



# City of Fayetteville

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

## Meeting Agenda - Final Zoning Commission

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Tuesday, February 13, 2024

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** A24-05. Order of Approval - Findings of Fact - Variance to increase maximum setbacks, located at 522 Person Street & two unaddressed parcels (REID 0437923505000, 0437923367000, and 0437923396000), and being the property of Second Baptist Church Inc, represented by Gordon Rose of Gradient PLLC.

**3.02** Approval of Minutes: January 17, 2024

### 4.0 PUBLIC HEARINGS (Public & Legislative)

**4.01** P24-08. Rezoning of 4.75 acres ± from Community Commercial (CC) and Single Family Residential 6 (SF-6) to Mixed Residential 5 (MR-5), located at 5510 and 5414 Bragg Blvd. (REID #'s 0419310372000 and 0419311002000), and is the property V Capital LLC, represented by Lori Epler of Larry King & Assoc.

**4.02** P24-09. Rezoning of .42 acres ± from Office and Institutional (OI) to Neighborhood Commercial (NC), located at 916 Hay Street (REID #'s 0437150542000), and being the property Cardassi-Langley Investments LLC, represented by Casey Benander.

**4.03** P24-10. Conditional rezoning to amend conditions in MR-5/CZ located at 0 Rock Creek Lane and 0 Mount Rainer Road (REID 0439300490000 & 0439302525000) totaling 17.61 acres ± and being the property of Northridge Towns LLC.

**4.04** P24-11. Rezoning from Single Family Residential 6 (SF-6) and Community Commercial (CC) to Community Commercial (CC) located at 5709 Bragg Blvd (REID 0419128627000) totaling 9.29 acres ± and being the property of Macpherson LLC.

**4.05** P24-12. Initial zoning from Rural Residential (RR) (County) and Single Family Residential 15 (SF-15) to Mixed Residential 5 (MR-5) located at 0, 1666 & 1674 Cedar Creek Rd and 0 & 1678 Fields Rd (REID 0446803573000, 0446804658000, 0446709250000, 0445892478000, and 0445894268000) totaling 28.67 acres ± and being the property of Cedar Creek Road, LLC.

5.0 OTHER ITEMS OF BUSINESS

6.0 ADJOURNMENT



# City of Fayetteville

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

## City Council Action Memo

File Number: 24-3838

**Agenda Date:** 2/13/2024

**Version:** 1

**Status:** Agenda Ready

**In Control:** Zoning Commission

**File Type:** Consent

**Agenda Number:** 3.01

**TO:** Zoning Commission

**THRU:** Will Deaton, AICP - Planning & Zoning Manager

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

**DATE:** February 13, 2024

**RE:** Approval of Meeting Minutes: January 17, 2024

**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: January 17, 2024



**MINUTES  
CITY OF FAYETTEVILLE  
ZONING COMMISSION SPECIAL MEETING  
FAST TRANSIT CENTER COMMUNITY ROOM  
JANUARY 17, 2024 @ 6:00 P.M.**

**MEMBERS PRESENT**

Pavan Patel, Chair  
Alex Keith, Vice-Chair  
Kevin Hight  
Tyrone Simon  
Stephen McCorquodale

**STAFF PRESENT**

Clayton Deaton, Planning and Zoning Division Manager  
Craig Harmon, Senior Planner  
Heather Eckhardt, Planner II  
Demetrios Moutos, Planner I  
Lisa Harper, Assistant Attorney  
Catina Evans, Office Assistant II

The Zoning Commission Special Meeting on Wednesday, January 17, 2024, was called to order by Chair Pavan Patel at 6:00 p.m. The members introduced themselves.

**I. APPROVAL OF THE AGENDA**

**MOTION:** Stephen McCorquodale made a motion to approve the agenda with the amendment that the Staff present case A23-04 after case A24-05.

**SECOND:** Kevin Hight

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

**II. APPROVAL OF CONSENT ITEMS TO INCLUDE THE MINUTES FOR THE  
DECEMBER 12, 2023, AND THE JANUARY 9, 2024, MEETING**

**MOTION:** Kevin Hight motioned to approve the minutes with the amendment that the final vote for case A23-50 from the December 12, 2023, meeting be changed to unanimous (5-0).

**SECOND:** Stephen McCorquodale

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

**III. EVIDENTIARY HEARING**

Mr. Patel discussed the aspects of the evidentiary hearing. Mr. Patel asked if any of the Board members had any partiality (conflicts of interest) or any ex parte communication (site visits or conversations with parties to include staff members or the general public) to disclose regarding the case on the agenda for the evening. The commissioners did not have any partiality with the cases or ex parte communication to disclose regarding the cases. Ms. Harper had the speakers perform the oath.

Mr. Patel opened the evidentiary hearing for case A24-05.

**A24-05.** Variance to increase maximum setbacks, located at 522 Person Street & two unaddressed parcels (REID 0437923505000, 0437923367000, and 0437923396000), and being the property of Second Baptist Church Inc, represented by Gordon Rose of Gradient, PLLC.

Heather Eckhardt presented case A24-05. This request is by Gordon Rose for 522 Person Street and two adjacent properties to increase the maximum corner side yard setbacks. The property is L-shaped and located at the corner of Person Street and Burns Street. The area in question is to the south of the property as shown on the site plan. The Future Land Use Plan calls for the area to be developed as downtown. The surrounding area is commercial with a few vacant undeveloped parcels. The subject property is located on a portion of Person Street that was developed before the creation of the Downtown 2 zoning district and as such the site is not as walkable as intended in the Downtown 2 zoning district and the Downtown designation in the Future Land Use Plan. The applicant is requesting to increase the setback from 20 feet to 80 feet to allow the building to be pushed back so they can keep the parking lot and make use of the undeveloped area. She informed the Board of their voting options.

Mr. Patel opened the evidentiary hearing for case A24-05.

Speakers in favor:

Gordon Rose, 230 Donaldson Street, 500A, Fayetteville, NC 28301

- The site would lose parking if the building were required to meet the 20-foot maximum setback.
- The school wants to use a premanufactured building to avoid using rooms on the church property.
- If the setback increase is allowed, the owners can push the building back and they can maintain the parking space they need.

Mr. Patel closed the evidentiary hearing for case A24-05.

**MOTION:** Kevin Hight made a motion to approve the variance to increase the maximum corner yard setbacks at 522 Person Street for case A24-05 according to the findings of fact:

1. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships as shown by the following evidence: The maximum setback of 20 eliminates a large portion of the parking lot and it restricts access to the rest of the property.
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: The southeastern portion of the property is narrow such that it cannot be rotated or relocated in such a way as to comply with the maximum setback requirement without eliminating parking spaces and rendering that portion of land unusable.
3. The Variance is the minimum action that will make possible a reasonable use of land or structures as shown by the following evidence: By approving the variance, the land can be used in such a way as to maintain existing parking spaces.

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: This building will be located off of a narrow side street and does not impact the harmony of the surrounding parcels. It also supplies a service that is needed in our community.
5. In the granting of the Variance, public safety and welfare have been assured and substantial justice has been done as shown by the following evidence: By approving this variance, the welfare of the neighborhood will not be affected, and it is providing a service needed in the community.

**SECOND:** Tyrone Simon  
**VOTE:** Unanimous (5-0)

**A24-04.** Variance to reduce minimum setbacks, located at 2936 Mirror Lake Drive (REID #0417978540000), and being the property of Benjamin & Victoria Stout.

Heather Eckhardt presented case A24-04. Case A24-04 is a request by Benjamin Stout to reduce the corner side yard setback and rear yard setbacks at 2936 Mirror Lake Drive. The area is vacant and undeveloped, and the Future Land Use Plan designates the area as low-density residential. The surrounding area is residential. Ms. Eckhardt showed the Board the site plan for the area. She showed the Board where the variance was located. Ms. Eckhardt said the applicant wants to reduce the corner side yard setback to 15 feet along the cul-de-sac, to 10 feet along the bulb, and the rear setback to 5 feet. The setback of the property along Mirror Lake would remain the same. She informed the Board about their voting options.

Mr. Patel opened the evidentiary hearing for case A24-04.

Speaker in favor:

Ben Stout, 2507 Spring Valley Road, Fayetteville, NC 28303

- Mr. Stout appreciated the opportunity to speak. He lives in the Vanstory area and this project is dear to his heart.
- Mr. Stout spoke with the owners in the area and he said they supported his project. His primary purpose for requesting the variance was because of the house setbacks in a cul-de-sac and the fact that the Unified Development Ordinance (UDO) guidelines reduced the buildable area. He wanted to make better use of the land.
- Mr. Stout said before the Unified Development Ordinance was implemented, he would have had useful land.
- Mr. Stout said the variance would not impact the community by increasing property values.

Mr. McCorquodale said the main issue is that from a design plan if the building had to be set back it would not look right because of the smaller footprint. Mr. Stout said it is hard to build at an angle. Anything you do has to fit into the building envelope which creates challenges. Mr. Keith noted that the area is small. Mr. Stout showed the Board the area on the subject property aerial notification map.

Mr. Patel closed the evidentiary hearing for case A24-04.

**MOTION:** Stephen McCorquodale made a motion to approve the variance to reduce the minimum setback requirements at 2936 Mirror Lake Drive, reducing the corner setback to 15 feet, the bulb to 10 feet, and the rear to 5 feet based on the presentation by the applicant and according to the findings of fact.

1. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships as shown by the following evidence: As the applicant stated before the Unified Development Ordinance there were no issues but the UDO setbacks were placed which required him to come before the Board.
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: As the applicant stated, both lots and two facing lots that face Mirror Lake and Hartford place and are within a cul-de-sac create challenges on the setbacks.
3. The Variance is the minimum action that will make possible a reasonable use of land or structures as shown by the following evidence: The difficulty in the building envelope shows that the applicant has opted for the most reasonable option to fix it.
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: The applicant discussed that he is planning to build the variance because it is needed to create harmony with the other houses in the area.
5. In the granting of the Variance, public safety and welfare have been assured and substantial justice has been done as shown by the following evidence: There is no impact on the neighbors as far as the safety of the public.

**SECOND:** Kevin Hight

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

#### **IV. LEGISLATIVE HEARINGS**

Mr. Patel discussed the aspects of the legislative hearing. Mr. Patel asked if any of the Board members had any partiality (conflicts of interest) or any ex parte communication (site visits or conversations with parties to include staff members or the general public) to disclose regarding the case on the agenda for the evening. The commissioners did not have any partiality with the cases or ex parte communication to disclose regarding the cases. Mr. Keith said Mary called him and asked him what to expect with case P24-03 and he advised her. Mr. Patel asked the Board if anyone had an objection to Mr. Keith staying for case P24-03, and no one had a problem with it.

Mr. Patel opened the legislative hearing for case P24-01.

**P24-01.** Rezoning from Office/Institutional (OI) and Community Commercial (CC) to Single-Family Residential 10 (SF-10) located at 0 Summer Hill Rd (REID #0409214573000) and 0 Summer Hill Road (REID #0409215651000) totaling .67 acres ± and being the property of Rescue Rehab Resale LLC, represented by Jeremy Sparrow of Longitude Planning Group, PLLC.

Demetrios Moutos presented case P24-01. He said this case is for the rezoning of two properties on 0 and 0 Summer Hill Road from Office Institutional (OI) and Community Commercial (CC) to Single-Family Residential

10 (SF-10) and the applicant is Mr. Jeremy Sparrow. Mr. Moutos showed the Board the subject property which is mostly south of Yadkin Road. He said the Future Land Use Plan designates this area as low-density residential. Mr. Moutos said the subject properties are currently undeveloped and wooded. The surrounding areas to the west are single-family housing with commercial properties along Yadkin Road to the north and east. The proposed amendment does aim to match the low-density residential zoning recommended by the Future Land Use Plan and the current conditions in the area are low-density residential. Developing these parcels aligns with the neighborhood housing needs and it will have minimum effects on property values. This is an environmentally responsible development that will match the zoning that is already in the area. The Staff recommends approval of the rezoning. Mr. Moutos informed the Board about their voting options.

Mr. Patel opened the hearing for case P24-01.

Speaker in favor:

Jeremy Sparrow, 164 NW Broad Street, Southern Pines, NC 28387

- Mr. Sparrow said he is here to answer any questions.

Mr. Patel asked Mr. Sparrow what his purpose was for the rezoning request. Mr. Sparrow said the applicant wants to build single-family detached homes in the area.

Mr. Moutos showed the Board the area on the aerial map. Mr. Keith said his concern is the depth of the lot across the street from the subject properties and whether that lot would be developable if the building were to be demolished. Mr. Moutos said that if that building was demolished, the applicant could continue to develop the area if it meets the zoning requirements.

Mr. Patel closed the hearing for case P24-01.

**MOTION:** Kevin Hight moved that they approve the proposed zoning map amendment which 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). The uses permitted by the proposed change in zoning district classification and the standards that apply to such uses would be appropriate in the immediate area; and there are no other factors that will substantially affect public health, safety, morals, or general welfare.

**SECOND:** Alex Keith

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

Mr. Patel opened the legislative hearing for case P24-02.

**P24-02.** Rezoning from Agricultural Residential (AR) to Community Commercial (CC) located at 0 Stoney Point Road (REID #s 9485667168000 & 9485750853000) totaling 9.77 acres ± and being the property of Margaret Nicole Ritter, represented by Mark Candler of Candler Development Group LLC.

Demetrios Moutos presented case P24-02. He said this rezoning is located on Stoney Point Road at 0 Stoney Point Road. It is 9.7 acres applied for by Mark Candler. Mr. Moutos noted that this subject property is the area where the future 295 interchanges will be located and where the City will extend Barefoot Road. The Future Land Use Plan designates this area as a neighborhood mixed-use. The subject property was shown. Single-family

neighborhoods are located to the west and Clicks Nursery and Greenhouse is located to the south of the area. Vacant lots are located to the north of the subject property. Mr. Moutos said consideration should be given because of the extension of Barefoot Road that will merge with 295 Interstate. The Staff recommends approval of the rezoning.

Mr. Patel opened the hearing for case P24-02.

Speaker in favor:

Mark Candler, 171 Brooke Run, Lumber Bridge, NC 28357

- Mr. Candler had paperwork that showed the area before and after the planned rezoning. He passed these documents out to the board members for their review. Ms. Harper said that one copy should be given to Ms. Evans for the record. Mr. Candler noted that at 8042 there is Clicks Nursery and Greenhouse.
- Mr. Candler said an area was approved for a Circle K. He said there are two areas already zoned Community Commercial. The owners are asking for community commercial zoning in the area.
- Mr. Candler said they are seeking for the highlighted area to be zoned to match what is already in the area.

Mr. Patel closed the hearing for case P24-02.

**MOTION:** Alex Keith made a motion to recommend approval of the map amendment to Community Commercial (CC) as presented based on the evidence submitted and findings that the rezoning is consistent with the Future Land Use Plan as demonstrated by the attached consistency and reasonableness statement.

**SECOND:** Stephen McCorquodale

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

**P24-03.** Conditional Rezoning of six parcels from Neighborhood Commercial (NC) and Community Commercial (CC) to Neighborhood Commercial Conditional Zoning (NC/CZ) totaling 0.84 acres ± and being the property of Cape Fear Regional Theatre at Fayetteville Inc., represented by Danielle Hammond of Urban Design Partners.

Demetrios Moutos presented case P24-03. Mr. Moutos said this case is the Cape Fear Regional Theater. They are requesting to conditionally rezone a few of their properties from Neighborhood Commercial and Community Commercial to all Neighborhood Commercial Conditional Zoning. The subject area is 0.84 acres and is where the Cape Fear Theatre is located. He pointed out where the subject property was located. Mr. Moutos said the Community Commercial zoning is located on a small portion of the area. The Future Land Use Plan designates the area as a neighborhood mixed-use. To the north is a gas station and Dhan's Kitchen and to the east is a large church on the corner. Mr. Moutos showed the Board the site plan and he listed the conditions as seen on the PowerPoint. Mr. Moutos said the rezoning aligns with the area. The owners are trying to revitalize their building and enhance the neighborhood. He noted that the Staff recommends approval of the rezoning. Mr. Moutos provided the Board with their voting options.

Speakers in favor:

Danielle Hammond, 150 Fayetteville Street, Suite 1310, Raleigh, NC 27601

- Ms. Hammond is the applicant. She is with the Cape Fear Regional Theatre.

- She said the majority of the conditions are based on existing conditions.
- They are requesting to expand the theatre to provide more community services and classes.

Karen Tisdale, 1005 Hay Street, Fayetteville, NC 28305

- Ms. Tisdale is a business owner whose business is located a block from the theatre.
- She is in support of the project. Ms. Tisdale said this project will elevate the area and it will provide a positive environment

Patrick LeClair, 1212 Fort Bragg Road, Fayetteville, NC 28305

- Mr. LeClair is a business owner in the Haymount area who supports the project.
- He thought it was exciting and a win for the Haymount community.
- Mr. LeClair said that the theatre has brought programs for the children in the area. It will build up the Haymount community. He thinks it will be a win for the area.

Ella Wrenn 1209 Hay Street, Fayetteville, NC 28301

- Ms. Wrenn is the managing director of the Cape Fear Regional Theatre.
- She addressed the purpose of the expansion. Ms. Wrenn said it was time for the expansion because the current building design cannot support the services the theatre provides for the 50,000 people it serves in the community. The additions will be a positive thing for the public.
- Ms. Wrenn believes that it will drive economics in the area and create walkability downtown. People will visit other businesses and stay to see a matinee at the theatre and the improvement in the building's aesthetics will improve the theatre's impact in the area. The theatre staff is excited about the expansion and ability the theatre will have to continue to serve the community.
- The response from the community has been positive.
- They are improving the number of sidewalks, and they are cutting into the building to create better drop-off points and provide better services to the community.

Eric Lindstrom, 233 Old Street, Fayetteville, NC

- Mr. Lindstrom has been commissioned to handle the renovations to the Cape Fear Regional Theatre.
- He worked on a renovation project for the theatre in the past.
- Mr. Lindstrom is excited to be working on the project that will change the building, making it more open and allowing the theatre to serve the public better.

Mr. Simon asked him if the building would be considered one building after the renovations. Mr. Lindstrom said it will be one building after the renovation. Mr. Simon asked Mr. Lindstrom if the Cape Fear Regional Theatre consisted of separate addresses for their buildings. Mr. Lindstrom said technically it is one building which includes eight separate buildings.

Speakers in opposition:

Edwards Grannis, 203 Rush Road, Fayetteville, NC 28305

- Mr. Grannis said his office is located across the street from the Cape Fear Theatre.
- He has questions about the documents presented in the meeting. He is in favor of the project.

Mr. Grannis said there needs to be adequate parking in the area.

- He said the Latitudes business has an eighteen-wheeler that provides food for other businesses. He said there is an impromptu loading zone for the theatre that causes traffic issues. Mr. Lindstrom wants to understand what the loading and unloading situation would be like. He wants to know if it will impact other areas.

Mr. Simon stated for clarity that Mr. Grannis was not opposed to the project but had concerns about parts of the project. Mr. Grannis said he was not opposed, and he has concerns about the parking. Mr. Patel listed the concerns mentioned by Mr. Grannis to confirm with him about his concerns. Ms. Harper said for clarity that Mr. Grannis has problems with the conditions. Mr. Grannis said yes to this statement. Ms. Harper said a representative from the theatre should address Mr. Grannis' concerns. Ms. Wrenn and Ms. Tisdale addressed his issues.

Ms. Tisdale said that on the northern and eastern facades, the staff would currently not be able to build a bike rack. Therefore, they chose to request exemption from that requirement. Ms. Tisdale said there was not a viable location for a bike rack. Mr. Patel asked them to address the parking issues. Ms. Wrenn said they are aware of the few parking spaces. This is phase 2 and there is phase 3 that will entail the development of the parking lots. They will recoup more parking eventually. Mr. Patel asked about the construction timelines. Ms. Wrenn said that the design opens up the parking spaces. It creates a drop-off zone. Ms. Tisdale said they would break ground in the summer. The project is in development, and they will keep the community updated. They will not propose a loading dock but a rear loading area. Ms. Wrenn noted that the other business creates the traffic issue with their delivery truck.

Mr. Simon asked about the number of the parking spaces and Ms. Tisdale said there would be over 60 parking spaces and she showed them the area on the aerial map. Ms. Tisdale said it would take 18-24 months for the current project and then they would construct the parking lot. Mr. Keith noted that the theatre has conducted fundraising in the past, and Ms. Wrenn said the fundraising was for the parking lot.

Mr. Patel closed the hearing for case P24-03. Mr. McCorquodale asked about the recommendation, and Ms. Harper said they do not have to list the conditions. They would read #1 under the options. Mr. Moutos said the site plan has been seen by the Technical Review Committee (TRC), and the plan may change after future TRC reviews.

**MOTION:** Pavan Patel made a motion to approve case P24-04 the rezoning of 6 parcels from Neighborhood Commercial (NC) and Community Commercial (CC) to Neighborhood Commercial Conditional Zoning (NC/CZ) totaling 0.8 acres and being the property of Cape Fear Theatre as demonstrated by the consistency and reasonable statement in the packet.

**VOTE:** (4-1) (Kevin Hight opposed)

**P24-06.** Rezoning from Single-Family Residential 6 (SF-6) to Mixed Residential 5 (MR-5) located at 201 Rosemary Drive (REID #0428489415000) totaling 9.66 acres ± and being the property of Fayetteville Metropolitan Housing Authority, represented by Fred Ford of Stogner Architecture, PA.

Craig Harmon presented case P24-06. He said this case is a rezoning request from Single-Family Residential 6 (SF-6) to Mixed Residential 5 (MR-5) located at 201 Rosemary Drive. He said the aerial map shows that this property is just off of Murchison Road, and it is currently fully developed. The Fayetteville Housing Authority owns the property. They are looking to do a project in conjunction with the City to redevelop this property. The structures that are currently on the property do not meet the Unified Development Ordinances, so it is in the best interest of the owner to have this parcel rezoned so that it is a conforming lot. Mr. Harmon showed the Board that on the zoning map, there are commercial properties to the north and residential around the property. The land use



map shows the area as a neighborhood improvement. The subject property does not match the current zoning of the area. The surrounding properties consist of a trailer park to the west, a commercial development to the north, and residential development to the east and south. The staff recommends approval of the rezoning based on the land use plan. Mr. Harmon said he was available for questions after the public hearing.

Mr. Patel opened the hearing for case P24-06.

Speaker in favor:

Fred Ford, 615 East Broad Avenue, Rockingham, NC 28379

- Mr. Ford said he is here to answer any questions. He is working with the housing authority and the City on this project based on the Choice Neighborhood Implementation Grant.
- They are working to improve the area and the greater Murchison area.

Mr. Patel closed the hearing for case P24-06.

**MOTION:** Tyrone Simon made a motion for case P24-06 to approve the map amendment rezoning from Single-Family Residential 6 (SF-6) to Mixed Residential 5 (MR-5) based on the Future Land Use Plan based on the evidence submitted and the findings that the rezoning is consistent with the Future Land Use Plan based on the consistency and reasonableness statements.

**SECOND:** Kevin Hight

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

## **I. OTHER BUSINESS**

Mr. Hight suggested that the Staff present a slide for the audience to read the key points of the evidentiary and legislative hearings. Mr. Simon asked about the scripts and Mr. Patel showed them to him. Mr. Harmon said there are six rezoning cases for the meeting on Tuesday, February 13, 2024. Mr. Patel said he may not be able to make the next meeting, or he may run late due to a previous engagement. Ms. Harper said there were no variance cases next meeting.

## **II. ADJOURNMENT**

**MOTION:** Kevin Hight made a motion to adjourn the January 17, 2024, special meeting.

**SECOND:** Pavan Patel

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

The meeting adjourned at 7:28 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: 24-3829

**Agenda Date:** 2/13/2024

**Version:** 1

**Status:** Agenda Ready

**In Control:** Zoning Commission

**File Type:** Consent

**Agenda Number:** 3.02

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

**THRU:** Zoning Commission

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

**DATE:** February 13, 2024

**RE:**

**A24-05.** Order of Approval - Findings of Fact - Variance to increase maximum setbacks, located at 522 Person Street & two unaddressed parcels (REID 0437923505000, 0437923367000, and 0437923396000), and being the property of Second Baptist Church Inc, represented by Gordon Rose of Gradient, PLLC.

**COUNCIL DISTRICT(S):**

2 - Malik Davis

**Relationship To Strategic Plan:**

Strategic Operating Plan FY 2022

Goals 2027

Goal 2: Responsive City Government Supporting a Diverse and Viable Economy

- Objective 2.2 - Invest in community places to ensure revitalization and increase quality of life

Goal 4: Desirable Place to Live, Work and Recreate

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

**Executive Summary:**

The applicant is requesting a variance to increase the maximum corner side setback from 20 feet to 80 feet.

Zoning Commission approved the request at the January 17, 2024 meeting.

**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: Second Baptist Church Inc

Applicant: Gordon Rose of Gradient, PLLC

Requested Action: Increase maximum corner side yard setback

Zoning District: Downtown 2 (DT-2)

Property Address: 522 Person Street and two unaddressed parcels

Size: .9 acres ±

Existing Land Use: Religious institution

Surrounding Zoning and Land Uses

- North: DT-2 - Office building
- South: DT-2 - Park and vacant commercial building
- East: DT-2 - Vacant lots
- West: DT-2 - Office building

Letters Mailed: 22

### **Issues/Analysis:**

The subject property currently has three structures which were constructed between 1970 and 2003. The School of Hope, a private school, currently occupies the building at the center of the site (111 Burns Street). They would like to construct a separate building on the site specifically for the school.

The subject property is currently zoned Downtown 2 (DT-2). The Downtown zoning districts place *maximum* front and corner side yard setbacks instead of the *minimum* setback required for most other zoning districts. This is intended to bring structures to the street and contribute to the pedestrian feel of these areas. However, the proposed development would be located along Burns Street which is much more vehicle oriented than other streets in the DT-2 zoning district.

Due to the shape of the subject property and existing site conditions (parking lot), the maximum setback would require the removal of existing parking and create an inaccessible and undeveloped area at the rear of the property.

### **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**

The applicant is requesting to increase the maximum corner side setback from 20 feet to 80 feet. This would allow for the construction of a new structure to house an existing private school. If the variance is approved, the site will be reviewed by the Technical Review Committee to ensure that the site meets the requirements of the Unified Development Ordinance.

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 "1. Maintaining a maximum setback of 20 feet eliminates some of the existing parking spaces and renders the eastern portion of the property as essentially unusable.

2. The rear portion of this property is narrow such that, if the building is located in accordance with the ordinance, the rear (eastern) portion of the property is inaccessible.

3. This variance will make possible a reasonable use of the property and maintains the current use of the existing parking lot."

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 "The southeastern portion of this property is narrow such that the building cannot be rotated or relocated in such way as to comply with the maximum building setback without eliminating parking spaces and rendering that portion of the property as essentially inaccessible and unusable."

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 "By approving this variance, the building can be located in such a way as to make the best use of the property and maintain existing parking spaces."

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 "This building will be located off of a narrow side street (Burns Street) and does not negatively impact the harmony of the surrounding parcels."

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 "By approving this variance the public safety and welfare will not be negatively affected."

**Budget Impact:**

There is no immediate budgetary impact.

**Options:**

1. Approval of Findings of Fact
2. Approval with corrections
3. Remand to staff

**Recommended Action:**

Approval of Findings of Fact as presented.

**Attachments:**

1. Application
2. Aerial Notification Map
3. Zoning Map
4. Land Use Map
5. Subject Property Photos
6. Surrounding Property Photos
7. Site Plans - UDO & Proposed
8. Order of Findings of Fact

## Project Overview

#1175587

**Project Title:** School of Hope  
**Application Type:** 5.4) Variance  
**Workflow:** Staff Review

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

## Project Location

**Project Address or PIN:**

- 0437-92-3505 (Unverified)
- 522 PERSON ST (0437923505000)

**Zip Code:** 28301

## GIS Verified Data

**Property Owner: Parcel**

- 522 PERSON ST: SECOND BAPTIST CHURCH INC

**Acreage: Parcel**

- 522 PERSON ST: 0.77

**Zoning District: Zoning District**

- 522 PERSON ST: CC

**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:**

## Variance Request Information

**Requested Variances:** Maximum building setback

**Section of the City Code from which the variance is being requested.:** 30-3.E.11

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

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

For the DT2 zone, there is a maximum building setback of 20 feet from the right-of-way. Placing the building in this location would eliminate a portion of the parking lot for the proposed facility and for Second Baptist Church (the owner of the property). Request this maximum building setback be waived such that the building can be sited to be at least 80 feet from the right-of-way of Burns Street.

This property and all surrounding properties are zoned DT2.

**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.:**

1. Maintaining a maximum setback of 20 feet eliminates some of the existing parking spaces and renders the eastern portion of the property as essentially unusable.
2. The rear portion of this property is narrow such that, if the building is located in accordance with the ordinance, the rear (eastern) portion of the property is inaccessible.
3. This variance will make possible a reasonable use of the property and maintains the current use of the existing parking lot.

**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.:**

The southeastern portion of this property is narrow such that the building cannot be rotated or relocated in such way as to comply with the maximum building setback without eliminating parking spaces and rendering that portion of the property as essentially inaccessible and unusable.

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

By approving this variance, the building can be located in such a way as to make the best use of the property and maintain existing parking spaces.

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

This building will be located off of a narrow side street (Burns Street) and does not negatively impact the harmony of the surrounding parcels.

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

By approving this variance the public safety and welfare will not be negatively affected.

