE		
		PROPERTY OF: ALLISON HOLDINGS LLC		FILED: ALLISON - 225 GREEN		
				CHECKED & CLOSURE BY: N/A		
				DRAWING NO. 1 of 1		

79.5"

# 225 Green Street DOWNTOWN DISTRICT

## NC DEQ

ACP

Carolina  
Collaborative

Willie  
Cooper, CPA

Ai Insurance

Draper Aden  
Associated, INC.

Coy Brewer  
Attorney

Legacy Asset  
Mgmt Partners

12"

130"

8"



# City of Fayetteville

433 Hay Street  
Fayetteville, NC 28301-5537  
(910) 433-1FAY (1329)

## City Council Action Memo

File Number: 23-3307

**Agenda Date:** 4/11/2023

**Version:** 1

**Status:** Agenda Ready

**In Control:** Zoning Commission

**File Type:** Public Hearing  
(Public & Legislative)

**Agenda Number:** 5.01

**TO:** Mayor and Members of City Council

**THRU:** Zoning Commission

**FROM:** Demetrios Moutos - Planner I

**DATE:** April 11, 2023

**RE:**

**P23-11.** Initial conditional zoning of two contiguous parcels totaling 4.68± acres, requesting annexation, to Heavy Industrial (HI/CZ) located at 1682 Middle River Loop (REID #0447464759000), being the property of Charles F. Horne, and 1662 Middle River Loop (REID #0447466947000), being the property of Billy D. Horne and Fay J. Horne, represented by Cynthia Smith of Moorman, Kizer & Reitzel, Inc.

**COUNCIL DISTRICT(S):**

2 - Shakeyla Ingram

**Relationship To Strategic Plan:**

Strategic Operating Plan FY 2022

Goals 2027

Goal II: Responsive City Government Supporting a Diverse and Viable Economy

- Objective 2.1 - To ensure a diverse City tax base

Goal III: City invested in Today and Tomorrow

- Objective 3.2 - To manage the City's future growth and strategic land use.

**Executive Summary:**

Initial conditional zoning of two parcels totaling 4.68± acres, currently zoned Planned Commercial C(P) to Heavy Industrial (HI/CZ), located at 1682 Middle River Loop (REID#0447464759000) and 1662 Middle River Loop (REID#0447466947000), and being the properties of Charles F. Horne, Billy D. Horne, and Fay J. Horne, represented by Cynthia Smith of Moorman, Kizer & Reitzel, Inc.



**Background:**

Applicant: Cynthia Smith of Moorman, Kizer & Reitzel, Inc.

Owner: Charles F. Horne, Billy D. Horne, and Fay J. Horne

Requested Action: Initial zoning to Heavy Industrial (HI)

REID(s): 0447464759000 & 0447466947000

Prospective Council District: 2 - Shakeyla Ingram

Status of Property: Parcels are currently developed with four engineered steel frame buildings, a concrete, asphalt, and gravel parking/circulation area, and a chain link fence that runs along the north and northeast property lines. The two parcels are the site of Horne Brothers Communications, Inc. and Blue Ridge Power.

Size: 4.68 ± acres

Adjoining Land Use & Zoning:

- North: Cumberland County Zoning M(P) (allowing industrial uses)
- South: Single Family Residential 10 (across I95)
- East: Heavy Industrial (HI)
- West: Cumberland County Zoning Planned Commercial C(P) (allows for retail shopping uses, currently home to more industrial uses)

Letters Mailed: 41

Land Use Plans:

With the adoption of the 2040 Comprehensive Plan: Future Land Use Map & Plan on May 26, 2020, all parcels within the city limits as well as parcels identified as being in the Municipal Influence Area (MIA) are subject to this plan.

According to the Future Land Use Map, this parcel has been identified for development with regional employment centers, including larger industrial uses or business parks under the Industrial/Employment Center (EC) designation.

**Issues/Analysis:**

History:

Between 1986 and 1994, these two parcels were subdivided from a larger 19.8-acre tract. Surveys conducted in 1992 and 1994 served as the basis for the subdivision map created for these parcels in 2003. The 19.8-acre tract was originally purchased by Billy D. Horne and Fay J. Horne from Clarence D. Godwin and Betty G. Ulrich and husband, William C. Ulrich in 1986. Then, on December 16, 1999, Charles F. Horne was granted ownership of the 1.37-acre lot. According to the Cumberland County tax card for the properties, the two buildings addressed 1662 and 1668 Middle River Loop were built in 1974, the building at 720 Mockernut Drive was built in 1995, and the building at 1682 Middle River Loop was built in 1994.

Surrounding Area:

To the north of this site, there is a 16-acre lot owned by Carolina Sun Investments, LLC, currently being used as open storage. Towards the east lies Larry's Sausage Co. Inc., which is a facility for meat processing and distribution. Since this site is located adjacent to I-95 and fronts Middle River Loop, there are no direct developments to the south. Moving towards the west, there are three parcels of land occupied by Starr Electric Company Inc., Fulcher Electric (Traffic Signal Company), Truck Tire Pro, and Heritage Shutters.

Rezoning Request:

The applicant is seeking an initial conditional zoning of two parcels to Heavy Industrial (HI/CZ) in conjunction with a petition for annexation into the city's corporate limits. The reason for this request is to enable the existing use of a telecommunications contractor to continue and to facilitate the connection to water and sewer services. It's important to note that this use is a by-right use in the HI zoning district, hence the request to zone the parcels as Heavy Industrial (HI).

**Conditional Zoning:**

Land within the corporate limits of the city as well as land that falls within the Municipal Area of Influence is classified under one of the base zoning districts established by the Unified Development Ordinance (UDO). Land may be reclassified to one of several comparable zoning districts in accordance with Section 30-2. C. The Heavy Industrial District was established to accommodate heavy manufacturing, assembly, fabrication, processing, distribution, storage, and other large scale industrial uses that require extensive movement of outdoor vehicles, materials, and goods. Examples of specific uses that fit this description are warehouses, manufacturing facilities, machine shops, and automobile repair.

This rezoning request is to initially zone a parcel with conditions in conjunction with annexation to Heavy Industrial Conditional Zoning.

The purpose of the CZ zoning district is "intended to provide a landowner and the City an alternative to rezoning the land to a standard base zoning district, where the base zoning allows certain uses and development that may be appropriate but also allow uses and development that may not conform to City plans or would have adverse impacts on public facilities or surrounding lands. Reclassification of land to a conditional zoning district allows a landowner to propose, and the City Council to consider, additional conditions or restrictions on the range of allowable uses, use standards, development intensities, development standards, and other regulations applicable in the parallel base zoning district. This enables the City to tailor a zoning classification to accommodate desirable development while avoiding or addressing anticipated problems that may arise from development otherwise allowed by the base zoning district."

While the proposed zoning would allow for the existing use to continue, it's important to note that the existing site does not conform to the development standards of the Heavy Industrial (HI) zoning district. When a parcel is annexed into the corporate limits, any existing development or site work that conformed to the standards under which it was originally developed will be considered an existing non-conformity under the provisions for non-conformities in the UDO, Article 30-7. Consequently, a specific set of provisions apply to the existing site and all buildings/structures. Under 30-7. F.1, interior and exterior remodeling would require the correction of on-site deficiencies to meet existing standards for off-street parking, landscaping, perimeter buffers, screening, and open space standards. Under 30-7. F.2, additions and expansions to structures or non-conforming sites must correct existing site deficiencies related to street parking, landscaping, perimeter buffering, screening, and open space standards. These two provisions operate on a graduated system, meaning that the degree of compliance is directly related to the extent of the remodel, addition, and/or expansion. If any change of use occurs (as mandated by 30-7. F.3), the entire site must comply with the standards for off-street parking, landscaping, perimeter buffers, screening, and open space. If any further expansion, development, or change of use occurs on the site, it will require degrees of compliance with the current development

standards to gradually bring the site into conformity.

Specifics of this Initial Conditional Zoning:

The applicant is requesting the following items be approved as conditions of approval of the initial zoning request:

1. **The existing building setbacks from the adjoining property lines as well as the interior property remain as they currently exist on the site.**
2. **The existing use areas around the site remain as they currently exist and function.**
3. **The existing setbacks from the private street right of way remain as they currently exist.**
4. **The loading docks on the building at 1662 remain as they currently exist and function without additional screening.**
5. **The existing access points, vehicular use areas and parking around the site remain as they currently exist.**

The purpose of these conditions is to make sure that any unforeseen damages to the property do not prevent the property owner from rebuilding according to the existing site conditions. If there are any changes made to the interior or exterior of the property, including remodeling, additions, or expansions, then the rules outlined in sections 30-7.F.1 and 30-7.F.2 must be followed. Additionally, if there is a change in how the property is being used, as stated in 30-7.F.3, the entire site must comply with off-street parking, landscaping, perimeter buffers, screening, and open space standards. If there are any future expansions, developments, or changes in use on the site, they will need to comply with current development standards to gradually bring the property into conformity.

Land Use Plan Analysis:

According to the Future Land Use Map, this parcel has been identified for development with regional employment centers, including larger industrial uses or business parks under the Industrial/Employment Center (EC) designation. The Heavy Industrial district allows for uses that fit within this category of land uses.

Consistency and Reasonableness Statements:

The Future Land Use Plan establishes goals, policies, and strategies. This application looks to follow the City's strategic compatible growth strategies by meeting the goals of the Land Use Plan found on the attached Consistency and Reasonableness form.

### **Budget Impact:**

There are no immediate budgetary impacts to rezoning these parcels, but there will be an economic impact associated with the annexation of these parcels.

### **Options:**

1. Recommend approval of the map amendment to HI/CZ as presented based on the evidence submitted and the five conditions listed above that have been submitted by the owners and finds that the map amendment/conditional zoning is consistent with the Future Land Use Plan as demonstrated by the attached consistency and reasonableness statement. (Recommended);
2. Recommend approval of the map amendment/conditional zoning to a more restrictive zoning district based on the evidence submitted and the five conditions

listed above that have been submitted by the owners and finds that the map amendment/conditional zoning would be consistent with the Future Land Use Plan and an amended consistency and reasonableness statement.

3. Recommend denial of the map amendment/conditional zoning based on the evidence submitted and finds that the map amendment/conditional zoning is inconsistent with the Future Land Use Plan.

**Recommended Action:**

The Professional Planning Staff recommends that the Zoning Commission move to recommend APPROVAL of the proposed map amendment to initially conditionally zone two parcels to Heavy Industrial Conditional Zoning (HI/CZ) based on the following:

- The proposed zoning map amendment adheres to the policies adopted in the Future Land Use Plan and can be made to conform with the provisions found in the Unified Development Ordinance (UDO). The Future Land Use Plan calls for the subject parcel to be developed as Industrial/ Employment Center (EC) and the proposed zoning district allows for uses that fit this category; and
- The proposed zoning district already exists east of the site and would promote compatible economic and commercial development consistent with Goal #2 of the Future Land Use Goals
- The proposed zoning district promotes logical and orderly development that would make no substantial impact upon the public health, safety, or general welfare.

**Attachments:**

1. Plan Application
2. Aerial Notification Map
3. Zoning Map
4. Land Use Plan Map
5. Subject Property
6. Surrounding Property Photos
7. Annexation Map
8. District Standards
9. Consistency and Reasonableness Statements

**Project Overview****#962652****Project Title:** Horne Brothers Commercial**Jurisdiction:** City of Fayetteville**Application Type:** 5.1) Rezoning (Map Amendment)**State:** NC**Workflow:** Staff Review**County:** Cumberland**Project Location****Project Address or PIN:****Zip Code:** 28312

- 1682 MIDDLE RIVER LOOP (0447464759000)
- 1662 MIDDLE RIVER LOOP (0447466947000)

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

- 1682 MIDDLE RIVER LOOP: HORNE, CHARLES F
- 1662 MIDDLE RIVER LOOP: HORNE, BILLY D; HORNE, FAY J

**Acreage: Parcel**

- 1682 MIDDLE RIVER LOOP: 1.38
- 1662 MIDDLE RIVER LOOP: 3.3

**Zoning District: Zoning District**

- 1682 MIDDLE RIVER LOOP: cnty
- 1662 MIDDLE RIVER LOOP: cnty

**Subdivision Name:****Fire District:****Airport Overlay District:****Hospital Overlay District:****Coliseum Tourism District:****Cape Fear District: Cape Fear District****Downtown Historic District:**

- 1662 MIDDLE RIVER LOOP: 0

**Haymount Historic District:****Floodway:****100 Year Flood:** <100YearFlood>**500 Year Flood:** <500YearFlood>**Watershed:****General Project Information****Has the land been the subject of a map amendment application in the last five years?:** No**Previous Amendment Approval Date:****Previous Amendment Case #:****Proposed Zoning District:** HI**Acreage to be Rezoned:** 4.68**Is this application related to an annexation?:** Yes**Water Service:** Public**Sewer Service:** Public**A) Please describe all existing uses of the land and existing structures on the site, if any:****B) Please describe the zoning district designation and existing uses of lands adjacent to and across the street from the subject site.:**

Existing Telecommunications contractor; usage will stay the same after rezoning

Property to the east is Godwin Properties, LLC. (city zoning HI); to the south is Fayetteville Community Church (city zoning SF10); to the north is Carolina Sun Investments, LLC. (county zoning M(P));

to the west is Fulcher Investments, LLC. & Starr Family Group, LLC. (county zoning C(P)).