**Height of Sign Face : 0**

**Height of Sign Face: 0**

**Square Footage of Sign Face: 0**

**Square Footage of Sign Face: 0**

**Square Footage of Sign Face: 0**

**Height of Sign Face: 0**

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### Primary Contact Information

#### Contractor's NC ID#:

#### Project Owner

Mamo Meaza  
M Square Construction  
230 Donaldson Street, Suite 400A  
Fayetteville, NC 28301  
P:910-427-7777  
[mmeaza@msquareus.com](mailto:mmeaza@msquareus.com)

#### Project Contact - Agent/Representative

Gordon Rose  
Gradient, PLLC  
230 Donaldson Street, 500A  
Fayetteville, NC 28301  
P:9108247731  
[grose@gradientnc.com](mailto:grose@gradientnc.com)

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$40,000. :

NC State General Contractor's License Number:

NC State Electrical Contractor #1 License Number:

NC State Electrical Contractor #2 License Number:

NC State Mechanical Contractor's #1 License Number:

NC State Mechanical Contractor's #2 License Number:

NC State Plumbing Contractor #1 License Number:

NC State Plumbing Contractor #2 License Number:

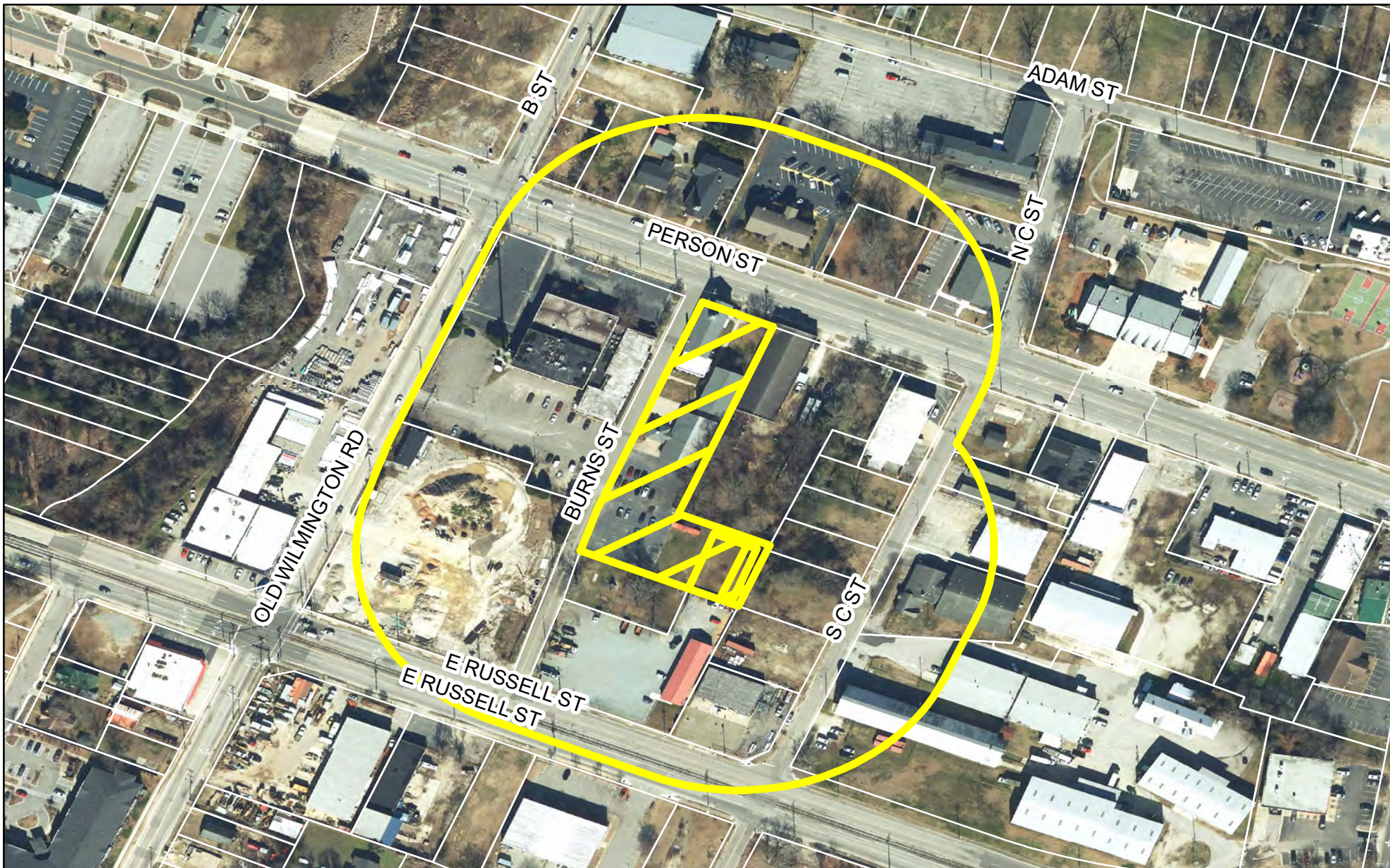
Indicate which of the following project contacts should be included on this project: Engineer





Proposed  
School of Hope  
Second Baptist Church





## Aerial Notification Map

Case #: A24-05

Request: Variance

Location: 522 Person Street & 2 unaddressed parcels,  
0437923505000, 0437923367000, & 0437923396000

### Legend



A24-05



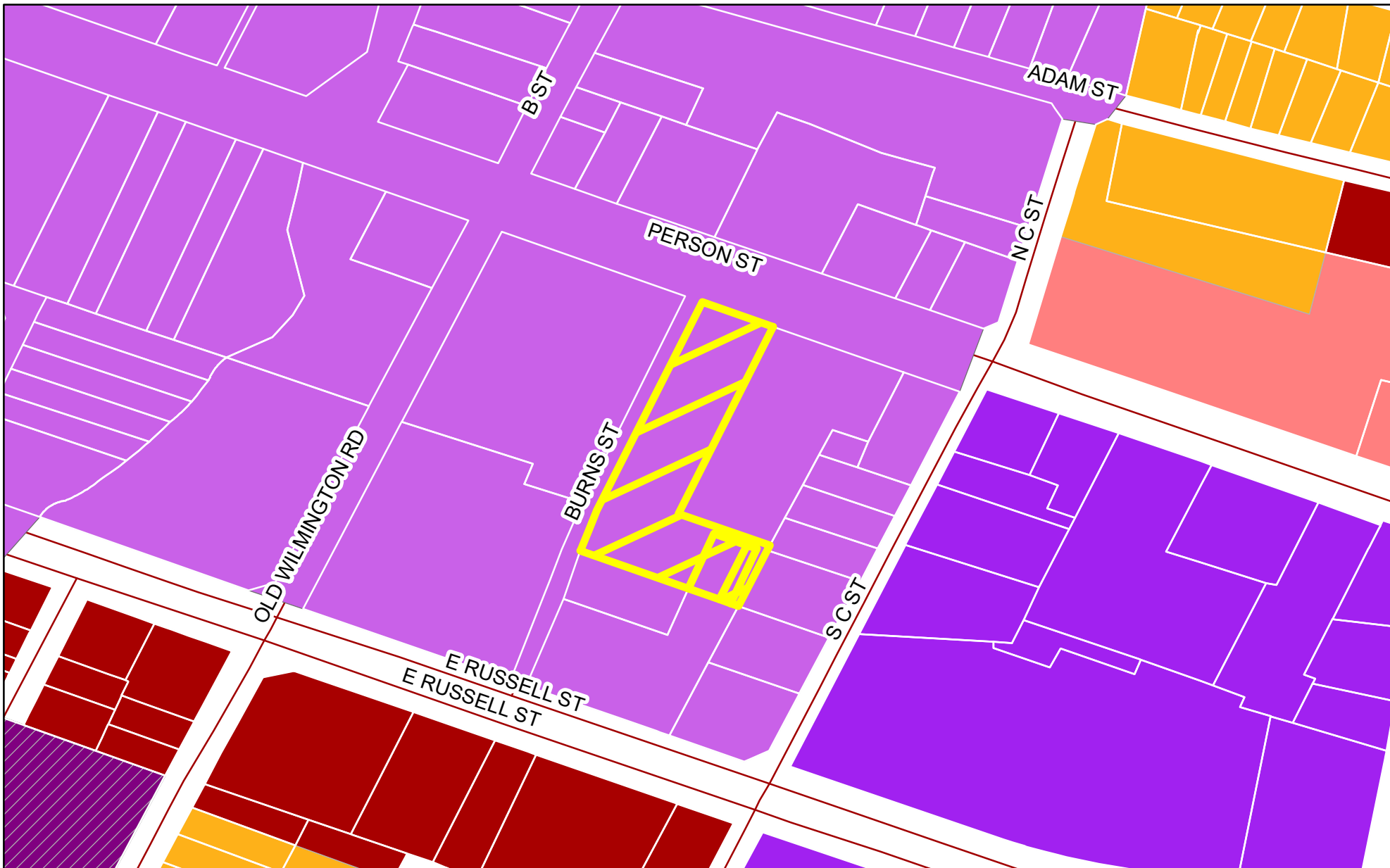
A24-05 Notification Buffer



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















## Zoning Map

Case #: A24-05

Request: Variance

Location: 522 Person Street & 2 unaddressed parcels  
0437923505000, 0437923367000, & 0437923396000

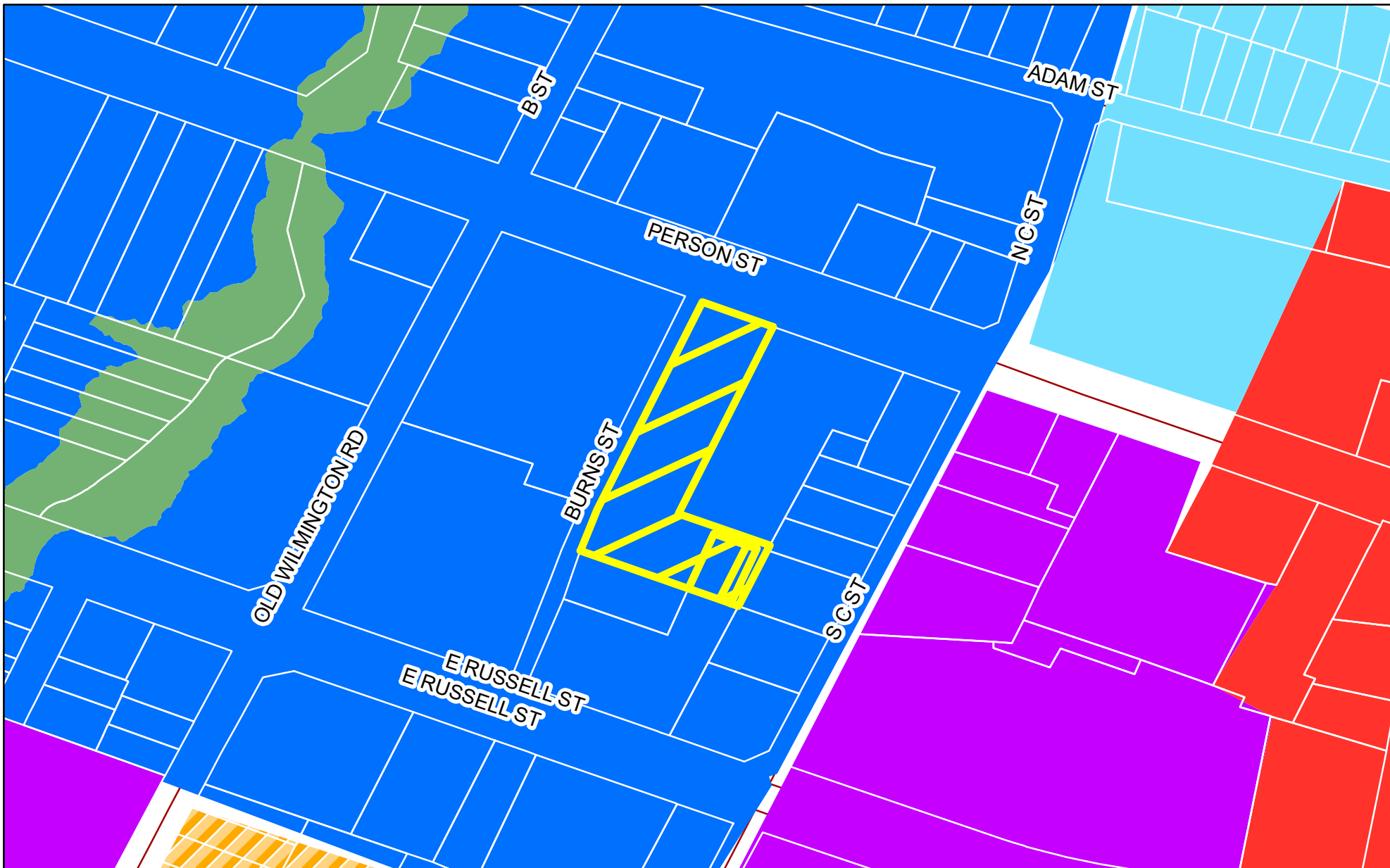
### Legend

	A24-05		CC - Community Commercial
<b>DT Zoning</b>			DT - Downtown
<b>Zoning</b>			HI - Heavy Industrial
	DT-2		LC - Limited Commercial
			MR-5 - Mixed Residential 5
			MU/CZ - Conditional Mixed-Use



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





## Land Use Map

Case #: A24-05

Request: Variance

Location: 522 Person Street & 2 unaddressed parcels  
0437923505000, 0437923367000, & 0437923396000







### Legend

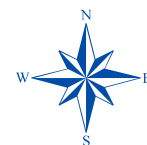


A24-05

### Land Use Plan 2040

#### Character Areas

-  PARKOS - PARK / OPEN SPACE
-  NIR - NEIGHBORHOOD IMPROVEMENT
-  DTMXU - DOWNTOWN
-  HC - HIGHWAY COMMERCIAL
-  OI - OFFICE / INSTITUTIONAL
-  EC - EMPLOYMENT CENTER



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



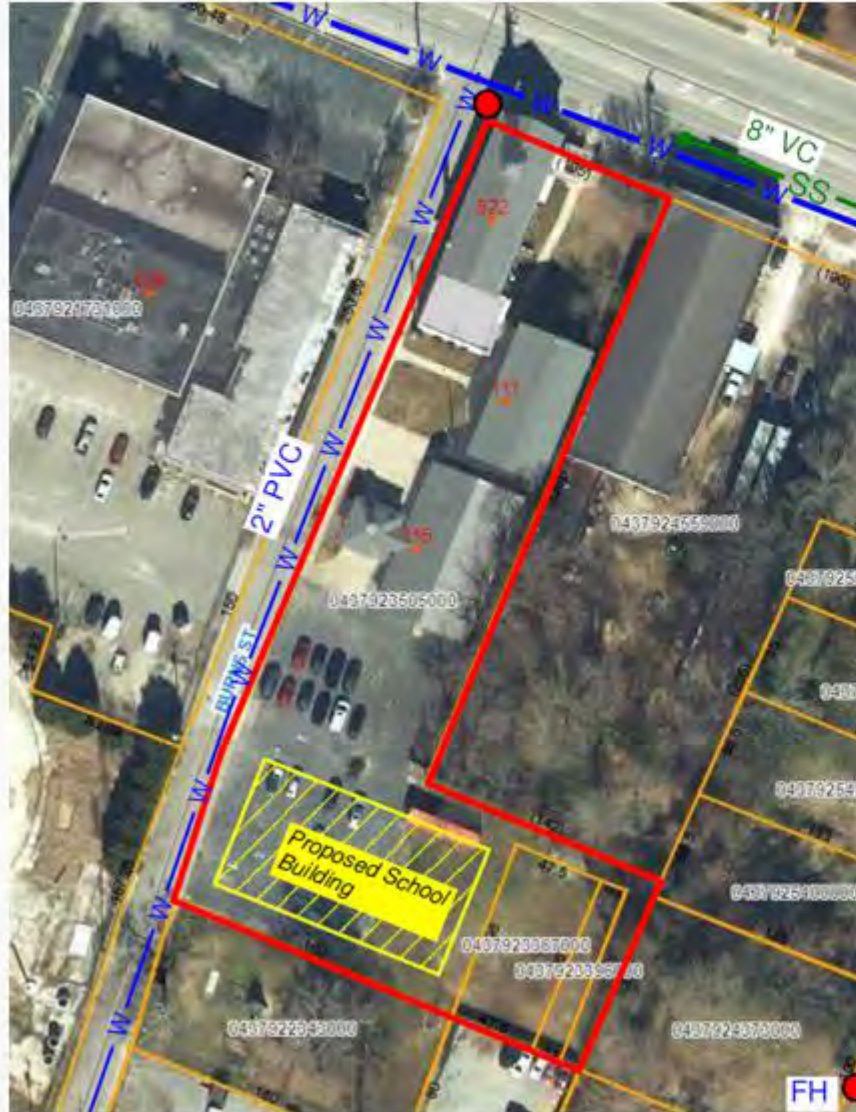




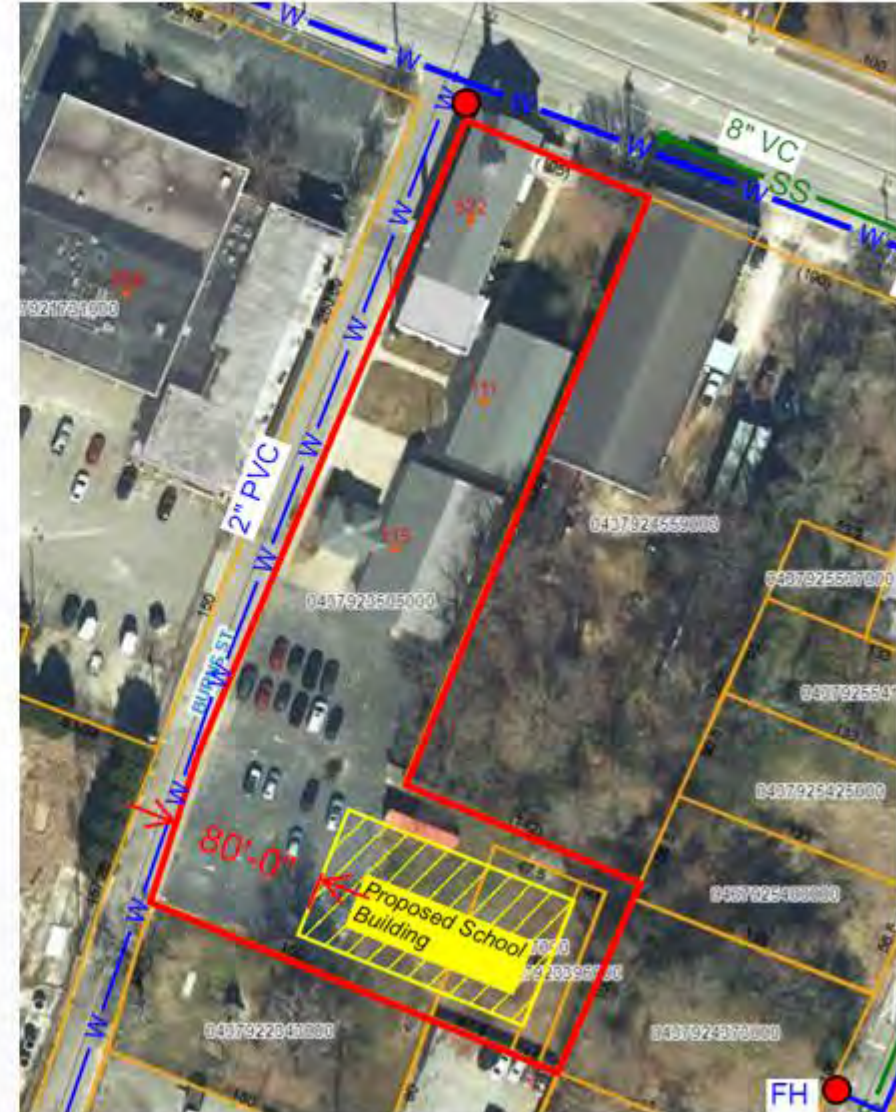




Setback required by UDO



Proposed Setback



**CITY OF FAYETTEVILLE  
STATE OF NORTH CAROLINA  
ORDER TO APPROVE A VARIANCE**

**To increase maximum setbacks, located at 522 Person Street and two unaddressed parcels  
(REID #s 0437923505000, 0437923367000, and 0437923396000)**

**VARIANCE A24-05**

**Property Address:** 522 Person Street and two unaddressed parcels  
**REID Numbers:** 0437923505000, 0437923367000, and 0437923396000  
**Property Owner:** Second Baptist Church Inc.

The Zoning Commission for the City of Fayetteville, NC, held an evidentiary hearing on January 17, 2024, to consider a Variance request filed by Gordon Rose of Gradient, PLLC (“Applicant”) on behalf of Second Baptist Church Inc. (“Property Owner”) to increase maximum setbacks, located at 522 Person Street and two unaddressed parcels (REID #s 0437923505000, 0437923367000, and 0437923396000) (“Subject Property”).

On December 22, 2023, a notice of public hearing was mailed to the Property Owner and all the owners of property within 300 feet of the Subject Property. On December 18, 2023, a notice of public hearing sign was placed on the Subject Property. On December 29, 2023, and January 5, 2024, a notice of public hearing advertisement was placed in the legal section of *The Fayetteville Observer*.

Having considered all of the sworn testimony, evidence, and oral arguments submitted at the hearing by the parties, the Zoning Commission makes the following FINDINGS OF FACT and CONCLUSIONS OF LAW:

**Findings of Fact**

1. Chapter 30, Article 3, Section E.11 of the City of Fayetteville’s Code of Ordinances establishes the dimensional requirements for lots within the Downtown 2 (DT-2) District.
2. Second Baptist Church Inc is the owner of a commercially zoned property located at 522 Person Street and two unaddressed parcels (REID #s 0437923505000, 0437923367000, and 0437923396000), which contain approximately .9 acres ± in the City of Fayetteville.
3. The Applicant filed an application for a Variance on November 15, 2023.
4. The Subject Property is zoned Downtown 2 (DT-2).
5. The Applicant is requesting to increase the maximum corner side yard setback.
6. The Applicant has the burden of proof to show that the Variance meets the following statutory requirements:
  - a. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardship.



- b. 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.
  - c. The Variance is the minimum action that will make possible a reasonable use of land or structures.
  - d. The Variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit.
  - e. In granting of the Variance, the public safety and welfare have been assured and substantial justice has been done.
7. The Subject Property is a Downtown 2 (DT-2) zoned property surrounded by Downtown 2 (DT-2) zoned properties to the north, south, east, and west.
8. The Subject Property is approximately .9 acres located at the southeast corner of Person Street and Burns Street.
9. The Subject Property is a developed lot with three existing structures that house the various operations of a church.
10. This Variance addresses the Ordinance requirement for a maximum corner side yard setback of 20 feet.
11. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardship because the property owner would need to eliminate parking and restrict access to the rear of the property.
12. 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 because the southeastern portion of this property is narrow such that the building cannot be rotated or relocated in such way as to comply with the maximum building setback without eliminating parking spaces and rendering that portion of the property as essentially inaccessible and unusable.
13. The Variance is the minimum action that will make possible a reasonable use of land or structures because the building can be located in such a way as to make the best use of the property and maintain existing parking spaces.
14. The Variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit because this building will be located off a narrow side street (Burns Street) and does not negatively impact the harmony of the surrounding parcels.
15. There is no evidence that the granting of this Variance would harm public safety and welfare, and substantial justice would be ensured.

### **Conclusions of Law**

1. The City of Fayetteville adopted the Unified Development Ordinance (UDO), codified under Chapter 30 of the City Code, to establish that “This Ordinance consolidates the

City's zoning and subdivision regulatory authority as authorized by the North Carolina General Statutes".

2. The Applicant submitted a timely application in compliance with the UDO.
3. Notice was properly given, and an evidentiary public hearing was held by the City of Fayetteville's Zoning Commission in compliance with the laws of North Carolina.
4. The City Development Services Department is responsible for the coordination and enforcement of the UDO.
5. All of the general and specific conditions precedent to the issuance of the requested Variance HAS been satisfied as:
  - a. The strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships.
  - b. 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.
  - c. The Variance is the minimum action that will make possible a reasonable use of land or structures.
  - d. The Variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit.
  - e. The granting of the Variance assures the public safety and welfare, and that substantial justice has been done.

WHEREFORE, BASED ON THE FOREGOING FINDINGS OF FACTS AND CONCLUSIONS OF LAW, it is ORDERED by the City of Fayetteville's Zoning Commission that the application for the issuance of the Variance be APPROVED with no conditions.

VOTE: 5 to 0

This the 17th day of January 2024.

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PAVAN PATEL  
Zoning Commission Chair



# City of Fayetteville

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

## City Council Action Memo

File Number: 24-3831

**Agenda Date:** 2/13/2024

**Version:** 1

**Status:** Agenda Ready

**In Control:** Zoning Commission

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

**Agenda Number:** 4.01

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

**THRU:** Zoning Commission

**FROM:** Demetrios Moutos - Planner I

**DATE:** February 13, 2024

**RE:**

**P24-08.** Rezoning of 4.75 acres  $\pm$  from Community Commercial (CC) and Single Family Residential 6 (SF-6) to Mixed Residential 5 (MR-5), located at 5510 and 5414 Bragg Blvd. (REID #'s 0419310372000 and 0419311002000), and is the property V Capital LLC, represented by Lori Epler of Larry King & Assoc.

**COUNCIL DISTRICT(S):**

4 - D.J. Haire

**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.

Goal IV: The City of Fayetteville will be a highly desirable place to live, work, and recreate.

- 4.6: To reduce poverty and homelessness.

**Executive Summary:**

The applicant is requesting a straight rezoning of two properties totaling 4.75 acres  $\pm$  from Community Commercial (CC) and Single Family Residential 6 (SF-6) to Mixed

Residential 5 (MR-5).

**Background:**

Owner: V CAPITAL LLC

Applicant: Lori Epler of Larry King & Assoc.

Requested Action: CC & SF-6 to MR-5

REID #s: 0419310372000 & 0419311002000

Council District: 4 - D.J. Haire

Status of Properties: Existing rental houses and mobile homes.

Size: 4.75 acres ±

Adjoining Land Use & Zoning:

- North: SF-6 - Residential
- South: MR-5/CZ, CC/CZ, and CC - UHAUL and open space
- East: SF-6 - Mobile Homes
- West: CC - Vacant and Residential across Bragg Blvd

Annual Average Daily Traffic: Bragg Blvd - 20,000

Postcards Mailed: 68

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 and 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 Medium Density Residential (MDR) and Neighborhood Mixed Use (NMU). NMU areas are primarily characterized by neighborhood-scale commercial uses, featuring a harmonious mix of horizontal and selectively placed vertical elements. The architectural landscape typically comprises buildings ranging from 1 to 3 stories, fostering a sense of community. Residential components within these areas include smaller-scale multi-family dwellings, attached residences, and single-family homes on compact lots. Additionally, on the periphery, there is a presence of lower-density residential structures, contributing to the overall diversity and character of the NMU zones. MDR areas exhibit a distinctive character, predominantly featuring single-family residential neighborhoods characterized by small lots, typically accommodating 3-6 dwellings per acre. In addition to single-family homes, these neighborhoods incorporate duplexes or townhomes interspersed throughout, fostering a diverse and dynamic housing landscape. Where feasible, low-rise apartments are strategically positioned within MDR zones, contributing to housing variety. While these areas are primarily designed to accommodate automobile traffic, there is an effort to create pockets of walkable neighborhoods and destinations, enhancing the overall accessibility and livability of MDR communities.

**Issues/Analysis:**

History:

According to Cumberland County tax records, these parcels, along with the residential

subdivision, have been established since the late 1940s. Aerial imagery provided by the Cumberland County GIS indicates that the subdivision has remained unchanged from 1968 to the present day. V Capital LLC successfully acquired these properties from Homeland, Incorporated in October 2023.

**Surrounding Area:**

The surrounding area exhibits a diverse mix of land uses and zoning designations. To the north, the landscape is characterized by SF-6 zoning, indicating a predominantly residential zone. To the south, a combination of MR-5/CZ, CC/CZ, and CC designations suggests a blend of commercial and industrial activities, with the presence of a UHAUL facility and open spaces. Moving eastward, the SF-6 zoning prevails, featuring mobile homes as a prevalent land use. On the western side, CC zoning dominates, with vacant spaces and residential areas situated across Bragg Blvd. This assortment of land uses and zoning patterns contributes to the varied character of the surrounding area, reflecting a mix of residential, commercial, and open spaces.

**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 proposing a rezoning initiative for two parcels currently designated as Community Commercial (CC) and Single Family Residential 6 (SF-6) to transition them to Mixed Residential 5 (MR-5). The Mixed Residential 5 (MR-5) zoning district is established to address the diverse housing needs of city residents, accommodating a broad range of residential housing types and arrangements at moderate to high densities. This includes single-family detached dwellings, two- to four-family dwellings, multi-family dwellings, as well as other residential developments such as single-family attached dwellings and zero lot line developments, all subject to the requirements outlined in the Ordinance. All developments within the MR-5 district must adhere to the specified design standards detailed in Article 30-5: Development Standards. Additionally, MR-5 districts have the potential to incorporate centrally-located open spaces, complementary institutional uses (e.g., religious institutions, post offices, police sub-stations), daycare facilities, and limited small-scale neighborhood-serving convenience retail uses, as outlined in 30-4.D. Accessory Uses. This proposed rezoning aligns with the intention of fostering diverse housing options and community amenities while adhering to established standards and guidelines.

**Straight Zoning:**

***The request is for a straight rezoning from Community Commercial (CC) and Single Family Residential 6 (SF-6) to Mixed Residential 5 (MR-5).***

The reclassification of land to a base zoning district without conditions grants permission for all uses listed in the Use Table within the UDO. It's important to note that the Zoning Commission may not take into account specific conditions or restrictions concerning the spectrum of allowable uses, use standards, development intensities, development standards, and other pertinent regulations during their deliberations. The absence of conditions implies a broad acceptance of the full range of uses stipulated in the UDO's Use Table.

**Land Use Plan Analysis:**

This rezoning plays a role in realizing the Strategic Operating Plan and Goals. Under Goal II, focusing on a responsive city government supporting a diverse and viable economy, the

rezoning contributes directly to Objective 2.1 - ensuring a diverse city tax base. The rezoning also resonates with Objective 2.4, aiming to sustain a favorable development climate to encourage business growth. The proposal dovetails seamlessly into Goal III, emphasizing the city's investment in today and tomorrow. Specifically, Objective 3.2 to manage the city's future growth and strategic land use is addressed through this rezoning effort.

In consonance with Goal IV, envisioning Fayetteville as a highly desirable place to live, work, and recreate, the proposed rezoning addresses sub-goal 4.6, which seeks to reduce poverty and homelessness. By aligning with these strategic objectives, the rezoning contributes significantly to the overarching vision for Fayetteville's development and prosperity.

The rezoning proposal also meticulously adheres to the 2040 Comprehensive Plan's Future Land Use Map & Plan. The plan recommends the development of the targeted area as Medium Density Residential (MDR) and Neighborhood Mixed Use (NMU). The proposed MR-5 zoning district encapsulates this vision by accommodating a broad spectrum of residential housing types and arrangements at moderate to high densities. This includes single-family detached dwellings, two- to four-family dwellings, multi-family dwellings, and other residential developments such as single-family attached dwellings and zero-lot line developments.

Modern planning best practices emphasize creating vibrant, mixed-use communities that cater to diverse housing needs. The proposed rezoning to MR-5 aligns with these contemporary principles by creating the potential for integrated centrally-located open spaces, complementary institutional uses, daycare facilities, and limited neighborhood-serving retail uses.

By fostering diverse housing options, encouraging economic growth, and contributing to the overall vibrancy of the community, the proposed MR-5 rezoning emerges as a forward-thinking and strategically sound initiative.

Consistency and Reasonableness Statements:

The Future Land Use Plan includes defined goals, policies, and strategies. This application aligns with the city's strategic growth strategies and fulfills the goals outlined in the attached Consistency and Reasonableness form.

### **Budget Impact:**

While there won't be an immediate budgetary impact, this rezoning may have an economic impact in the future as it pertains to the collection of taxes.

### **Options:**

1. Recommend approval of the map amendment to MR-5 as presented based on the evidence submitted and find that the rezoning 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 to a more restrictive zoning district based on the evidence submitted and find that the map amendment would be consistent with the Future Land Use Plan and an amended consistency statement;
3. Deny 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 Medium Density Residential (MDR) and Neighborhood Mixed Use (NMU).
- The uses permitted by the proposed change in zoning district classification and the standards that 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

**Project Overview**

#1214636

**Project Title:** FLEISHMAN STREET**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:** 28303

- 5510 BRAGG BLVD (0419310372000)
- 5414 BRAGG BLVD (0419311002000)

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

- 5510 BRAGG BLVD: V CAPITAL LLC
- 5414 BRAGG BLVD: V CAPITAL LLC

**Acreage: Parcel**

- 5510 BRAGG BLVD: 0.62
- 5414 BRAGG BLVD: 4.13

**Zoning District: Zoning District**

- 5510 BRAGG BLVD: CC
- 5414 BRAGG BLVD: SF-6

**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****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:** 4.75**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.:**

EXISTING RENTAL HOUSES AND MOBILE HOMES

CC, CCCZ, MR5CZ, SF6

**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.:**

TO A GREAT EXTENT.

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

THE NEW UDO ZONING CREATED NON-CONFORMING STRUCTURES ON THIS PROPERTY.

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

AFFORDABLE HOUSING IS GREATLY NEEDED IN THIS AREA.

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

TO A GREAT EXTENT.

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

THE NEIGHBORHOOD IS ALREADY DEVELOPED IN THE SAME FASHION AS THIS PROPERTY.

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

TO NO EXTENT.

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

IN NO WAY.

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

IT IS IN COMPLIANCE WITH THE SURROUNDING AREAS.

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

PROPERTY VALUES WILL NOT BE AFFECTED.

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

THERE WILL BE NO ADVERSE IMPACTS.

### Primary Contact Information

**Contractor's NC ID#:**

**Project Owner**

RONALD HILL  
V CAPITAL LLC  
2543 RAVENHILL DR, SUITE A  
FAYETTEVILLE, NC 28303  
P:910-574-6038  
[RVHILL1@GMAIL.COM](mailto:RVHILL1@GMAIL.COM)

**Project Contact - Agent/Representative**

LORIEPLER  
Larry King & Assoc.  
1333 Morganton Road, Fayetteville  
Fayetteville, NC 28305  
P:9104834300  
[LEPLER@LKANDA.COM](mailto:LEPLER@LKANDA.COM)

**As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$40,000. :**

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

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

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

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

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

**NC State Mechanical Contractor:**

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

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

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

FILED	Oct 17, 2023
AT	04:07:51 PM
BOOK	11841
START PAGE	0634
END PAGE	0636
INSTRUMENT #	32627
RECORDING	\$26.00
EXCISE TAX	\$1,650.00

**NORTH CAROLINA GENERAL WARRANTY DEED**

Excise Tax: \$ 1,650.00

Parcel Identifier No. \_\_\_\_\_ Verified by \_\_\_\_\_ County on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
By: \_\_\_\_\_

Mail/Box to: THE LAW OFFICE OF JEFFREY E. RADFORD, P.A., 232 Hay Street, Fayetteville, NC 28301This instrument was prepared by: THE LAW OFFICE OF JEFFREY E. RADFORD, P.A., 232 Hay Street, Fayetteville, NC 28301Brief description for the Index: LOT Metes & Bounds,THIS DEED made this 17th day of October, 2023 by and between

GRANTOR	GRANTEE
Homeland, Incorporated 5526 Aberdeen Place Fayetteville, NC 28303	<b>V Capital, LLC</b> 2543 Ravenhill Drive, Suite A Fayetteville, NC 28303

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

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

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

See attached Exhibit A

The property hereinabove described was acquired by Grantor by instrument recorded in Book \_\_\_\_\_ page \_\_\_\_\_.

All or a portion of the property herein conveyed \_\_\_\_ includes or X does not include the primary residence of a Grantor.

A map showing the above described property is recorded in Plat Book \_\_\_\_\_ page \_\_\_\_\_.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

Subject to all Easements, Restrictive Covenants and Rights of Way of Record.

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

Homeland, Incorporated \_\_\_\_\_ (SEAL)  
 \_\_\_\_\_ (Entity Name)  
 By: Harvey Fleishman \_\_\_\_\_  
 Print/Type Name & Title: Harvey Fleishman, President \_\_\_\_\_  
 By: \_\_\_\_\_  
 Print/Type Name & Title: Secretary \_\_\_\_\_  
 By: \_\_\_\_\_  
 Print/Type Name & Title: \_\_\_\_\_

Print/Type Name: \_\_\_\_\_ (SEAL)  
 \_\_\_\_\_  
 Print/Type Name: \_\_\_\_\_ (SEAL)  
 \_\_\_\_\_  
 Print/Type Name: \_\_\_\_\_ (SEAL)  
 \_\_\_\_\_  
 Print/Type Name: \_\_\_\_\_ (SEAL)  
 \_\_\_\_\_

State of \_\_\_\_\_ - County or City of \_\_\_\_\_  
 I, the undersigned Notary Public of the County or City of \_\_\_\_\_ and State aforesaid, certify that \_\_\_\_\_  
 \_\_\_\_\_ personally appeared before me this day and  
 acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or  
 seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My Commission Expires: \_\_\_\_\_  
 (Affix Seal) \_\_\_\_\_ Notary Public  
 Notary's Printed or Typed Name

State of North Carolina - County or City of Cumberland  
 I, the undersigned Notary Public of the County or City of Cumberland and State aforesaid, certify that \_\_\_\_\_  
Harvey Fleishman personally came before me this day and acknowledged that he is the  
President of Homeland, Incorporated, a North Carolina or \_\_\_\_\_  
 corporation/limited liability company/general partnership/limited partnership (strike through the inapplicable), and that by authority  
 duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness  
 my hand and Notarial stamp or seal, this 17th day of October, 2023.

My Commission Expires: August 10, 2025  
 (Affix Seal) \_\_\_\_\_ Notary Public  
 Notary's Printed or Typed Name

State of \_\_\_\_\_ - County or City of \_\_\_\_\_  
 I, the undersigned Notary Public of the County or City of \_\_\_\_\_ and State aforesaid, certify that \_\_\_\_\_  
 \_\_\_\_\_  
 Witness my hand and Notarial stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My Commission Expires: \_\_\_\_\_  
 (Affix Seal) \_\_\_\_\_ Notary Public  
 Notary's Printed or Typed Name

Exhibit A

**Tract 1:**

5414 Bragg Blvd, Fayetteville, NC 28303 (Parcel 0419-31-1002)

Beginning at an iron pipe in the eastern margin of the Fort Bragg Highway at a point 393.2 feet South 14 degrees 23' East from its intersection with the southern margin of the improved road leading from Bonnie Doone Village to Bonnie Doone Lake; and running thence North 64 East 822.81 feet; thence South 26 East 333.02 feet; thence South 64 West 890.60 feet to the eastern margin of the Fort Bragg Boulevard; thence with it North 14 degrees 23' West 343.9 feet to the beginning, containing 7 acres, more or less, and being part of the lands conveyed by deeds of record in Book 419, Page 605, and Book 439, Page 225, Registry of Cumberland County, and known as Homewood Court.

Less and Except the property conveyed in Book 8028 at Page 72, and in Book 3070 at Page 709, Cumberland County Registry.

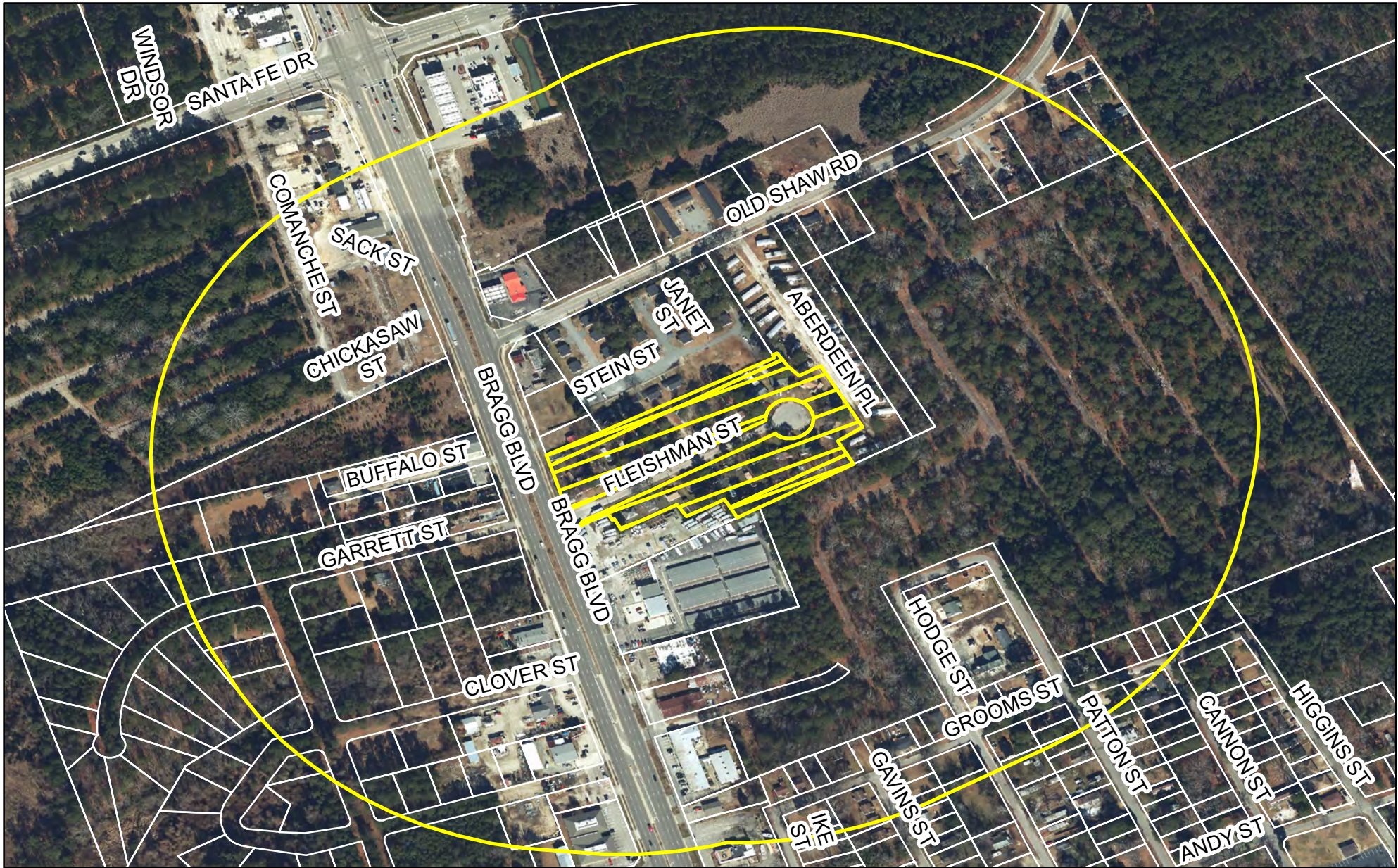
**Tract 2:**

5510 Bragg Blvd, Fayetteville, NC 28303 (Parcel 0419-31-0372)

Beginning at a point in the Eastern right of way margin of the Fort Bragg Boulevard, the same being the Southwest corner of Lot No. 1 of the Subdivision of Homewood Court as recorded in Book of Plats 12, page 25, Cumberland County Registry, and running thence for a first call with the Southern line of Homewood Court North 64 degrees 00 minutes East 890.60 feet to a point, the Southeast corner of said Homewood Court; thence with the Eastern line of Homewood Court North 26 degrees 00 minutes West 333.02 feet to the Northeast corner of said subdivision; thence with the Northern line of said tract South 64 degrees 00 minutes West 697.81 feet to a point in the Northern line of Lot No. 23; thence a new line North 26 degrees 00 minutes West about 33 feet to a point; thence North 62 degrees 30 minutes East about 600.0 feet more or less to a point in the northern line of Lot no. 15; thence North 29 degrees 30 minutes West 380.0 feet to a point; thence North 60 degrees 30 minutes East 195.0 feet to a point; thence South 29 degrees 30 minutes East 746.0 feet to a point; thence South 60 degrees 30 minutes West 1003.0 feet to a point in the Eastern right of way margin of the Fort Bragg Boulevard; thence North 14 degrees 23 minutes West about 32.0 feet more or less to the place and point of beginning, being all of the buffer zone or perimeter of the subdivision of Homewood Court as shown on plat duly recorded in Book of Plats 13, page 25, Cumberland County Registry.

Less and Except the property conveyed in Book 8028 at Page 72, and in Book 3070 at Page 709, Cumberland County Registry.





**Aerial Notification Map**

Case #: P24-08  
Request: Rezoning from Community Commercial (CC) and Single Family Residential 6 (SF-6) to Mixed Residential 5 (MR-5)

Location: 5510 Bragg Blvd  
5414 Bragg Blvd

**Legend**

P24-08 Buffer

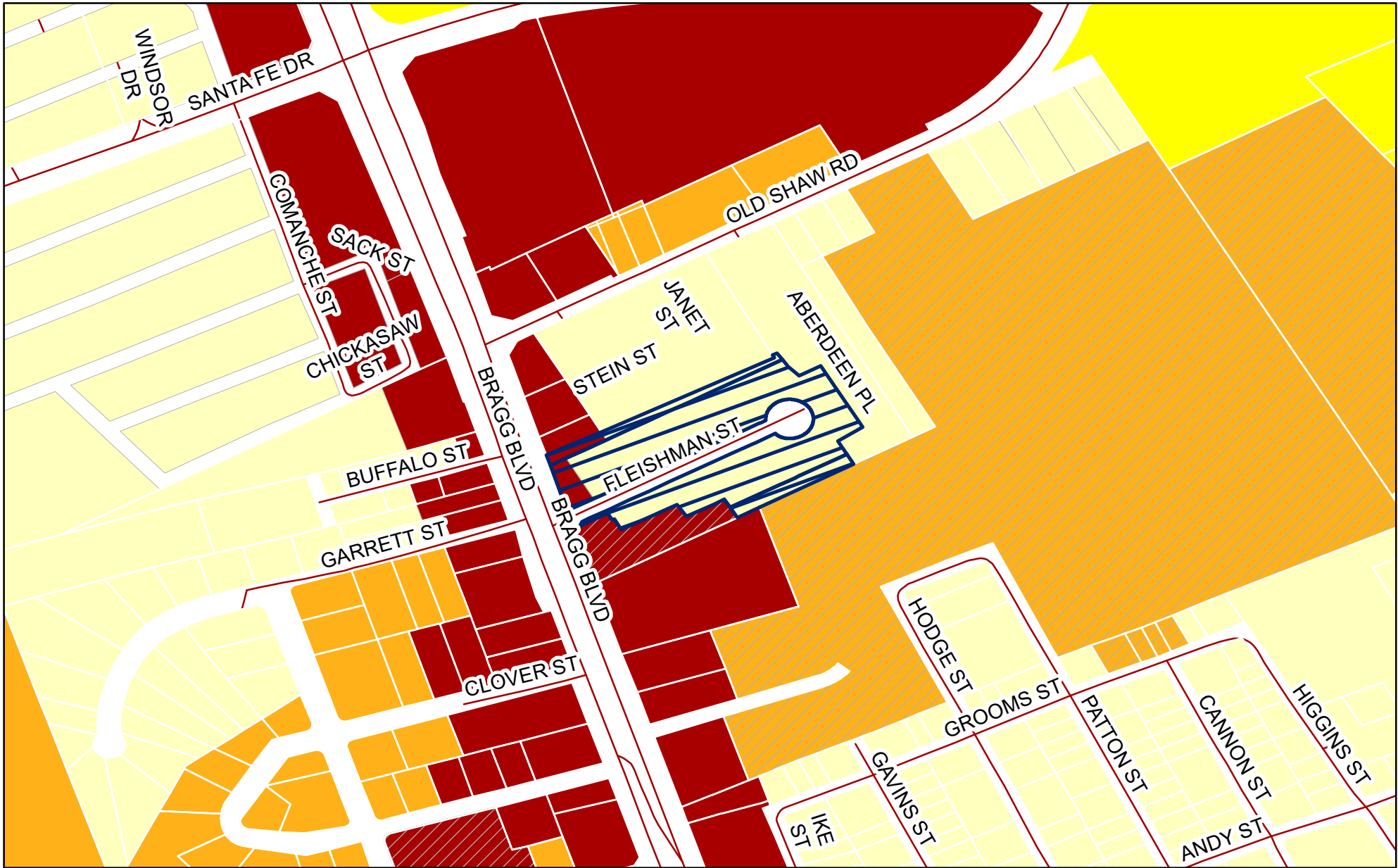
P24-08



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














# Zoning Map

**Case #: P24-08**  
 Request: Rezoning from Community Commercial (CC) and Single Family Residential 6 (SF-6) to Mixed Residential 5 (MR-5)

Location: 5510 Bragg Blvd  
 5414 Bragg Blvd

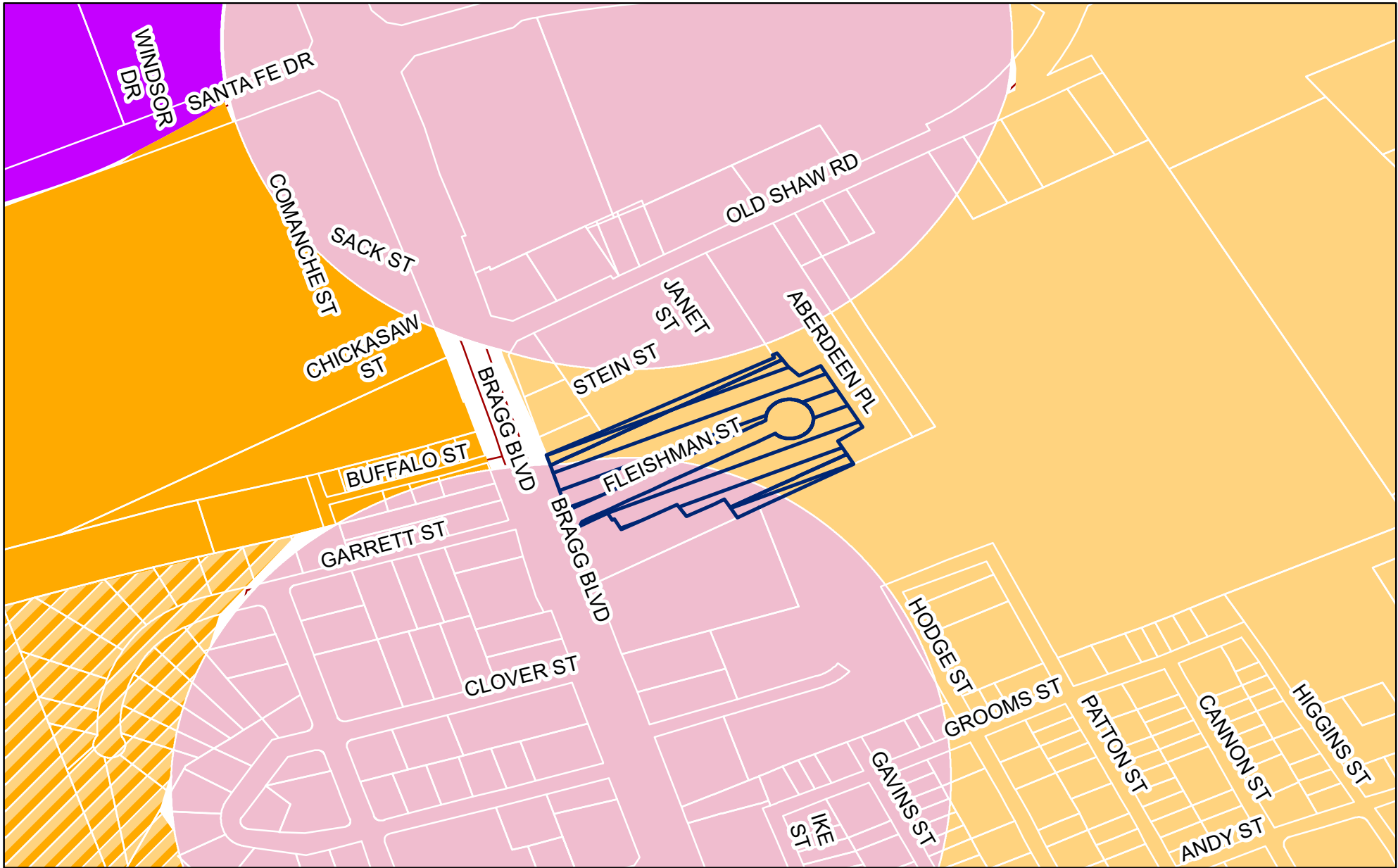
## Legend

-  P24-08
-  CC - Community Commercial
-  CC/CZ - Conditional Community Commercial
-  MR-5 - Mixed Residential 5
-  MR-5/CZ - Conditional Mixed Residential 5
-  SF-6 - Single-Family Residential 6
-  SF-10 - Single-Family Residential 10



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





# Future Land Use Plan

Case #: P24-08

Request: Rezoning from Community Commercial (CC) and Single Family Residential 6 (SF-6) to Mixed Residential 5 (MR-5)

Location: 5510 Bragg Blvd  
5414 Bragg Blvd

## Legend



P24-08

## Land Use Plan 2040

### Character Areas



MDR - MEDIUM DENSITY



NIR - NEIGHBORHOOD IMPROVEMENT



HDR - HIGH DENSITY RESIDENTIAL



NMU - NEIGHBORHOOD MIXED USE



EC - EMPLOYMENT CENTER



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









## Surrounding Properties



# Consistency and Reasonableness Statement

## Map Amendments

Pursuant to N.C.G.S. Sections 160D-604 and -605, the Zoning Commission finds that the proposed zoning map amendment in case P24-08 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 #1: Focus value and investments around infrastructure and strategic nodes	X	
GOAL #4: Foster safe, stable, and attractive neighborhoods	X	

#### 2. LAND USE POLICIES 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	
1.2: Encourage more intense uses, a greater mix of uses, and denser residential types in key focal areas. <ul style="list-style-type: none"><li>• Regional Centers and Community Centers</li><li>• <b>Neighborhood Mixed Use</b></li><li>• Downtown</li></ul>	X	
1.7: Encourage a logical progression of housing development and discourage "leapfrog" development. <ul style="list-style-type: none"><li>• Leapfrog development is a development that occurs in areas away from existing development and 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.</li></ul>	X	
<b>LUP 4: Create a well-designed and walkable commercial and mixed-use districts</b>	X	
4.1: Ensure new development meets basic site design standards <ul style="list-style-type: none"><li>• Standards should include:<ul style="list-style-type: none"><li>○ Connected streets, entrances, and parking lots</li><li>○ Sidewalks and pedestrian pathways on both sides of all public rights-of-way (at the minimum)</li></ul></li></ul>	X	

<ul style="list-style-type: none"> <li>○ High-quality building materials</li> <li>○ Landscaping, shade, and street trees</li> <li>○ Perimeter buffers</li> <li>○ Low-level parking lot screening</li> <li>○ Storm water retention and infiltration</li> </ul>		
<p>4.2: Encourage context-sensitive site design</p> <ul style="list-style-type: none"> <li>• Design commercial and mixed-use areas to be walkable areas with pedestrian connections between uses and buildings. <ul style="list-style-type: none"> <li>○ Encourage buildings to be located close to the street, especially near key intersections, with parking located to the side or behind the buildings.</li> <li>○ Require short block lengths (max. 400 to 600 feet) and connections to adjacent development (crosswalks, etc.).</li> </ul> </li> <li>• Ensure development standards specify: <ul style="list-style-type: none"> <li>○ Transition in building scale between new buildings and surrounding neighborhoods.</li> <li>○ Building and parking orientation and design.</li> <li>○ Landscaped buffers, tree save areas, and site design that provides transitions between more and less intense uses.</li> </ul> </li> </ul>	<b>X</b>	
<b>LUP 6: Encourage development standards that result in quality neighborhoods</b>	<b>X</b>	
<p>6.1: Encourage quality neighborhood design by maintaining and improving standards for streets, sidewalks, stormwater, and open space.</p> <ul style="list-style-type: none"> <li>• Require a connected system of streets in new development and stub outs to areas of future development.</li> <li>• Require sidewalks in new developments along both sides of public roadways (including the frontage of properties and internal roads).</li> <li>• Encourage commonly-accessible open spaces in new residential subdivisions.</li> <li>• Require street trees in high-density residential developments and commercial areas.</li> <li>• Require canopy trees in new single-family neighborhoods.</li> </ul>	<b>X</b>	
<b>LUP 7: Encourage a mix of housing types for all ages and incomes</b>	<b>X</b>	
7.1: Allow a mix of housing, including attached and multi-family homes, to create diverse neighborhoods, especially within and	<b>X</b>	

<p>near Downtown and designated Regional, Community, and Neighborhood Centers.</p> <ul style="list-style-type: none"> <li>Establish incentives for encouraging select underutilized commercial areas and strip malls to be converted to higher-density residential uses.</li> </ul>		
<p>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).</p> <ul style="list-style-type: none"> <li>Housing types in these areas could include smaller-lot patio homes, duplexes, triplexes, quadplexes, and townhomes. <ul style="list-style-type: none"> <li>Greater flexibility in allowable housing types, setbacks, or parking requirements could be considered for Neighborhood Improvement areas to encourage reinvestment.</li> </ul> </li> <li>Design standards could be implemented to encourage compatibility with existing development in these areas. Standards could include: <ul style="list-style-type: none"> <li>Architectural standards</li> <li>Open space requirements</li> <li>Parking design criteria (i.e. location, planting requirements)</li> </ul> </li> </ul>	<b>X</b>	
<p><b>LUP 10: Support land use, site design, and capital improvement initiatives that increase resiliency and reduce impacts from flooding and natural disasters</b></p>	<b>X</b>	
<p>10.1: Encourage on-site stormwater control measures that reduce the impacts of new development</p> <ul style="list-style-type: none"> <li>Stormwater requirements should seek to mimic pre-development conditions, limit impacts from new development on adjacent properties, and reduce the rate of stormwater runoff to avoid erosion of stream banks and encourage groundwater recharge.</li> </ul>	<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.	OR		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.
- 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):

February 13, 2024  
Date

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

\_\_\_\_\_  
Print

## AFFIDAVIT OF OWNERSHIP

I, RONALD HILL, being duly sworn, deposes and says:

1. That I am the owner of the property/properties located at 5414 BRAGG BOULEVARD in the City of Fayetteville, a political subdivision of the State of North Carolina.

2. I do hereby give permission to LORI S EPLER to submit a Conditional Rezoning/Rezoning/Variance/Special Use (circle one) application to the City of Fayetteville on my behalf for the above referenced property/properties.

3. This authority is only granted for the application to be submitted on JANUARY 5, 2023.

Ronald Hill

Signature of Affiant

Signature of Affiant

Cumberland County, North Carolina

Sworn to and subscribed before me this day on the 05th day of January, 2023



Lori Simpson Epler

Signature of Notary Public

LORI SIMPSON EPLER, Notary Public  
Printed Name of Notary Public

My Commission Expires: 11/04/2024 ALE



# City of Fayetteville

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

## City Council Action Memo

File Number: 24-3834

**Agenda Date:** 2/13/2024

**Version:** 1

**Status:** Agenda Ready

**In Control:** Zoning Commission

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

**Agenda Number:** 4.02

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

**THRU:** Zoning Commission

**FROM:** Demetrios Moutos - Planner I

**DATE:** February 13, 2024

**RE:**

**P24-09.** Rezoning of .42 acres ± from Office and Institutional (OI) to Neighborhood Commercial (NC), located at 916 Hay Street (REID #'s 0437150542000), and being the property Cardassi-Langley Investments LLC, represented by Casey Benander.

**COUNCIL DISTRICT(S):**

2 - Malik Davis

**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 applicant is requesting a straight rezoning of one parcel totaling 0.42 acres ± from Office/Institutional (OI) to Neighborhood Commercial (NC).

**Background:**

Owner: Haymount Homes LLC



Applicant: Casey Benander

Requested Action: OI to NC

REID #s: 0437150542000

Council District: 2 - Malik Davis

Status of Properties: Existing behavioral counseling and substance abuse treatment

Size: 0.42 acres ±

Adjoining Land Use & Zoning:

- North: OI - Residential
- South: OI - Mega Force Staffing and other commercial operations
- East: OI - Bradford Scott Hancox, Attorney at Law and The Hatley Law Firm, PLLC
- West: OI - Fleming & Associates, P.A. Consulting Engineers

Annual Average Daily Traffic: Bragg Blvd - 19,500

Postcards Mailed: 186

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 and 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 Neighborhood Mixed Use (NMU). NMU areas are primarily characterized by neighborhood-scale commercial uses, featuring a harmonious mix of horizontal and selectively placed vertical elements. The architectural landscape typically comprises buildings ranging from 1 to 3 stories, fostering a sense of community. Residential components within these areas include smaller-scale multi-family dwellings, attached residences, and single-family homes on compact lots. Additionally, on the periphery, there is a presence of lower-density residential structures, contributing to the overall diversity and character of the NMU zones.

### **Issues/Analysis:**

History:

The subject property is situated within the Village at Belmont subdivision in Haymount. A residential structure of progressively expanding sizes has occupied the lot since at least 1968, as evidenced by aerial photography from Cumberland County GIS. The original building dates back to 1848 and has undergone several additions and remodels over the years. In December 2023, Haymount Homes LLC acquired the property from Cardassi-Langley Investments, LLC.

Surrounding Area:

The surrounding land use and zoning of the area exhibit a diverse mix of activities. To the north, the zoning is designated as OI - Residential, suggesting a predominantly residential character. In contrast, to the south, the area is characterized by OI zoning, housing Mega Force Staffing and various other commercial operations, implying a more business-oriented environment. The eastern side features OI zoning as well, hosting Bradford Scott Hancox, Attorney at Law, and The Hatley Law Firm, PLLC, indicating a blend of legal and professional services. On the western side, the zoning is designated as

OI, accommodating Fleming & Associates, P.A. Consulting Engineers, showcasing a focus on engineering and consultancy services. This assortment of land uses and zoning patterns contributes to the dynamic and multifaceted character of the surrounding area.

**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 presenting a proposal to rezone a single parcel currently designated as Office and Institutional (OI) to transition it into Neighborhood Commercial (NC). The purpose of the Neighborhood Commercial (NC) District is to cater to small-scale, low-intensity, and "convenience" retail and service uses that specifically serve the needs of the immediate surrounding neighborhood. This includes personal service uses, small-scale restaurants, and limited retail establishments. Importantly, the development within this district is expected to be in harmony with the residential character of the surrounding neighborhood, avoiding uses that are disproportionately large or draw significant traffic from beyond the immediate vicinity. Notably, any new construction intending to establish individual retail uses exceeding 2,500 square feet must secure a Special Use Permit, as outlined in Section 30-2.C.7. Furthermore, the encouragement of residential uses on the upper floors of nonresidential establishments emphasizes the district's commitment to mixed-use development. The proposed Neighborhood Commercial District is subject to stringent standards to ensure that its development aligns with the neighborhood scale, remains compatible with surrounding uses, and adheres to the design standards articulated in Article 30-5: Development Standards. Top of Form

**Straight Zoning:**

***The request is for a straight rezoning from Office and Institutional (OI) to Neighborhood Commercial (NC).***

The reclassification of land to a base zoning district without conditions grants permission for all uses listed in the Use Table within the UDO. It's important to note that the Zoning Commission may not take into account specific conditions or restrictions concerning the spectrum of allowable uses, use standards, development intensities, development standards, and other pertinent regulations during their deliberations. The absence of conditions implies a broad acceptance of the full range of uses stipulated in the UDO's Use Table.

**Land Use Plan Analysis:**

The proposed rezoning of the parcel aligns strategically with the city's vision as outlined in the Strategic Operating Plan, emphasizing economic diversity and sustainable development.

Objective 2.1 focuses on ensuring a diverse city tax base. The shift to Neighborhood Commercial zoning facilitates a mix of small-scale, low-intensity retail and service uses catering to the immediate neighborhood. This approach fosters economic diversity by accommodating a range of businesses that serve residents.

Objective 2.4 emphasizes sustaining a favorable development climate for business growth. The proposed rezoning encourages the establishment of "convenience" retail and service uses within the NC district, supporting local businesses and fostering economic vitality.

Objective 3.2 emphasizes managing the city's future growth and strategic land use. The transition from OI to NC aligns with modern urban planning principles that promote

mixed-use development, enhancing the overall functionality and sustainability of the area. The 2040 Comprehensive Plan recommends the development of this portion of the city as Neighborhood Mixed Use (NMU). The proposed NC zoning is congruent with NMU principles, featuring small-scale commercial uses, a mix of building heights, and diverse residential components. The plan's emphasis on community-oriented development with buildings ranging from 1 to 3 stories aligns with the proposed NC zoning, fostering a sense of community and neighborhood-scale commercial activities.

The historical context of the subject property reflects a pattern of progressive development. The surrounding area exhibits a dynamic mix of land uses, including residential, commercial, legal, and engineering services. The proposed rezoning to NC strategically complements this diversity, promoting a harmonious blend of low-intensity retail and service activities that cater specifically to the immediate neighborhood.

The proposed rezoning adheres to best practices by encouraging mixed-use development within the NC district. This approach reflects a commitment to creating vibrant, walkable neighborhoods with a diverse range of amenities, including small-scale retail and service establishments. The stringent standards outlined in Article 30-5: Development Standards ensure that the development aligns with the neighborhood scale, enhancing livability and sustainability.

This shift from OI to NC paves the way for a dynamic and economically viable neighborhood that prioritizes the needs and well-being of its residents.

**Consistency and Reasonableness Statements:**

The Future Land Use Plan includes defined goals, policies, and strategies. This application aligns with the city's strategic growth strategies and fulfills the goals outlined in the attached Consistency and Reasonableness form.

### **Budget Impact:**

While there won't be an immediate budgetary impact, this rezoning may have an economic impact in the future as it pertains to the collection of taxes.

### **Options:**

1. Recommend approval of the map amendment to NC as presented based on the evidence submitted and find that the rezoning 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 to a more restrictive zoning district based on the evidence submitted and find that the map amendment would be consistent with the Future Land Use Plan and an amended consistency statement;
3. Deny 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 NC 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 a Neighborhood Mixed Use (NMU).
- The uses permitted by the proposed change in zoning district classification and the standards that 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

**Project Overview****#1209308****Project Title:** 916 Hay St**Jurisdiction:** City of Fayetteville**Application Type:** 5.1) Rezoning (Map Amendment)**State:** NC**Workflow:** Staff Review**County:** Cumberland**Project Location****Project Address or PIN:** 916 HAY ST (0437150542NAD)**Zip Code:** 28305**GIS Verified Data****Property Owner: Parcel**

- 916 HAY ST: CARDASSI-LANGLEY INVESTMENTS LLC

**Acreage: Parcel**

- 916 HAY ST: 0.42

**Zoning District: Zoning District**

- 916 HAY ST: OI

**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****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:** Neighborhood Commercial**Acreage to be Rezoned:** .42**Is this application related to an annexation?:** No**Water Service:** Public**Sewer Service:** Public**A) Please describe all existing uses of the land and existing structures on the site, if any:**

The primary house and back office are currently zoned for Commercial O/I zoning. Both have been utilized as office buildings. There are 20+ parking spaces on the property.

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

Adjacent land and buildings as well as those across the street are currently zoned commercial o/i. Adjacent to the commercial O/I zoning are NC zoned properties within a block from the 916 Hay Street Property.

**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.:**

We intend to use restore this historic home for a home store featuring light retail operations and offering the citizens and visitors of Fayetteville a chance to appreciate the historical value of this landmark. We had sufficient parking for a neighborhood commercial zoning, as well as a current commercial zoning of the property. The change in zoning allows for continued economic expansion in downtown Fayetteville, preservation and appreciation of a historic landmark, and continues the retail trail connecting upper Haymount to the downtown business district. It is in line with the city's planning goals of a vibrant downtown mixture of retail, as well as the goals of preserving historical structures and planning for their re-use to improve the downtown economic growth. We have restored multiple historic homes and also live in the designated historical district in downtown Fayetteville and are familiar with the importance of historic preservation. The rear building plans include continued use of office space for the site and are also in compliance with NC zoning.

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

We do not plan to change the footprint of the historic property. Our only plans include making reasonable repairs to the current structure to preserve the integrity of this historic landmark. A new heating and cooling system will be installed and permitted through the city in order to sufficiently preserve the structure from seasonal changes. The only change required is for operational zoning to NC from OI.

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

Fayetteville is rich with history and landmarks. Unfortunately, this landmark is not currently available for public enjoyment, despite being on the national historic registry and on the center for historic landmarks in Fayetteville. This home is featured on the city's historical landmark places to visit, but cannot actually be enjoyed by visitors to Fayetteville. Additionally, this important landmark has fallen into disrepair by its previous owners. We intend to create a home store featuring locally made and designed products that help promote Fayetteville and the historical area, while also allowing people to visit, view and appreciate this historical landmark. We see our efforts as a way of incorporating the city goals of historic reuse and preservation, while also committing to the unique vision for a thriving and diverse downtown. We are a proud military family and we have embraced Fayetteville for over twenty years, working hard to impact our community in a positive way. This home store will feature products created and designed in Fayetteville, and we hope that we can continue to thrive and grow our community right in downtown Fayetteville.

**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 zoning change is minimal. The change in zoning from OI to NC simply allows for light retail operations to be carried out on the property. NC is the zoning of the properties only one block from this property and is consistent with the nearby zoning. The traffic patterns and current parking are such that they can support the change to NC and there should be minimal to no neighborhood disruption at all with the zoning change.

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

Because the zoning adjacent to the OI properties is NC, it is consistent with the existing zoning of the nearby properties. Encouraging more foot traffic throughout the haymount area and helping to connect the downtown retail areas. There are over 20 parking places at the property that already provide for sufficient parking and has also been in place now for over 20 years. The change in zoning is very minimal as far as impact on the current operational flow of the area.

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

There is no risk of premature development in this area with a change to NC from OI. The area is already zoned commercial and has been a commercially zoned district for quite some time. It is already operational in the commercial zoning and therefore is not a risk to premature commercial development.

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

There is no risk to strip style commercial development. The property is a historical structure and originally a single family home construction. Historical guidelines prohibit the destruction of this historic property and therefore there is no risk for a strip style development on the site.

**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 only risk of this NC shift from OI is that this building would be NC inside a few houses zoned OI. the Adjacent zoning is currently NC and therefore changing this property to NC is not a huge isolation from the surround zoning districts.

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

This property is currently in disrepair and has been a battle for the city of Fayetteville police with the homeless visitors trespassing on the property. Restoring this building and preserving it's historical integrity while allowing more appreciation and care for the building should only positively impact the property values surrounding the property. Both owners of the adjacent buildings are more concerned with the current status and difficulty of the property negatively impacting the value of their properties. They are optimistic that we will achieve the zoning change and be able to invest in and preserve this property for long term improvement value.

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

We plan to groom the current property, foliage and environment. Much of the environmental pieces of the land have been neglected and we are excited to restore the environmental beauty to the property. Historical properties have large beautiful trees and shrubs to preserve and care for and we intend to not only do this, but add more to beautify the property.

**Primary Contact Information**

**Contractor's NC ID#:**

**Project Owner**

Casey Benander

214 Hillside Ave  
Fayetteville, NC 28301  
P:9108187045  
[benanderfamily@gmail.com](mailto:benanderfamily@gmail.com)

**Project Contact - Agent/Representative**

Casey Benander

214 Hillside Ave  
Fayetteville, NC 28301  
P:9108187045  
[benanderfamily@gmail.com](mailto:benanderfamily@gmail.com)

**As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$40,000. :**

**Project Contact - General Contractor**

Henry Hayes  
Hayes Inc  
P.O. Box 53694  
Fayetteville, NC 28305  
P:(910) 323-9112  
[hayesinc@nc.rr.com](mailto:hayesinc@nc.rr.com)

**NC State General Contractor's License Number:** L.42892

**Electrical Contractor**

Henry Hayes  
Hayes Inc  
P.O. Box 53694  
Fayetteville, NC 28305  
P:(910) 323-9112  
[hayesinc@nc.rr.com](mailto:hayesinc@nc.rr.com)

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

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

**Mechanical Contractor**

Henry Hayes  
Hayes Inc  
P.O. Box 53694  
Fayetteville, NC 28305  
P:(910) 323-9112  
[hayesinc@nc.rr.com](mailto:hayesinc@nc.rr.com)

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

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

**NC State Mechanical Contractor:**

**Plumbing Contractor**

Henry Hayes

Hayes Inc

P.O. Box 53694

Fayetteville, NC 28305

P:(910) 323-9112

[hayesinc@nc.rr.com](mailto:hayesinc@nc.rr.com)

**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



FILED	Dec 21, 2023
AT	04:52:22 PM
BOOK	11880
START PAGE	0530
END PAGE	0532
INSTRUMENT #	39178
RECORDING	\$26.00
EXCISE TAX	\$670.00

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## NORTH CAROLINA GENERAL WARRANTY DEED

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Excise Tax: \$670.00

Parcel Identifier No.: 0437-15-0542

Mail after recording to: MCGEACHY HUDSON & ZURAVEL 612 WINDING CREEK RD STE 101  
46494/kdg FAYETTEVILLE, NC 28305

This instrument was prepared by: The Hutton Law Firm, 159 Maxwell Street, Fayetteville, NC 28301

Brief Description from the Index: LOT 1 VILLAGE OF BELMONT

---

THIS DEED made this date of 6<sup>TH</sup> December 2023 by and between

---

**GRANTOR**

Cardassi-Langley Investments, LLC

6856 Timbercrot Lane  
Fayetteville, NC 28314

**GRANTEE**

Haymount Homes LLC  
214 Hillside Ave Fayetteville, NC 28301  
Property address:  
916 Hay Street  
Fayetteville, North Carolina 28301

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

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

**See Exhibit "A" Attached Hereto and Made a Part Hereof**

**The property herein described is the primary residence of the Grantors.**

The property herein described was acquired by Grantor by instrument recorded in Book 6659, Page 333, Cumberland County Registry.