**Amendment Justification - Answer all questions on this and all pages in this section (upload additional sheets as needed).**

**A) State the extent to which the proposed amendment is consistent with the comprehensive plan and all other applicable long-range planning documents.:**

It is keeping in current use of the adjoining properties

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

Property owner would like to connect to PWC sewer

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

This amendment keeps with the current community usage and stays with the current property usage

**D) State the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land, and why it is the appropriate zoning district for the land.:**

The surrounding properties have similar uses and zoning

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

This amendment keeps property in the existing use. Property owner is currently zoned in county zoning and is annexing in to city to connect to sewer and water services. The adjacent properties are similar in use

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

The proposed usage is the current usage therefore it will not encourage premature development

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

This property runs daily operations for a telecommunications contractor and is keeping the existing buildings and not adding. Therefore will not result in strip commercial development

**H) State the extent to which the proposed amendment results in the creation of an isolated zoning district unrelated to adjacent and surrounding zoning districts.:**

HI zoning is on adjacent properties therefore will not result in isolated zoning

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

This zoning meets current zoning in the area and should not result in adverse impacts

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

Site meets all environmental requirements and will not result in adverse impacts

**Primary Contact Information**

**Contractor's NC ID#:**

**Project Owner**

Charles Horne  
Horne Brothers Communications, Inc.  
1662 Middle River Loop  
Fayetteville, NC 28312  
P:910-758-8525  
[charleshorne@hbc-inc.com](mailto:charleshorne@hbc-inc.com)

**Project Contact - Agent/Representative**

Cynthia Smith  
Moorman, Kizer & Reitzel, Inc.

115 Broadfoot Avenue  
Fayetteville, NC 28306  
P:910-484-5191  
[csmith@mkrinc.com](mailto:csmith@mkrinc.com)

**Project Contact - Primary Point of Contact for Engineer**

Jimmy Kizer  
Moorman, Kizer & Reitzel, Inc.  
115 Broadfoot Avenue  
Fayetteville, NC 28305  
P:910-484-5191  
[jkizerjr@mkrinc.com](mailto:jkizerjr@mkrinc.com)

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

**NC State General Contractor's License Number:**

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

Thomas Gooden  
Moorman, Kizer & Reitzel, Inc.  
115 Broadfoot Avenue  
Fayetteville, NC 28305  
P:910-484-5191  
[tgooden@mkrinc.com](mailto:tgooden@mkrinc.com)

**NC State Mechanical Contractor's #1 License Number:**

**NC State Mechanical Contractor's #2 License Number:**

**NC State Mechanical Contractor's #3 License Number:**

**NC State Electrical Contractor #1 License Number:**

**NC State Electrical Contractor #2 License Number:**

**NC State Electrical Contractor #3 License Number:**

**NC State Plumbing Contractor #1 License Number:**

**NC State Plumbing Contractor #2 License Number:**

**Indicate which of the following project contacts should be included on this project:** Engineer, Surveyor





## Aerial Notification Map



Case #: P23-11

Initial Conditional Zoning

Request: Heavy Industrial (HI/CZ)

Location: 1682 & 1662 Middle River Loop

## Legend

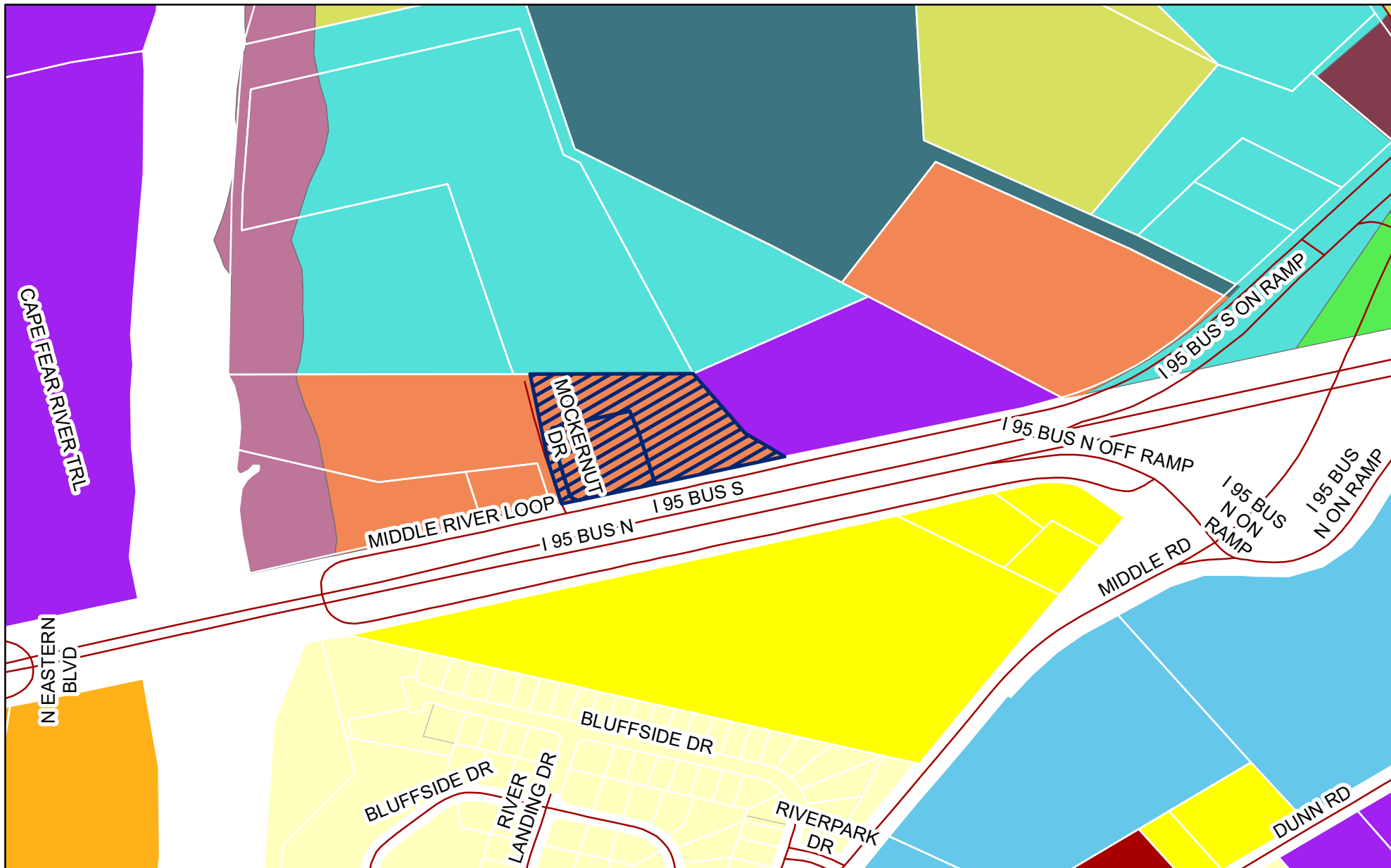
-  P23-11 Buffer
-  AX23-02 (P23-11)



Letters are being sent to all property owners within the 1000' buffer. Subject property is shown in the hatched pattern.







# Zoning Map

Case #: P23-11

Initial Conditional Zoning

Request: Heavy Industrial (HI/CZ)

Location: 1682 & 1662 Middle River Loop

## Legend

AX23-02 (P23-11)

CC - Community Commercial

HI - Heavy Industrial

LI - Light Industrial

MR-5 - Mixed Residential 5

SF-6 - Single-Family Residential 6

SF-10 - Single-Family Residential 10

County

**CCZoning**

**gis\_ware\_3**

A1

A1

C1P

CD

CP

HSP

MP

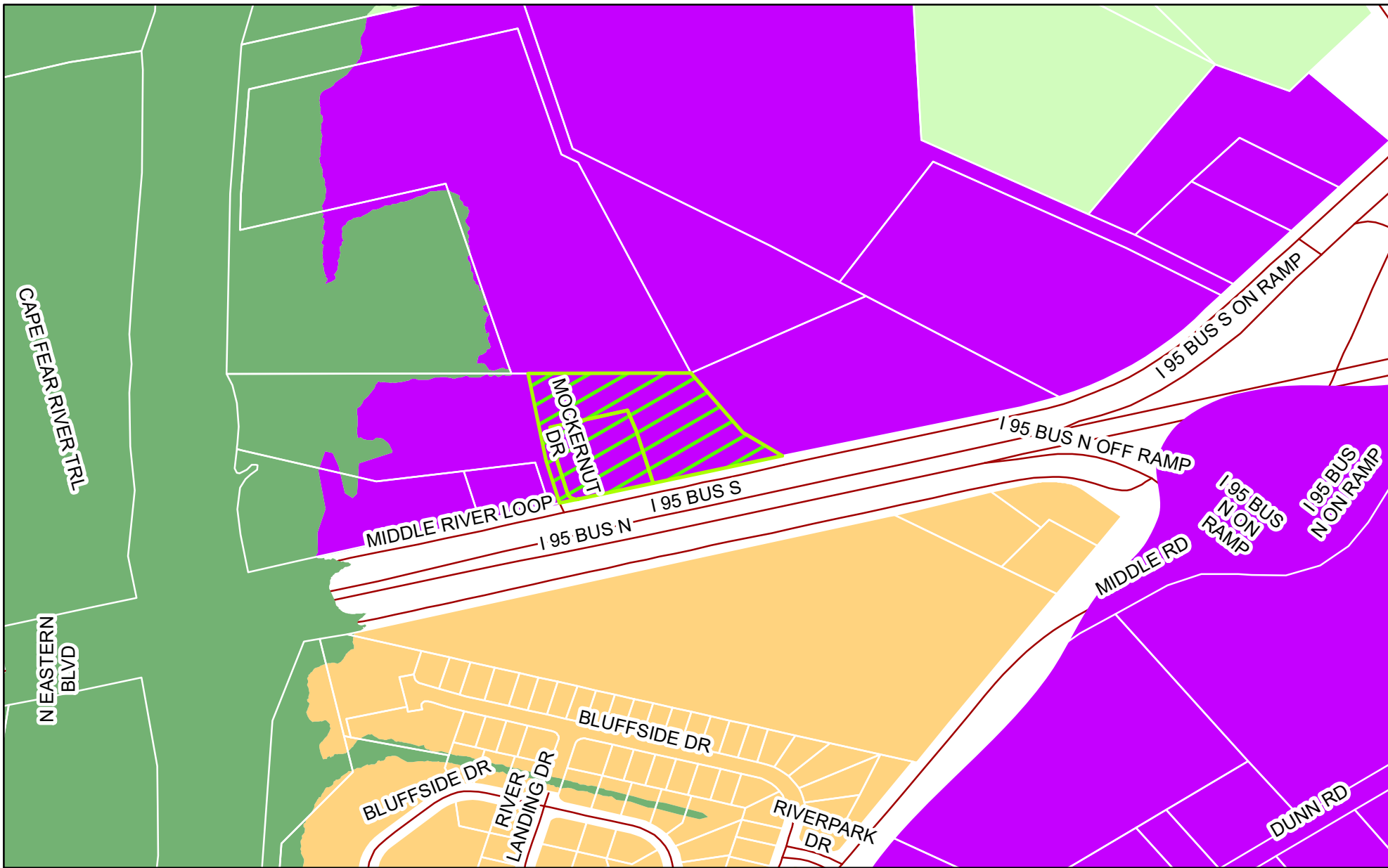
R5A

RR



Letters are being sent to all property owners within the 1000' buffer. Subject property is shown in the hatched pattern.





# Future Land Use Map Case #: P23-11

Initial Conditional Zoning  
Request: Heavy Industrial (HI/CZ)

Location: 1682 & 1662 Middle River Loop

## Legend

-  AX23-02 (P23-11)
-  PARKOS - PARK / OPEN SPACE
-  MDR - MEDIUM DENSITY
-  EC - EMPLOYMENT CENTER
-  RU - RURAL

## Land Use Plan 2040 Character Areas



Letters are being sent to all property owners within the 1000' buffer. Subject property is shown in the hatched pattern.