A map showing the above described property is recorded in Plat Book 79, Page 3, and referenced within this instrument.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions:

IN WITNESS WHEREOF, the Grantor has hereunto set his hand, or if corporate, has caused this to be signed in its corporate name by its duly authorized officers by authority of its Board of Directors, the day and year first above written.

Langley <sup>de</sup>

Cardassi-Langley Investments LLC, a North Carolina Limited Liability Company

By: Janet O. Cardassi  
Janet O. Cardassi, Managing Member  
Cardassi <sup>de</sup>

STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND

I, Kelley Chapman, a notary <sup>de</sup> Cardassi, certify that Janet O. Cardassi, Managing Member of Cardassi-Langley Investments personally came before me this day and acknowledged that he/she is Managing Member of Cardassi-Langley Investments, a Limited Liability Company, and that he/she, as Managing Member, being authorized to do so, executed the foregoing on behalf of the Limited Liability Company.

\* Langley <sup>de</sup>

Witness my hand and official seal this 6<sup>th</sup> day of December, 2023

Kelley Chapman  
Official Signature of Notary

Printed or typed name of Notary

Kelley Chapman  
My Commission Expires: 7-14-2027

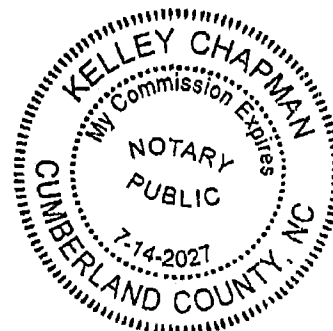


Exhibit "A"

BEING all of Lot 1 as shown on a plat entitled "Village of Belmont" said plat being duly recorded in Book of Plats 79, Page 3, Cumberland County Registry, North Carolina.

Tax Parcel Number: 0437-15-0542

Property Address: 916 Hay Street, Fayetteville, NC 28305



# AFFIDAVIT OF OWNERSHIP

I, Haymount Homes LLC, being duly sworn, deposes and says:

1. That I am the owner of the property/properties located at 916 Hay Street in the City of Fayetteville, a political subdivision of the State of North Carolina.

2. I do hereby give permission to Cari + Casey Berander to submit a Conditional Rezoning Rezoning Variance/Special Use (circle one) application to the City of Fayetteville on my behalf for the above referenced property/properties.

3. This authority is only granted for the application to be submitted on 1/5/2024.

[Signature]  
Signature of Affiant

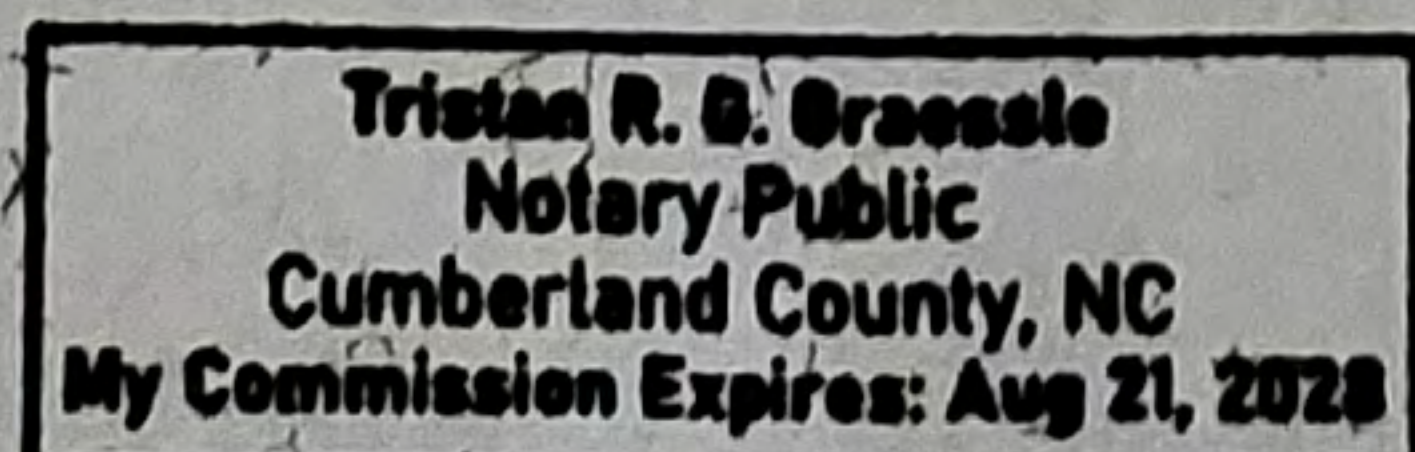
Casey Cathleen Krumpal Berander  
Signature of Affiant  
member manager

Cumberland County, North Carolina

Sworn to and subscribed before me this day on the 5<sup>th</sup> day of Jan, 2024.

[Signature]  
Signature of Notary Public

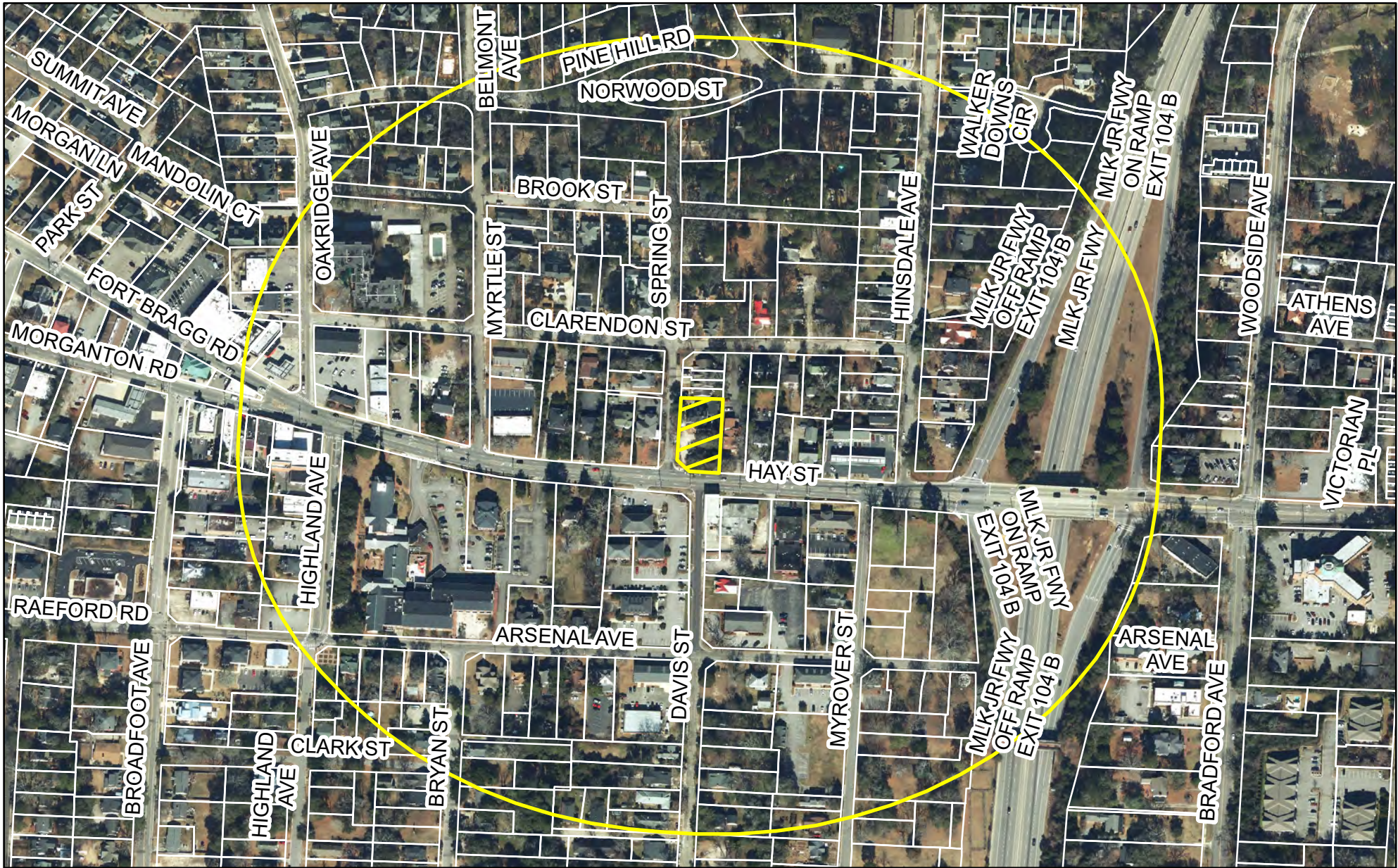
(Official Seal)



tristan R B Graessle, Notary Public  
Printed Name of Notary Public

My Commission Expires: Aug, 21, 2028







# Aerial Notification Map

Case #: P24-09

Request: Rezoning from Office and Institutional (OI) to Neighborhood Commercial (NC)

Location: 916 Hay Street

## Legend

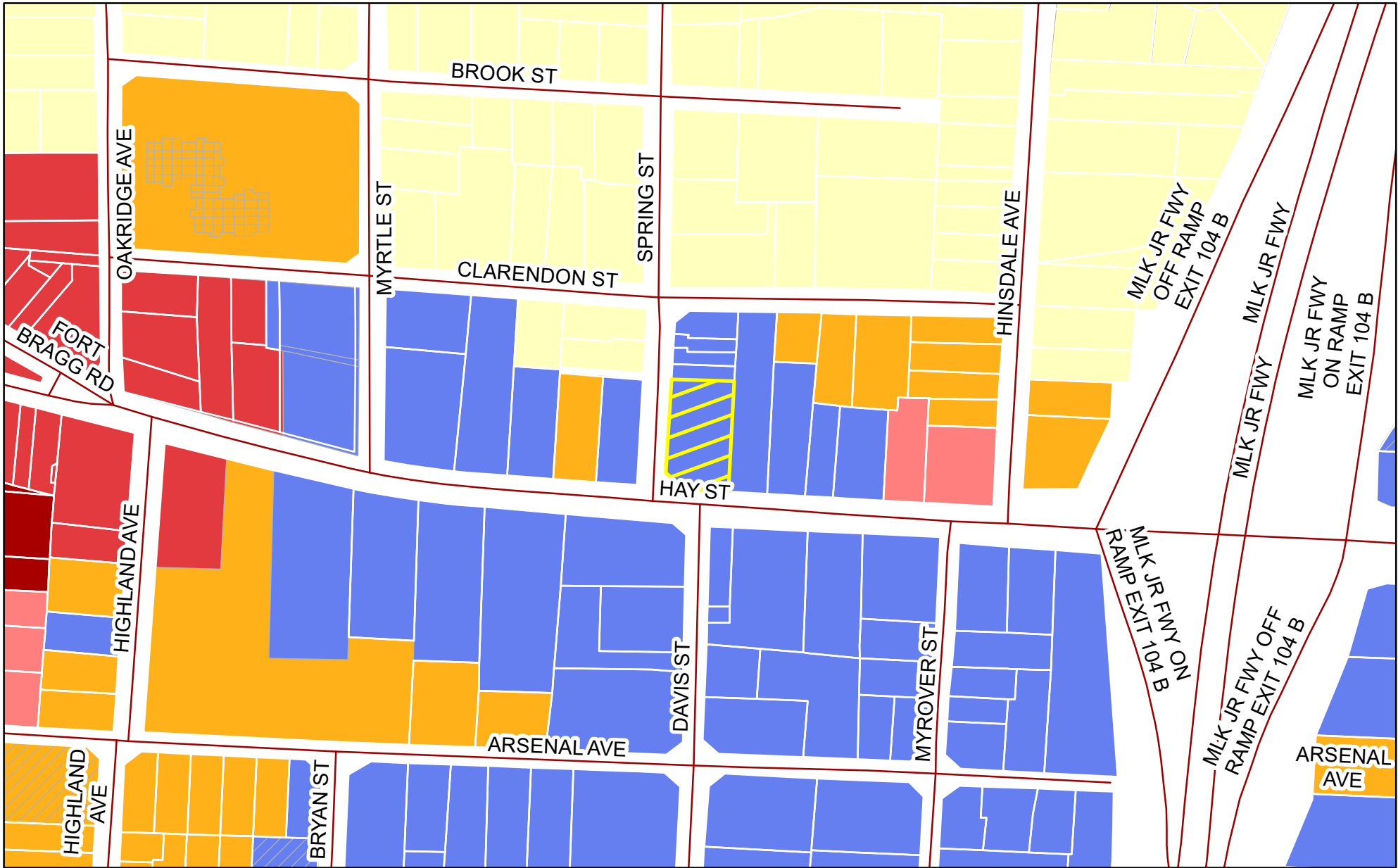
-  P24-09 Buffer
-  P24-09



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
















# Zoning Map Case #: P24-09

Request: Rezoning from Office and Institutional (OI) to Neighborhood Commercial (NC)

Location: 916 Hay Street

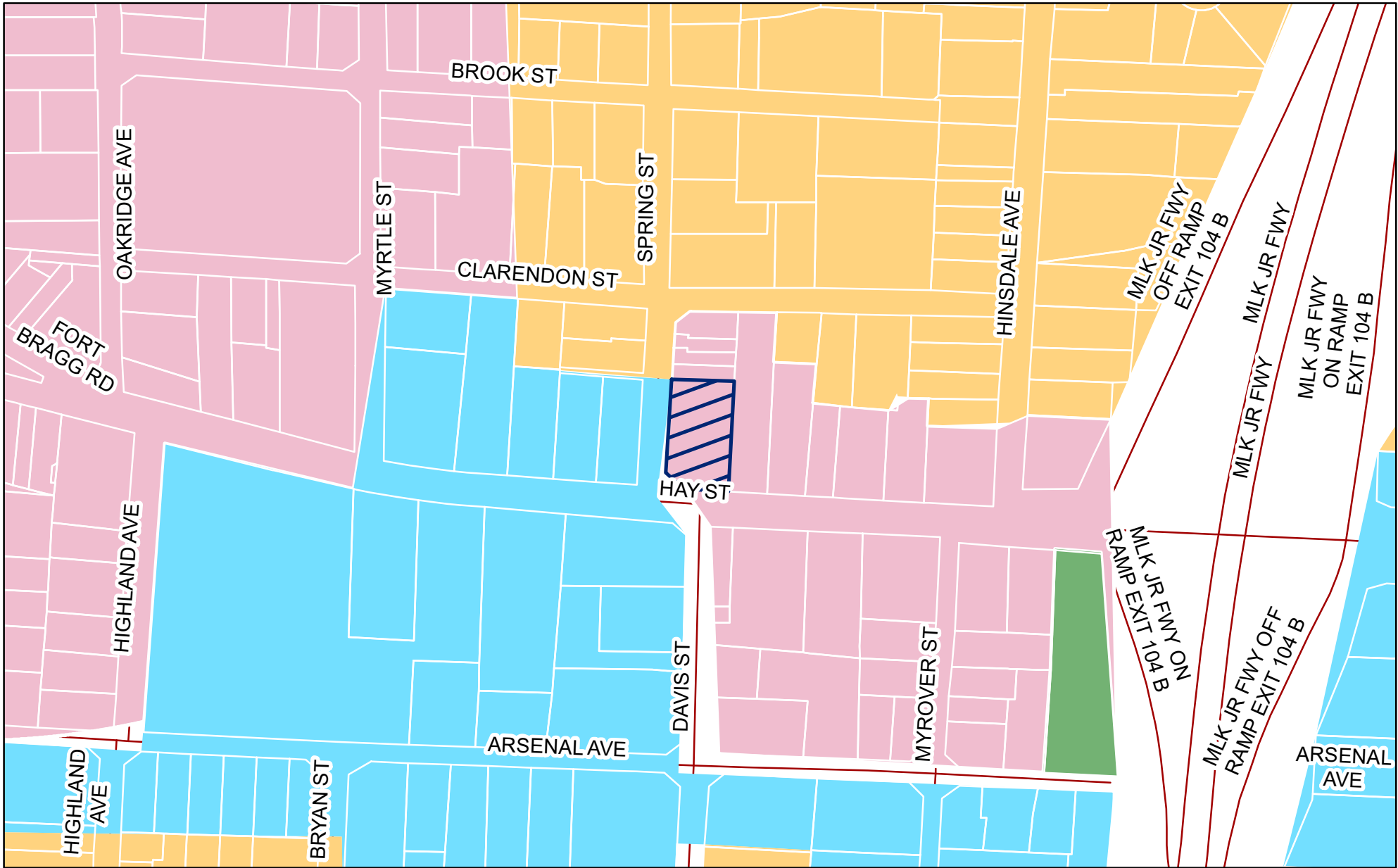
## Legend

-  P24-09
-  CC - Community Commercial
-  LC - Limited Commercial
-  MR-5 - Mixed Residential 5
-  MR-5/CZ - Conditional Mixed Residential 5
-  NC - Neighborhood Commercial
-  OI - Office & Institutional
-  OI/CZ - Conditional Office & Institutional
-  SF-6 - Single-Family Residential 6



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





# Future Land Use Map Case #: P24-09

Request: Rezoning from Office and Institutional (OI) to Neighborhood Commercial (NC)

Location: 916 Hay Street

**Legend**  
 P24-09  
**Land Use Plan 2040**  
**Character Areas**  
 PARKOS - PARK / OPEN SPACE

MDR - MEDIUM DENSITY  
 NMU - NEIGHBORHOOD MIXED USE  
 OI - OFFICE / INSTITUTIONAL



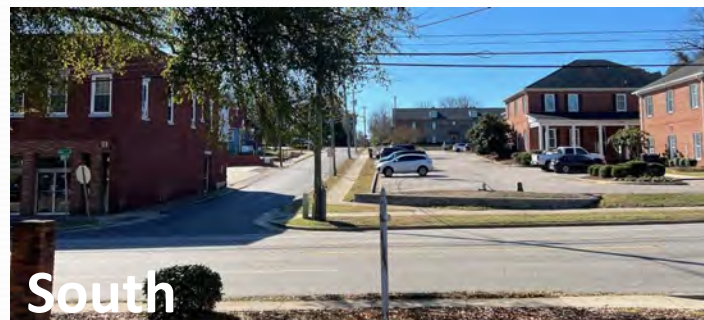
Letters are being sent to all property owners within the 1,000' buffer. Subject property is shown in the hatched pattern.







# Surrounding Properties



# Consistency and Reasonableness Statement

## Map Amendments

Pursuant to N.C.G.S. Sections 160D-604 and -605, the Zoning Commission finds that the proposed zoning map amendment in case P24-09 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 #1: Focus value and investments around infrastructure and strategic nodes	X	
GOAL #2: Promote compatible economic and commercial development in key identified areas	X	
GOAL #4: Foster safe, stable, and attractive neighborhoods	X	

#### 2. LAND USE POLICIES 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	
1.2: Encourage more intense uses, a greater mix of uses, and denser residential types in key focal areas. <ul style="list-style-type: none"><li>• Regional Centers and Community Centers</li><li>• <b>Neighborhood Mixed Use</b></li><li>• Downtown</li></ul>	X	
<b>LUP 4: Create a well-designed and walkable commercial and mixed-use districts</b>	X	
4.1: Ensure new development meets basic site design standards <ul style="list-style-type: none"><li>• Standards should include:<ul style="list-style-type: none"><li>○ Connected streets, entrances, and parking lots</li><li>○ Sidewalks and pedestrian pathways on both sides of all public rights-of-way (at the minimum)</li><li>○ High-quality building materials</li><li>○ Landscaping, shade, and street trees</li><li>○ Perimeter buffers</li><li>○ Low-level parking lot screening</li></ul></li></ul>	X	

<ul style="list-style-type: none"> <li>○ Storm water retention and infiltration</li> </ul>		
<p>4.2: Encourage context-sensitive site design</p> <ul style="list-style-type: none"> <li>• Design commercial and mixed-use areas to be walkable areas with pedestrian connections between uses and buildings. <ul style="list-style-type: none"> <li>○ Encourage buildings to be located close to the street, especially near key intersections, with parking located to the side or behind the buildings.</li> <li>○ Require short block lengths (max. 400 to 600 feet) and connections to adjacent development (crosswalks, etc.).</li> </ul> </li> <li>• Ensure development standards specify: <ul style="list-style-type: none"> <li>○ Transition in building scale between new buildings and surrounding neighborhoods.</li> <li>○ Building and parking orientation and design.</li> <li>○ Landscaped buffers, tree save areas, and site design that provides transitions between more and less intense uses.</li> </ul> </li> </ul>	<b>X</b>	
<b>LUP 6: Encourage development standards that result in quality neighborhoods</b>	<b>X</b>	
<p>6.1: Encourage quality neighborhood design by maintaining and improving standards for streets, sidewalks, stormwater, and open space.</p> <ul style="list-style-type: none"> <li>• Require a connected system of streets in new development and stub outs to areas of future development.</li> <li>• Require sidewalks in new developments along both sides of public roadways (including the frontage of properties and internal roads).</li> <li>• Encourage commonly-accessible open spaces in new residential subdivisions.</li> <li>• Require street trees in high-density residential developments and commercial areas.</li> <li>• Require canopy trees in new single-family neighborhoods.</li> </ul>	<b>X</b>	
<b>LUP 10: Support land use, site design, and capital improvement initiatives that increase resiliency and reduce impacts from flooding and natural disasters</b>	<b>X</b>	
<p>10.1: Encourage on-site stormwater control measures that reduce the impacts of new development</p> <ul style="list-style-type: none"> <li>• Stormwater requirements should seek to mimic pre-development conditions, limit impacts from new development on adjacent properties, and reduce the rate</li> </ul>	<b>X</b>	

of stormwater runoff to avoid erosion of stream banks and encourage groundwater recharge.		
---	--	--

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.	OR		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.	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.
- 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):

February 13, 2024

\_\_\_\_\_

Date

Chair Signature

---

Print





# City of Fayetteville

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

## City Council Action Memo

File Number: 24-3833

**Agenda Date:** 2/13/2024

**Version:** 1

**Status:** Agenda Ready

**In Control:** Zoning Commission

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

**Agenda Number:** 4.03

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

**THRU:** Zoning Commission

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

**DATE:** February 13, 2024

**RE:**

**P24-10.** Conditional rezoning to amend conditions in MR-5/CZ located at 0 Rock Creek Lane and 0 Mount Rainer Road (REID 0439300490000 & 0439302525000) totaling 17.61 acres ± and being the property of Northridge Towns LLC.

**COUNCIL DISTRICT(S):**

3 - Mario Benavente

**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 amend the conditions placed on two parcels, 0 Mount Rainer Road and 0 Rock Creek Lane, which are currently zoned Mixed Residential 5 Conditional Zoning (MR-5/CZ). The subject properties are located behind the North Ridge Park subdivision.

**Background:**

Owner: Northridge Towns LLC

Applicant: Darrin Collins

Requested Action: Amend conditions of MR-5/CZ

REID #: 0439300490000 & 0439302525000

Council District: 3 - Mario Benavente

Status of Properties: Undeveloped

Size: 17.61 acres

Adjoining Land Use & Zoning:

- North: SF-6/CZ - Single-family dwellings
- South: SF-10 - Vacant & single-family dwellings
- East: SF-10 - Single-family dwellings
- West: SF-10 - Vacant & church

Annual Average Daily Traffic: Country Club Drive: 18,500

Rosehill Road: 10,000

Letters Mailed: 227

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. Low Density Residential is intended for mainly single family residential with isolated duplexes or townhomes.

**Issues/Analysis:**

History:

The subject properties and the surrounding area were annexed into the City of Fayetteville in 1961. The subject properties are currently undeveloped. The subject properties were rezoned in 2021 from Single Family Residential 6 (SF-6) and Single Family Residential 10 (SF-10) to Mixed Residential 5 Conditional Zoning (MR-5/CZ). The conditions limited the use of the properties to 66 single-family houses.

Surrounding Area:

Phase 1 of the North Ridge Park residential development is located to the north of the subject properties. Haymount Presbyterian Church is located to the west of the subject property. The area to the south is undeveloped. The area to the east is primarily undeveloped but there is one single family house on a large lot.

Conditional Zoning:

The request is to amend the conditions placed on the subject properties. The current conditions limit the use and density to 66 single family houses. The applicant is requesting that the only condition on the property is to limit the density to 125 dwelling units.

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 Zoning:

The applicant would like to remove the current conditions which address uses and density. The current conditions limit the subject properties to 66 single family houses. The applicant is proposing one condition that will address density - a maximum of 125 dwelling units with no limitation on permitted uses.

Land Use Plan Analysis:

According to the Future Land Use Map & Plan, it is recommended that this portion of the city should be developed as Low Density Residential. Low Density Residential is intended for mainly single family residential with isolated duplexes or townhomes.

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.

Conclusion:

While the Future Land Use Plan calls for this area to develop as Low Density Residential, the applicant has offered a condition to limit the number of dwelling units to 125. This results in a density that mimics the Single Family Residential 6 zoning district which is located to the north of the subject properties and serves as the entrance to this site. Additionally, this limit on the number of dwelling units addresses potential concerns regarding the potential use of the site. The applicant is requesting to remove the limitation on permitted uses for the subject properties. The MR-5 zoning district does allow for a wide range of residential uses such as duplexes, as the applicant is proposing, and apartments. The proposed condition of a maximum of 125 dwelling units would apply to any residential development on the site. Furthermore, the proposed development would add to the much needed housing stock for Fayetteville.

#### **Budget Impact:**

While there won't be an immediate budgetary impact, this rezoning will have an economic impact in the future as it will lead to the collection of taxes.

#### **Options:**

1. Recommend approval of the amended conditions as presented based on the evidence submitted and find that the rezoning 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 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. Deny 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 amended conditions 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 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

**Project Overview****#1209754****Project Title:** 0 Rock Creek Ln and 0 Mount Rainer Rd  
Fayetteville NC 28301**Jurisdiction:** City of Fayetteville**Application Type:** 5.2) Conditional Rezoning**State:** NC**Workflow:** Staff Review**County:** Cumberland**Project Location****Project Address or PIN:****Zip Code:** 28301

- 0 MOUNT RAINER RD (0439300490000)
- 0 ROCK CREEK LN (0439302525000)

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

- 0 MOUNT RAINER RD: NORTHRIDGE PARK DEVELOPERS LLC
- 0 ROCK CREEK LN: GREEN VALLEY SOUTH LLC

**Acreage: Parcel**

- 0 MOUNT RAINER RD: 1.52
- 0 ROCK CREEK LN: 16.09

**Zoning District: Zoning District**

- 0 MOUNT RAINER RD: SF-6/CZ
- 0 ROCK CREEK LN: 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:****100 Year Flood:** <100YearFlood>**500 Year Flood:** <500YearFlood>**Watershed:****General Project Information****Proposed Conditional Zoning District:** MR-5/CZ - Conditional  
Mixed Residential 5**Lot or Site Acreage to be rezoned:** 17.61**Was a neighborhood meeting conducted?:** No**Date of Neighborhood Meeting:****Number of Residential Units:** 125**Nonresidential Square Footage:** 0**Landowner Information****Landowner Name:** Northridge Towns LLC**Deed Book and Page Number:** B:11893 P:0322 and B:11899  
P:0300**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.:**

The proposed condition will allow for a housing development.

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

The surrounding lots zoning includes SF-10, SF-6, SF-6(CZ), and MR5.

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

The proposed condition is no more than 125 doors.

**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 Future Land Use Plan recommends that this area be developed as Low Density Residential, our plans for a housing development with the condition of no more than 125 doors will align with these plans.

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

No.

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

This development helps to address the shortfall of homes needed in Fayetteville, NC.

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

This rezone will allow for additional residential housing that will start to move this area towards the cities future growth plans.

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

This development is keeping with the city's proposed uses of this area and helps the city close the gap between the number of homes needed and those presently available.

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

The need for housing in Fayetteville has outpaced what has been constructed over the last several years. Rather than being a premature development, this project is a portion of a remedy for developments that have been delayed or postponed.

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

This is a redevelopment of an existing parcel and should have no contribution to additional 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 requested rezoning is for the same type usage of the property presently. The only differentiation is for the condition.

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

There should only be positive impacts to the surrounding lands. The redevelopment will increase the values of adjacent properties through reinvestment in existing infrastructure.

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

These rezone plans are not substantial enough to have adverse impacts on the natural environment.

**Primary Contact Information**

**Contractor's NC ID#:**

**Project Owner**

Darrin Collins  
Northridge Towns LLC  
324 Mason St  
Fayetteville, NC 28301  
P:910-222-8763  
[admin@cresfund.com](mailto:admin@cresfund.com)

**Project Contact - Agent/Representative**

Darrin Collins  
Northridge Towns LLC  
324 Mason St  
Fayetteville, NC 28301  
P:910-222-8763  
[admin@cresfund.com](mailto:admin@cresfund.com)

**As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$40,000. :**

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

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

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

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

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

**NC State Mechanical Contractor:**

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

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

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

## AFFIDAVIT OF OWNERSHIP

I, Darrin Collins, being duly sworn, deposes and says:

1. That I am the owner of the property/properties located at 0 Rock Creek Ln. & 0 Mount Rainer Pl in the City of Fayetteville, a political subdivision of the State of North Carolina.

2. I do hereby give permission to Kyle Collins or Michael Newell to submit a Conditional Rezoning/Rezoning/Variance/Special Use/Annexation (circle one) application to the City of Fayetteville on my behalf for the above referenced property/properties.

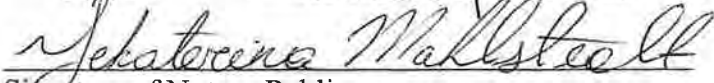
3. This authority is only granted for the application to be submitted on Jan. 12, 2024.

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

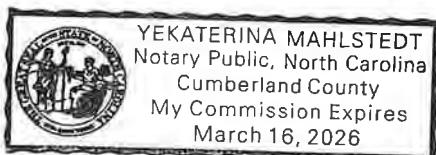
\_\_\_\_\_  
Signature of Affiant

Cumberland County, North Carolina

Sworn to and subscribed before me this day on the 12 day of January, 2024.

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

(Official Seal)



Yekaterina Mahlstedt, Notary Public  
Printed Name of Notary Public

My Commission Expires: 03-16-2026

FILED	Jan 19, 2024
AT	01:40:07 PM
BOOK	11893
START PAGE	0322
END PAGE	0325
INSTRUMENT #	01619
RECORDING	\$26.00
EXCISE TAX	\$300.00

**NORTH CAROLINA GENERAL WARRANTY DEED**

Excise Tax:	\$300.00
Parcel ID:	0439-30-0490
Mail/Box to:	Gray Newell Thomas, LLP, 225 Ray Avenue, Suite 200, Fayetteville, NC 28301
Prepared by:	Gray Newell Thomas, LLP, 225 Ray Avenue, Suite 200, Fayetteville, NC 28301
Brief description for the index:	

THIS GENERAL WARRANTY DEED ("Deed") is made on the 29<sup>th</sup> day of December, 2023, by and between:

GRANTOR	GRANTEE
Northridge Park Developers LLC, a North Carolina Limited Liability Company PO Box 2430 North Myrtle Beach, SC 29598	Northridge Towns LLC Camaplan FBO Darrin T. Collins Roth IRA - 36% Camaplan FBO Lindsay Collins Roth IRA - 5% Camaplan FBO Kyler Collins Roth IRA - 3% Camaplan FBO Cailin Collins Roth IRA - 3% Camaplan FBO Ella Collins Roth IRA - 3% Collins Revocable Trust - 29%  324 Mason Street Fayetteville NC 28301

*Enter in the appropriate block for each Grantor and Grantee their name, mailing address, and, if appropriate, state of organization and character of entity, e.g. North Carolina or other corporation, LLC, or partnership. Grantor and Grantee includes the above parties and their respective heirs, successors, and assigns, whether singular, plural, masculine, feminine or neuter, as required by context.*

FOR VALUABLE CONSIDERATION paid by Grantee, the receipt and legal sufficiency of which is acknowledged, Grantor by this Deed does hereby grant, bargain, sell and convey to Grantee, in fee simple, all that certain lot, parcel of land or condominium unit in the City of Fayetteville, Cumberland County, North Carolina and more particularly described as follows (the "Property"):  
See Attached Exhibit A

0 Mount Rainer Rd, Fayetteville, NC 28301  
0439-30-0490

All or a portion of the Property was acquired by Grantor by instrument recorded in Book 9880 Page 852.

All or a portion of the Property ☐ includes or ☒ does not include the primary residence of a Grantor.

A map showing the Property is recorded in Book \_\_\_\_\_ Page \_\_\_\_\_.

TO HAVE AND TO HOLD the Property and all privileges and appurtenances thereto belonging to Grantee in fee simple. Grantor covenants with Grantee that Grantor is seized of the Property in fee simple, Grantor has the right to convey the Property in fee simple, title to the Property is marketable and free and clear of all encumbrances, and Grantor shall warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

IN WITNESS WHEREOF, the Grantor has duly executed this North Carolina General Warranty Deed, if an entity by its duly authorized representative.

Northridge Park Developers LLC, a North Carolina Limited Liability Company

Entity Name

By:

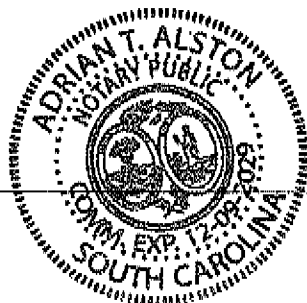
Name: Chris Manning

Title: Manager

South  
STATE OF ~~NORTH~~ CAROLINA, COUNTY OF Harry

I, Adrian T. Alston, a Notary of the above state and county, certify that the following person(s) personally appeared before me on the 29 day of December, 2023 each acknowledging to me that he/she/they signed the foregoing document, in the capacity represented and identified therein (if any):  
Chris Manning as Manager of Northridge Park Developers LLC, a North Carolina Limited Liability Company

Affix Notary Seal/Stamp



Notary Public (Official Signature)

My commission expires: 12-9-29



**EXHIBIT A**

LYING in Cross Creek Township, Cumberland County, in the city limits of Fayetteville, North Carolina, this subject property being bounded on the north by Lots 23-27 of the North Ridge Park Phase III Section I Subdivision as recorded in Plat Book 130, Page 130; on the east by lands deeded and conveyed to Green Valley South LLC in Deed Book 7356, Page 820 and also shown on Plat Book 116, Page 170; on the south by lands deeded and conveyed to Haymount Presbyterian Church Inc in Deed Book 2422, Page 33; and on the west by Lots 15 and 25 of the North Ridge Park Phase IV Section I Subdivision as recorded in Plat Book 142, Page 38 and by the eastern right of way margin of Mount Rainer Drive (being a 50 foot private road).. All referenced materials found in the Cumberland County Registry.