**West**



**North**



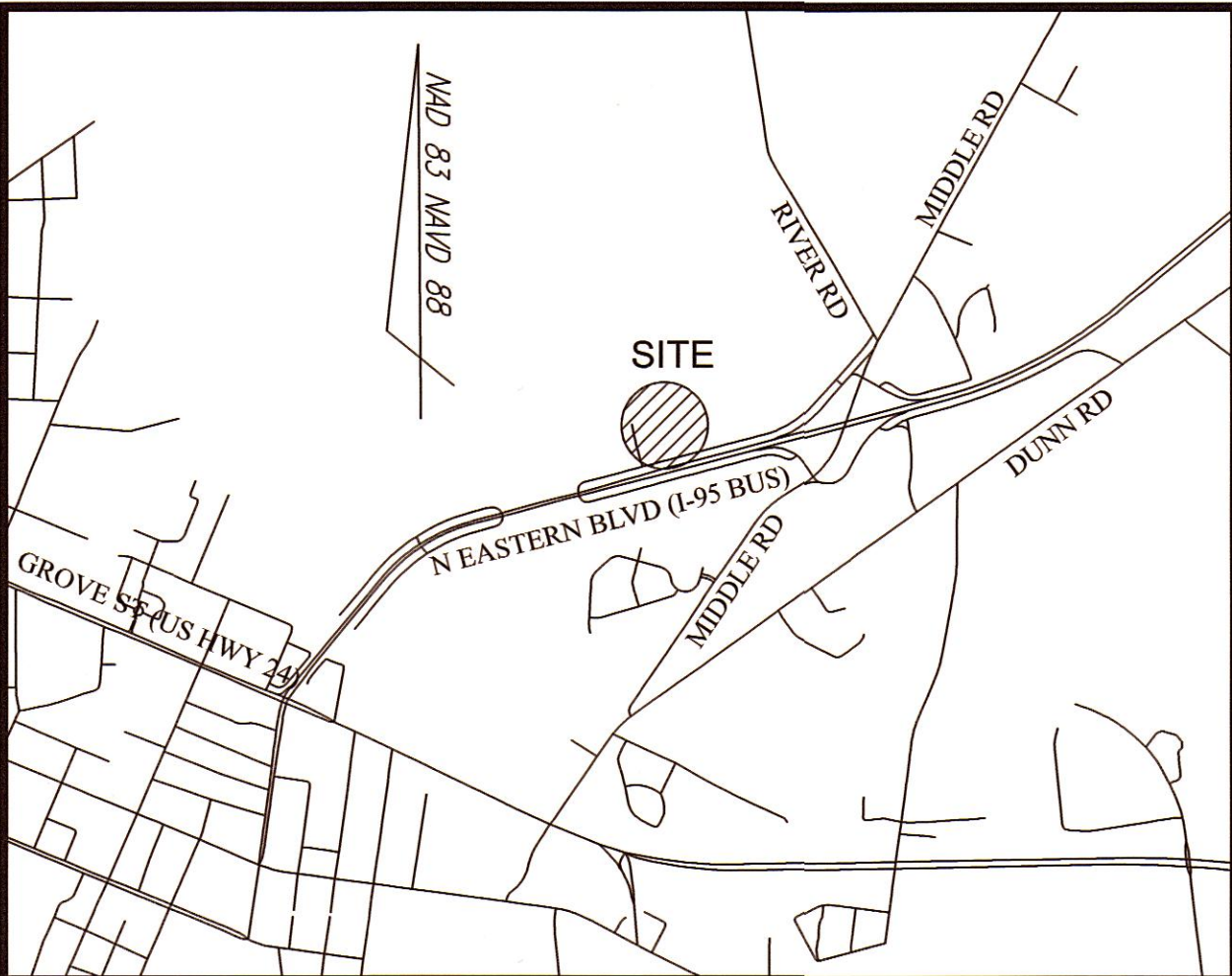
**East**



**South**







VICINITY MAP (NTS)

NOTES:

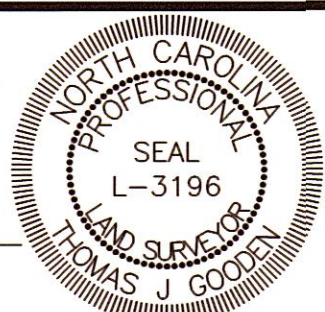
- 1) Horizontal control as located within 2000'.
- 2) All distances shown are horizontal ground distances.
- 3) Area by Coordinate Computations.
- 4) This property is subject to easements and restrictions of record.
- 5) This surveyor does not certify to the existence of underground utilities (tanks, etc).
- 6) No Title search was completed for this survey. No responsibility is assumed by this surveyor for any conditions which may presently exist but are unknown such as Toxic or Hazardous Waste Materials, Cemeteries, Wetlands and Flood Areas.
- 7) All Encroachments are shown from furthest point of encroachment
- 8) Combined Grid Factor 0.99987816.
- 9) This property may contain wetlands. No wetland surveys were completed at this time.

I, Thomas J. Gooden, certify that this survey is of an existing parcel or parcels of land and does not create a new street or change an existing street.

Thomas J. Gooden  
Professional Land Surveyor L-3196

I, Thomas J. Gooden, certify that this Grid Tie was drawn from an actual GPS survey made under my supervision: that this survey was performed on April 14, 2022 and all coordinates were derived by VRS (Virtual Reference Station) GPS using a SPECTRA Precision series dual frequency receiver. This method results in NAD 83 (NSRS 2011) positions and NAVD 88 elevations using the continuously operating reference stations maintained by the North Carolina Geodetic Survey; That this map was drawn under my supervision from an actual survey made under my supervision, Deed description recorded in Deed Book (AS) Page (SHOWN), etc. That the boundaries not surveyed are clearly indicated as shown from information as shown hereon; That the ratio of precision as calculated is 1: 10,000+; That this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, professional license no. and seal this 10 day of January, 2023 A.D.,

Thomas J. Gooden  
Professional Land Surveyor L-3196



**LEGEND:**  
Property Line  
Other Lot Lines  
Easement Line  
Existing Fence Line  
Overhead Electric Lines  
Right of Way Lines (Not Surveyed)  
SRB (Set Re-Bar)  
ERB (Existing Iron Re bar)  
EIP (Existing Iron Pipe)  
ECM (Existing Concrete Monument)  
DB Deed Book  
PB Plat Book  
PG Page  
EMN Existing Magnetic Nail  
R/W Right of Way  
CP Computed Point  
MNS Magnetic Nail Set  
PP Power Pole

Legal Description

1.38 Acres  
Tract 3, Billy D. Horne Property  
Plat Book 108 Page 176

BEGINNING at a set rebar located in the northern right of way margin of Middle Loop Road, (S.R. 1737); said set rebar being the southeast corner of Tract 3 as shown on plat entitled "Subdivision Map For Billy D. Horne and Charles Ernest Horne" as recorded in Plat Book 108 Page 176 of the Cumberland County Registry;  
Said set rebar being located a tie line of S 76°54'36" W 1587.01 feet and S 75°24'32" W a distance of 371.85' from NCGS Geodetic Station "RIVER" said Station having NAD 83/2011 State Grid Coordinates of N = 477214.780 and E = 2,046,567.01;

AND RUNNING THENCE with the western line of Tract 4 as shown in Plat Book 108 Page 176, N 14°46'00" W a distance of 181.31' to a set rebar;  
Thence N 19°20'00" W a distance of 75.24' to a set rebar;  
Thence S 75°14'00" W a distance of 223.65' to a set rebar;  
Thence S 09°34'00" E a distance of 107.36' to a set rebar;  
Thence S 15°07'17" E a distance of 123.89' to a set magnetic nail;  
Thence with a curve turning to the left with an arc length of 38.97', with a radius of 25.00', with a chord bearing of S 59°45'47" E, with a chord length of 35.14', to a set rebar located in the northern right of way margin of Middle Loop Road; Said set rebar being the southwest corner of Tract 3 as shown in Plat Book 108 Page 176;  
Thence with northern right of way margin of lines of Middle Loop Road N 75°24'32" E a distance of 213.76' to the PLACE AND POINT OF BEGINNING, Containing 1.38 acres, more or less.

The above tract being shown as Tract 3 on plat entitled "Subdivision Map For Billy D. Horne and Charles Ernest Horne" as recorded in Plat Book 108 Page 176 and Deed Book 5208 Page 187 of the Cumberland County, North Carolina Registry

Legal Description

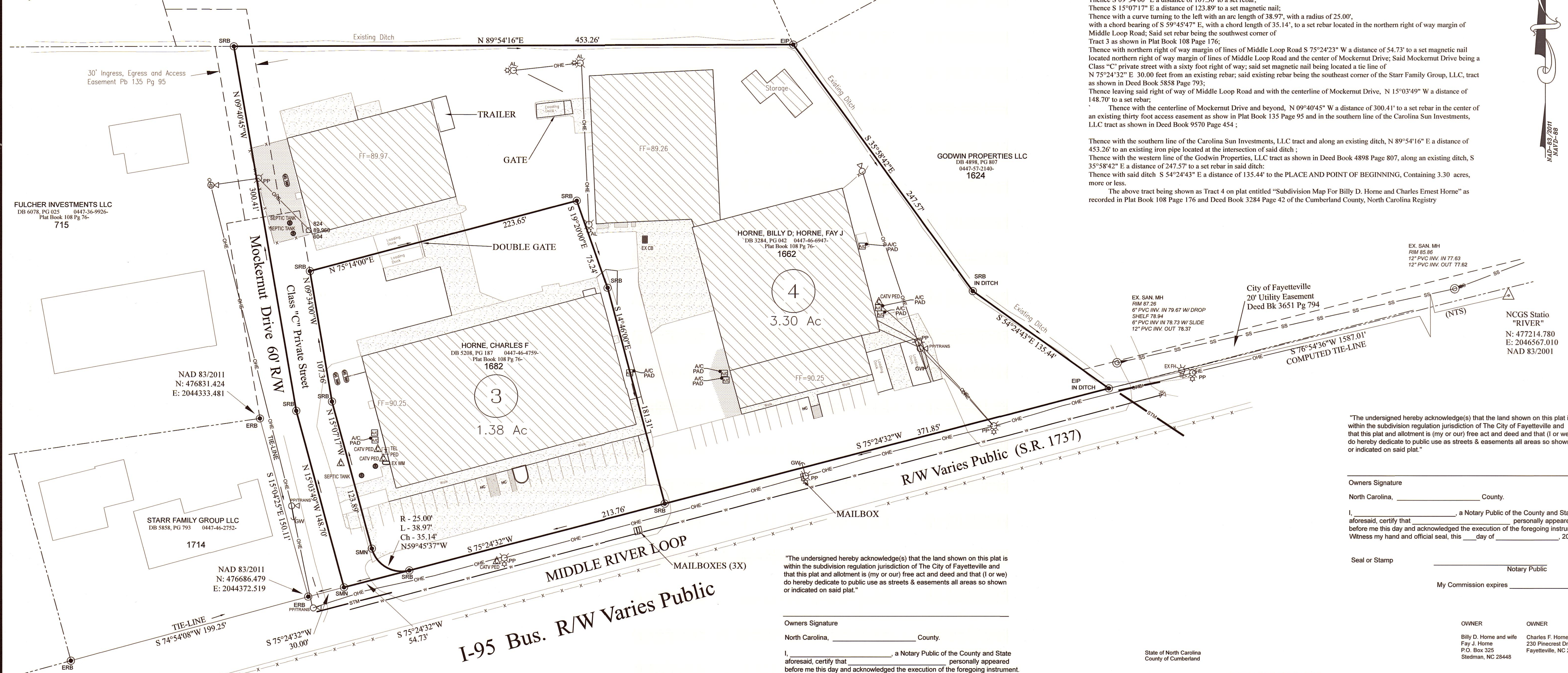
3.30 Acres  
Tract 4, Billy D. Horne Property  
Plat Book 108 Page 176

BEGINNING at an existing Iron Pipe located in the northern right of way margin of Middle Loop Road, (S.R. 1737); said existing iron pipe being the southeast corner of Tract 4 as shown on plat entitled "Subdivision Map For Billy D. Horne and Charles Ernest Horne" as recorded in Plat Book 108 Page 176 of the Cumberland County Registry;  
Said existing iron pipe being located a tie line of S 76°54'36" W 1587.01 feet from NCGS Geodetic Station "RIVER" said Station having NAD 83/2011 State Grid Coordinates of N = 477214.780 and E = 2,046,567.01;

AND RUNNING THENCE with the northern right of way margin of lines of Middle Loop Road, S 75°24'32" W a distance of 371.85' to a set rebar located at the southeast corner of Tract 3 as shown in Plat Book 108 Page 176;  
Thence with the above Tract 3, N 14°46'00" W a distance of 181.31' to a set rebar;  
Thence N 19°20'00" W a distance of 75.24' to a set rebar;  
Thence S 75°14'00" W a distance of 223.65' to a set rebar;  
Thence S 09°34'00" E a distance of 107.36' to a set rebar;  
Thence S 15°07'17" E a distance of 123.89' to a set magnetic nail;  
Thence with a curve turning to the left with an arc length of 38.97', with a radius of 25.00', with a chord bearing of S 59°45'47" E, with a chord length of 35.14', to a set rebar located in the northern right of way margin of Middle Loop Road; Said set rebar being the southwest corner of Tract 3 as shown in Plat Book 108 Page 176;  
Thence with northern right of way margin of lines of Middle Loop Road S 75°24'32" W a distance of 54.73' to a set magnetic nail located northern right of way margin of lines of Middle Loop Road and the center of Mockernut Drive; Said Mockernut Drive being a Class "C" private street with a sixty foot right of way; said set magnetic nail being located a tie line of N 75°24'32" E 30.00 feet from an existing rebar; said existing rebar being the southeast corner of the Starr Family Group, LLC, tract as shown in Deed Book 5858 Page 793;  
Thence leaving said right of way of Middle Loop Road and with the centerline of Mockernut Drive, N 15°03'49" W a distance of 148.70' to a set rebar;  
Thence with the centerline of Mockernut Drive and beyond, N 09°40'45" W a distance of 300.41' to a set rebar in the center of an existing thirty foot access easement as show in Plat Book 135 Page 95 and in the southern line of the Carolina Sun Investments, LLC tract as shown in Deed Book 9570 Page 454;

Thence with the southern line of the Carolina Sun Investments, LLC tract and along an existing ditch, N 89°54'16" E a distance of 453.26' to an existing iron pipe located at the intersection of said ditch;  
Thence with the western line of the Godwin Properties, LLC tract as shown in Deed Book 4898 Page 807, along an existing ditch, S 35°58'42" E a distance of 247.57' to a set rebar in said ditch;  
Thence with said ditch S 54°24'43" E a distance of 135.44' to the PLACE AND POINT OF BEGINNING, Containing 3.30 acres, more or less.

The above tract being shown as Tract 4 on plat entitled "Subdivision Map For Billy D. Horne and Charles Ernest Horne" as recorded in Plat Book 108 Page 176 and Deed Book 3284 Page 42 of the Cumberland County, North Carolina Registry



"The undersigned hereby acknowledge(s) that the land shown on this plat is within the subdivision regulation jurisdiction of The City of Fayetteville and that this plat and allotment is (my or our) free act and deed and that (I or we) do hereby dedicate to public use as streets & easements all areas so shown or indicated on said plat."

Owners Signature  
North Carolina, \_\_\_\_\_ County.

I, \_\_\_\_\_, a Notary Public of the County and State aforesaid, certify that \_\_\_\_\_ personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official seal, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Seal or Stamp  
Notary Public  
My Commission expires \_\_\_\_\_

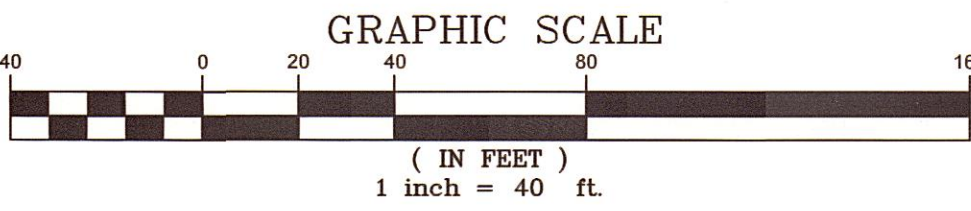
OWNER  
Billy D. Horne and wife  
Fay J. Horne  
P.O. Box 325  
Stedman, NC 28448

OWNER  
Charles F. Horne  
230 Pinecrest Drive Apt 26  
Fayetteville, NC 28305

State of North Carolina  
County of Cumberland

I, \_\_\_\_\_, Review Officer of Cumberland County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Date \_\_\_\_\_





## PART II - CODE OF ORDINANCES

### CHAPTER 30 – UNIFIED DEVELOPMENT ORDINANCE

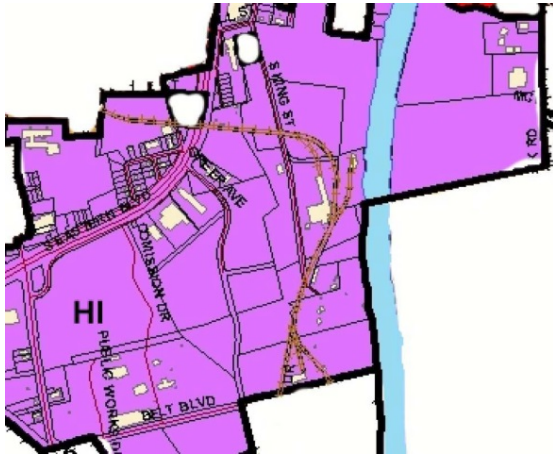
#### Article 30-3: Zoning Districts

#### 30-3.E. Business Base Zoning Districts

#### 30-3.E.9. Heavy Industrial (HI) District

HI HEAVY INDUSTRIAL DISTRICT	PURPOSE	
	The Heavy Industrial (HI) District is established and intended to accommodate heavy manufacturing, assembly, fabrication, processing, distribution, storage, research and development, and other industrial uses that may be large-scale or otherwise have extensive exterior movement of vehicle, materials, and goods, and greater potential for adverse environmental and visual impacts.	
DIMENSIONAL STANDARDS		
DIMENSIONAL STANDARD	PRINCIPAL USES	ACCESSORY STRUCTURES
Lot area, min. (sq. ft.)	40,000	n/a
Lot width, min. (ft.)	100	n/a
Lot coverage, max. (% of lot area)	75	[1]
Height, max. (ft.)	90; 50 when abutting a single-family residential district	
Front and corner setback, min. (ft.)	The lesser of: 50 feet or 75 feet from street centerline of private streets	Not allowed in front, side, or corner side yard areas
Side setback, min. (ft.)	15; 100 where abutting a residential zoning district	
Rear setback, min. (ft.)	20; none where abutting a railroad right- of-way; 50 where abutting a residential zoning district	5; 75 where abutting a residential zoning district
Spacing between buildings, min. (ft.)	20	5
NOTES:		
[1] Accessory structures/use areas shall not exceed the lesser of: 5,000 square feet in size or 30 percent of the allowable lot coverage.		

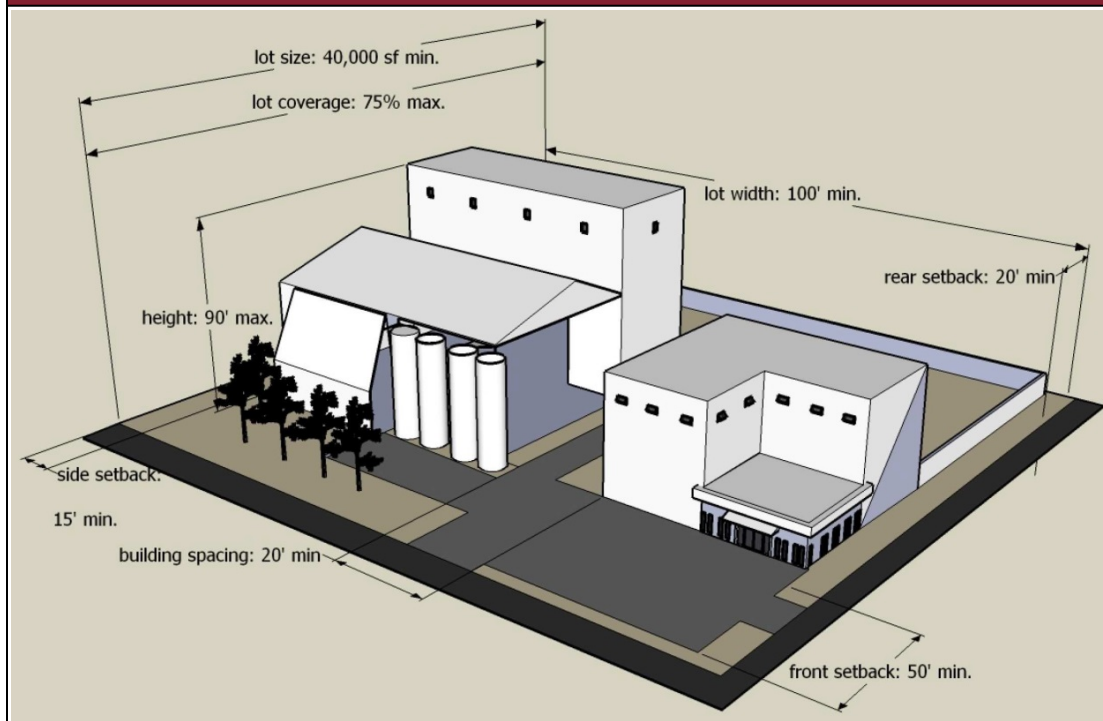
**Figure 30-3.E.9.a:  
HI Typical Lot Pattern**



**Figure 30-3.E.9.b:  
HI Typical Building Form**



**Figure 30-3.E.9.c: HI Typical Building/Lot Configuration**



*(Ord. No. S2011-014, § 1.3, 11-28-2011; Ord. No. S2012-001, Pt. 3, § 3.2, 1-23-2012)*

Effective on: 11/18/2013

# Consistency and Reasonableness Statement

## Map Amendments

Pursuant N.C.G.S. Sections 160D-604 and -605, the Zoning Commission finds that the proposed zoning map amendment in case P23-11 is consistent/inconsistent with the City of Fayetteville's Future Land Use Map and Plan (Comprehensive Plan). The following analysis examines the proposed amendment relative to the goals and land-use policies and strategies of the Comprehensive Plan:

### Consistency

#### 1. GOALS

GOAL(S)	CONSISTENT	INCONSISTENT
GOAL #1: Focus value and investment around infrastructure and strategic nodes	X	
GOAL #2 Promote compatible economic and commercial development in key identified areas	X	

#### 2. LAND USE POLICES AND STRATEGIES:

LAND USE POLICIES AND STRATEGIES	CONSISTENT	INCONSISTENT
<b>LUP 1: Encourage growth in areas well- served by infrastructure and urban services, including roads, utilities, parks, schools, police, fire and emergency services.</b>		
1.1: Work with Public Works Commission (PWC) and other utility provider to ensure that public facilities and services are planned in a coordinated manner	X	
1.3: Consider the costs and benefits of future extensions of utility service	X	
<b>LUP 2: Encourage strategic economic development</b>		
2.1: Encourage economic development in designated areas	X	

#### 3. The proposed amendment is consistent with the Future Land Use Map as follows:

X	The proposed land use is consistent and aligns with the area's designation on the FLU Map.	OR	The proposed land use is inconsistent and does not align with the area's designation on the FLU Map.
---	--	----	--



X	The proposed designation, as requested, would permit uses that are complimentary to those existing on adjacent tracts.	OR	The proposed designation, as requested, would permit uses that are incongruous to those existing on adjacent tracts.
---	--	----	--

### **Reasonableness**

The proposed zoning amendment is reasonable and in the public interest because it supports the policies of the Comprehensive Plan as stated above and the Strategic Plan as stated in the Staff Report, and because: [select all that apply]

- X   The size, physical conditions, and other attributes of the proposed use(s) will benefit the surrounding community.
- The amendment includes conditions that limit potential negative impacts on neighboring uses.
- X   The proposed uses address the needs of the area and/or City.
- X   The proposal adapts the zoning code to reflect modern land-use trends and patterns.

The amendment is also in the public interest because it: [select all that apply]

- X   improves consistency with the long-range plan.
- X   improves the tax base.
- preserves environmental and/or cultural resources.
- X   facilitates a desired kind of development.
- X   provides needed housing/commercial area.

Additional comments, if any (write-in):

April 11, 2023  
Date

\_\_\_\_\_  
Chair Signature

\_\_\_\_\_  
Print



# City of Fayetteville

433 Hay Street  
Fayetteville, NC 28301-5537  
(910) 433-1FAY (1329)

## City Council Action Memo

File Number: 23-3301

**Agenda Date:** 4/11/2023

**Version:** 1

**Status:** Agenda Ready

**In Control:** Zoning Commission

**File Type:** Public Hearing  
(Public & Legislative)

**Agenda Number:** 5.02

**TO:** Mayor and Members of City Council

**THRU:** Zoning Commission

**FROM:** Heather Eckhardt - Planner II

**DATE:** April 11, 2023

**RE:**

**P23-12.** Rezoning from Single-Family Residential 10 (SF-10) to Mixed Residential 5 (MR-5), located at 0 Graham Road and 6677 Bailey Lake Road (REID #0406037174000 & 0406131181000), totaling 5.56 acres ± and being the property of LEF LLC, J & K General Contractor Inc., represented by Michael Adams of MAPS Surveying Inc.

**COUNCIL DISTRICT(S):**

6 - Derrick Thompson

**Relationship To Strategic Plan:**

Strategic Operating Plan FY 2022

Goals 2027

Goal II: Responsive City Government Supporting a Diverse and Viable Economy

- Objective 2.1 - To ensure a diverse City tax base

Goal III: City invested in Today and Tomorrow

- Objective 3.2 - To manage the City's future growth and strategic land use.

Goal IV: Desirable Place to Live, Work, and Recreate

- Objective 4.5 - To ensure a place for people to live in great neighborhoods

**Executive Summary:**

The applicant is seeking to rezone two parcels from Single Family Residential 10 (SF-10) to Mixed Residential 5 (MR-5). The two parcels to be rezoned total 5.56 acres ±. The subject properties are south of Fire Station 17 located on Bailey Lake Road. The 5.36-acre parcel, addressed as 0 Graham Road, is currently undeveloped and wooded. The .20-acre parcel, addressed as 6677 Bailey Lake Road, has one single-family house which is vacant and will be demolished.

**Background:**

Applicant: Michael Adams, MAPS Surveying Inc.

Owner: LEF LLC; J & K General Contractor Inc.

Requested Action: SF-10 to MR-5

REID #: 0406037174000 & 0406131181000

Council District: 6 - Derrick Thompson

Status of Property: 0 Graham Road: Undeveloped

6677 Bailey Lake Road: Vacant single-family house

Size: 5.56 acres

Adjoining Land Use & Zoning:

- North: SF-10 - Fire Station 17
- South: SF-10 - Single family subdivision & vacant land
- East: SF-10 - Single family dwelling & Aqua well site
- West: SF-10 - Single family subdivision

Annual Average Daily Traffic: Bingham Drive near Strickland Bridge Road: 4,300 (2016)

Letters Mailed: 277

Land Use Plans:

With the adoption of the 2040 Comprehensive Plan: Future Land Use Map & Plan on May 26, 2020, all properties within the city limits as well as properties identified as being in the Municipal Influence Area (MIA) are subject to this plan.

According to the Plan, it is recommended that this portion of the city should be developed as Low Density Residential (LDR) and Park/Open Space (PARKOS). The area designated for Park/Open Space is located within the regulatory flood hazard area located at the rear of the property.

Low Density Residential is best described as mainly single family residential with some accessory dwellings; occasionally with duplexes (if isolated) or townhomes. Lots are typically meant for 1-4 dwellings per acre and have a suburban, auto-oriented character with utility services. Areas designated for Park/Open Space are areas generally not suited for development due to site constraints or environmental/cultural importance.

According to the Plan, the area surrounding the subject properties is intended to develop as Low Density Residential as well.

**Issues/Analysis:**

History:

The subject property was annexed into the city in 2005 as part of the Phase 5 Annexation Project. The single family house located at 6677 Bailey Lake Road has been in existence since the early 1980s. The 5.36-acre vacant parcel has never been developed. In 2013, the property was used as a temporary laydown yard for utility construction.