BEGINNING at an iron rebar, said iron rebar being the northeast property corner of the subject property, said iron also being a common property corner with the Green Valley South LLC property, said iron rebar also being on the southern property line of Lot 23 of the North Ridge Park Phase III Section I Subdivision, and runs thence with the common property line between the subject property and the Green Valley South LLC property, **South 00 degrees 39 minutes 54 seconds West** for a distance of **374.55 feet** to an iron rebar, said iron rebar being a common property corner of the subject property, the Green Valley South LLC property, and the Haymount Presbyterian Church property;

THENCE with the common property line of the subject property and the Haymount Presbyterian Church property, **North 79 degrees 10 minutes 35 seconds West** for a distance of **257.54 feet** to an iron rebar, said iron rebar being a common property corner of the subject property, the Haymount Presbyterian Church property and Lot 25 of the North Ridge Park Phase IV Section I Subdivision;

THENCE continuing with the common property line between the subject property and Lot 25, **North 10 degrees 54 minutes 39 second East** for a distance of **99.90 feet** to an iron rebar, said iron rebar being on the southern right of way margin of Mount Rainer Drive;

THENCE with the right of way margin of Mount Rainer Drive, **South 79 degrees 11 minutes 01 seconds East** for a distance of **31.96 feet** to an iron rebar;

THENCE continuing with the right of way margin of Mount Rainer Drive, **North 10 degrees 58 minutes 20 seconds East** for a distance of **50.00 feet** to an iron rebar;

THENCE continuing with the right of way margin of Mount Rainer Drive, **North 79 degrees 05 minutes 25 seconds West** for a distance of **67.23 feet** to an iron rebar;

THENCE continuing with the right of way margin of Mount Rainer Drive, along a curve to the right, having a radius of **205.00 feet** and an arc length of **9.06 feet**, being subtended by a chord bearing of **North 77 degrees 59 minutes 43 seconds West** and a chord distance of **9.06 feet** to an iron rebar, said iron rebar being the southeastern property corner of Lot 15 of North Ridge Park Phase IV Section I Subdivision;

THENCE with the common property line between the subject property and Lot 15, **North 13 degrees 50 minutes 09 seconds East** for a distance of **13.00 feet** to an iron rebar, said iron rebar being a common property corner between the subject property, Lot 15, and Lot 27 of the North Ridge Park Phase III Section I Subdivision;

THENCE with the common property line between the subject property and Lots 27,26,25,24, and 23 of the North Ridge Park Phase III Section I Subdivision, **North 59 degrees 38 minutes 02 seconds East** for a total distance of **312.06 feet** to an iron rebar, said iron rebar being the true point and place of Beginning and being a portion of Lot 1 as shown on a plat entitled "Subdivision Survey of the Haymount Presbyterian Church Inc Parcel (Zero Lot Line)" and recorded in Plat Book 137, Page 163.

Subject property contains **66,510 square feet / 1.53 acres**

Together with and subject to any easements, restrictions, and covenants of record to include a temporary gravel turnaround and a temporary maintenance easement as shown on Plat Book 142, Page 38.

This description was prepared this 9<sup>th</sup> day of January, 2024 under the direct supervision of Michael J. Adams, PLS L-4491/CFS NC-075 and is based on a physical survey performed by M.A.P.S. Surveying Inc (C-2589).

FILED	Jan 30, 2024
AT	12:47:55 PM
BOOK	11899
START PAGE	0300
END PAGE	0303
INSTRUMENT #	02646
RECORDING	\$26.00
EXCISE TAX	\$600.00

**NORTH CAROLINA GENERAL WARRANTY DEED**

Excise Tax:	\$600.00
Parcel ID:	0439-30-2525 and
Mail/Box to:	Gray Newell Thomas, LLP, 225 Ray Avenue, Suite 200, Fayetteville, NC 28301
Prepared by:	Gray Newell Thomas, LLP, 225 Ray Avenue, Suite 200, Fayetteville, NC 28301
Brief description for the index:	

THIS GENERAL WARRANTY DEED ("Deed") is made on the 29<sup>th</sup> day of December, 20 23, by and between:

GRANTOR	GRANTEE
Green Valley South LLC, a North Carolina Limited Liability Company PO BOX 2430 North Myrtle Beach, SC 29598	Northridge Towns LLC Northridge Towns LLC Camaplan FBO Darrin T. Collins Roth IRA - 36% Camaplan FBO Lindsay Collins Roth IRA - 5% Camaplan FBO Kyler Collins Roth IRA - 3% Camaplan FBO Cailin Collins Roth IRA - 3% Camaplan FBO Ella Collins Roth IRA - 3% Collins Revocable Trust - 29%  324 Mason Street Fayetteville NC 28301

*Enter in the appropriate block for each Grantor and Grantee their name, mailing address, and, if appropriate, state of organization and character of entity, e.g. North Carolina or other corporation, LLC, or partnership. Grantor and Grantee includes the above parties and their respective heirs, successors, and assigns, whether singular, plural, masculine, feminine or neuter, as required by context.*

FOR VALUABLE CONSIDERATION paid by Grantee, the receipt and legal sufficiency of which is acknowledged, Grantor by this Deed does hereby grant, bargain, sell and convey to Grantee, in fee simple, all that certain lot, parcel of land or condominium unit in the City of Fayetteville, Cumberland County, North Carolina and more particularly described as follows (the "Property"):

See attached Exhibit A

All or a portion of the Property was acquired by Grantor by instrument recorded in Book \_\_\_\_\_ Page \_\_\_\_\_.

All or a portion of the Property ☐ includes or ☒ does not include the primary residence of a Grantor.

A map showing the Property is recorded in Book \_\_\_\_\_ Page \_\_\_\_\_

TO HAVE AND TO HOLD the Property and all privileges and appurtenances thereto belonging to Grantee in fee simple. Grantor covenants with Grantee that Grantor is seized of the Property in fee simple, Grantor has the right to convey the Property in fee simple, title to the Property is marketable and free and clear of all encumbrances, and Grantor shall warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

IN WITNESS WHEREOF, the Grantor has duly executed this North Carolina General Warranty Deed, if an entity by its duly authorized representative.

Green Valley South LLC, a North Carolina Limited Liability Company

Entity Name

By: \_\_\_\_\_

Name: Chris Manning

Title: Member

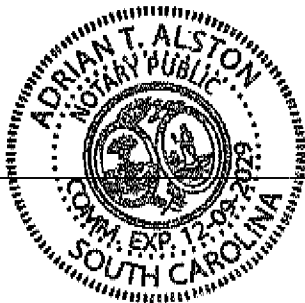
South  
STATE OF ~~NORTH~~ CAROLINA, COUNTY OF Horry

I, Adrian T. Alston

, a Notary of the above state and county, certify that the following person(s) personally appeared before me on the 29 day of December, 20 23 each acknowledging to me that he/she/they signed the foregoing document, in the capacity represented and identified therein (if any):

Chris Manning as Member of Green Valley South LLC, a North Carolina Limited Liability Company

Affix Notary Seal/Stamp



\_\_\_\_\_  
Notary Public (Official Signature)

My commission expires: 12-9-29

## Exhibit A

LYING in Cross Creek Township, Cumberland County, in the city limits of Fayetteville, North Carolina, this subject property being bounded on the north by Lots 19-23 of the North Ridge Park Phase III Section I Subdivision as recorded in Plat Book 130, Page 130, by Lots 10-11 of the North Ridge Park Phase II Section I subdivision as recorded in Plat Book 125, Page 111, and by the southern right of way margin of Rock Creek Lane (being a 50 foot private street); on the east by lands deeded and conveyed to Wesco & Associates LTD in Deed Book 3605, Page 166 and by lands deeded and conveyed to William and Jacqueline Franklin in Deed Book 6418, Page 354 and also shown on Plat Book 24, Page 72; on the south by lands deeded and conveyed to Summer Lake Homeowners Assoc Inc in Deed Book 5638, Page 714 and also shown as the common area on Plat Book 105, Page 129, and by the northern right of way margin of Rosehill Road (having a varied width public right of way); on the west by lands deeded and conveyed to Haymount Presbyterian Church Inc in Deed Book 2422, Page 33 and by lands deeded and conveyed to Northridge Park Developers LLC in Deed Book 9880, Page 852, and also shown on Plat Book 137, Page 163. All referenced materials found in the Cumberland County Registry.

BEGINNING at an iron rebar, said iron rebar being the northeast property corner of the Northridge Park Developers property, said iron rebar also being on the southern property line of Lot 23 of the North Ridge Park Phase III Section I subdivision, and runs thence with the common property line of the subject property and Lots 23-22-21-20 & 19 **North 44 degrees 33 minutes 44 seconds East** for a total distance of **307.26 feet** to an iron rebar, said iron rebar being a common property corner between Lot 19 of the North Ridge Park Phase III Section I subdivision and Lot 11 of the North Ridge Park Phase II Section I subdivision;

THENCE with the common property line of the subject property and Lot 11, **North 30 degrees 48 minutes 38 seconds East** for a distance of **100.00 feet** to an iron rebar, said iron rebar being on the southern right of way margin of Rock Creek Lane;

THENCE with the southern right of way margin of Rock Creek Lane, **South 85 degrees 18 minutes 29 seconds East** for a distance of **107.29 feet** to an iron rebar, said iron rebar being a common property corner of the subject property and Lot 10;

THENCE with the common property line between the subject property and Lot 10, **North 30 degrees 48 minutes 45 seconds East** for a distance of **97.21 feet** to an iron rebar, said iron rebar being in the western property line of the Wesco & Associates property;

THENCE with the common property line between the subject property and the Wesco & Associates property, **South 58 degrees 25 minutes 42 seconds East** for a distance of **128.84 feet** to a pinched top iron pipe (located beside a concrete monument);

THENCE continuing with the common property line between the subject property and the Wesco & Associates property, **South 15 degrees 19 minutes 50 seconds East** for a distance of **471.02 feet** (passing through an iron pipe at a distance of 45.23') to a pinched top iron pipe, said iron pipe being a common property between the subject property, the Wesco & Associates property, and the Franklin property;

THENCE with the common property line between the subject property and the Franklin property, **South 16 degrees 04 minutes 43 seconds East** for a distance of **430.70 feet** to an iron pipe, said iron

pipe being in the northern property line of the Summer Lake Homeowners Association property;

THENCE with the common property line between the subject property and the Summer Lake Homeowners Association property, **South 60 degrees 15 minutes 00 seconds West** for a distance of **843.00 feet** to a point, said point being on the eastern right of way margin of Rosehill Road;

THENCE with the eastern right of way margin of Rosehill Road, **North 52 degrees 02 minutes 09 seconds West** for a distance of **71.08 feet** to a point, said point being the southeastern property corner of the Haymount Presbyterian Church property;

THENCE with the common property line between the subject property and the Haymount Presbyterian Church property as well as the Northridge Park Developers property, **North 00 degrees 39 minutes 54 seconds East** for a total distance of **930.70 feet** (passing through an iron pipe at the common property corner of the Haymount Presbyterian Church property and the Northridge Park Developers property at a distance of 556.15 feet) to an iron rebar, said iron rebar being the true point and place of beginning, and being a portion of Lot 3/Tract 2 as shown on a plat entitled "Subdivision Survey for Southeast Development of Cumberland, LLC" and recorded in Plat Book 116, Page 170, Cumberland County Registry.

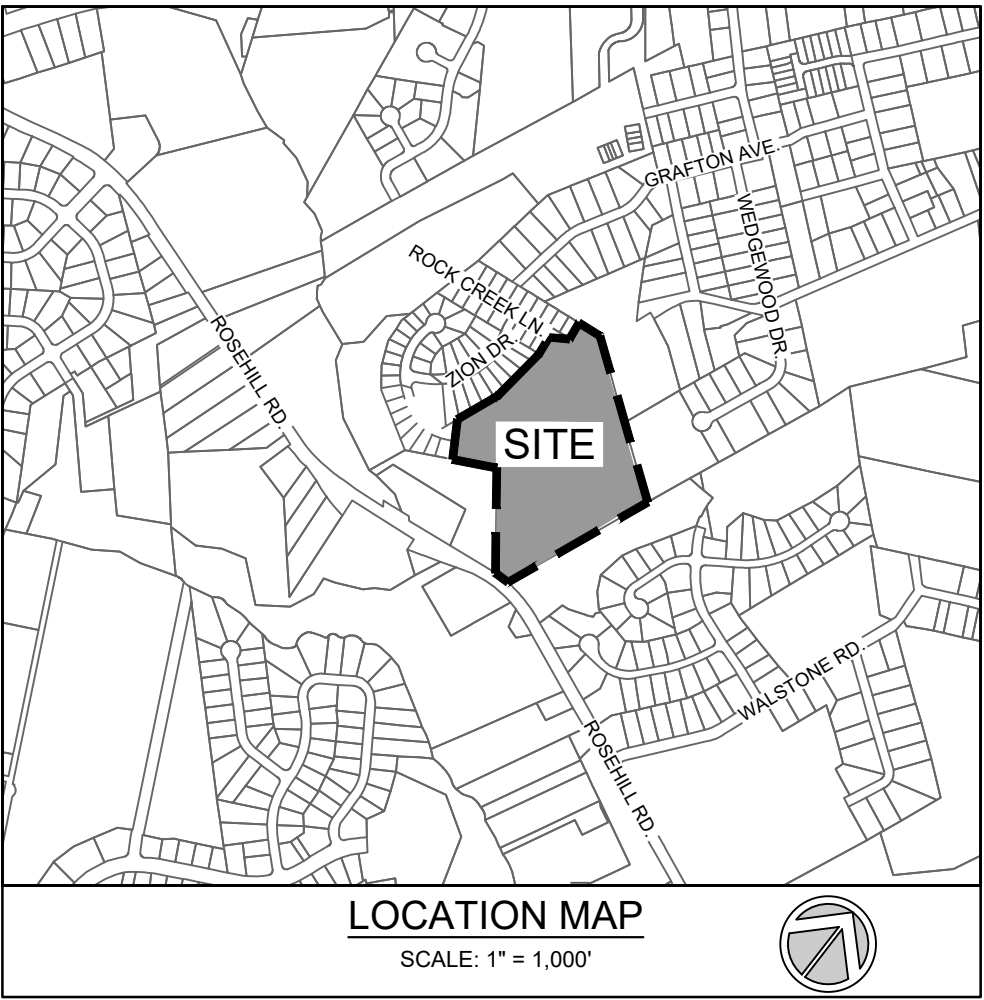
.Subject property contains **701,238 square feet / 16.10 acres**

Together with and subject to any easements, restrictions, and covenants of record.

This description was prepared this 29<sup>th</sup> day of January, 2024 under the direct supervision of Michael J. Adams, PLS L-4491/CFS NC-075 and is based on a physical survey performed by M.A.P.S. Surveying Inc (C-2589).

Not a Certified Document – This document originally issued and sealed by Michael J. Adams, L-4491 on January 29th, 2024. This document shall not be considered a certified document





**SITE DATA**  
PROJECT NAME: ROCK CREEK RESIDENTIAL  
SITE ADDRESS: 0 ROCK CREEK LANE  
FAYETTEVILLE, NC 28301

	PARCEL 1	PARCEL 2
REID:	0439302525000	0439300490000
OLD PIN:	0439-30-2525	0439-30-0490
AREA:	16.09 ACRES	1.52 ACRES

TOTAL SITE AREA: 17.61 ACRES

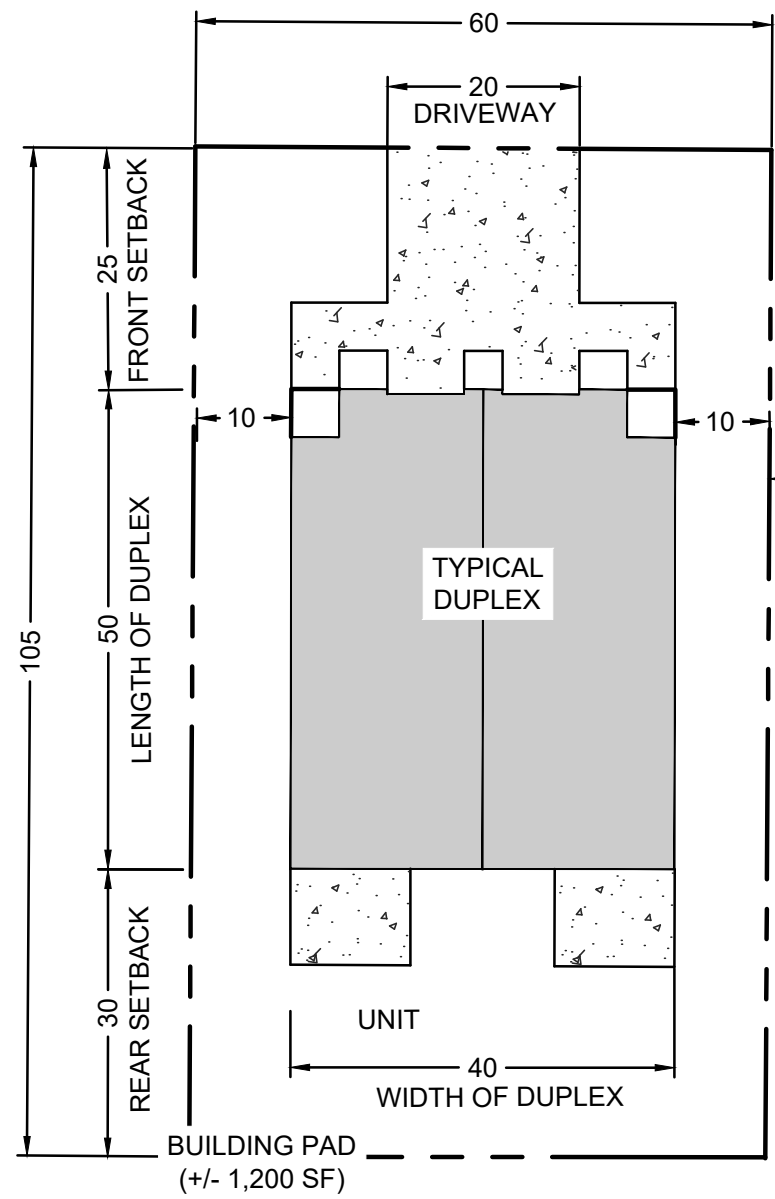
NEIGHBORHOOD: NORTH RIDGE PARK

PACREL 1 PROPERTY OWNER: GREEN VALLEY SOUTH LLC  
P.O. BOX 2430  
NORTH MYRTLE BEACH, SC 29598

PARCEL 2 PROPERTY OWNER: NORTHRIDGE PARK DEVELOPERS LLC  
P.O. BOX 2430  
NORTH MYRTLE BEACH, SC 29598

ZONING: SF-6 / SF-6 CZ  
JURISDICTION (CITY LIMITS): FAYETTEVILLE

PROPOSED USE: RESIDENTIAL / DUPLEX  
PROPOSED NUMBER OF UNITS: 55 DUPLEXES (110 UNITS)



PROPOSED PARCEL  
(LOT) LINE (TYP.)

**TYPICAL SITE LAYOUT**

	PROVIDED
TYP. LOT AREA	6,300 SF
MIN. LOT WIDTH	60'
FRONT YARD SETBACK	25'
REAR YARD SETBACK	30'
SIDE YARD SETBACK	10'
MAXIMUM HEIGHT	35'
DUPLEX FOOTPRINT (PER LOT)	2,000 SF
PROPOSED LOT COVERAGE	33%

\*MINIMUM SETBACKS FOR ALL PRINCIPAL STRUCTURES SHALL BE INCREASED BY 5 FEET FOR ALL BUILDING WALLS 25' OR MORE ABOVE GRADE.

**OPEN SPACE REQUIREMENTS**  
UNIMPROVED SITES GREATER THAN 5 TO 20 ACRES  
15% OPEN SPACE REQUIRED; OF WHICH, 50% SHALL BE USABLE  
17.61 \* 15% = 2.64 ACRES

OPEN SPACE PROVIDED	
USABLE OPEN SPACE	1.33 ACRES
OPEN SPACE AS STORMWATER PONDS:	2.19 ACRES
	3.52 ACRES TOTAL

**DIMENSION REQUIREMENTS**  
SINGLE FAMILY RESIDENTIAL 6 (SF-6) DISTRICT  
SINGLE FAMILY ATTACHED DWELLINGS

	REQUIRED
MIN. AREA	5,000 SF
MIN. LOT WIDTH	60'
FRONT YARD SETBACK	25'
REAR YARD SETBACK	30'
SIDE YARD SETBACK	10'
MAXIMUM HEIGHT	35'
MAX. LOT COVERAGE	40%

\*MINIMUM SETBACKS FOR ALL PRINCIPAL STRUCTURES SHALL BE INCREASED BY 5 FEET FOR ALL BUILDING WALLS 25' OR MORE ABOVE GRADE.

PROPOSED OPEN SPACE

EXISTING POND  
(LOCATION AND SIZE ESTIMATED)

EXISTING PROPERTY LINE (TYP.)

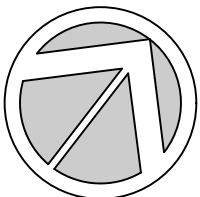
PROPOSED PARCEL (LOT) LINE (TYP.)



50' PUBLIC R.O.W.

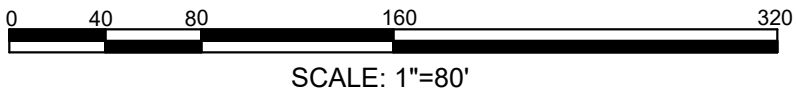
PROPOSED DUPLEX  
(2) 20' X 50' UNITS

ROSEHILL RD.



NORTH

GRAPHIC SCALE



Preliminary; Not For Construction. This site plan is a graphic representation and should be utilized for discussion purposes only. This site plan approximates existing conditions relating to structures, wetlands, roads, parking, vegetation and property boundaries. Plan components may change based upon regulatory and municipal regulations and requirements at the time of approvals and/or development activity.

REVISIONS:

CLIENT INFORMATION:

**PARAMOUNT ENGINEERING, INC.**

5911 Oleander Drive, Suite 201  
Wilmington, North Carolina 28403  
(910) 791-6707 (O) (910) 791-6760 (F)  
NC License # C-2846

CONCEPTUAL SITE PLAN

NORTH RIDGE RESIDENTIAL  
CITY OF FAYETTEVILLE  
NORTH CAROLINA

PROJECT STATUS:  
CONCEPTUAL LAYOUT:  
PRELIMINARY LAYOUT:  
FINAL DESIGN:  
RELEASED FOR CONSTRUCTION:

DRAWING INFORMATION  
DATE: 08/01/2023  
SCALE: 1" = 80'  
DRAWN: [Signature]  
CHECKED: [Signature]

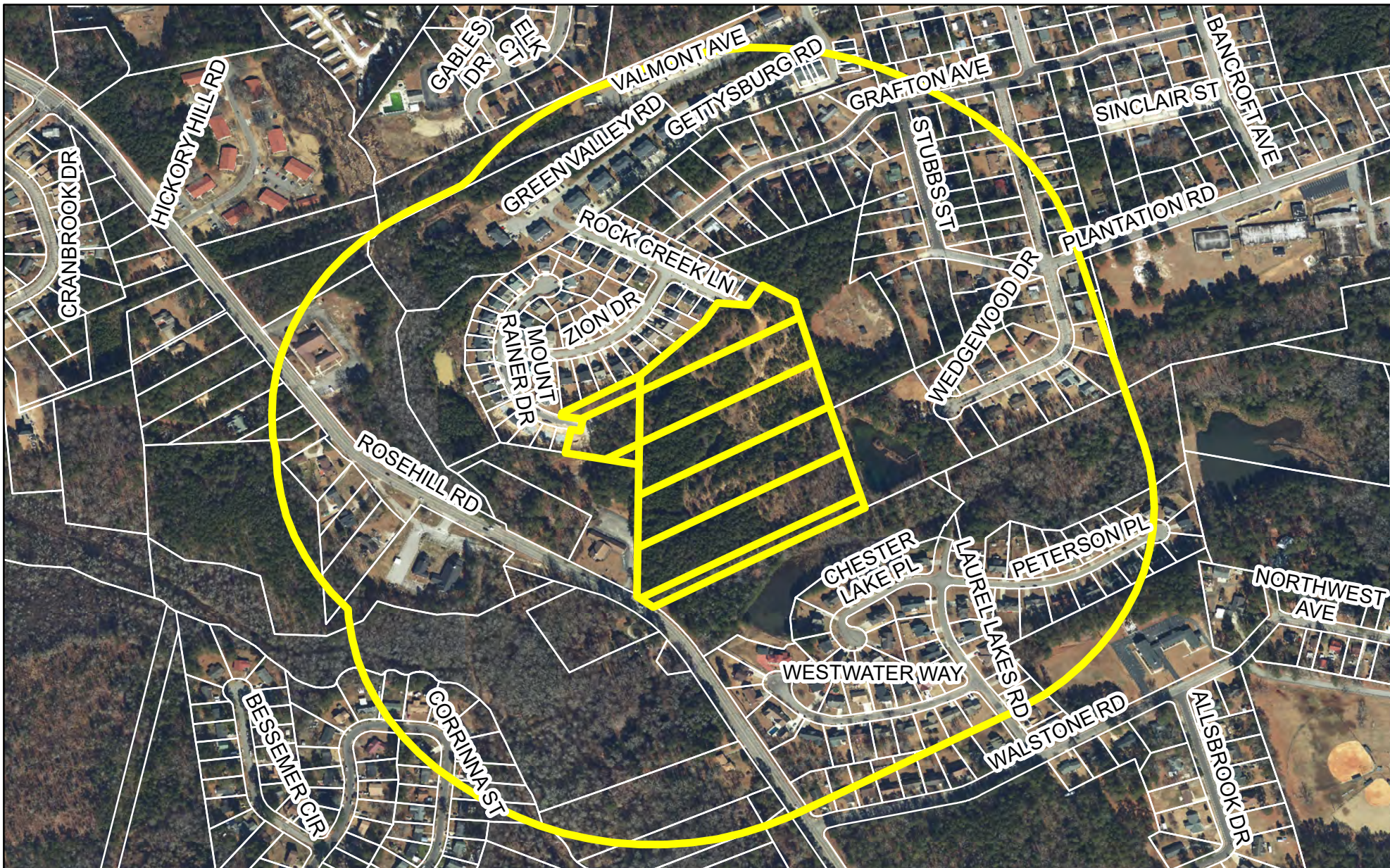
SEAL

C-2.0

PEI JOB#: 00000.00

PRELIMINARY DESIGN - NOT RELEASED FOR CONSTRUCTION





## Aerial Notification Map

Case #: P24-10

Request: Rezoning  
Modification of Mixed Residential 5 Conditional  
Zoning (MR-5/CZ)

Location: 0 Rock Creek Ln & 0 Mount Rainer Rd  
043930049000 & 0439302525000

### Legend



P24-10



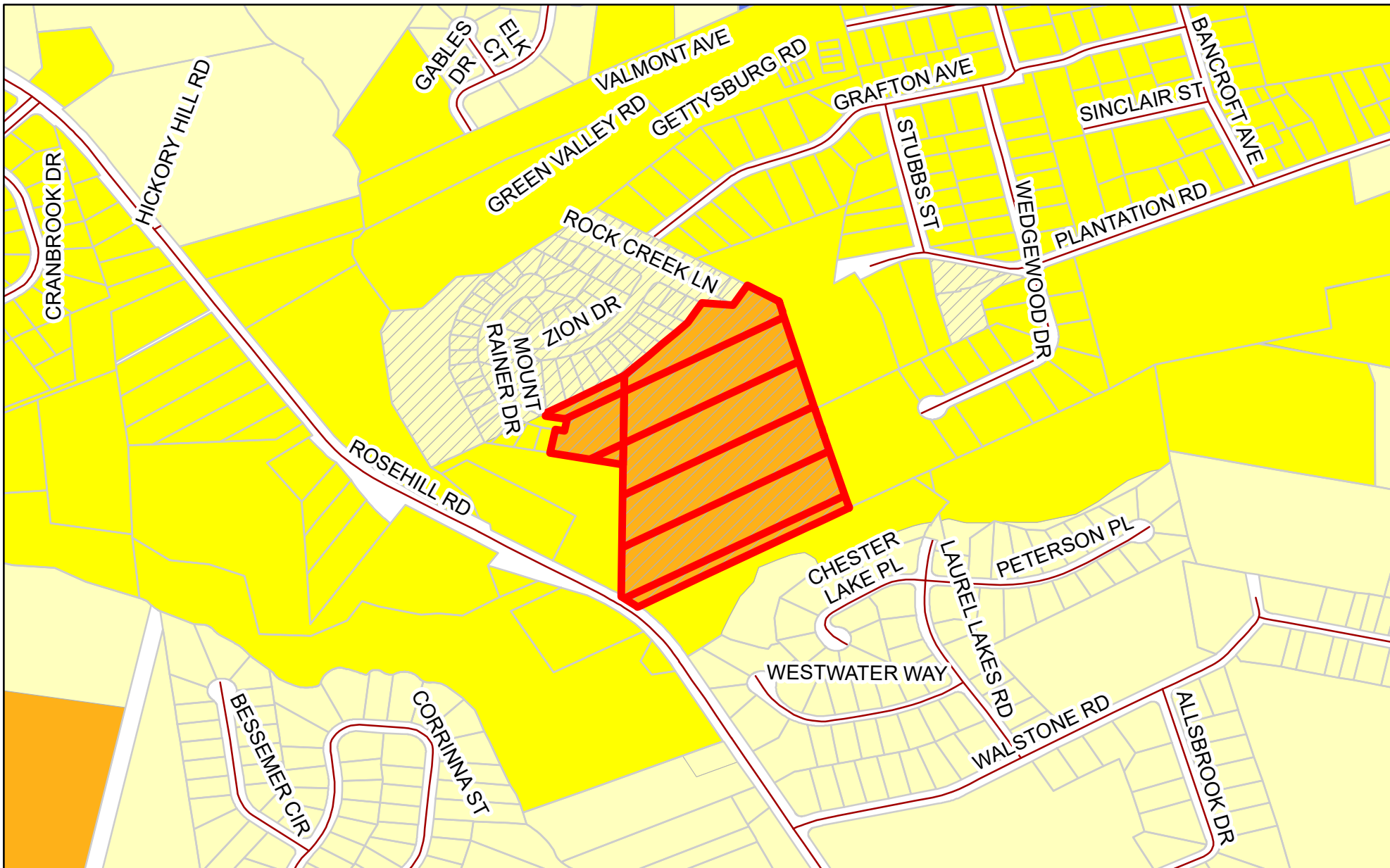
P24-10 Notification Buffer



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







## Zoning Map

Case #: P24-10

Request: Rezoning

Modification of Mixed Residential 5 Conditional  
Zoning (MR-5/CZ)

Location: 0 Rock Creek Ln & 0 Mount Rainer Rd  
043930049000 & 0439302525000

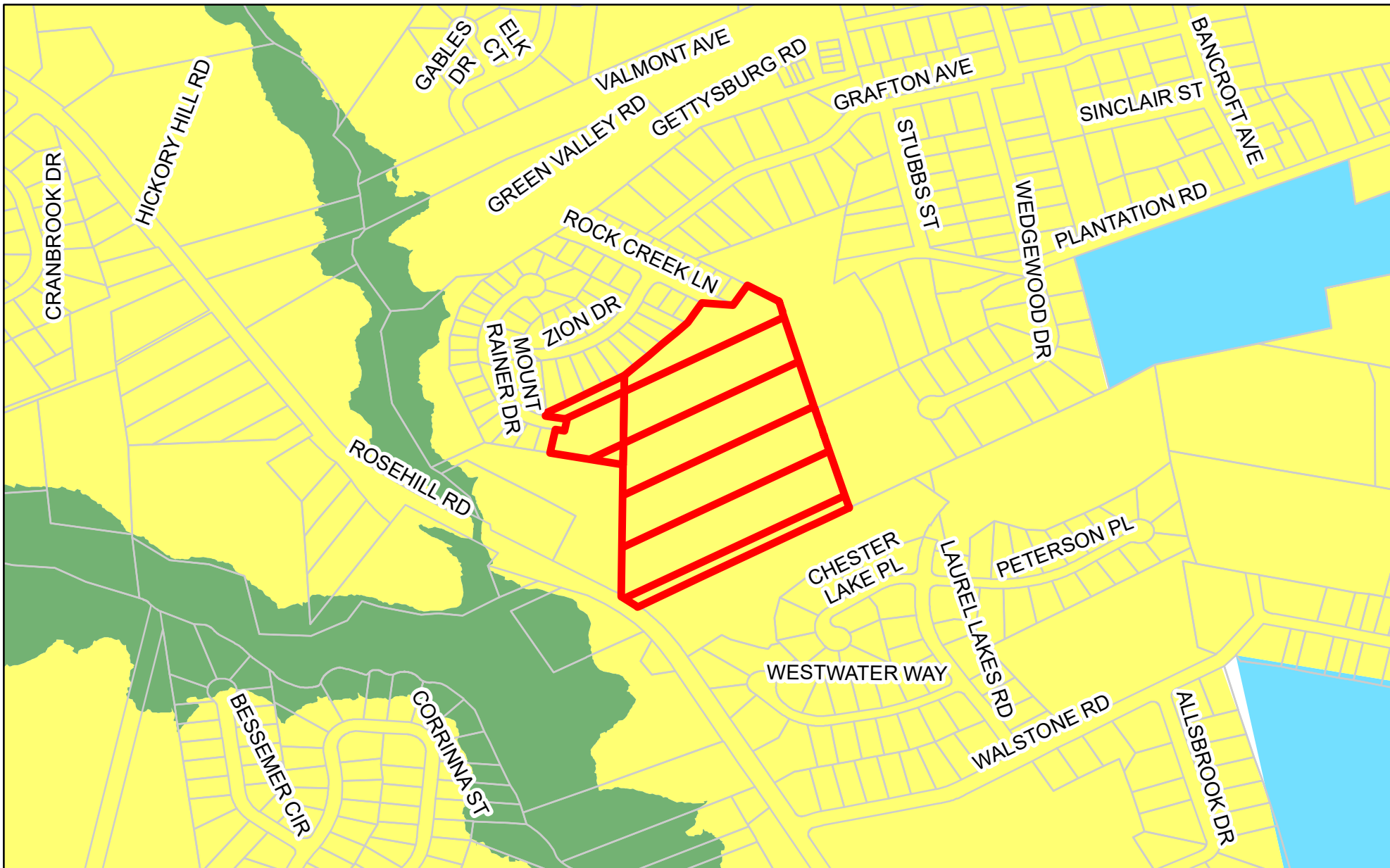
### Legend

- P24-10
- MR-5/CZ - Mixed Residential 5 Conditional Zoning
- MR-5 - Mixed Residential 5
- OI - Office & Institutional
- SF-6 - Single-Family Residential 6
- SF-6/CZ - Conditional Single-Family Residential 6
- SF-10 - Single-Family Residential 10



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 #: P24-10

Request: Rezoning  
Modification of Mixed Residential 5 Conditional  
Zoning (MR-5/CZ)

Location: 0 Rock Creek Ln & 0 Mount Rainer Rd  
043930049000 & 0439302525000




### Legend



P24-10

### Land Use Plan 2040

#### Character Areas

-  PARKOS - PARK / OPEN SPACE
-  LDR - LOW DENSITY
-  OI - OFFICE / INSTITUTIONAL



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 P24-10 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 #1: Focus value and investments around infrastructure and strategic nodes	X	
GOAL #4: Foster safe, stable, and attractive neighborhoods	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	
1.7: Encourage a logical progression of housing development and discourage “leapfrog” development		X
<b>LUP 4: Create well-designed and walkable commercial and mixed use districts.</b>	X	
4.1: Ensure new development meets basic site design standards	X	

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

	The proposed land use is consistent and aligns with the area's designation on the FLU Map.	OR	X	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]

- ☐ 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.
- ☒ The proposed uses address the needs of the area and/or City.
- ☐ 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.
- ☒ improves the tax base.
- ☐ preserves environmental and/or cultural resources.
- ☐ facilitates a desired kind of development.
- ☒ provides needed housing/commercial area.