Surrounding Area:

Fire Station 17 and the Bailey Lake Dog Park is located to the north of the subject

properties. The Arran Lakes West subdivision is located to the south of the subject properties. The Emerald Gardens subdivision is located to the west of the subject properties. Across Bailey Lake Road, there is an Aqua well site as well as the Winter Park subdivision. Further north on Bailey Lake Road, there are 25 duplexes along Rockford Drive. There are additional duplexes and a small apartment development fronting Bailey Lake Road, just north of the Bailey Lake Dog Park.

**Rezoning Request:**

Land within the City is generally classified by the Unified Development Ordinance (UDO) to be within one of many base zoning districts. Land may be reclassified to one of several comparable zoning districts in accordance with Section 30-2.C.

The applicant is requesting to rezone an area currently zoned Single Family Residential 10 (SF-10) to Mixed Residential 5 (MR-5). The Mixed Residential 5 zoning district allows for a range of residential use such as single family detached and attached dwellings, two-to-four family dwellings, and multi-family dwellings. The applicant intends to construct a 31-unit townhome development. While the MR-5 zoning district allows for more density than the SF-10 zoning district, the proposed 31-townhome development is less dense than would be permitted by the MR-5 zoning district. The MR-5 zoning district would allow for 48 single-family houses to be developed on the 5.56-acre site.

The attached site plan has been reviewed by the Technical Review Committee. At the meeting, standard development comments were provided regarding standards for parking, storm water, landscaping, etc.

**Straight Zoning:**

The request is for a straight zoning from Single Family Residential 10 (SF-10) to Mixed Residential 5 (MR-5).

The Mixed Residential 5 (MR-5) zoning district is established and intended to meet the diverse housing needs of City residents by accommodating a wide variety of residential housing types and arrangements at moderate to high densities, including single-family detached dwellings, two- to four-family dwellings, multi-family dwellings, and other residential development that may include single-family attached dwellings, and zero lot line developments.

The reclassification of land to a base zoning district without conditions allows all of the uses that are shown on the attached Use Table taken from the UDO. The Zoning Commission may not consider conditions or restrictions on the range of allowable uses, use standards, development intensities, development standards, and other applicable regulations.

**Land Use Plan Analysis:**

According to the Future Land Use Map & Plan, this general area is recommended to be developed as Low Density Residential (LDR) and Park/Open Space (PARKOS).

The requested rezoning is in keeping with the Future Land Use Map & Plan. Low Density Residential calls for single-family developments with duplexes and townhomes interspersed. There are duplexes and apartment developments in the immediate area of the subject properties. The proposed development would add additional units to the needed housing stock.

**Consistency and Reasonableness Statements:**

The Future Land Use Plan also sets forth written goals, policies, and strategies. This application does follow the City's strategic, compatible growth strategies and does

meet the goals of the Land Use Plan found on the attached Consistency and Reasonableness form.

**Budget Impact:**

There is not an immediate budgetary impact but there will be an economic impact associated with this rezoning that will occur due to taxes collected in the future.

**Options:**

1. Recommends approval of the map amendment to MR-5 as presented based on the evidence submitted and finds that the rezoning is consistent with the Future Land Use Plan as demonstrated by the attached consistency and reasonableness statement (recommended);
2. Recommends approval of the map amendment to a more restrictive zoning district based on the evidence submitted and finds that the map amendment would be consistent with the Future Land Use Plan and an amended consistency statement;
3. Denies the map amendment request based on the evidence submitted and finds that the map amendment is inconsistent with the Future Land Use Plan.

**Recommended Action:**

The Professional Planning Staff recommends that the Zoning Commission move to recommend APPROVAL of the map amendment to MR-5 based on the following:

- The proposed zoning map amendment implements the policies adopted in the Future Land Use Plan (FLUP), and those policies found in the Unified Development Ordinance (UDO). The Future Land Use Plan calls for the subject property to be developed as Low Density Residential (LDR) and Park/Open Space (PARKOS). The proposed rezoning will also address the City of Fayetteville's goal to increase the available housing stock in order to address the ongoing housing crisis.
- The uses permitted by the proposed change in zoning district classification and standards apply to such uses are appropriate in the immediate area of the land to be reclassified due to the existing zoning and uses surrounding this property; and
- There are no other factors that will substantially affect public health, safety, morals, or general welfare.

**Attachments:**

1. Plan Application
2. Aerial Notification Map
3. Zoning Map
4. Land Use Plan Map
5. Subject Property
6. Surrounding Property Photos

7. Consistency and Reasonableness Statement
8. Site Plan

**Project Overview****#970439****Project Title:** Bailey Lake LEF**Jurisdiction:** City of Fayetteville**Application Type:** 5.1) Rezoning (Map Amendment)**State:** NC**Workflow:** Staff Review**County:** Cumberland**Project Location****Project Address or PIN:****Zip Code:** 28304

- 0 GRAHAM RD (0406037174000)
- 6677 BAILEY LAKE RD (0406131181000)

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

- 0 GRAHAM RD: LEF LLC;J & K GENERAL CONTRACTOR INC
- 6677 BAILEY LAKE RD: LEF LLC;J & K GENERAL CONTRACTOR INC

**Acreage: Parcel**

- 0 GRAHAM RD: 3.61
- 6677 BAILEY LAKE RD: 0.2

**Zoning District: Zoning District**

- 0 GRAHAM RD: SF-10
- 6677 BAILEY LAKE RD: SF-10

**Subdivision Name:****Fire District:****Airport Overlay District:****Hospital Overlay District:****Coliseum Tourism District:****Cape Fear District:****Downtown Historic District:****Haymount Historic District:****Floodway: FloodWay**

- 0 GRAHAM RD: AE

**100 Year Flood:** <100YearFlood>**500 Year Flood:** <500YearFlood>**Watershed:****General Project Information****Has the land been the subject of a map amendment application in the last five years?:** No**Previous Amendment Approval Date:****Previous Amendment Case #:****Proposed Zoning District:** MR5**Acreage to be Rezoned:** 5.56**Is this application related to an annexation?:** No**Water Service:** Public**Sewer Service:** Public**A) Please describe all existing uses of the land and existing structures on the site, if any:****B) Please describe the zoning district designation and existing uses of lands adjacent to and across the street from the subject site.:**

Land is currently vacant.

All surrounding properties are currently zoned SF-10. To the west,east, and south are single family subdivisions. To the north is

The older house shown on the smaller tract is abandoned and will

be taken down.

a fire station.

**Amendment Justification - Answer all questions on this and all pages in this section (upload additional sheets as needed).**

**A) State the extent to which the proposed amendment is consistent with the comprehensive plan and all other applicable long-range planning documents.:**

Proposed zoning would be consistent with the area and provide the best use of the property for this particular area.

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

No

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

Housing is much needed and would help to satisfy that need.

**D) State the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land, and why it is the appropriate zoning district for the land.:**

Property would allow for more units than the current zoning but the long range goal is to make the project a private community.

This proposed zoning would allow for the best and most productive use of the property.

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

Project would be completely private and gated and would ensure safety.

Housing in this area and across the city/county is much needed and would provide amenities for those living in this development that would not be available if single family housing were implemented.

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

None. Surrounding area is developed already.

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

None

**H) State the extent to which the proposed amendment results in the creation of an isolated zoning district unrelated to adjacent and surrounding zoning districts.:**

The proposed zoning would not abut any other properties with the same zoning but would not devalue any of the surrounding properties.

There are other properties with the proposed zoning close by.

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

None. Would help increase land values.

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

None. All measures would be taken to keep development as natural as possible.

**Primary Contact Information**

**Contractor's NC ID#:**

**Project Owner**

Louis Frangos  
LEF LLC  
3057 N Main St  
Hope Mills, NC 28348  
P:910-322-1496



**Project Contact - Agent/Representative**

Gary Futch  
Grant Murray RE  
150 N McPherson Church Rd  
Fayetteville, NC 28303  
P:910-829-1617  
[gary@grantmurrayre.com](mailto:gary@grantmurrayre.com)

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

**NC State General Contractor's License Number:**

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

Michael Adams  
MAPS Surveying Inc.  
1306 Fort Bragg Road  
Fayetteville, NC 28305  
P:910-484-6432  
[maps@mapssurveying.com](mailto:maps@mapssurveying.com)

**NC State Mechanical Contractor's #1 License Number:**

**NC State Mechanical Contractor's #2 License Number:**

**NC State Mechanical Contractor's #3 License Number:**

**NC State Electrical Contractor #1 License Number:**

**NC State Electrical Contractor #2 License Number:**

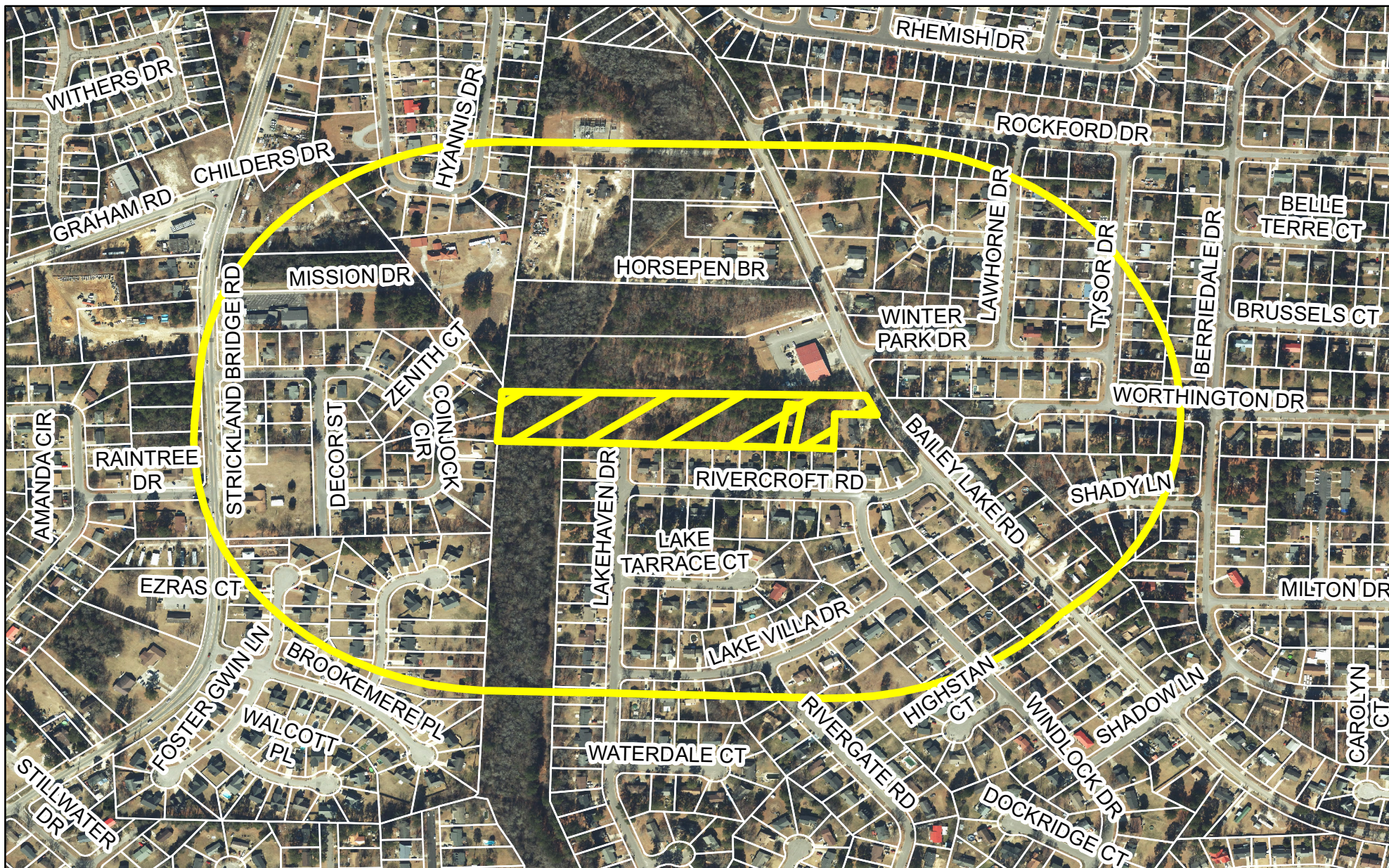
**NC State Electrical Contractor #3 License Number:**

**NC State Plumbing Contractor #1 License Number:**

**NC State Plumbing Contractor #2 License Number:**

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





## Aerial Notification Map

Case #: P23-12

Request: Rezoning

Single Family 10 (SF-10) to  
Mixed Residential 5 (MR-5)