Additional comments, if any (write-in):

February 13, 2024  
Date

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

\_\_\_\_\_  
Print



# City of Fayetteville

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

## City Council Action Memo

File Number: 24-3830

**Agenda Date:** 2/13/2024

**Version:** 1

**Status:** Agenda Ready

**In Control:** Zoning Commission

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

**Agenda Number:** 4.04

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

**THRU:** Zoning Commission

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

**DATE:** February 13, 2024

**RE:**

**P24-11.** Rezoning from Single Family Residential 6 (SF-6) and Community Commercial (CC) to Community Commercial (CC) located at 5709 Bragg Blvd (REID 0419128627000) totaling 9.29 acres ± and being the property of Macpherson LLC.

**COUNCIL DISTRICT(S):**

3 - Mario Benavente

**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 a portion of 5709 Bragg Boulevard from Single Family Residential 6 (SF-6) to Community Commercial (CC). The proposed rezoning would result in a parcel with a single zoning district - Community Commercial (CC).

**Background:**

Owner: Macpherson LLC

Applicant: Jason Stern of Stern Development

Requested Action: SF-6 and CC to CC

REID #: 0419128627000

Council District: 3 - Mario Benavente

Status of Properties: Two commercial buildings

Size: 9.29 acres

Adjoining Land Use & Zoning:

- North: SF-6 & CC - Commercial building
- South: CC - Commercial buildings
- East: SF-10 - Vacant
- West: MR-5 - Vacant

Annual Average Daily Traffic: Bragg Blvd: 17,500

Letters Mailed: 24

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 Employment Center and Neighborhood Mixed Use. The Neighborhood Mixed Use designation is limited to the corner of Bragg Boulevard and Santa Fe Drive. Employment Center is intended for high intensity nonresidential uses with high impact or likelihood for nuisance while Neighborhood Mixed Use is intended for neighborhood-scale commercial uses and smaller-scale multi-family, attached and small lot single family.

### **Issues/Analysis:**

History:

The subject properties and the surrounding area were annexed into the City of Fayetteville in 1998. The site was developed as a mobile home park and a strip-style shopping center prior to annexation. All mobile homes were removed between 2010 and 2013. The shopping center houses a pawn shop, restaurant/bakery, and a clothing store.

Surrounding Area:

The parcels to the north have small commercial buildings and were previously part of the mobile home park located on the subject property. The parcel to the south was also part of mobile home park once located on the subject property. Several commercial buildings remain on the property. The parcel to the west housed the majority of what was Fairlane Acres but is currently planned for apartments. The land on the east side of Bragg Boulevard has four residential structures with large lots.

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 a portion of the subject property from Single Family Residential 6 (SF-6) to Community Commercial (CC). The proposed rezoning would unify the zoning of the property to allow the site to be more fully developed as a commercial site.

**Straight Zoning:**

The request is for a rezoning from Single Family Residential 6 (SF-6) to Community Commercial (CC).

The Community Commercial (CC) District is established and intended to accommodate a diverse range of medium- to high-intensity retail, service, and office uses that provide goods and services serving the residents and businesses in the community at large-e.g., shopping centers, convenience stores, retail sales establishments, and heavier commercial uses.

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, it is recommended that this portion of the city should be developed as Employment Center and Neighborhood Mixed Use (limited to the corner of Bragg Boulevard and Santa Fe Drive). Employment Center is intended for high intensity nonresidential uses with high impact or likelihood for nuisance while Neighborhood Mixed Use is intended for neighborhood-scale commercial uses and smaller-scale multi-family, attached and small lot single family.

**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.

**Conclusion:**

The proposed rezoning would unify the zoning of a parcel of land that is currently in use as a commercial site. The subject property's location at the corner of two arterial roads makes it the ideal location for a variety of commercial uses. Many of those uses could support the existing Military Business Park located to the west and the surrounding area. The area indicated for Neighborhood Mixed Use is very limited at the southeast corner of the subject property and this character area also calls for a variety of commercial uses.

**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 CC 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 CC 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 Employment Center (EC) and Neighborhood Mixed Use (NMU).
- 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



## Project Overview

#1216703

**Project Title:** Rezoning for Access Drive  
**Application Type:** 5.1) Rezoning (Map Amendment)  
**Workflow:** Staff Review

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

## Project Location

**Project Address or PIN:** 5709 BRAGG BLVD  
(0419128627000)

**Zip Code:** 28303

## GIS Verified Data

**Property Owner: Parcel**  
• 5709 BRAGG BLVD: MACPHERSON LLC

**Acreage: Parcel**  
• 5709 BRAGG BLVD: 9.29

**Zoning District: Zoning District**  
• 5709 BRAGG BLVD: SF-6

**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

**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:** CC

**Acreage to be Rezoned:** 9.29

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

**Water Service:** Public

**Sewer Service:** Private

**A) Please describe all existing uses of the land and existing structures on the site, if any:**

Block construction multi tenant strip retail center

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

North - Used Car Sales, zoned SF-6 and CC

East - Vacant and Wooded, zoned SF-10

South - Mobile Home Sales - zoned MR-5

West - Annondale on Santa Fe multifamily and townhome - Zoned MR-5

## Amendment Justification - Answer all questions on this and all pages in this section (upload additional sheets as

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

The subject site is located in the Industrial/Employment Center land use category on the future land use map. This area is meant for high intensity, non-residential uses with high impact or nuisance with regional employment centers including larger industrial users or business parks. This site has a split zoning of SF-6 and CC and the applicant proposes to rezone the entire tract to CC. This request is consistent with Comprehensive Plan Goal 1: Focus value and investment around infrastructure and strategic nodes; Goal 2: Promote compatible economic and commercial development in key identified areas; Goal 3: Encourage redevelopment of strip commercial areas.

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

The area in general is developing in a mixed use fashion with both business parks and higher intensity residential uses, along with consumer retail services. In order to continue this positive development pattern, this site in general needs to have one unified zoning to continue its redevelopment.

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

As the area in general continues a positive trend of development and redevelopment, there is a need for consumer directed retail uses. In order to continue to redevelop a portion of this site, the City ordinances require that the driveway in particular be developed on a parcel with one unified zoning, this request is to assist with fulfilling that requirement.

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

The subject site and the adjacent site both have split zoning with SF-6 and CC. A number of existing parcels fronting along both Santa Fe and Bragg Blvd have full CC zoning with retail uses geared towards meeting the needs of the public. It is felt that continued development of the subject site under a unified CC zoning district is supported at this location.

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

Bringing this parcel from a split CC and SF-6 zoning to a full CC zoning continues the logical land use pattern of the entirety of a parcel being contained in one zoning which is the standard zoning and development pattern within both corridors.

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

This intersection and the node in general is currently undergoing an active development pattern, it is felt that the proposed rezoning of this site will continue this positive development trend for the site and for the area in general.

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

The existing development pattern for the area has historically been in a strip development pattern. This node is undergoing an active development transition and will continue the positive trend of redevelopment of the existing, but aged, strip commercial pattern.

**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 change from the split SF-6 and CC zoning district to a unified CC zoning will not create an isolated district within the area. Both Bragg and Santa Fe have a number of parcels fully fronting along each road that are both zoned and developed for and with CC zoning related uses.

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

It is not felt that the proposed amendment will result in any impacts to the property values of surrounding lands as the requested CC zoning is compatible with the majority of properties fronting directly on both Bragg and Santa Fe.

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

It is not anticipated that the proposed amendment will result in significantly adverse impacts to the natural environment. Redevelopment of the site will continue utilizing modern engineering and other design principals meant to work with and enhance the natural environment.

## Primary Contact Information

**Contractor's NC ID#:**

**Project Owner**

Jason Stern  
Stern Development  
700 McGruder Street NE  
Atlanta,, GA 30312  
P:8036004322  
[jason@sternproperties.biz](mailto:jason@sternproperties.biz)

**Project Contact - Agent/Representative**

Shenell Robinson  
Keck and Wood, Inc.  
3090 Premiere Parkway  
Duluth, GA 30097  
P:6784174054  
[srobinson@keckwood.com](mailto:srobinson@keckwood.com)

**As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$40,000. :**

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

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

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

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

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

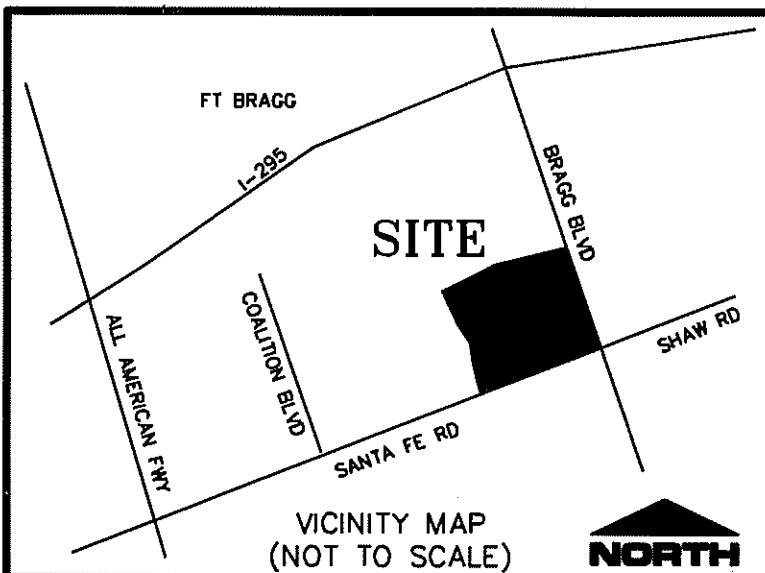
**NC State Mechanical Contractor:**

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

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

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





#### LEGEND:

- △ HORIZONTAL & VERTICAL CONTROL (H&V)
- IPF-IRON PIPE FOUND
- IPPF-IRON PIPE(PINCH TOP) FOUND
- RBF-REBAR FOUND
- CMF-CONCRETE MONUMENT FOUND
- RBS-5/8" REBAR SET
- CP-COMPUTED POINT
- N/F-NOW OR FORMERLY
- R/W-RIGHT OF WAY
- R/W — RIGHT OF WAY
- — — — — PROPERTY LINE
- — — — — ADJACENT PROPERTY LINE

#### AREA: (BY COORDINATE COMPUTATION)

LOT 1 - 24.36 AC  
LOT 2 - 11.34 AC  
LOT 3 - 9.55 AC  
LOT 4 - 0.84 AC  
LOT 5 - 18.6 AC ± REMAINING  
TOTAL - 64.7 AC ±

#### SUBJECT PROPERTY INFORMATION

ESTATE OF JOHN G. SHAW - 21-E-2272  
DB 4246 PG 492  
PIN: 0419-13-2446

MACPHERSON, LLC  
DB 8479 PG 670  
PIN: 0419-13-2000

SITE ADDRESS: 994 SANTA FE DRIVE, (SR 1437), FAYETTEVILLE, NC

#### NOTES:

- 1) ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES.
- 2) NONCONFORMING STRUCTURES HAVE NOT BEEN CREATED BY THIS SURVEY.
- 3) HORIZONTAL DATUM IS NAD 83(NSRS2011)
- 4) A PORTION OF THIS PROPERTY IS LOCATED IN FLOOD ZONE "X" MINIMAL FLOOD RISK FEMA- FIRM PANEL 0419, MAP NUMBER 3720041900J, EFFECTIVE DATE: JANUARY 5, 2007

ZONE: MR-5 (PER FAYETTEVILLE NC GIS)

#### SETBACK:

(PER ARTICLE 30-3: ZONING DISTRICTS > 30-3.D. RESIDENTIAL BASE ZONING DISTRICTS > 30-3.D.5 MIXED RESIDENTIAL 5 (MR-5) DISTRICT)

FRONTYARD-25' OR 50' FROM CENTERLINE OF PRIVATE STREETS  
SIDEYARD-10'  
REARYARD-30', 15' WHEN CORNER SIDE SETBACK IS 25' OR MORE

THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.

THIS SURVEY CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

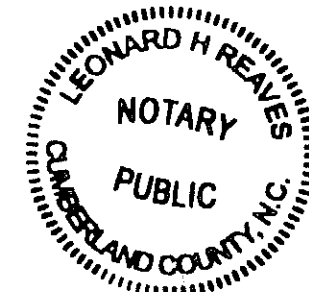
*Rey B. Owen*  
PROFESSIONAL LAND SURVEYOR - L-2719

I, REY B. OWEN, CERTIFY THAT THIS GRID TIE WAS DRAWN FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION; THAT THIS SURVEY WAS PERFORMED ON JANUARY 6, 2021 AND ALL COORDINATES WERE DERIVED BY VRS (VIRTUAL REFERENCE STATION) GPS USING A TRIMBLE R6-5800 SERIES DUAL FREQUENCY RECEIVER. THIS METHOD RESULTS IN NAD83 (NSRS 2011) POSITIONS AND NAVD88 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 4246, PAGE 492, AND DEED BOOK 8479 PAGE 670); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION AS SHOWN HEREON; THAT THE RATIO OF PRECISION IS 1:10,000+; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL.

THIS 7th DAY OF SEPTEMBER, A.D., 2022  
*Rey B. Owen*  
PROFESSIONAL LAND SURVEYOR - L-2719

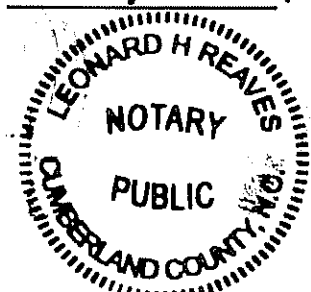
STATE OF NORTH CAROLINA, COUNTY OF Cumberland  
I, CERTIFY THAT THE FOLLOWING PERSON PERSONALLY APPEARED BEFORE ME THIS DAY, ACKNOWLEDGING TO ME THE HE SIGNED THE FOREGOING DOCUMENT FOR THE PURPOSE STATED THEREIN AND IN THE CAPACITY INDICATED: THAT FRANK S. SHAW, MANAGER OF MACPHERSON, LLC A NORTH CAROLINA LIMITED LIABILITY COMPANY PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT. WITNESS MY HAND AND OFFICIAL STAMP AND SEAL.

THIS 8 DAY OF September, 2022  
OFFICIAL NOTARY SEAL  
*Leonard H. Reeves*  
NOTARY'S PRINTED NAME  
MY COMMISSION EXPIRES August 25, 2024



STATE OF NORTH CAROLINA, COUNTY OF Cumberland  
I, CERTIFY THAT THE FOLLOWING PERSON PERSONALLY APPEARED BEFORE ME THIS DAY, ACKNOWLEDGING TO ME THE HE SIGNED THE FOREGOING DOCUMENT FOR THE PURPOSE STATED THEREIN AND IN THE CAPACITY INDICATED: THAT FRANK S. SHAW, CO-EXECUTOR OF THE ESTATE OF JOHN G. SHAW, DECEASED (21 E 2272, CUMBERLAND COUNTY, NC) PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT. WITNESS MY HAND AND OFFICIAL STAMP AND SEAL.

THIS 8 DAY OF September, 2022  
OFFICIAL NOTARY SEAL  
*Leonard H. Reeves*  
NOTARY'S PRINTED NAME  
MY COMMISSION EXPIRES August 25, 2024



My Commission Expires August 25, 2024

FILED Sep 22, 2022 10:26:27 am  
BOOK 00148  
PAGE 0178 THRU 0178  
INSTRUMENT # 38196  
RECORDING \$21.00  
EXCISE TAX (None)  
CUMBERLAND COUNTY NC  
J. LEE WARREN JR.  
REGISTER OF DEEDS

APPROVED BY THE CITY OF FAYETTEVILLE  
ON THE 13th DAY OF September 2022

SIGNATURE *Senior Planner* DATE 9-13-22  
TITLE



THE UNDERSIGNED HERE ACKNOWLEDGES THAT THE LAND SHOWN ON THIS PLAN IS WITHIN THE SUBDIVISION REGULATION JURISDICTION OF CUMBERLAND COUNTY AND THAT THIS PLAT AND ALLOTMENT IS (MY OR OUR) FREE ACT AND DEED FOREVER ALL AREAS SO SHOWN OR INDICATED ON SAID PLAT.

*Frank S. Shaw*  
FRANK S. SHAW, MANAGER  
MACPHERSON, LLC, A NORTH CAROLINA LIMITED LIABILITY COMPANY

*Frank S. Shaw*  
FRANK S. SHAW, CO-EXECUTOR  
ESTATE OF JOHN G. SHAW, DECEASED (21 E 2272, CUMBERLAND COUNTY, NC)

N/F  
MILITARY BUSINESS PARK, INC  
DB 9593 PG 26  
PB 143 PG 189  
ZONED BP/CZ

H&V CONTROL  
NCDOT R/W DISC #1  
N: 493,903.34  
E: 2,011,761.65  
ELEVATION: 233.60'

H&V CONTROL  
IRON STAKE W/JK CAP #3  
N: 493,583.36  
E: 2,011,198.93  
ELEVATION: 242.88'

N/F  
BROADWELL BROTHERS, LLC  
DB 8316 PG 211  
PB 44 PG 52  
TRACT 1  
PIN: 0409-93-8559  
ZONED BP/CZ

N/F  
110 LAMB, LLC  
DB 10025 PG 139  
PB 137 PG 102  
PIN: 0409-92-9724  
ZONED BP/CZ

RUN OF JACK'S  
FORD BRANCH

N/F  
MILITARY BUSINESS PARK  
OWNERS' ASSOCIATION, INC  
DB 8440 PG 313  
PB 127 PG 93  
PIN: 0419-02-5374  
ZONED BP/CZ

HIGHWAY R/W  
STATE HIGHWAY PROJECT 8.2326304  
DRAINAGE EASEMENT  
DB 2399, PG 664  
DOT MAP 1, PG 191

LOT 4  
36,750 SF  
0.84 ACRES  
(OUTPARCEL)

LOT 5  
MACPHERSON, LLC  
DB 8479 PG 670  
PIN: 0419-13-2000  
18.6 AC ± REMAINING

LOT 2  
ESTATE OF JOHN G. SHAW - 21-E-2272  
DB 4246 PG 492  
PIN: 0419-13-2446  
11.34 AC

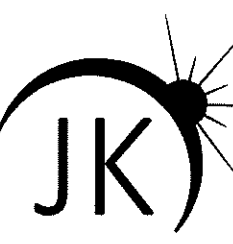
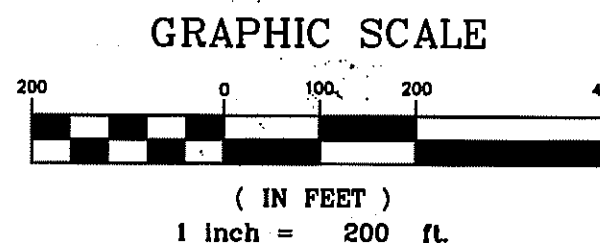
HIGHWAY R/W  
STATE HIGHWAY PROJECT 34942.2.2  
PROJECT REF# U-3423  
DOT MAP 5, PG 139-140

LOT 3  
MACPHERSON, LLC  
DB 8479 PG 670  
PIN: 0419-13-2000  
9.55 AC

STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND

I, *Mark Blackwell*, REVIEW OFFICER  
OF CUMBERLAND COUNTY, CERTIFY THAT THE MAP  
OR PLAT TO WHICH THIS CERTIFICATE IS AFFIXED  
MEETS ALL STATUTORY REQUIREMENTS FOR  
RECORDING.

DATE: 9/13/22



JoynerKeeny  
Land Planning & Surveying  
230 DONALDSON STREET, SUITE - 500A  
FAYETTEVILLE, NORTH CAROLINA 28301  
North Carolina Firm Number P-0551  
Phone: 910.920.3275  
www.joynerkeeney.com

SUBDIVISION/RECOMBINATION SURVEY  
OF THE PROPERTIES OF  
ESTATE OF JOHN G. SHAW - 21-E-2272  
AND  
MACPHERSON, LLC  
DATE: AUGUST 15, 2022 SCALE: 1" = 200'  
CROSS CREEK TOWNSHIP CUMBERLAND COUNTY FAYETTEVILLE NORTH CAROLINA

PROJECT #: 200208A  
PROJ. SVYR: RBO  
DRAWN BY: JLK  
DWG: PLAT  
VIEWPORT: PLAT  
SHEET #: 1 OF 1

## AFFIDAVIT OF OWNERSHIP

I, Marie Shaw Dee and Frank S. Shaw, being duly sworn, deposes and says:

1. That I am the owner of the property/properties located at 5709 Bragg Blvd in the City of Fayetteville, a political subdivision of the State of North Carolina.

2. I do hereby give permission to Jason Stern/Stern Development to submit a Conditional Rezoning/Rezoning/Variance/Special Use (circle one) application to the City of Fayetteville on my behalf for the above referenced property/properties.

3. This authority is only granted for the application to be submitted on January 9, 2024.

Marie Shaw Dee  
Signature of Affiant

Frank S. Shaw  
Signature of Affiant

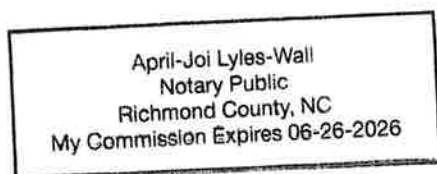
Cumberland County, North Carolina

Sworn to and subscribed before me this day on the 11<sup>th</sup> day of January, 2024

April-Joi Lyles-Wall  
Signature of Notary Public

(Official Seal)

April-Joi Lyles-Wall, Notary Public  
Printed Name of Notary Public



My Commission Expires: 6-26-2026

FILED  
CUMBERLAND COUNTY NC  
J. LEE WARREN, JR.  
REGISTER OF DEEDS  
FILED Dec 31, 2009  
AT 09:38:00 am  
BOOK 08315  
START PAGE 0902  
END PAGE 0906  
INSTRUMENT # 47198  
RECORDING \$31.00  
EXCISE TAX (None)  
RF

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$-0-

Parcel Identifier No. \_\_\_\_\_ Verified By \_\_\_\_\_ County on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_  
By \_\_\_\_\_

Mail/Box to: Anne M. Evans, Esq, P.O. Box 87009, Fayetteville, NC 28304-7009

This Instrument was prepared by: Anne M. Evans, Esq., McCoy Weaver Wiggins Cleveland Rose Ray PLLC  
(without title examination or certification)

Brief description for the Index:

THIS DEED made this 11<sup>th</sup> day of November, 2009, by and between

GRANTOR	GRANTEE
MARIE SHAW DEE, Widow; FRANK S. SHAW and wife, ROLLIN W. SHAW; JOHN G. SHAW, single; SALLY SHAW FRANKENBERG and husband, EBEN FRANKENBERG; GILBERT W. SHAW and wife, MIRJAM SHAW; ALEXANDER MCPHERSON SHAW, single, and PHOEBE WINSHIP DEE, single.	MACPHERSON, LLC, a North Carolina limited liability company P.O. Box 1656 Fayetteville, NC 28302

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

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

Being all of that tract consisting of 50.57 acres, more or less, lying on the West side of the Fort Bragg Boulevard, on the north side of Bonnie Doone, on the East of the run of the Branch of Jack's Ford and South of the Sarah Shaw Rankin tract (the Sarah Shaw Rankin tract being described in a deed from Sarah Shaw Rankin to John G. Shaw recorded in Book 4246, Page 492, Cumberland County, North Carolina, Public Registry.)

For history of title, see deed dated March 24, 1945, from Frank McPherson and wife, Clement McPherson, to J. A. Shaw and wife, Winship S. Shaw, recorded in Book 476, Page 248, Cumberland County, North Carolina, Public Registry.

This tract of property is divided by Sante Fe Drive and is conveyed subject to the right of way of said road.

See also Cumberland County Tax parcel number 0419-13-2000.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

1. 2009 Cumberland County ad valorem taxes;
2. Easements, restrictions and rights of way of record in the Cumberland County, NC, Public Registry.

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

Marie Shaw Dee (SEAL)  
Marie Shaw Dee

Frank S. Shaw (SEAL)  
Frank S. Shaw

John G. Shaw (SEAL)  
John G. Shaw

Rollin W. Shaw (SEAL)  
Rollin W. Shaw

Sally Shaw Frankenburg (SEAL)  
Sally Shaw Frankenburg

Gilbert W. Shaw (SEAL)  
Gilbert W. Shaw

Eben Frankenburg (SEAL)  
Eben Frankenburg

Miriam Shaw (SEAL)  
Mirjam Shaw

Phoebe Winship Dee (SEAL)  
Phoebe Winship Dee

Alexander McPherson Shaw (SEAL)  
Alexander McPherson Shaw

STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND

I certify that the following person ("Principal") personally appeared before me this day and I have personal knowledge of the identity of the Principal or have seen satisfactory evidence of the Principal's identity by a current state or federal identification with the Principal's photograph in the form of a driver's license or a credible witness has sworn to the identity of the Principal, with he or she acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Name of Principal: **Marie Shaw Dee**.

Date: November 11, 2009.

Cynthia W. Burris  
Notary Public  
Cynthia W. Burris  
Printed or Typed Name of Notary Public

My Commission Expires: 11-29-13

[SEAL]

(N.P. SEAL)



STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND

I certify that the following person ("Principal") personally appeared before me this day and I have personal knowledge of the identity of the Principal or have seen satisfactory evidence of the Principal's identity by a current state or federal identification with the Principal's photograph in the form of a driver's license or a credible witness has sworn to the identity of the Principal, with he or she acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Name of Principal: **Frank S. Shaw.**

Date: November 11, 2009.



Notary Public  
Cynthia W. Burris  
Printed or Typed Name of Notary Public

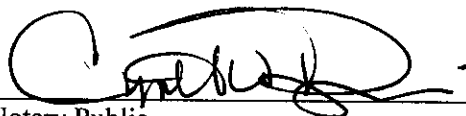
My Commission Expires: 11-29-13

[SEAL]  
(N.P. SEAL)

STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND

I certify that the following person ("Principal") personally appeared before me this day and I have personal knowledge of the identity of the Principal or have seen satisfactory evidence of the Principal's identity by a current state or federal identification with the Principal's photograph in the form of a driver's license or a credible witness has sworn to the identity of the Principal, with he or she acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Name of Principal: **Rollin W. Shaw.**

Date: November 11, 2009.



Notary Public  
Cynthia W. Burris  
Printed or Typed Name of Notary Public

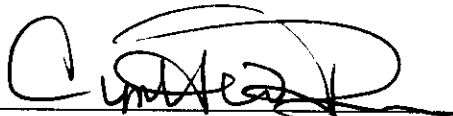
My Commission Expires: 11-29-13

[SEAL]  
(N.P. SEAL)

STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND

I certify that the following person ("Principal") personally appeared before me this day and I have personal knowledge of the identity of the Principal or have seen satisfactory evidence of the Principal's identity by a current state or federal identification with the Principal's photograph in the form of a driver's license or a credible witness has sworn to the identity of the Principal, with he or she acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Name of Principal: **John G. Shaw.**

Date: November 11, 2009.



Notary Public  
Cynthia W. Burris  
Printed or Typed Name of Notary Public

My Commission Expires: 11-29-13

[SEAL]  
(N.P. SEAL)

STATE OF Washington  
COUNTY OF King

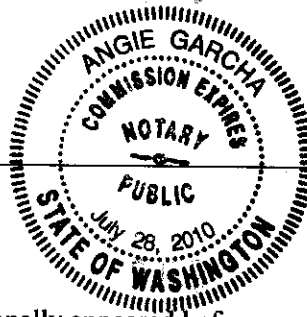
I certify that the following person ("Principal") personally appeared before me this day and I have personal knowledge of the identity of the Principal or have seen satisfactory evidence of the Principal's identity by a current state or federal identification with the Principal's photograph in the form of a driver's license or a credible witness has sworn to the identity of the Principal, with he or she acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Name of Principal: Sally Shaw Frankenbrg.

Date: December 24th, 2009.

Angie Garcha  
Notary Public  
ANGIE GARCHA  
Printed or Typed Name of Notary Public

My Commission Expires: July 28th, 2010

[SEAL]



(N.P. SEAL)

STATE OF Washington  
COUNTY OF King

I certify that the following person ("Principal") personally appeared before me this day and I have personal knowledge of the identity of the Principal or have seen satisfactory evidence of the Principal's identity by a current state or federal identification with the Principal's photograph in the form of a driver's license or a credible witness has sworn to the identity of the Principal, with he or she acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Name of Principal: Eben Frankenbrg.

Date: December 24th, 2009.

Angie Garcha  
Notary Public  
ANGIE GARCHA  
Printed or Typed Name of Notary Public

My Commission Expires: July 28th, 2010

[SEAL]



(N.P. SEAL)

STATE OF Washington  
COUNTY OF King

I certify that the following person ("Principal") personally appeared before me this day and I have personal knowledge of the identity of the Principal or have seen satisfactory evidence of the Principal's identity by a current state or federal identification with the Principal's photograph in the form of a driver's license or a credible witness has sworn to the identity of the Principal, with he or she acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Name of Principal: Gilbert W. Shaw.

Date: December 24th, 2009.

Angie Garcha  
Notary Public  
ANGIE GARCHA  
Printed or Typed Name of Notary Public

My Commission Expires: July 28th, 2010

[SEAL]



(N.P. SEAL)

STATE OF Washington  
COUNTY OF King

I certify that the following person ("Principal") personally appeared before me this day and I have personal knowledge of the identity of the Principal or have seen satisfactory evidence of the Principal's identity by a current state or federal identification with the Principal's photograph in the form of a driver's license or a credible witness has sworn to the identity of the Principal, with he or she acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Name of Principal: **Mirjam Shaw.**

Date: December 24th, 2009.

My Commission Expires: July 28th, 2010

[SEAL]

Angie Coarcha  
Notary Public

ANGIE GARCHA  
Printed or Typed Name of Notary Public



(N.P. SEAL)

Washington (AS)  
STATE OF NORTH CAROLINA  
COUNTY OF King

I certify that the following person ("Principal") personally appeared before me this day and I have personal knowledge of the identity of the Principal or have seen satisfactory evidence of the Principal's identity by a current state or federal identification with the Principal's photograph in the form of a driver's license or a credible witness has sworn to the identity of the Principal, with he or she acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Name of Principal: **Alexander McPherson Shaw.**

Date: December 24th, 2009.

My Commission Expires: July 28th, 2010

[SEAL]

Angie Coarcha  
Notary Public

ANGIE GARCHA  
Printed or Typed Name of Notary Public



(N.P. SEAL)

STATE OF NORTH CAROLINA  
COUNTY OF Cumberland

I certify that the following person ("Principal") personally appeared before me this day and I have personal knowledge of the identity of the Principal or have seen satisfactory evidence of the Principal's identity by a current state or federal identification with the Principal's photograph in the form of a driver's license or a credible witness has sworn to the identity of the Principal, with he or she acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Name of Principal: **Phoebe Winship Dee.**

Date: December 29th <sup>CWB</sup> ~~29th~~ 30th, 2009.

My Commission Expires: 11-29-13

[SEAL] (N.P. SEAL)

Cynthia W. Burris  
Notary Public

Cynthia W. Burris  
Printed or Typed Name of Notary Public



FILED  
CUMBERLAND COUNTY NC  
J. LEE WARREN, JR.  
REGISTER OF DEEDS  
FILED Sep 17, 2010  
AT 02:32:00 pm  
BOOK 08479  
START PAGE 0670  
END PAGE 0676  
INSTRUMENT # 29998  
RECORDING \$37.00  
EXCISE TAX (None)  
RT

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$-0-  
Parcel Identifier No. 0419-21-4660 and 0419-13-2000 Verified By \_\_\_\_\_ County on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_  
By \_\_\_\_\_

Mail/Return to: Anne M. Evans, Esq, P.O. Box 87009, Fayetteville, NC 28304-7009  
This Instrument was prepared by: Anne M. Evans, Esq., McCoy Wiggins Cleveland & O'Connor PLLC  
(without title examination or certification)  
Brief description for the Index: 51.07 acre tract

THIS DEED made this 25th day of June, 2010, by and between

GRANTOR	GRANTEE
MARIE SHAW DEE, Widow; JOHN G. SHAW, single; FRANK S. SHAW and wife, ROLLIN W. SHAW; SALLY SHAW FRANKENBERG and husband, EBEN FRANKENBERG; GILBERT W. SHAW and wife, MIRJAM SHAW; PHOEBE WINSHIP DEE, and husband, BRENT BLUNDEN; and ALEXANDER MCPHERSON SHAW, single P.O. Box 1656 Fayetteville, NC 28302	MACPHERSON, LLC, a North Carolina limited liability company P.O. Box 1656 Fayetteville, NC 28302

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

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all of Grantors' undivided interests, as tenants in common, in and to that certain lot or parcel of land situated in the City of Fayetteville, Cumberland County, North Carolina and more particularly described as follows:  
Being all of that tract consisting of 51.07 acres, more or less, lying on the West side of the Fort Bragg Boulevard, on the north side of Bonnie Doone, on the East of the run of the Branch of Jack's Ford and South of the Sarah Shaw Rankin tract (the Sarah Shaw Rankin tract being described in a deed from Sarah Shaw Rankin to John G. Shaw recorded in Book 4246, Page 492, Cumberland County, North Carolina, Public Registry.)