Location: 0 Graham Road & 6677 Bailey Lake Road

### Legend



P23-12



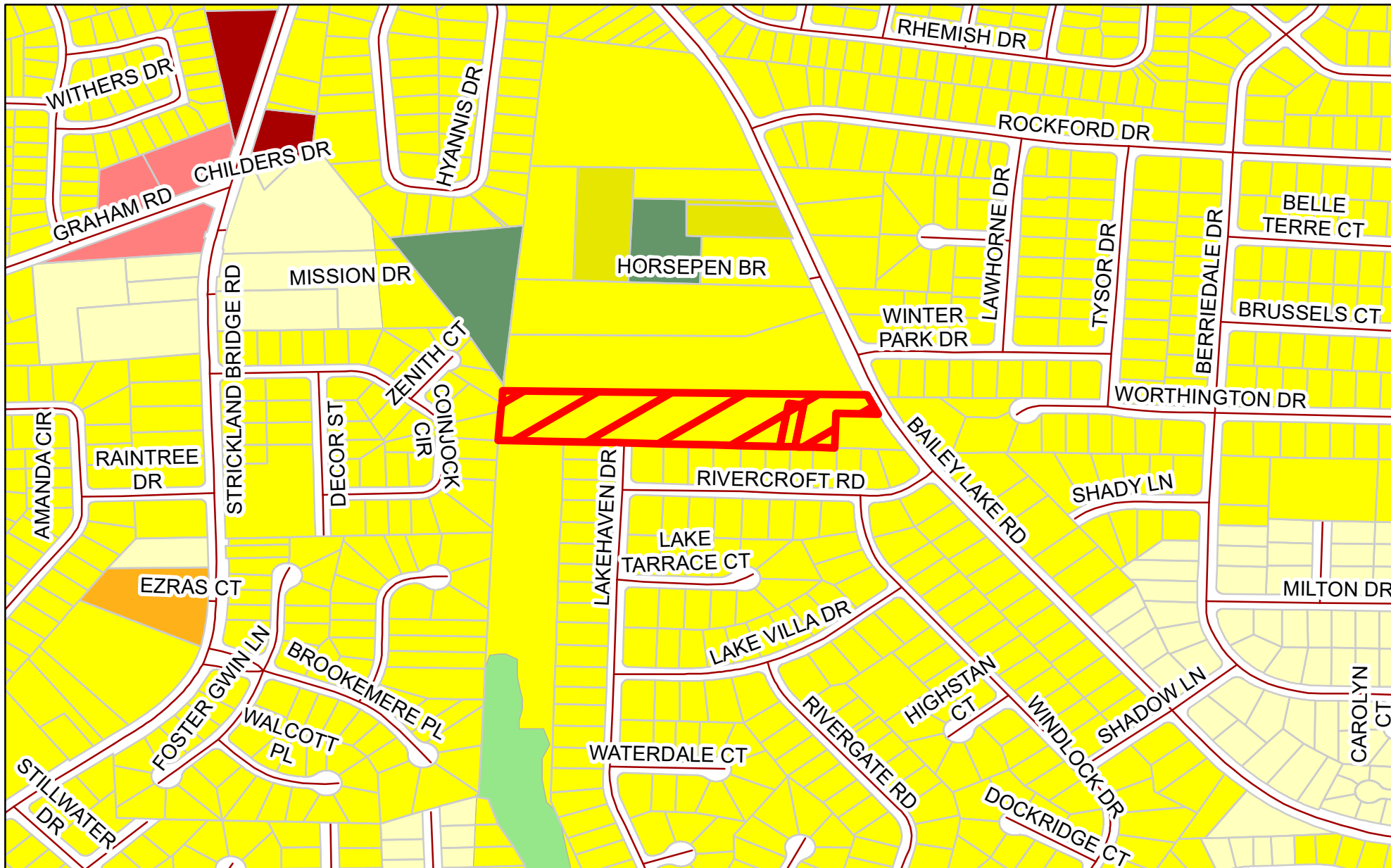
P23-12 Notification Buffer



Letters are being sent to all property owners within the 1,000' buffer. Subject property is shown in the hatched pattern.







## Zoning Map

Case #: P23-12

Request: Rezoning

Single Family 10 (SF-10) to  
Mixed Residential 5 (MR-5)

Location: 0 Graham Road &  
6677 Bailey Lake Road

### Legend



P23-12



AR - Agricultural-Residential



CC - Community Commercial



CD - Conservation District



LC - Limited Commercial



MR-5 - Mixed Residential 5



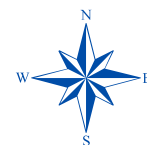
SF-6 - Single-Family Residential 6



SF-10 - Single-Family Residential 10

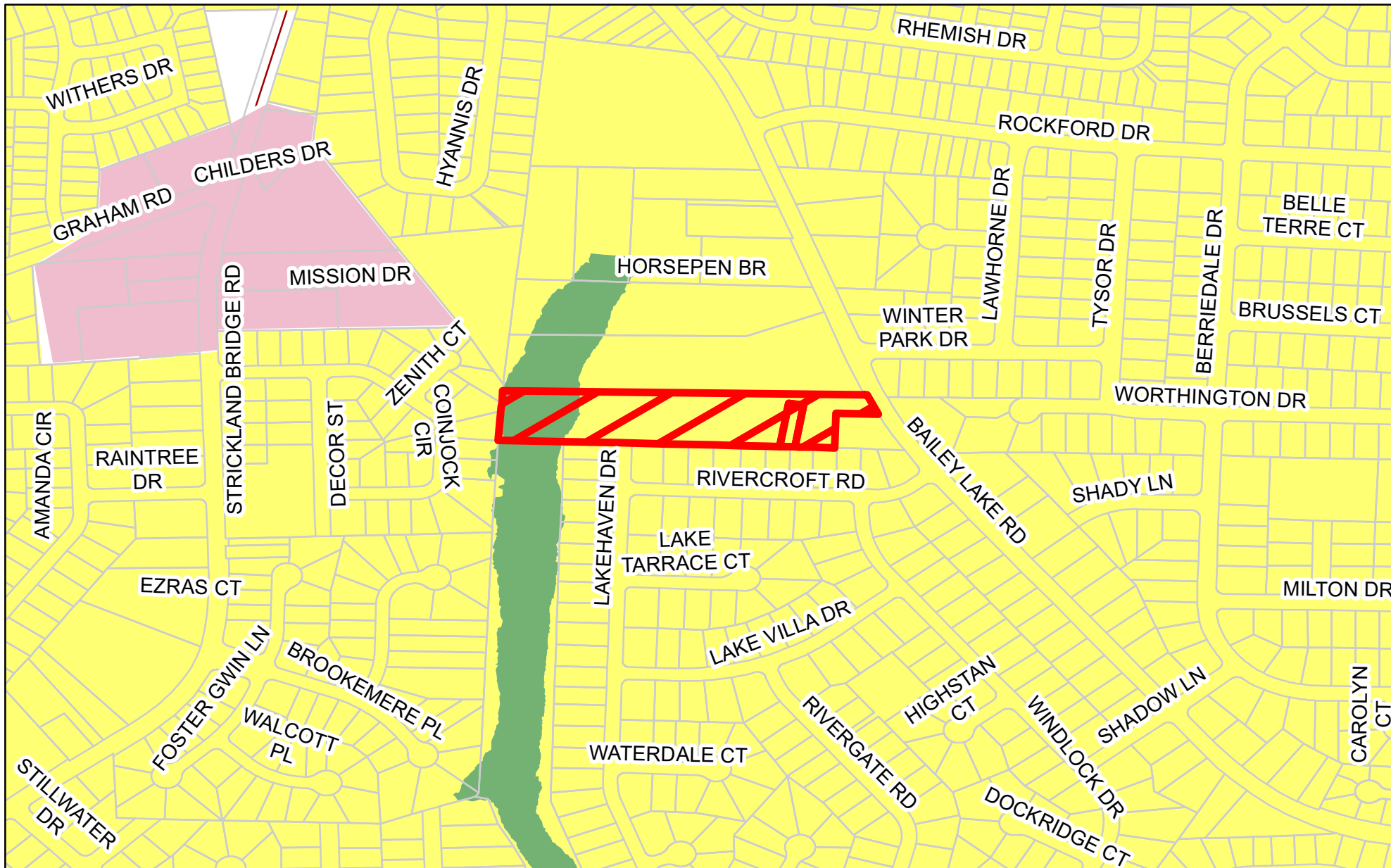


SF-15 - Single-Family Residential 15



Letters are being sent to all property owners within the 1,000' buffer. Subject property is shown in the hatched pattern.





## Land Use Map

Case #: P23-12

Request: Rezoning

Single Family 10 (SF-10) to  
Mixed Residential 5 (MR-5)

Location: 0 Graham Road & 6677 Bailey Lake Road




## Legend

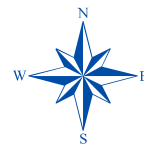


P23-12

## Land Use Plan 2040

### Character Areas

-  PARKOS - PARK / OPEN SPACE
-  LDR - LOW DENSITY
-  NMU - NEIGHBORHOOD MIXED USE



Letters are being sent to all property owners within the 1,000' buffer. Subject property is shown in the hatched pattern.









# Consistency and Reasonableness Statement

## Map Amendments

Pursuant N.C.G.S. Sections 160D-604 and -605, the Zoning Commission finds that the proposed zoning map amendment in case P23-12 is consistent with the City of Fayetteville's Future Land Use Map and Plan (Comprehensive Plan). The following analysis examines the proposed amendment relative to the goals and land-use policies and strategies of the Comprehensive Plan:

### Consistency

#### 1. GOALS

GOAL(S)	CONSISTENT	INCONSISTENT
GOAL #2: Responsive City Government Supporting a Diverse and Viable Economy	<b>X</b>	
GOAL #3: City invested in Today and Tomorrow	<b>X</b>	
GOAL #4: Desirable Place to Live, Work, and Recreate	<b>X</b>	

#### 2. LAND USE POLICES AND STRATEGIES:

LAND USE POLICES AND STRATEGIES	CONSISTENT	INCONSISTENT
<b>LUP 1: Encourage growth in areas well-served by infrastructure and urban services, including roads, utilities, parks, schools, police, fire, and emergency services.</b>	<b>X</b>	
1.1: Work with the Public Works Commission (PWC) and other utility providers to ensure that public facilities and services are planned in a coordinated manner.	<b>X</b>	
1.6: Require adequate infrastructure to be in place prior to or in tandem with new development. This includes road infrastructure such as roads, turn lanes, and sidewalks as well as public services such as parks, schools, water/sewer, police, fire, and emergency services.	<b>X</b>	
1.7: Encourage a logical progression of housing development and discourage "leapfrog" development. Leapfrog development is development that occurs in areas away from existing development and in areas currently not served by infrastructure or adjacent to services, esp. water/sewer. This type of growth can lead to higher costs of providing urban services.	<b>X</b>	

<b>LUP 4: Create well-designed and walkable commercial and mixed-use districts</b>	<b>X</b>	
4.1: Ensure new development meets basic site design requirements.	<b>X</b>	
<b>LUP 7: Encourage a mix of housing types for all ages and incomes</b>	<b>X</b>	
7.2: Allow a mix of smaller scale detached and attached housing in Medium Density Residential and Neighborhood Improvement areas (as identified on the Future Land Use Map).	<b>X</b>	

3. The proposed amendment is consistent with the Future Land Use Map as follows:

<b>X</b>	The proposed land use is consistent and aligns with the area's designation on the FLU Map.	<b>OR</b>		The proposed land use is inconsistent and does not align with the area's designation on the FLU Map.
<b>X</b>	The proposed designation, as requested, would permit uses that are complimentary to those existing on adjacent tracts.	<b>OR</b>		The proposed designation, as requested, would permit uses that are incongruous to those existing on adjacent tracts.

### **Reasonableness**

The proposed zoning amendment is reasonable and in the public interest because it supports the policies of the Comprehensive Plan as stated above and the Strategic Plan as stated in the Staff Report, and because: [select all that apply]

  X   The size, physical conditions, and other attributes of the proposed use(s) will benefit the surrounding community.

       The amendment includes conditions that limit potential negative impacts on neighboring uses.

  X   The proposed uses address the needs of the area and/or City.

  X   The proposal adapts the zoning code to reflect modern land-use trends and patterns.

The amendment is also in the public interest because it: [select all that apply]



\_\_\_\_\_ improves consistency with the long-range plan.

  X   improves the tax base.

\_\_\_\_\_ preserves environmental and/or cultural resources.

\_\_\_\_\_ facilitates a desired kind of development.

  X   provides needed housing/commercial area.

Additional comments, if any (write-in):

April 11, 2023  
Date

\_\_\_\_\_  
Chair Signature

\_\_\_\_\_  
Print





# City of Fayetteville

433 Hay Street  
Fayetteville, NC 28301-5537  
(910) 433-1FAY (1329)

## City Council Action Memo

File Number: 23-3302

**Agenda Date:** 4/11/2023

**Version:** 1

**Status:** Agenda Ready

**In Control:** Zoning Commission

**File Type:** Public Hearing  
(Public & Legislative)

**Agenda Number:** 5.03

**TO:** Mayor and Members of City Council

**THRU:** Zoning Commission

**FROM:** Demetrios Moutos - Planner I

**DATE:** April 11, 2023

**RE:**

**P23-13.** Conditional Rezoning from Heavy Industrial (HI) to Heavy Industrial/Conditional Zoning (HI/CZ) to allow car washing and auto detailing on 1.57± acres, located at 616 Person Street (REID #0437929325000), and being the property of AOM II, LLC, represented by E.C., (Ned) Garber, III.

**COUNCIL DISTRICT(S):**

2 - Shakeyla Ingram

**Relationship To Strategic Plan:**

Strategic Operating Plan FY 2022

Goals 2027

Goal II: Responsive City Government Supporting a Diverse and Viable Economy

- Objective 2.1 - To ensure a diverse City tax base
- Objective 2.4 - To sustain a favorable development climate to encourage business growth.

Goal III: City invested in Today and Tomorrow

- Objective 3.2 - To manage the City's future growth and strategic land use.

**Executive Summary:**

The subject property is currently zoned Heavy Industrial (HI) and the applicant is requesting a rezoning to Heavy Industrial Conditional Zoning (HI/CZ).