For history of title, see deed dated March 24, 1945 recorded in Book 476, Page 248, Cumberland County, North Carolina, Public Registry. This tract of property is divided by Santa Fe Drive and is conveyed subject to the right of way of Santa Fe Drive and Bragg Boulevard. See also Cumberland County Tax parcel numbers 0419-21-4660 and 0419-13-2000.

The purpose of this deed is to convey all of Lot 1 as shown on a plat map entitled "Lot 1, Headstart-Bridges Fairlane Project" prepared by Harvey H. Allen, RLS L-3171 and recorded in Plat Book 95, Page 167, Cumberland County, North Carolina, Public Registry, such tract having been inadvertently omitted from a prior conveyance by deed from Marie Shaw Dee et al. to MacPherson, LLC recorded in Book 8315, Page 902, Cumberland County, North Carolina, Public Registry.

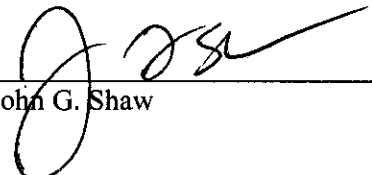
TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

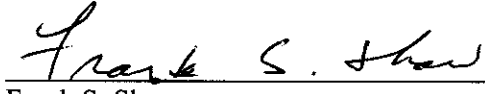
And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

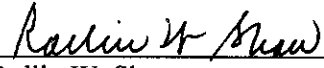
1. 2010 Cumberland County ad valorem taxes;
2. Easements , restrictions and rights of way of record in the Cumberland County, NC, Public Registry.

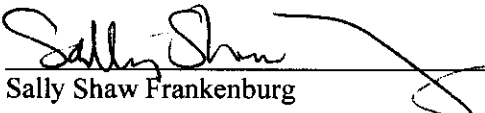
IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.


  
\_\_\_\_\_(SEAL)  
Marie Shaw Dee

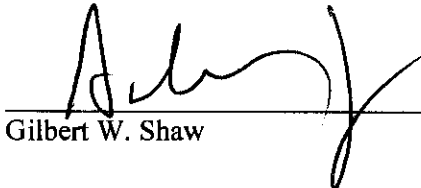
  
\_\_\_\_\_(SEAL)  
John G. Shaw

  
\_\_\_\_\_(SEAL)  
Frank S. Shaw

  
\_\_\_\_\_(SEAL)  
Rollin W. Shaw

  
\_\_\_\_\_(SEAL)  
Sally Shaw Frankenburg

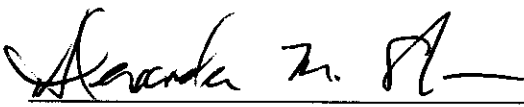
  
\_\_\_\_\_(SEAL)  
Eben Frankenburg

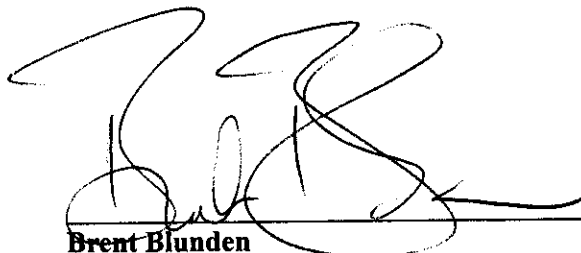
  
\_\_\_\_\_(SEAL)  
Gilbert W. Shaw

  
\_\_\_\_\_(SEAL)  
Mirjam Shaw

  
\_\_\_\_\_(SEAL)  
Phoebe Winship Dee

\_\_\_\_\_(SEAL)  
Brent Blunden

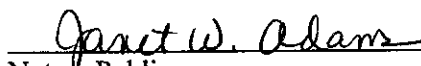
  
\_\_\_\_\_(SEAL)  
Alexander McPherson Shaw

 (SEAL)  
**Brent Blunden**

STATE OF NORTH CAROLINA  
COUNTY OF Durham

I certify that the following person ("Principal") personally appeared before me this day and I have personal knowledge of the identity of the Principal or have seen satisfactory evidence of the Principal's identity by a current state or federal identification with the Principal's photograph in the form of a driver's license or a credible witness has sworn to the identity of the Principal, with he or she acknowledging to me that he or she voluntarily signed the foregoing North Carolina General Warranty Deed for the purpose stated therein and in the capacity indicated: Name of Principal: **Brent Blunden**.

Date: July 20, 2010.

  
Notary Public  
Janet W. Adams  
Printed or Typed Name of Notary Public

My Commission Expires: 9-4-14

[SEAL]

(N.P. SEAL)

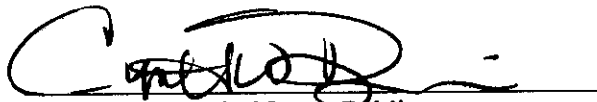


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STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND

I, Cynthia W. Burris, a Notary Public of Cumberland County, North Carolina, certify that Anne M. Evans personally appeared before me this day, and being duly sworn, stated that in her presence **Marie Shaw Dee**, signed the foregoing North Carolina General Warranty Deed.

WITNESS my hand and official seal this the 25<sup>TH</sup> day of JUNE, 2010.

  
Cynthia W. Burris, Notary Public

My Commission Expires: 11/29/2013

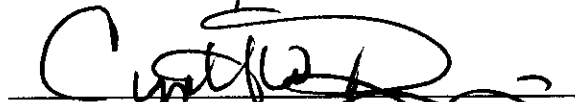
[SEAL]  
(N.P. SEAL)

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STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND

I, Cynthia W. Burris, a Notary Public of Cumberland County, North Carolina, certify that Anne M. Evans personally appeared before me this day, and being duly sworn, stated that in her presence **John G. Shaw**, signed the foregoing North Carolina General Warranty Deed.

WITNESS my hand and official seal this the 28<sup>th</sup> day of July, 2010.

  
Cynthia W. Burris, Notary Public

My Commission Expires: 11/29/2013

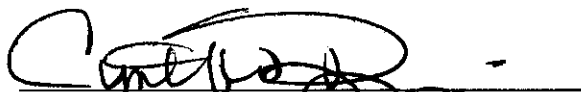
[SEAL]  
(N.P. SEAL)

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STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND

I, Cynthia W. Burris, a Notary Public of Cumberland County, North Carolina, certify that Anne M. Evans personally appeared before me this day, and being duly sworn, stated that in her presence **Frank S. Shaw**, signed the foregoing North Carolina General Warranty Deed.

WITNESS my hand and official seal this the 25<sup>TH</sup> day of JUNE, 2010.

  
Cynthia W. Burris, Notary Public

My Commission Expires: 11/29/2013

[SEAL]  
(N.P. SEAL)

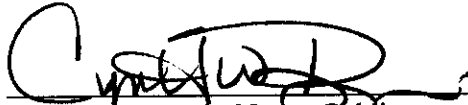
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STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND

I, Cynthia W. Burris, a Notary Public of Cumberland County, North Carolina, certify that Anne M. Evans personally appeared before me this day, and being duly sworn, stated that in her presence **Rollin W. Shaw**, signed the foregoing North Carolina General Warranty Deed.

WITNESS my hand and official seal this the 25TH day of JUNE, 2010.

  
Cynthia W. Burris, Notary Public

My Commission Expires: 11/29/2013

[SEAL]

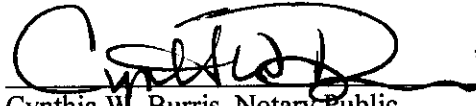
(N.P. SEAL)

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STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND

I, Cynthia W. Burris, a Notary Public of Cumberland County, North Carolina, certify that Anne M. Evans personally appeared before me this day, and being duly sworn, stated that in her presence **Sally Shaw Frankenberg**, signed the foregoing North Carolina General Warranty Deed.

WITNESS my hand and official seal this the 25TH day of JUNE, 2010.

  
Cynthia W. Burris, Notary Public

My Commission Expires: 11/29/2013

[SEAL]

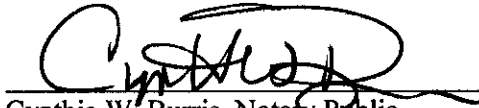
(N.P. SEAL)

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STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND

I, Cynthia W. Burris, a Notary Public of Cumberland County, North Carolina, certify that Anne M. Evans personally appeared before me this day, and being duly sworn, stated that in her presence **Eben Frankenberg**, signed the foregoing North Carolina General Warranty Deed.

WITNESS my hand and official seal this the 25TH day of JUNE, 2010.

  
Cynthia W. Burris, Notary Public

My Commission Expires: 11/29/2013

[SEAL]

(N.P. SEAL)

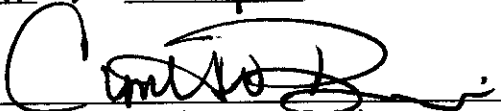
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STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND

I, Cynthia W. Burris, a Notary Public of Cumberland County, North Carolina, certify that Anne M. Evans personally appeared before me this day, and being duly sworn, stated that in her presence **Gilbert W. Shaw**, signed the foregoing North Carolina General Warranty Deed.

WITNESS my hand and official seal this the 12th day of July, 2010.

  
Cynthia W. Burris, Notary Public

My Commission Expires: 11/29/2013

[SEAL]

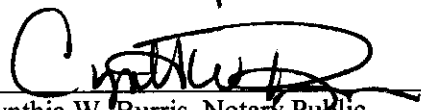
(N.P. SEAL)

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STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND

I, Cynthia W. Burris, a Notary Public of Cumberland County, North Carolina, certify that Anne M. Evans personally appeared before me this day, and being duly sworn, stated that in her presence **Mirjam Shaw**, signed the foregoing North Carolina General Warranty Deed.

WITNESS my hand and official seal this the 12th day of July, 2010.

  
Cynthia W. Burris, Notary Public

My Commission Expires: 11/29/2013

[SEAL]

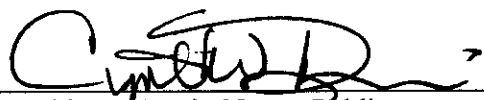
(N.P. SEAL)

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STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND

I, Cynthia W. Burris, a Notary Public of Cumberland County, North Carolina, certify that Anne M. Evans personally appeared before me this day, and being duly sworn, stated that in her presence **Phoebe Winship Dee**, signed the foregoing North Carolina General Warranty Deed.

WITNESS my hand and official seal this the 25th day of June, 2010.

  
Cynthia W. Burris, Notary Public

My Commission Expires: 11/29/2013

[SEAL]

(N.P. SEAL)

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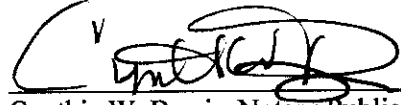


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STATE OF NORTH CAROLINA  
COUNTY OF CUMBERLAND

I, Cynthia W. Burris, a Notary Public of Cumberland County, North Carolina, certify that Anne M. Evans personally appeared before me this day, and being duly sworn, stated that in her presence **Alexander McPherson Shaw**, signed the foregoing North Carolina General Warranty Deed.

WITNESS my hand and official seal this the 25TH day of JUNE, 2010.

  
Cynthia W. Burris, Notary Public

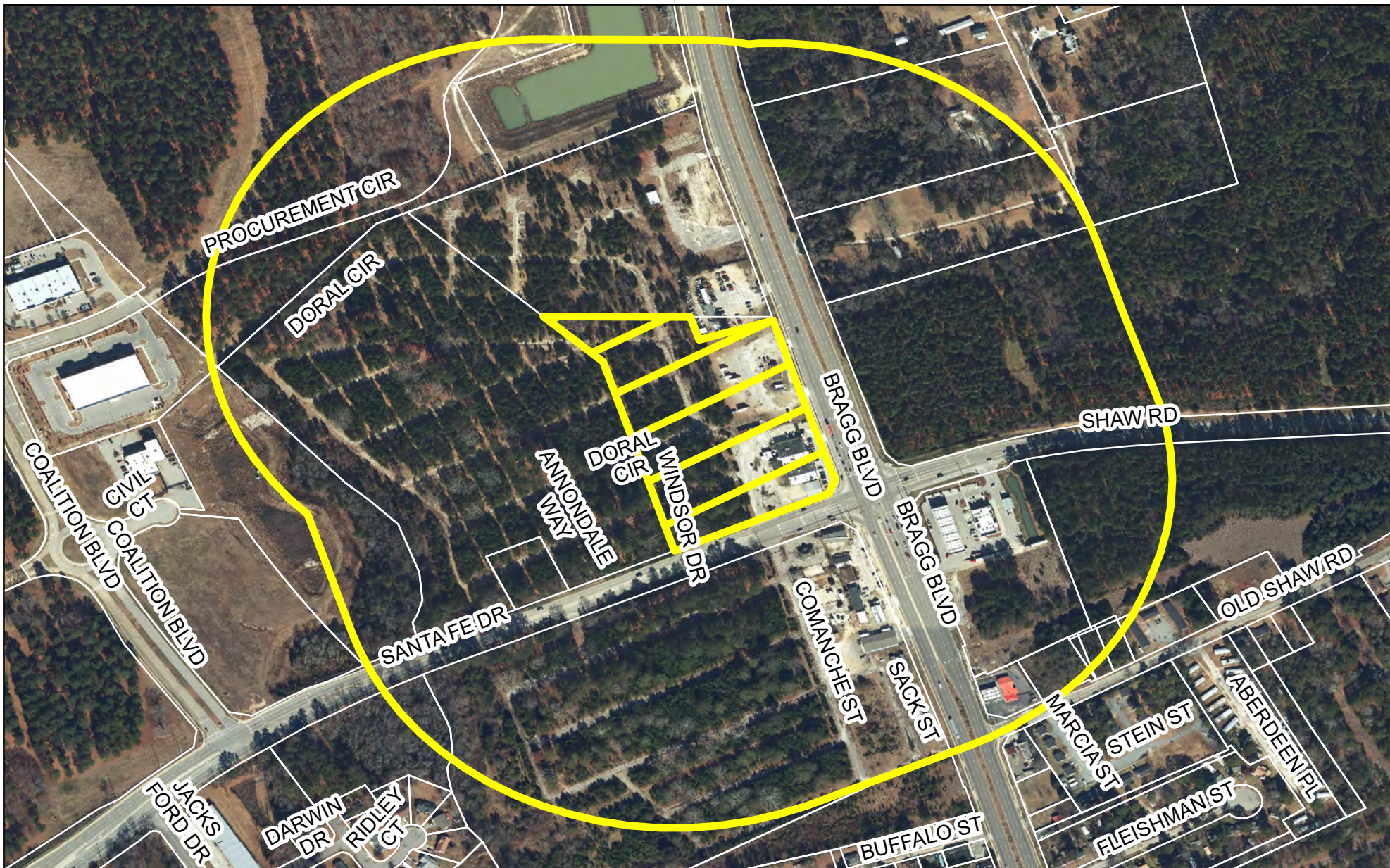
My Commission Expires: 11/29/2013

[SEAL]

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(N.P. SEAL)





## Aerial Notification Map

Case #: P24-11

Request: Rezoning

Single Family Residential 6 (SF-6) and  
Community Commercial (CC) to  
Community Commercial (CC)

Location: 5709 Bragg Blvd  
0419128627000

## Legend



P24-11



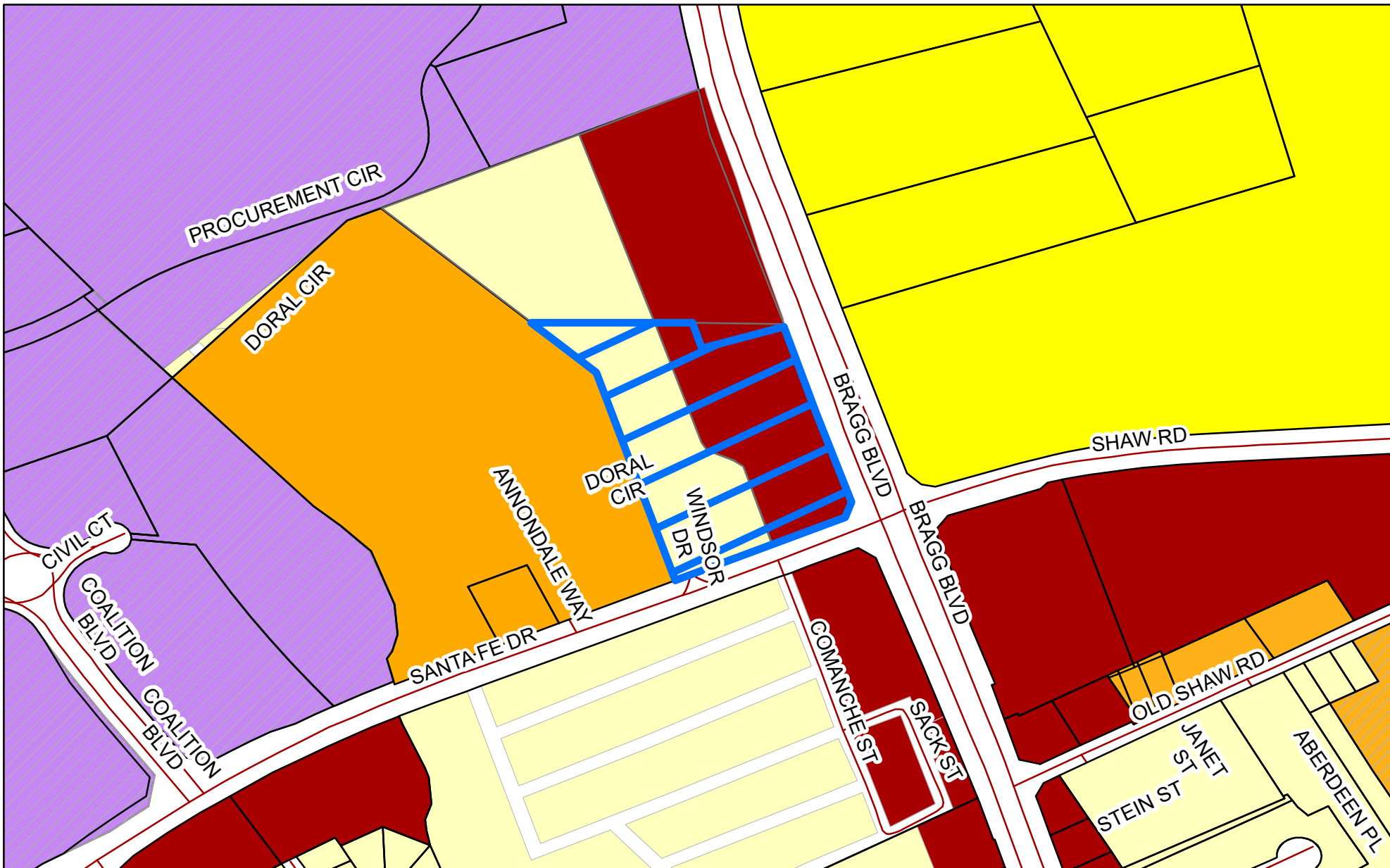
P24-11 Notification Buffer



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














# Zoning Map Case #: P24-11

Request: Rezoning  
Single Family Residential 6 (SF-6) and  
Community Commercial (CC) to  
Community Commercial (CC)

Location: 5709 Bragg Blvd  
0419128627000

## Legend

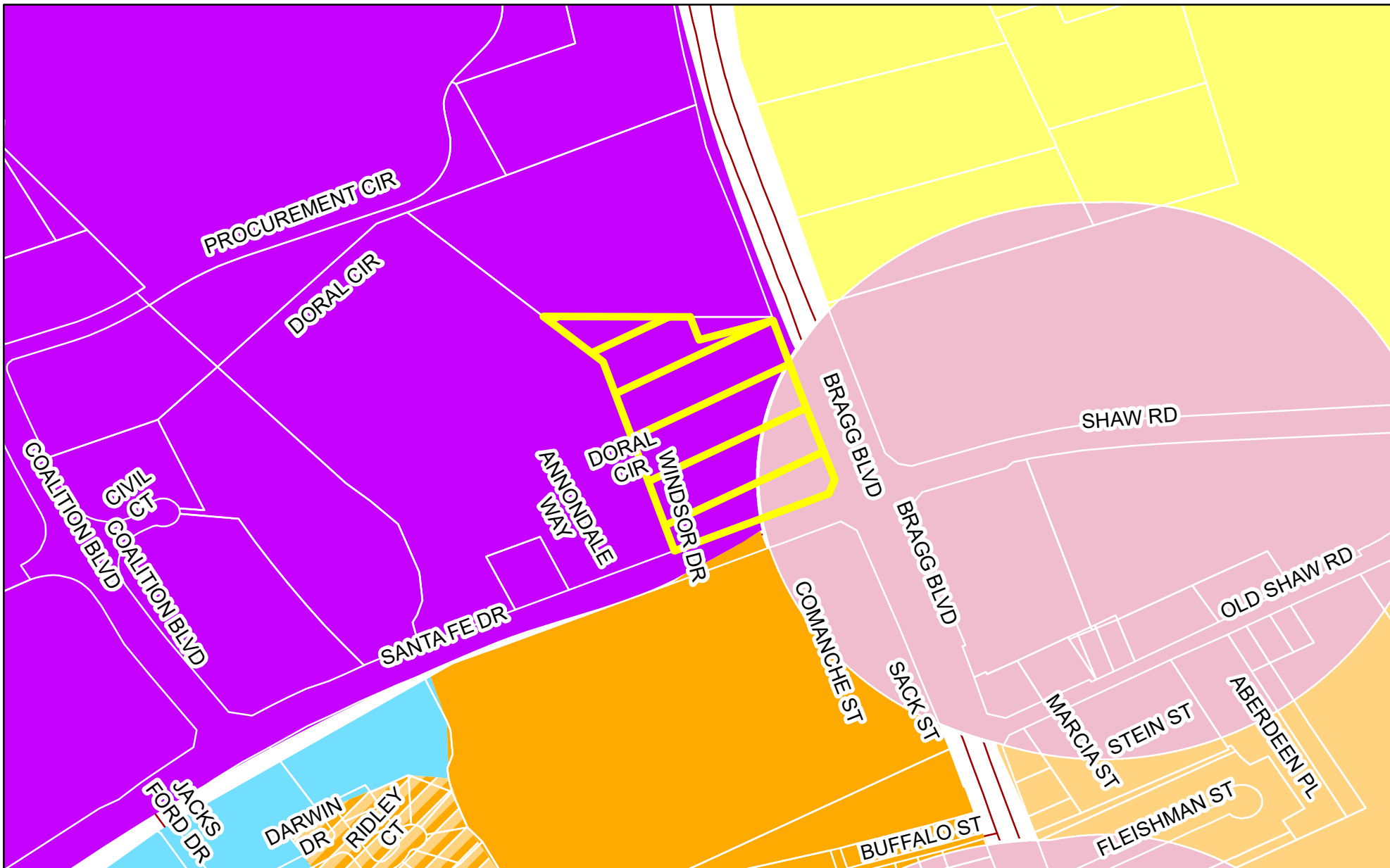
 P24-11	 MR-5/CZ - Conditional Mixed Residential 5
 BP/CZ - Conditional Business Park	 SF-6 - Single-Family Residential 6
 CC - Community Commercial	 SF-10 - Single-Family Residential 10
 MR-5 - Mixed Residential 5	



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 #: P24-11

Request: Rezoning

Single Family Residential 6 (SF-6) and  
Community Commercial (CC) to  
Community Commercial (CC)

Location: 5709 Bragg Blvd  
0419128627000

### Legend

 P24-11

### Land Use Plan 2040

#### Character Areas

 LDR - LOW DENSITY

 MDR - MEDIUM DENSITY

 NIR - NEIGHBORHOOD IMPROVEMENT

 HDR - HIGH DENSITY RESIDENTIAL

 NMU - NEIGHBORHOOD MIXED USE

 OI - OFFICE / INSTITUTIONAL

 EC - EMPLOYMENT CENTER



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 P24-11 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 #1: Focus value and investments 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 2: Encourage strategic economic development</b>	X	
2.1: Encourage economic development in designated areas	X	
<b>LUP 3: Encourage redevelopment along underutilized commercial strip corridors and reinvestment in distressed residential neighborhoods</b>	X	
3.1: Examine and identify targeted redevelopment and infill areas throughout the city	X	
<b>LUP 4: Create well-designed and walkable commercial and mixed-use districts</b>	X	
4.1: Ensure new development meets basic site design standards	X	
<b>LUP 5: Improve gateways</b>	X	
5.1: Continue to require perimeter landscaping and planting islands in significant renovations and redevelopment along commercial corridors	X	

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.

       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.

       facilitates a desired kind of development.

  X   provides needed housing/commercial area.

Additional comments, if any (write-in):

February 13, 2024

Date

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

\_\_\_\_\_  
Print



# City of Fayetteville

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

## City Council Action Memo

File Number: 24-3832

**Agenda Date:** 2/13/2024

**Version:** 1

**Status:** Agenda Ready

**In Control:** Zoning Commission

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

**Agenda Number:** 4.05

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

**THRU:** Zoning Commission

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

**DATE:** February 13, 2024

**RE:**

**P24-12.** Initial zoning from Rural Residential (RR) (County) and Single Family Residential 15 (SF-15) to Mixed Residential 5 (MR-5) located at 0, 1666 & 1674 Cedar Creek Rd and 0 & 1678 Fields Rd (REID 0446803573000, 0446804658000, 0446709250000, 0445892478000, and 0445894268000) totaling 28.67 acres ± and being the property of Cedar Creek Road, LLC.

**COUNCIL DISTRICT(S):**

2 - Malik Davis

**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:**

As part of the annexation process, the applicant is requesting to initially zone three parcels. A fourth parcel is partially within the city limits of Fayetteville while the remainder of the parcel is in Cumberland County. The areas that are in the County are currently zoned Rural Residential (RR) while the portion in the currently in the city limits is zoned



Single Family Residential 15 (SF-15). The applicant is requesting that all parcels be zoned Mixed Residential 5 (MR-5).

Note: At the time of application, there were a total of five parcels involved in this request. During the process, two parcels were recombined resulting in only four parcels for review. Real Estate Identification Numbers 0446803573000 and 0446804658000 were combined and became 0446804556000.

**Background:**

Owner: Cedar Creek Road LLC

Applicant: The Charleston Group

Requested Action: Initial zoning from RR to MR-5 and rezoning from SF-15 to MR-5

REID #: 0446804556000, 0446709250000, 0445892478000, and 0445894268000

Council District: 2 - Malik Davis

Status of Properties: 1666 Cedar Creek Road: Single family house

Remaining parcels: vacant

Size: 28.67 acres

Adjoining Land Use & Zoning:

- North: A1 (County) & LC - single family houses and vacant land
- South: RR, C(P) (County) & LC - vacant
- East: CC - self-storage, car wash, automotive sales, and vacant land
- West: RR (County) - single family houses

Annual Average Daily Traffic: Cedar Creek Road: 9,600

Letters Mailed: 87

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 and Office/Institutional. Low Density Residential is described as mainly single family residential with occasional duplexes or townhomes.

Office/Institutional is intended for medium intensity nonresidential uses such as offices and flexspaces.

**Issues/Analysis:**

History:

A portion of the parcel at the corner of Cedar Creek Road and Water Oaks Drive was annexed into the City of Fayetteville in 1988. The surrounding area along Cedar Creek Road was annexed in 1988 also. The single family house at 1666 Cedar Creek Road was built prior to 1968. There was also a single family house located at 1678 Fields Road which was demolished in the late 1990s or early 2000s. The remaining parcels have

remained vacant during this time.

**Surrounding Area:**

Single family residential houses and vacant land are located to the north of the subject properties. The area to the south of the vacant land is vacant and undeveloped. Several single family houses on large parcels are located to the west of the subject property. A self-storage facility, car wash, and automotive sales office are located to the east of the subject property.

**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 initially zone three parcels. A fourth parcel is partially within the city limits of Fayetteville while the remainder of the parcel is in Cumberland County. The areas that are in the County are currently zoned Rural Residential (RR) while the portion in the currently in the city limits is zoned Single Family Residential 15 (SF-15). The applicant is requesting that all parcels be zoned Mixed Residential 5 (MR-5).

**Straight Zoning:**

The request is for an initial zoning and rezoning from Rural Residential (RR) (County) and Single Family Residential 15 (SF-15) to Mixed Residential 5 (MR-5).

The Mixed Residential 5 (MR-5) 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 development.

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, it is recommended that this portion of the city should be developed as Low Density Residential and Office/Institutional. Low Density Residential is described as mainly single family residential with occasional duplexes or townhomes. Office/Institutional is intended for medium intensity nonresidential uses such as offices and flexspaces.

**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.

**Conclusion:**

While the Future Land Use Plan calls for this area to develop as a mix of Low Density Residential and Office/Institutional, this section of Cedar Creek Road, between L A Dunham Road and I-95, has a range of commercial districts and uses. These commercial

uses are front on Cedar Creek Road with residential developments behind them. The MR-5 zoning district would allow for uses, such as two-to-four family and multi-family dwellings, that could serve as a buffer between these commercial and single family developments.

**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 Office/Institutional (OI).
- 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

**Project Overview****#1207182****Project Title:** Cedar Creek**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

- 0 CEDAR CREEK RD (0446803573000)
- 1674 CEDAR CREEK RD (0446709250000)
- 0 FIELDS RD (0445892478000)
- 1678 FIELDS RD (0445894268000)

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

- 0 CEDAR CREEK RD: ABER, JULIA COBLE;MITCHELL, CHERYL COBLE;BREWER, PEGEEN COBLE;COBLE, RICHARD N;ABER, ALLEN L;ABER, JULIA COBLE;COBLE, RICHARD N;COBLE, KAYE C;MITCHELL, RONNIE M;MITCHELL, CHERYL COBLE
- 1674 CEDAR CREEK RD: ABER, JULIA COBLE;MITCHELL, CHERYL COBLE;BREWER, PEGEEN COBLE;COBLE, RICHARD N;ABER, ALLEN L;ABER, JULIA COBLE;COBLE, RICHARD N;COBLE, KAYE C;MITCHELL, RONNIE M;MITCHELL, CHERYL COBLE
- 0 FIELDS RD: BREWER, PETER A;BREWER, PEGEEN C;ABER, ALLEN L;ABER, JULIA COBLE;COBLE, RICHARD N;COBLE, KAYE C;MITCHELL, RONNIE M;MITCHELL, CHERYL COBLE
- 1678 FIELDS RD: MITCHELL, RONNIE M;MITCHELL, CHERYL C

**Acreage: Parcel**

- 0 CEDAR CREEK RD: 0.35
- 1674 CEDAR CREEK RD: 13.56
- 0 FIELDS RD: 13.01
- 1678 FIELDS RD: 1

**Zoning District: Zoning District**

- 0 CEDAR CREEK RD: SF-15
- 1674 CEDAR CREEK RD: SF-15
- 0 FIELDS RD: cnty
- 1678 FIELDS RD: cnty

**Subdivision Name:****Fire District:****Airport Overlay District: Airport Overlay District**

- 0 CEDAR CREEK RD: 1
- 1674 CEDAR CREEK RD: 1
- 0 FIELDS RD: 1
- 1678 FIELDS RD: 1

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

- 0 CEDAR CREEK RD: 0
- 1674 CEDAR CREEK RD: 0
- 0 FIELDS RD: 0

**Haymount Historic District:****100 Year Flood:** <100YearFlood>**Watershed:****Coliseum Tourism District:****Downtown Historic District:****Floodway:****500 Year Flood:** <500YearFlood>**General Project Information****Has the land been the subject of a map amendment application in the last five years?:** No**Previous Amendment Case #:****Acreage to be Rezoned:** 27.92**Water Service:** Public**A) Please describe all existing uses of the land and existing structures on the site, if any:**

The subject parcels are vacant.

**Previous Amendment Approval Date:****Proposed Zoning District:** MR-5 Residential District**Is this application related to an annexation?:** Yes**Sewer Service:** Public**B) Please describe the zoning district designation and existing uses of lands adjacent to and across the street from the subject site.:**

The adjacent properties are zoned RR and LC. RR allows for residential low density development. LC allows for general retail, business and service uses that serve groups of neighborhoods and residential uses on the upper floors of non-residential establishments. The eastern properties, located across Cedar Creek Road, are the site for a car wash, an automobile repair business and a storage unit facility. There is a residential subdivision located behind the storage unit facility.

**Amendment Justification - Answer all questions on this and all pages in this section (upload additional sheets as needed).****A) State the extent to which the proposed amendment is consistent with the comprehensive plan and all other applicable long-range planning documents.:**

The proposed amendment is consistent with the City's 2040 Comprehensive Plan goals as follows: Goal 1: Focus value and investment around infrastructure and strategic nodes; and Goal 4: Foster safe, stable and attractive neighborhoods.

Further, the proposed amendment aligns with the City's 2040 Comprehensive Plan policies as follows: LU 1: Encourage growth in areas well served by infrastructure and urban services; LU 2: Encourage development standards that result in quality neighborhoods; and LU 7: Encourage a mix of housing types for all ages and incomes.

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

The owner of the property desires to develop the property as a multi-family community.

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

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

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

The subject properties are currently zoned RR and SF15, and the surrounding properties are zoned RR and LC. RR zoning allows for low density residential development. SF15 zoning allows for single-family detached residential development and small-scale multi-family dwellings. LC zoning allows for general retail, business and service uses that serve groups of neighborhoods and residential uses on the upper floors of non-residential establishments. The proposed change to MR-5 will allow for the development of multi-



family dwellings.

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

The proposed amendment will allow the subject properties to be developed as a multi-family development.

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

The proposed amendment will not encourage premature development.

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

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

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

The proposed amendment will not create an isolated district unrelated to the adjacent surrounding zoning districts. The surrounding properties allow for residential development. Further, there is a subdivision located behind the storage unit facility that is located across Cedar Creek Road.