The proposed condition is to allow car washing and auto detailing as permitted uses within the Heavy Industrial (HI) zoning district. Per the applicant, the current business at 616 Person Street provides the following services: Automotive restoration, window tinting, protection film services, and automotive protection.

**Background:**

Owner: AOM II LLC

Applicant: Ned Garber

Requested Action: HI to HI/CZ

REID: 0437929325000

Council District: 2 - Shakeyla Ingram

Status of Property: Developed and in operation as a car detailing service.

Size: 1.57 acres ±

Adjoining Land Use & Zoning:

- North: LC - Fayetteville Fire Station No. 1 (Across Person Street)
- South: HI - Various warehouse/retail uses
- East: HI - Raynor Tire Auto Repair Shop
- West: HI - Vessels of Honor Ministry building (permanently closed)

Annual Average Daily Traffic: 9900 (2021)

Letters Mailed: 112

Land Use Plans:

With the adoption of the 2040 Comprehensive Plan: Future Land Use Map & Plan on May 26, 2020, all properties within the city limits as well as properties identified as being in the Municipal Influence Area (MIA) are subject to this plan.

According to the Plan, it is recommended that this portion of the city should be developed as an Industrial/Employment Center (EC).

Industrial/Employment Center is described as accommodating high-intensity nonresidential uses with high impact or likelihood of nuisance including larger industrial uses or business parks.

**Issues/Analysis:**

History:

The subject property has been part of the city since 1823 and was granted to AOM II, LLC on December 28, 2017. The property has one engineered steel frame building that was built in 1970 and one concrete/masonry building that was built in 1950. The subject property is currently zoned Heavy Industrial (HI) and was zoned Manufacturing 2 (M2) prior to the adoption of the Unified Development Ordinance in 2011.

Surrounding Area:

The subject property is located on Person Street between S. Eastern Boulevard. and Old Wilmington Road. The general area around the subject property is primarily industrial in nature, but it is situated just east of a downtown gateway. The property to the west is an existing office building that appears to be vacant. The property across Person Street to the north is the location of Fayetteville Fire Station No. 1 that is zoned Limited Commercial (LC). The property to the east is an auto repair shop that is zoned Heavy Industrial (HI). The property to the south contains various warehouse/retail uses and is also zoned Heavy Industrial (HI).

Rezoning Request:

The applicant is requesting to rezone the property from Heavy Industrial (HI) to Heavy Industrial Conditional Zoning (HI/CZ) to permit its current use as a car detailing service.

The HI zoning district is established and intended to accommodate heavy manufacturing, assembly, fabrication, processing, distribution, storage, research and development, and other industrial uses that may be large-scale or otherwise have extensive exterior movement of vehicles, materials, and goods, and greater potential for adverse environmental and visual impacts.

Land within the City is generally classified by the Unified Development Ordinance (UDO) to be within one of many base zoning districts. Land may be reclassified to one of several comparable zoning districts in accordance with Section 30-2.C.

**Conditional Zoning:**

The request is for a conditional zoning from Heavy Industrial (HI) to Heavy Industrial Conditional Zoning (HI/CZ).

The purpose of the CZ zoning district is “intended to provide a landowner and the City an alternative to rezoning the land to a standard base zoning district, where the base zoning allows certain uses and development that may be appropriate but also allow uses and development that may not conform to City plans or would have adverse impacts on public facilities or surrounding lands. Reclassification of land to a conditional zoning district allows a landowner to propose, and the City Council to consider, additional conditions or restrictions on the range of allowable uses, use standards, development intensities, development standards, and other regulations applicable in the parallel base zoning district. This enables the City to tailor a zoning classification to accommodate desirable development while avoiding or addressing anticipated problems that may arise from development otherwise allowed by the base zoning district.”

**Specifics of this Conditional Rezoning:**

The applicant is requesting a Conditional Rezoning to allow a use that, by definition, falls under a car wash and auto detailing use type that is not currently permitted in the HI zoning district. This conditional rezoning will maintain the base zoning of Heavy Industrial (HI) while allowing the additional use (car wash and auto detailing). This will maintain continuity with the surrounding HI zoning district while allowing a use that complements the surrounding land uses.

**Land Use Plan Analysis:**

According to Future Land Use Map & Plan, this property and the majority of the surrounding area are recommended to be developed as an Industrial/Employment Center. Industrial/Employment Center is described as having high-intensity nonresidential uses with high impact or likelihood for nuisance. Regional employment centers can include larger industrial uses or business parks. The proposed rezoning will maintain the HI zoning district which is in keeping with the Industrial/Employment Center area laid out by the Future Land Use Plan.

**Consistency and Reasonableness Statements:**

The Future Land Use Plan also sets forth written goals, policies, and strategies. This application looks to follow the City’s strategic, compatible growth strategies by meeting the goals of the Land Use Plan found on the attached Consistency and Reasonableness form.

**Budget Impact:**

There is not an immediate budgetary impact, but an economic impact will be associated with this rezoning due to taxes collected in the future.

**Options:**

1. Recommends approval of the map amendment to HI/CZ (recommended);
2. Recommends approval of the map amendment to a more restrictive zoning district; or
3. Denies the map amendment request.

**Recommended Action:**

The Professional Planning Staff recommends that the Zoning Commission move to recommend APPROVAL of the map amendment to HI/CZ based on the following:

- The proposed zoning map amendment implements the policies adopted in the Future Land Use Plan (FLUP), and those policies found in the Unified Development Ordinance (UDO). The Future Land Use Plan calls for the subject property to be developed as Industrial/Employment Center.
- The uses permitted by the proposed change in zoning district classification and standards apply to such use and will be appropriate in the immediate area of the land to be reclassified due to the existing zoning and uses surrounding this property; and
- There are no other factors that will substantially affect public health, safety, morals, or general welfare.

**Attachments:**

1. Plan Application
2. Aerial Notification Map
3. Zoning Map
4. Land Use Plan Map
5. Subject Property
6. Surrounding Property Photos
7. Consistency and Reasonableness Statements

**Project Overview**

#967882

**Project Title:** Royalty Auto Spa**Jurisdiction:** City of Fayetteville**Application Type:** 5.2) Conditional Rezoning**State:** NC**Workflow:** Staff Review**County:** Cumberland**Project Location****Project Address or PIN:** 616 PERSON ST (0437929325000) **Zip Code:** 28301**GIS Verified Data****Property Owner: Parcel**

- 616 PERSON ST: AOM II LLC

**Acreage: Parcel**

- 616 PERSON ST: 1.57

**Zoning District: Zoning District**

- 616 PERSON ST: HI

**Subdivision Name:****Fire District:****Airport Overlay District:****Hospital Overlay District:****Coliseum Tourism District:****Cape Fear District:****Downtown Historic District:****Haymount Historic District:****Floodway:****100 Year Flood:** <100YearFlood>**500 Year Flood:** <500YearFlood>**Watershed:****General Project Information****Proposed Conditional Zoning District:** HI/CZ - Conditional Heavy Industrial**Lot or Site Acreage to be rezoned:** 1.57**Was a neighborhood meeting conducted?:** No**Date of Neighborhood Meeting:****Number of Residential Units:** 0**Nonresidential Square Footage:** 7275**Landowner Information****Landowner Name:** AOM II LLC**Deed Book and Page Number:** 10228-0176**Written Description of Request - Answer all the questions under this section (upload additional sheets as needed).****A) Describe the proposed use of the rezoned land, including the proposed types of site improvements, buildings, uses, proposed activities, hours of operation, and operating characteristics.:**

Automotive Restoration, Window tinting, Protection Film Services and Automotive Protection

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

Car Wash and Auto Detailing

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

The proposed Conditional Re-zoning of HI to HI/CZ. Properties to the east and west of Zoned HI and LC to the north across.

**Amendment Justification - Answer all questions on this and all pages in this section (upload additional sheets as needed).**

**A) State the extent to which the proposed amendment is consistent with the comprehensive plan and all other applicable long-range planning documents.:**

The property will be conditionally re-zoned to HI/CZ to allow Car Washing and Detailing. At the time this business no longer exists the property will return to HI

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

???

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

There is alot of business population in downtown that will be able utilize the offered services.

**D) State the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land, and why it is the appropriate zoning district for the land.:**

The proposed amendment is compatible with existing and proposed uses in this area. There are similar businesses in the surrounding area and will not cause any impact to any other of the surrounding business/uses.

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

This proposed amendment is logical/orderly development due to the simlarity of the adjacent uses.

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

It is a conditional re-zoning of the current HI zoning to allow Car Washing and Detailing as a permitted use. This property will re-vert to HI and will not encrourage premature development.

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

???

**H) State the extent to which the proposed amendment results in the creation of an isolated zoning district unrelated to adjacent and surrounding zoning districts.:**

The conditional re-zoning will not result in an isolated zoning district. The property across street is zoned LC which has a permitted use of Car Washing and Detailing.

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

The amendent will not result in adverse impacts on the property values of the surrounding lands.

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

No impacts to envionment.

**Primary Contact Information**

**Contractor's NC ID#:**

**Project Owner**

Ty Maggard  
Royalty Auto Spa  
616 Person St  
Fayetteville, NC 28301



P:910-476-2784  
.....  
[tymaggard1@gamil.com](mailto:tymaggard1@gamil.com)

**Project Contact - Agent/Representative**

E.C, (Ned) Garber, III

565 Gillespie Street  
Fayetteville, NC 28301  
P:910-323-1101  
.....  
F:910-323-9228  
.....  
[nedgarber@rubiconnc.com](mailto:nedgarber@rubiconnc.com)

**Project Contact - Primary Point of Contact for Engineer**

E.C, (Ned) Garber, III

565 Gillespie Street  
Fayetteville, NC 28301  
P:910-323-1101  
.....  
F:910-323-9228  
.....  
[nedgarber@rubiconnc.com](mailto:nedgarber@rubiconnc.com)

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

**NC State General Contractor's License Number:**

**NC State Mechanical Contractor's #1 License Number:**

**NC State Mechanical Contractor's #2 License Number:**

**NC State Mechanical Contractor's #3 License Number:**

**NC State Electrical Contractor #1 License Number:**

**NC State Electrical Contractor #2 License Number:**

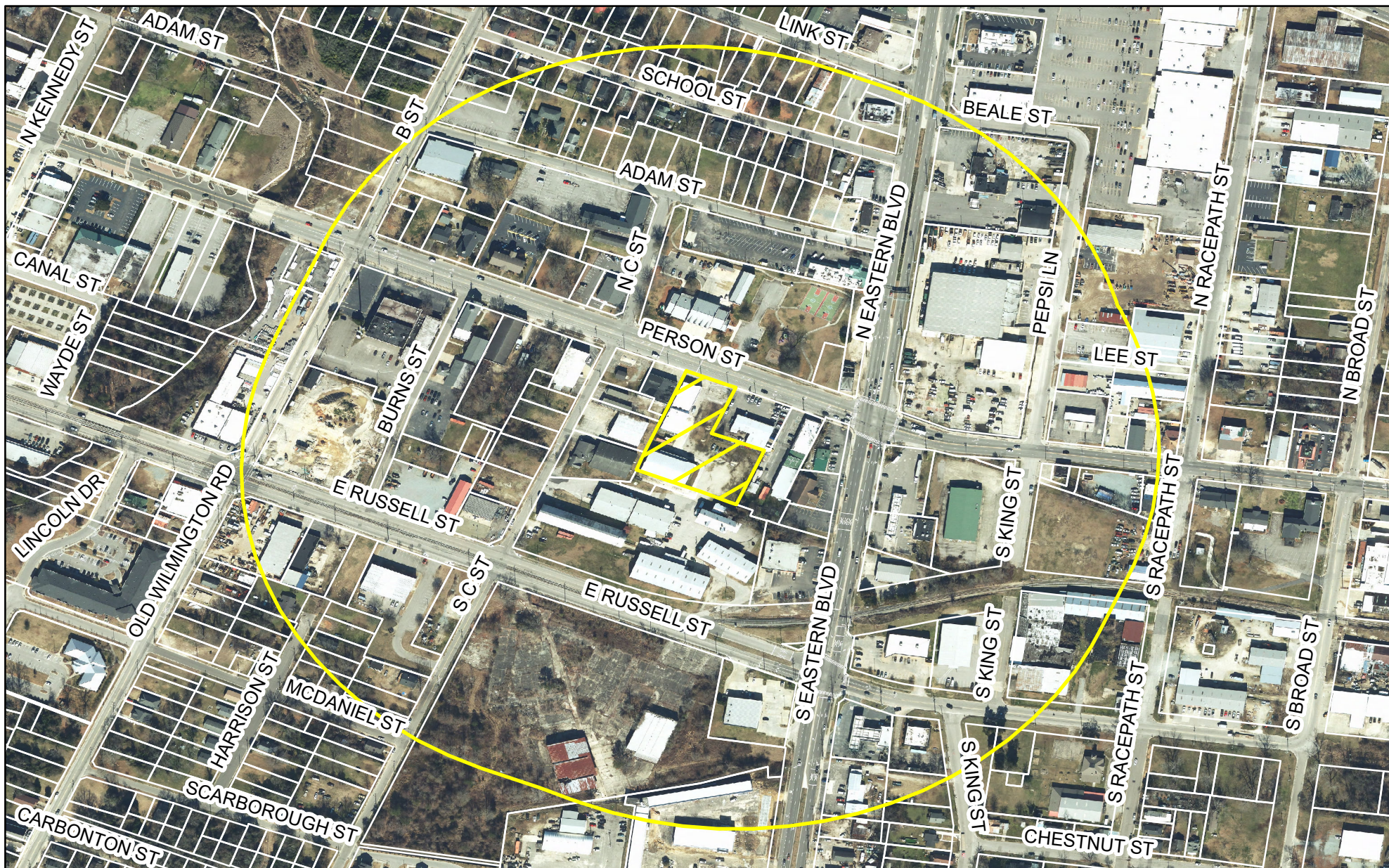
**NC State Electrical Contractor #3 License Number:**

**NC State Plumbing Contractor #1 License Number:**

**NC State Plumbing Contractor #2 License Number:**

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





## Aerial Notification Map



Case #: P23-13

Conditional Rezoning

Request: Heavy Industrial (HI/CZ)

Location: 616 Person Street

## Legend

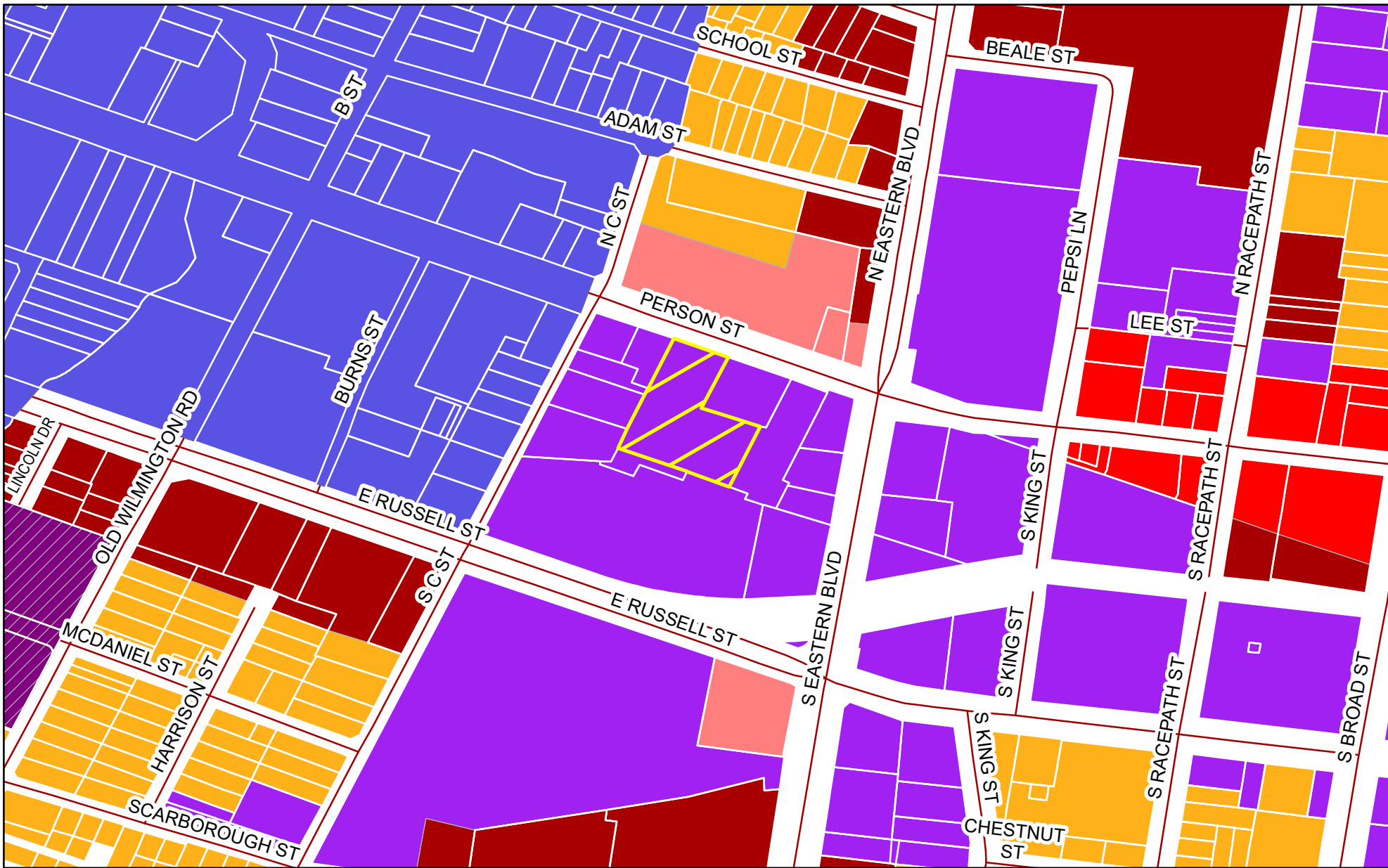
-  P23-13 Buffer
-  P23-13



Letters are being sent to all property owners within the 1000' buffer. Subject property is shown in the hatched pattern.







# Zoning Map

Case #: P23-13

Initial Zoning  
Request: Heavy Industrial (HI)

Location: 1682 & 1662 Middle River Loop


## Legend


 P23-13


## DT Zoning


### Zoning

 DT-2

 CC - Community Commercial

 DT - Downtown

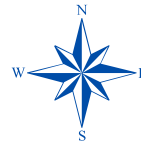
 HI - Heavy Industrial

 LC - Limited Commercial

 MR-5 - Mixed Residential 5

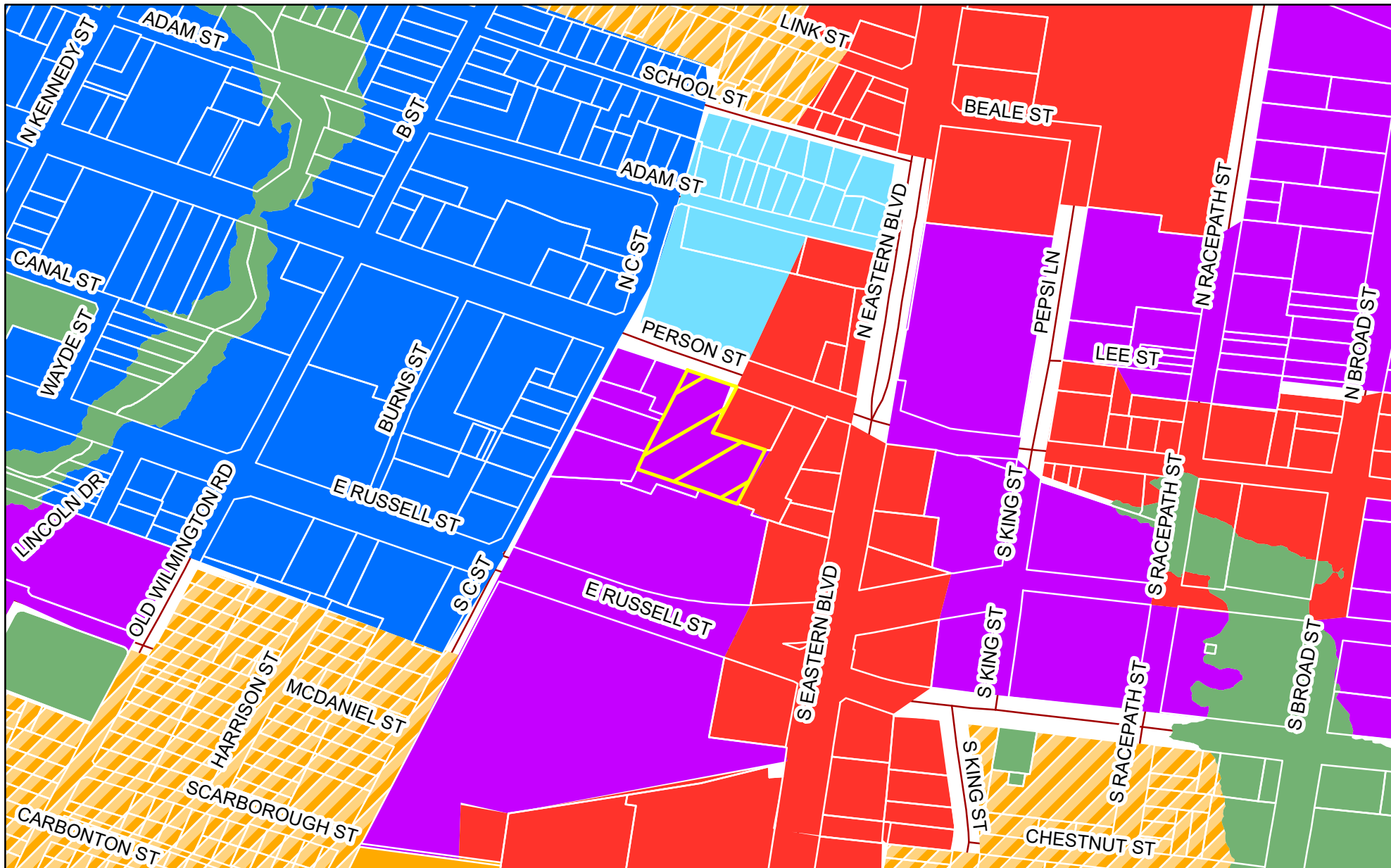
 MU/CZ - Conditional Mixed-Use

 County



Letters are being sent to all property owners within the 1000' buffer. Subject property is shown in the hatched pattern.





## Future Land Use Map

Case #: P23-13

Initial Zoning

Request: Heavy Industrial (HI)

Location: 1682 & 1662 Middle River  
Loop

### Legend

 P23-13


### Land Use Plan 2040

#### Character Areas

 PARKOS - PARK / OPEN SPACE

 NIR - NEIGHBORHOOD IMPROVEMENT

 HDR - HIGH DENSITY RESIDENTIAL

 DTMXU - DOWNTOWN

 HC - HIGHWAY COMMERCIAL

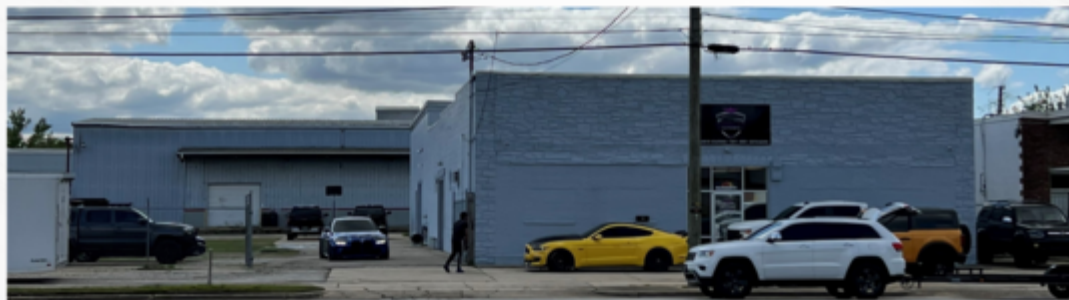
 OI - OFFICE / INSTITUTIONAL

 EC - EMPLOYMENT CENTER



Letters are being sent to all property owners within the 1000' buffer. Subject property is shown in the hatched pattern.









**West**



**North**



**South**



**East**

# Consistency and Reasonableness Statement

## Map Amendments

Pursuant N.C.G.S. Sections 160D-604 and -605, the Zoning Commission finds that the proposed zoning map amendment in case P23-13 is consistent/inconsistent with the City of Fayetteville's Future Land Use Map and Plan (Comprehensive Plan). The following analysis examines the proposed amendment relative to the goals and land-use policies and strategies of the Comprehensive Plan:

### Consistency

#### 1. GOALS

GOAL(S)	CONSISTENT	INCONSISTENT
GOAL #1: Focus value and investment around infrastructure and strategic nodes	X	
GOAL #2 Promote compatible economic and commercial development in key identified areas	X	

#### 2. LAND USE POLICES AND STRATEGIES:

LAND USE POLICIES AND STRATEGIES	CONSISTENT	INCONSISTENT
<b>LUP 1: Encourage growth in areas well- served by infrastructure and urban services, including roads, utilities, parks, schools, police, fire and emergency services.</b>	X	
1.6: Require adequate infrastructure to be in place prior to or in tandem with new development.	X	
<b>LUP 2: Encourage strategic economic development</b>		
2.1: Encourage economic development in designated areas	X	

#### 3. The proposed amendment is consistent with the Future Land Use Map as follows:

X	The proposed land use is consistent and aligns with the area's designation on the FLU Map.	OR	The proposed land use is inconsistent and does not align with the area's designation on the FLU Map.
---	--	----	--

X	The proposed designation, as requested, would permit uses that are complimentary to those existing on adjacent tracts.	OR	The proposed designation, as requested, would permit uses that are incongruous to those existing on adjacent tracts.
---	--	----	--

### **Reasonableness**

The proposed zoning amendment is reasonable and in the public interest because it supports the policies of the Comprehensive Plan as stated above and the Strategic Plan as stated in the Staff Report, and because: [select all that apply]

- X   The size, physical conditions, and other attributes of the proposed use(s) will benefit the surrounding community.
- The amendment includes conditions that limit potential negative impacts on neighboring uses.
- X   The proposed uses address the needs of the area and/or City.
- X   The proposal adapts the zoning code to reflect modern land-use trends and patterns.

The amendment is also in the public interest because it: [select all that apply]

- X   improves consistency with the long-range plan.
- X   improves the tax base.
- preserves environmental and/or cultural resources.
- X   facilitates a desired kind of development.
- X   provides needed housing/commercial area.

Additional comments, if any (write-in):

April 11, 2023  
Date

\_\_\_\_\_  
Chair Signature

\_\_\_\_\_  
Print