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

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

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

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

### Primary Contact Information

**Contractor's NC ID#:**

**Project Owner**

Darrin Collins  
Cedar Creek Road, LLC  
324 Mason Street  
Fayetteville, NC 28301  
P:910-670-0630  
[darrin@cresfund.com](mailto:darrin@cresfund.com)

**Project Contact - Agent/Representative**

Victoria Clarkson  
The Charleston Group  
201 Hay Street , 2000  
Fayetteville, NC 28302  
P:9104852500  
[vclarkson@charlestongroup.com](mailto:vclarkson@charlestongroup.com)

**As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$40,000. :**

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

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

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

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

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

**NC State Mechanical Contractor:**

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

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

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


## AFFIDAVIT OF OWNERSHIP

I, Darrin Collins, Inc., by Darrin Collins, Member/Manager, being duly sworn, deposes and says:

1. That Cedar Creek Road, LLC is the owner of the properties located at 1666 Cedar Creek Road; 0 Cedar Creek Road; 1674 Cedar Creek Road; 1678 Fields Road; and 0 Fields Road in the City of Fayetteville, a political subdivision of the State of North Carolina.

2. I do hereby give permission to The Charleston Group to submit a Conditional Rezoning/Rezoning/Variance/Special Use (circle one) application to the City of Fayetteville on my behalf for the above referenced property/properties.

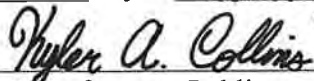
3. This authority is only granted for the application to be submitted on or before March 1, 2024.

  
Signature of Affiant  
Darrin Collins, Inc., by Darrin Collins, Member/Manager

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

Cumberland County, North Carolina

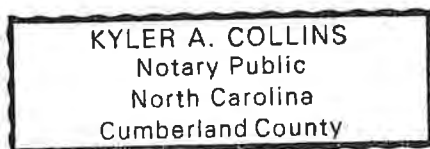
Sworn to and subscribed before me this day on the 8 day of January, 2024.

  
Signature of Notary Public

(Official Seal)

Kyler A. Collins, Notary Public  
Printed Name of Notary Public

My Commission Expires: 4-22-2026



FILED	Dec 19, 2023
AT	09:49:27 AM
BOOK	11877
START PAGE	0063
END PAGE	0070
INSTRUMENT #	38706
RECORDING	\$26.00
EXCISE TAX	\$938.00

Prepared By and Return To: Attorney Steve Bunce

File #55998

*This instrument prepared by Attorney Steve Bunce, a licensed North Carolina Attorney delinquent taxes, if any, to be paid by closing attorney to the County upon disbursement of closing proceeds*

Revenue Stamps \$938.00

Tax Pin Number: 0445-89-2478; 0446-70-9250; 0446-80-3573; &amp; 0446-80-4596

**NORTH CAROLINA****GENERAL WARRANTY DEED****CUMBERLAND COUNTY**

THIS DEED made and entered into this 27th day of October, 2023, by and between **Richard N. Coble and wife Kaye C. Coble; Pegeen Coble Brewer and husband, Peter A. Brewer; Julia Coble Aber and husband, Allen Ligon Aber and Ronnie Monroe Mitchell and wife, Cheryl Coble Mitchell**, hereinafter called "Grantor," whose mailing address is 1901 Water Oaks, Fayetteville, NC 28312 and **Cedar Creek Road, LLC, a North Carolina limited liability company**, whose mailing address is 324 Mason Street, Fayetteville, NC 28301, hereinafter called "Grantee".

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

**WITNESSETH:**

The Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple (with the exceptions hereinafter stated, if any), all the certain tract or parcel of land situated in the City of Fayetteville in Cedar Creek Township, Cumberland County, North Carolina, and more particularly described as follows:

**For legal description, see SCHEDULE A to be attached hereto and made a part hereof, and being the same property described in and conveyed by deed recorded in Book 11207, Page 122. The property is subject to restrictive covenants recorded in Book 11841, Page 443 and as amended in Book 11874, Page 804.**

**This property does not include the primary residence of the Grantor(s).**



TO HAVE AND TO HOLD the aforesaid tract or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple; that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated, if any.

Title to the property hereinabove described is subject to the following exceptions:

- a. County and/or Municipal Zoning Ordinances, Rules, and Regulations.
- b. Restrictive Covenants, Easements, and Rights of Way of Record.
- c. County and/or Municipal Ad Valorem Taxes.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands, the day and year first above written.

Richard N. Coble  
Richard N. Coble

Kaye C. Coble  
Kaye C. Coble

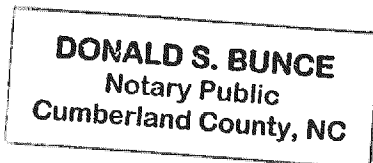
STATE OF NORTH CAROLINA

COUNTY OF CUMBERLAND

I, certify that the following person(s) personally appeared before me this day each acknowledging to me that he or she signed the foregoing document: Richard N. Coble and Kaye C. Coble

Date: 10/31/2023

Donald S. Bunce  
Notary Public Signature



Donald S Bunce  
Printed Name of Notary Public

My Commission Expires: 11/29/2027

TO HAVE AND TO HOLD the aforesaid tract or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple; that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated, if any.

Title to the property hereinabove described is subject to the following exceptions:

- a. County and/or Municipal Zoning Ordinances, Rules, and Regulations.
- b. Restrictive Covenants, Easements, and Rights of Way of Record.
- c. County and/or Municipal Ad Valorem Taxes.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands, the day and year first above written.

*Pegeen Coble Brewer*  
Pegeen Coble Brewer

*Peter A. Brewer*  
Peter A. Brewer

STATE OF NC

COUNTY OF Wake

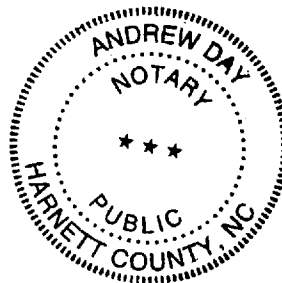
I, certify that the following person(s) personally appeared before me this day each acknowledging to me that he or she signed the foregoing document: Pegeen Coble Brewer and Peter A. Brewer

Date: 10/30/2023

*Andrew Day*  
Notary Public Signature

Andrew Day  
Printed Name of Notary Public

My Commission Expires: June 23<sup>rd</sup> 2025



TO HAVE AND TO HOLD the aforesaid tract or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

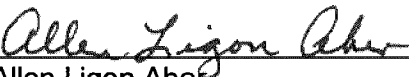
And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple; that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated, if any.

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- b. Restrictive Covenants, Easements, and Rights of Way of Record.
- c. County and/or Municipal Ad Valorem Taxes.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands, the day and year first above written.

  
Julia Coble Aber

  
Allen Ligon Aber

STATE OF NORTH CAROLINA

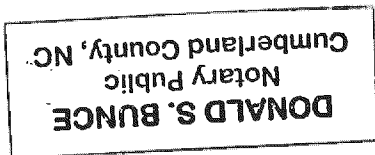
COUNTY OF CUMBERLAND

I, certify that the following person(s) personally appeared before me this day each acknowledging to me that he or she signed the foregoing document: Julia Coble Aber and Allen Ligon Aber

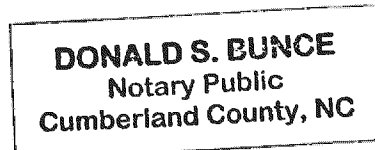
Date: 10/31/2023

  
Notary Public Signature

Donald S. Bunce  
Printed Name of Notary Public



My Commission Expires: 11/29/2027



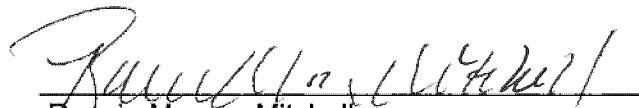
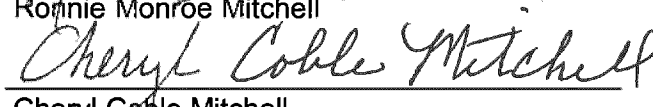
TO HAVE AND TO HOLD the aforesaid tract or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple; that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated, if any.

Title to the property hereinabove described is subject to the following exceptions:

- a. County and/or Municipal Zoning Ordinances, Rules, and Regulations.
- b. Restrictive Covenants, Easements, and Rights of Way of Record.
- c. County and/or Municipal Ad Valorem Taxes.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands, the day and year first above written.

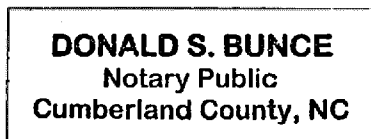
  
Ronnie Monroe Mitchell  
  
Cheryl Coble Mitchell

STATE OF NORTH CAROLINA

COUNTY OF CUMBERLAND\_

I, certify that the following person(s) personally appeared before me this day each acknowledging to me that he or she signed the foregoing document: Ronnie Monroe Mitchell and Cheryl Coble Mitchell

Date: 10/31/2023



  
Notary Public Signature

Donald S. Bunce  
Printed Name of Notary Public

My Commission Expires: 11/29/2027



**SCHEDULE A**

**PARCEL A**

**PIN: 0445-89-2478**

**BEGINNING at a concrete marker on the southern line of the tract of which this is a part, said marker being located the following calls and distances from the southwesternmost "rock" corner of said tract (Book 595, Page 12); North 82 degrees, 24 minutes East 1568.50 feet; and running for a first call North 8 degrees 06 minutes West 691.84 feet to a concrete corner; thence North 75 degrees 48 minutes East, 472.03 feet to an iron pipe corner of the G.T. Lewis property; thence along his property South 28 degrees 22 minutes East 120.00 feet to an iron stake; thence along his property North 60 degrees 37 minutes East 178.25 feet to an iron stake corner; North 82 degrees 23 minutes East 70.45 feet to an iron stake corner; thence South 29 degrees 12 minutes East, 726.32 feet to a concrete marker on the right-of-way of S.R. 2215; thence crossing S.R. 2215 South 80 degrees 49 minutes West 401.27 feet to an iron stake on the north right-of-way of S.R. 2215; thence North 65 degrees 13 minutes East 79.85 feet to an iron stake; thence North 29 degrees 57 minutes West 239.27 feet to an iron stake; thence South 60 degrees 03 minutes West 200.0 feet to an iron stake; thence South 29 degrees 57 minutes East 186.42 feet to a concrete marker; thence South 80 degrees 49 minutes West 345.25 feet to an iron stake; thence South 82 degrees 24 minutes West 133.15 feet to the BEGINNING, containing 13.0 acres of land, more or less.**

**Being a part of the J. Nelson Coble and Virginia Lamm Coble property as described in Deed Book 595, Page 12 and Deed Book 416, Page 133 of the Cumberland County Registry.**

**All of the foregoing being more particularly shown as Tract 6 on a survey dated December 8, 1988, prepared by William D. Bunce, R.L.S., to be recorded in the Office of the Register of Deeds of Cumberland County, North Carolina.**

**PARCEL B**  
**PIN: 0446-70-9250**

**BEGINNING** at a concrete marker on the south line of the easement described herein, said marker being located the following calls and distances from the beginning point of said easement: South 16 degrees 59 minutes East, 60 feet; South 82 degrees 35 minutes West 257.10 feet; and running for a first call South 13 degrees 08 minutes East, 195.00 feet to a concrete corner; thence North 77 degrees 41 minutes East, 267.51 feet to a concrete marker on the right-of-way of N.C. 53-210 (Cedar Creek Road); thence along the right of way South 16 degree 59 minutes East, 200. 56 feet to a concrete corner; thence South 72 degrees 24 minutes West 190.50 feet to a corner; thence South 17 degrees 37 minutes East, 120.00 feet to a corner; thence South 72 degrees 24 minutes West, 179.50 feet to an iron stake corner; thence South 06 degrees 32 minutes East, 107. 80 feet to an iron stake corner; thence South 82 degrees 23 minutes West, 27.20 feet to an iron stake corner; thence South 66 degrees 23 minutes West, 190.00 feet to an iron corner; thence South 75 degrees 48 minutes West, 472.03 feet to a concrete corner; thence North 08 degrees 06 minutes West, 460.00 feet to a corner; thence South 82 degrees 23 minutes West 494. 20 feet to a corner; thence North 11 degrees 05 minutes West, 307. 64 feet to a concrete corner on the right-of-way of the soil road; thence along the road North 82 degrees 35 minutes East, 1224.83 feet to the **BEGINNING**, containing 17.2 acres of land, more or less.

Being a part of the property as described in Deed Book 416, Page 133 and Deed Book 595, Page 12, Cumberland County Registry.

All of the foregoing being more particularly shown as Tract 7 on a survey dated December 8, 1988, prepared by William D. Bunce, R.L.S., to be recorded in the Office of the Register of Deeds of Cumberland County, North Carolina.

**LESS AND EXCEPTING** from the above-described property is all of that 3.5412 acre tract conveyed to Robert C. Naylor, III and wife, Angela L. Naylor by deed recorded in Book 10523, Page 287, Cumberland County Registry, and more particularly described as follows:

**BEGINNING** at a concrete monument being the northeast corner of a lot shown on a plat recorded in Plat Book 141, Page 110, Cumberland County Registry; thence South 76 degrees 53 minutes 48 seconds West a distance of 494.00 feet to a ECM, said ECM being the southeast corner of a tract shown on a deed recorded in Book 10105 Page 573, aforesaid registry and with the eastern line of said tract; thence North 16 degrees 47 minutes 03 seconds West a distance of 307.64 feet to a ECM; thence North 76 degrees 54 minutes 17 seconds East a distance of 511.00 feet to a set IP for corner, thence South 13 degrees 36 minutes 58 seconds East a distance of 306.95 feet to a ECM which is the point of **BEGINNING**, and containing 154,252.82 square feet or 3.5412 acres of land.

**PARCEL C**

**PIN: 0446-80-4596 & 0446-80-3573**

**BEGINNING at a concrete marker on the right-of-way of N.C. 53-210 and a 60 foot right-of-way soil road and running along N.C. 53-210 South 16 degrees 59 minutes East, 173.59 feet to a concrete corner; thence South 77 degrees 41 minutes West, 267.51 feet to a concrete corner; thence North 13 degrees 08 minutes West, 195.00 feet to a concrete corner on the right-of-way of a soil road; thence along the soil road North 82 degrees 35 minutes East, 257. 10 feet to the BEGINNING, containing 1.1 acres of land.**

**Being a part of the J. Nelson Coble and Virginia Lamm Coble property as described in Deed Book 416, Page 133, Cumberland County Registry.**

**All of the foregoing being more particularly shown as Tract 8 on a survey dated December 8, 1988, prepared by William D. Bunce, R.L.S., to be recorded in the Office of the Register of Deeds of Cumberland County, North Carolina.**

FILED	Dec 19, 2023
AT	09:49:27 AM
BOOK	11877
START PAGE	0071
END PAGE	0073
INSTRUMENT #	38707
RECORDING	\$26.00
EXCISE TAX	\$70.00

Excise Tax \$ 70.00 | Recording Time, Book and Page

Tax Lot No. \_\_\_\_\_ Parcel Identifier No. 0445-89-4268

Verified by \_\_\_\_\_ County on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

by \_\_\_\_\_

Mail after recording to STEVE BUNCE 55921

This instrument was prepared by Ronnie M. Mitchell, Attorney

The Property being conveyed is not the  
primary residence of the grantors

Brief Description for the index

1675 Fields Road, Fayetteville, NC

## NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made the 18 day of December, 2023, by and between

GRANTOR

RONNIE M. MITCHELL, and wife,  
CHERYL COBLE MITCHELL

1901 WATER OAKS ROAD  
FAYETTEVILLE NC 28312

GRANTEE

CEDAR CREEK ROAD, LLC

324 MASON STREET  
FAYETTEVILLE NC 28301

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

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the Judson Township, Cumberland County, North Carolina and more particularly described as that certain parcel generally known as 1675 Fields Road, Fayetteville, NC 28312, and further more particularly described in **Exhibit A**, attached hereto and incorporated and adopted herein by reference.

The property hereinabove described was acquired by Grantor by instrument recorded in Cumberland County Registry at Book 5388, Page 532 and Book 7766, Page 485.

submitted electronically by "Attorney Steve Bunce"  
in compliance with North Carolina statutes governing recordable documents  
and the terms of the submitter agreement with the Cumberland County Register of Deeds.



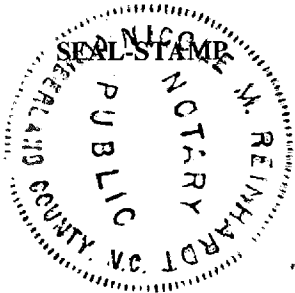
TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated.

Title to the property hereinabove described is subject to the following exceptions: all easements which appear of record; all restrictive covenants and agreements establishing restrictive covenants, including, but not limited to those recorded at Book 11841, pages 0443 through 0448, and Book 11874, pages 0804 through 0811 in the Office of the Register of Deeds of Cumberland County, North Carolina.

IN WITNESS WHEREOF, the Grantors have set their hands and seals, the day and year first above written.

Ronnie M Mitchell (SEAL)  
 Ronnie M Mitchell  
Cheryl Coble Mitchell (SEAL)  
 Cheryl Coble Mitchell



NORTH CAROLINA

CUMBERLAND COUNTY

I, Nicole M. Reinhardt, a Notary Public in and of North Carolina, do hereby certify that Ronnie M. Mitchell personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 18th day of December, 2023.

Nicole M Reinhardt (SEAL)  
 Notary Public  
 My commission expires: 08/19/2027



NORTH CAROLINA

CUMBERLAND COUNTY

I, Nicole M. Reinhardt, a Notary Public in and of North Carolina, do hereby certify that Cheryl Coble Mitchell personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 18th day of December, 2023.

Nicole M Reinhardt (SEAL)  
 Notary Public  
 My commission expires: 08/19/2027

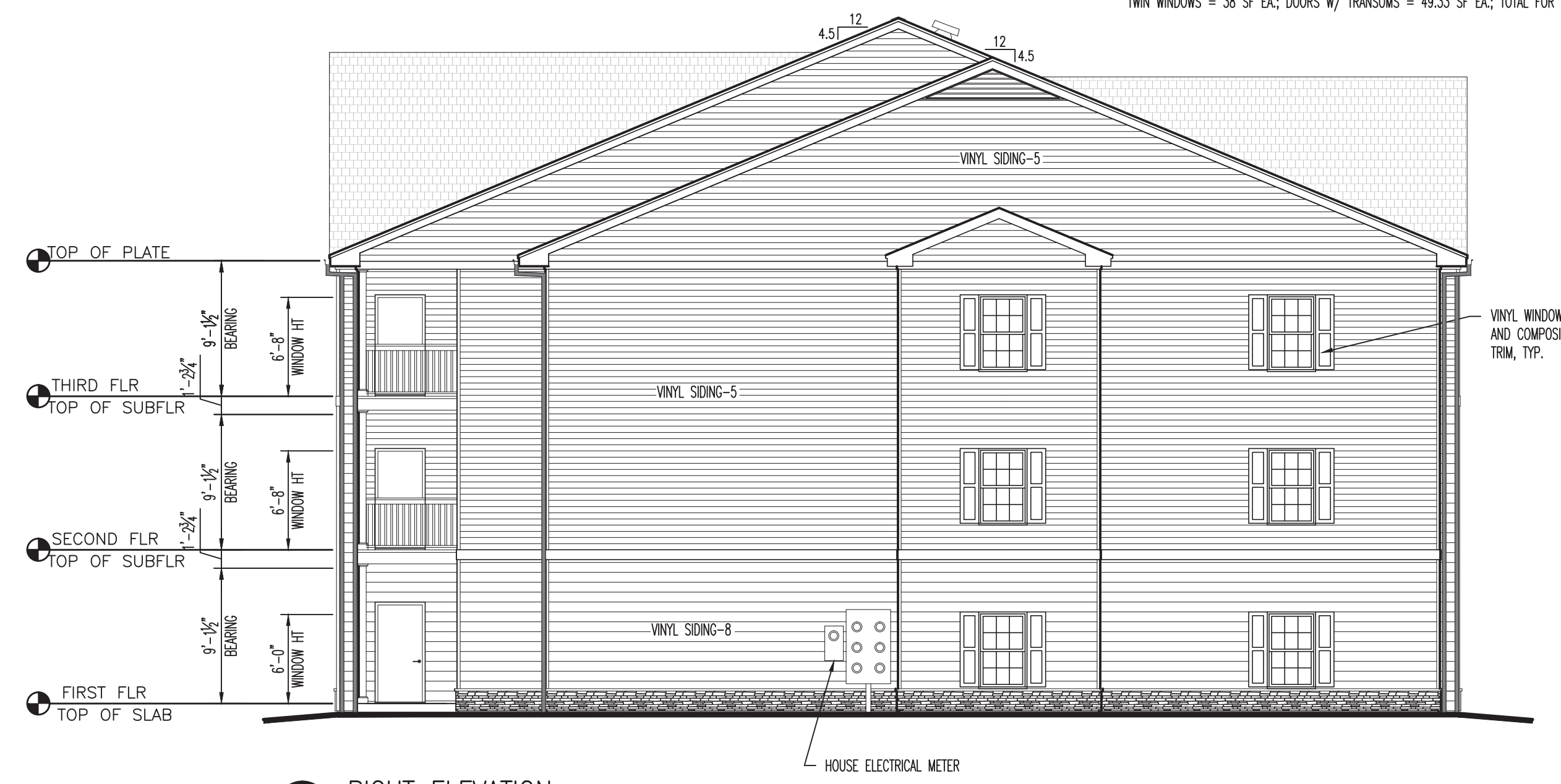
Exhibit "A"  
Legal Description

**BEGINNING** at an iron stake in the northern right-of-way margin of Fields Road (State Road 2215, 60 foot right-of-way), said stake being South 81 degrees 01 minutes West 401.27 feet from the southeast corner of the tract of which this is a part, and running thence with the southern line South 81 degrees 01 minutes West 128.83 feet to an iron stake; thence a new line North 29 degrees 45 minutes West 186.42 feet to an iron stake; thence North 60 degrees 15 minutes East 200.00 feet to an iron stake in the western margin of a proposed 60 feet street; thence with said street South 29 degrees 45 minutes East 239.27 feet to an iron stake in the northern margin of Fields Road; thence with said road South 65 degrees 25 minutes West 79.85 feet to the **BEGINNING**. Containing 1.0 acres, more or less. Being a part of that certain tract of land conveyed to J. N. Coble and wife by J. Kermit Weeks and wife on April 3rd, 1952, as shown on record in the Cumberland County, North Carolina Registry in deed book 595, page 12. Also being the same tract of land conveyed by J. Nelson Coble and wife, Virginia Lamm Coble to Roy Weldon Davis by deed dated July 28, 1972, duly recorded in Book 2336, Page 268, Cumberland County Registry.



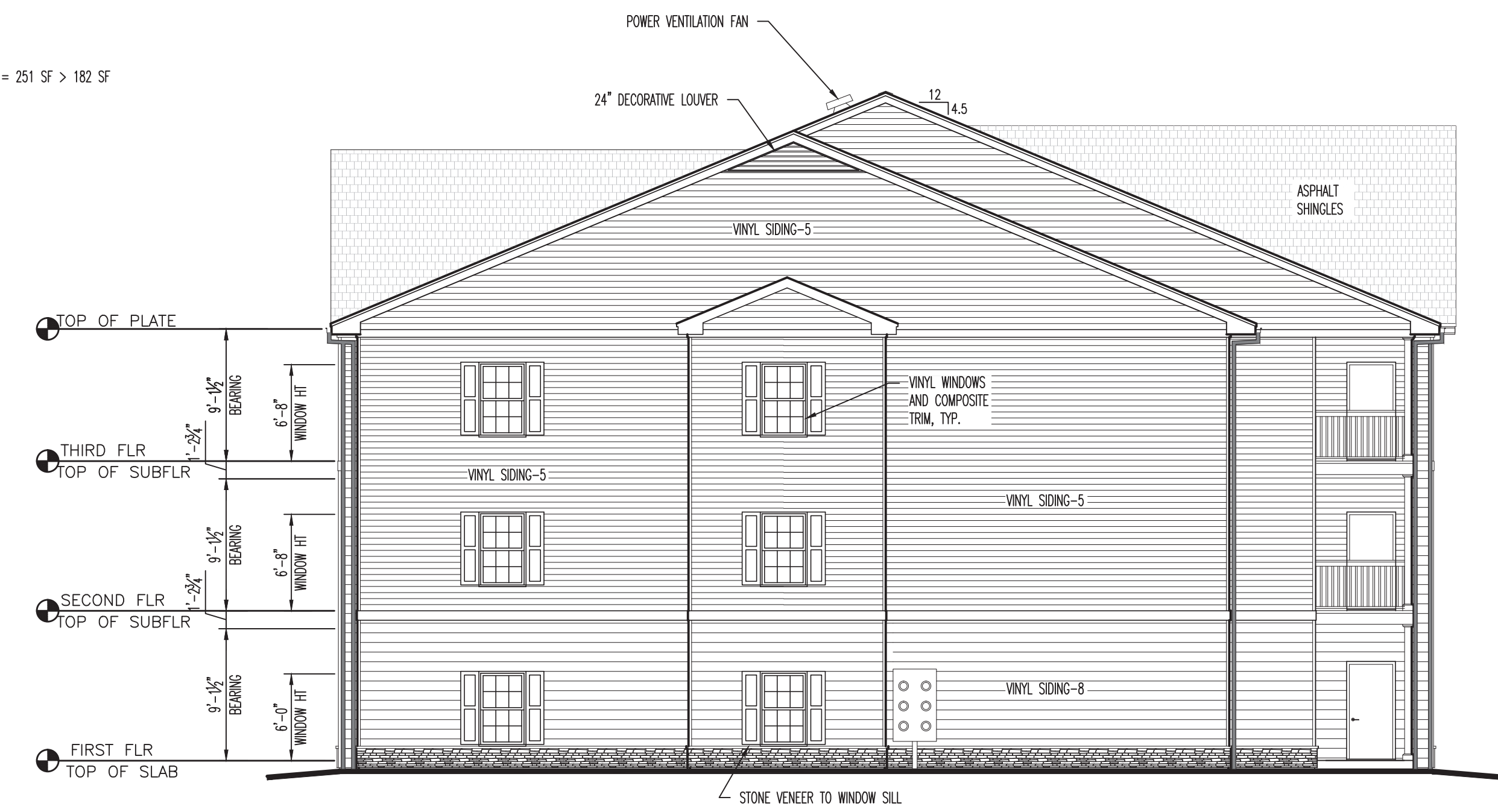
C3 REAR ELEVATION (STREET FACING)

SCALE: 1/8" = 1'-0"  
FIRST-FLOOR WALL AREA: 81' X 9' = 729 SF; 25% = 182 SF  
TWIN WINDOWS = 38 SF EA; DOORS W/ TRANSOMS = 49.33 SF EA; TOTAL FOR WINDOWS & DOORS = 251 SF > 182 SF



B1 RIGHT ELEVATION

SCALE: 1/8" = 1'-0"



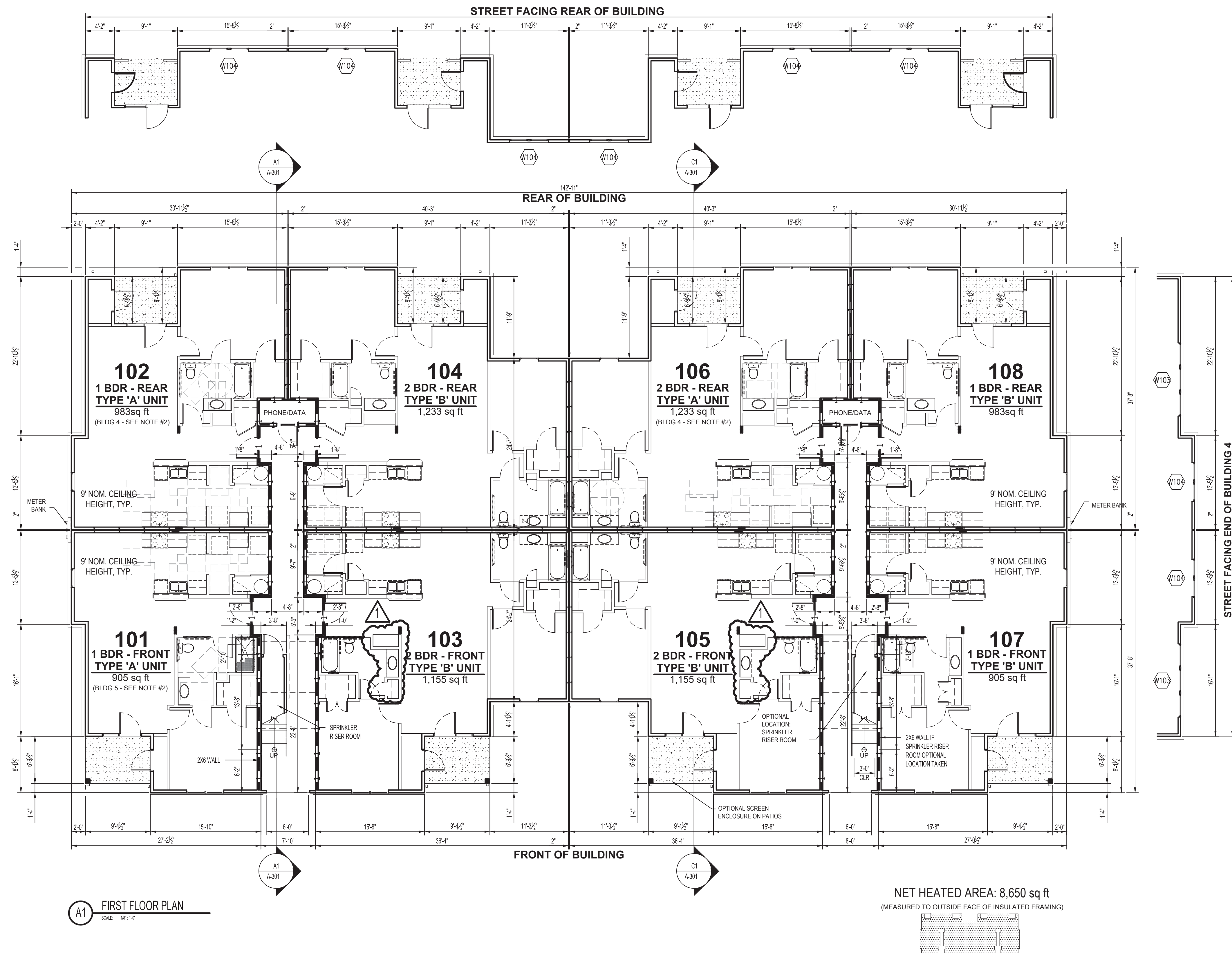
B4 LEFT ELEVATION

SCALE: 1/8" = 1'-0"

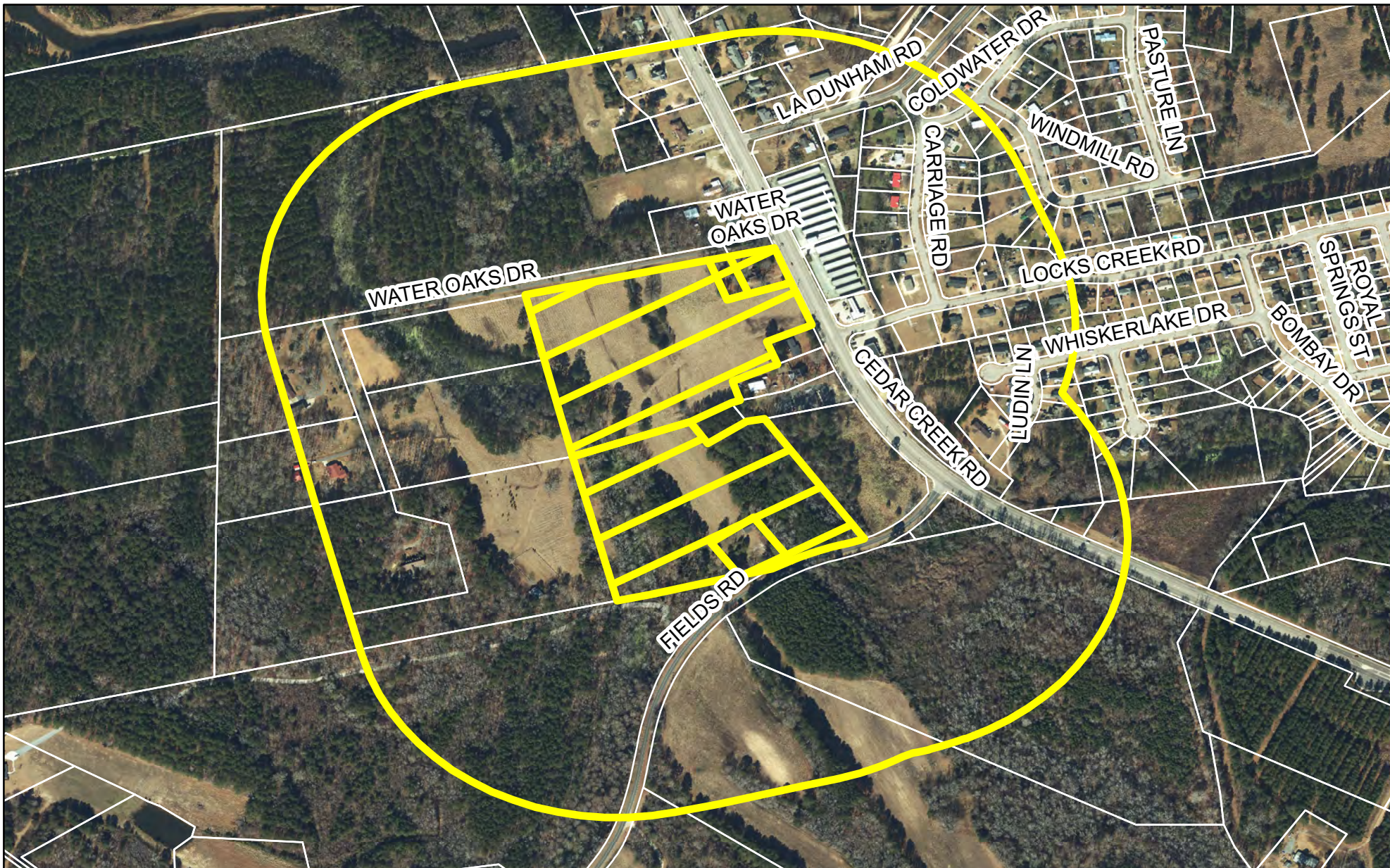


A3 FRONT ELEVATION (PARKING LOT)

SCALE: 1/8" = 1'-0"







## Aerial Notification Map

Case #: P24-12

Request: Rezoning

Rural Residential (RR)(County) and  
Single Family Residential 15 (SF-15) to  
Mixed Residential 5 (MR-5)

Location: 0, 1666, & 1674 Cedar Creek Rd and

0 & 1678 Fields Rd

0446803573000, 0446804658000, 0446709250000,

0445892478000, and 0445894268000

## Legend



P24-12



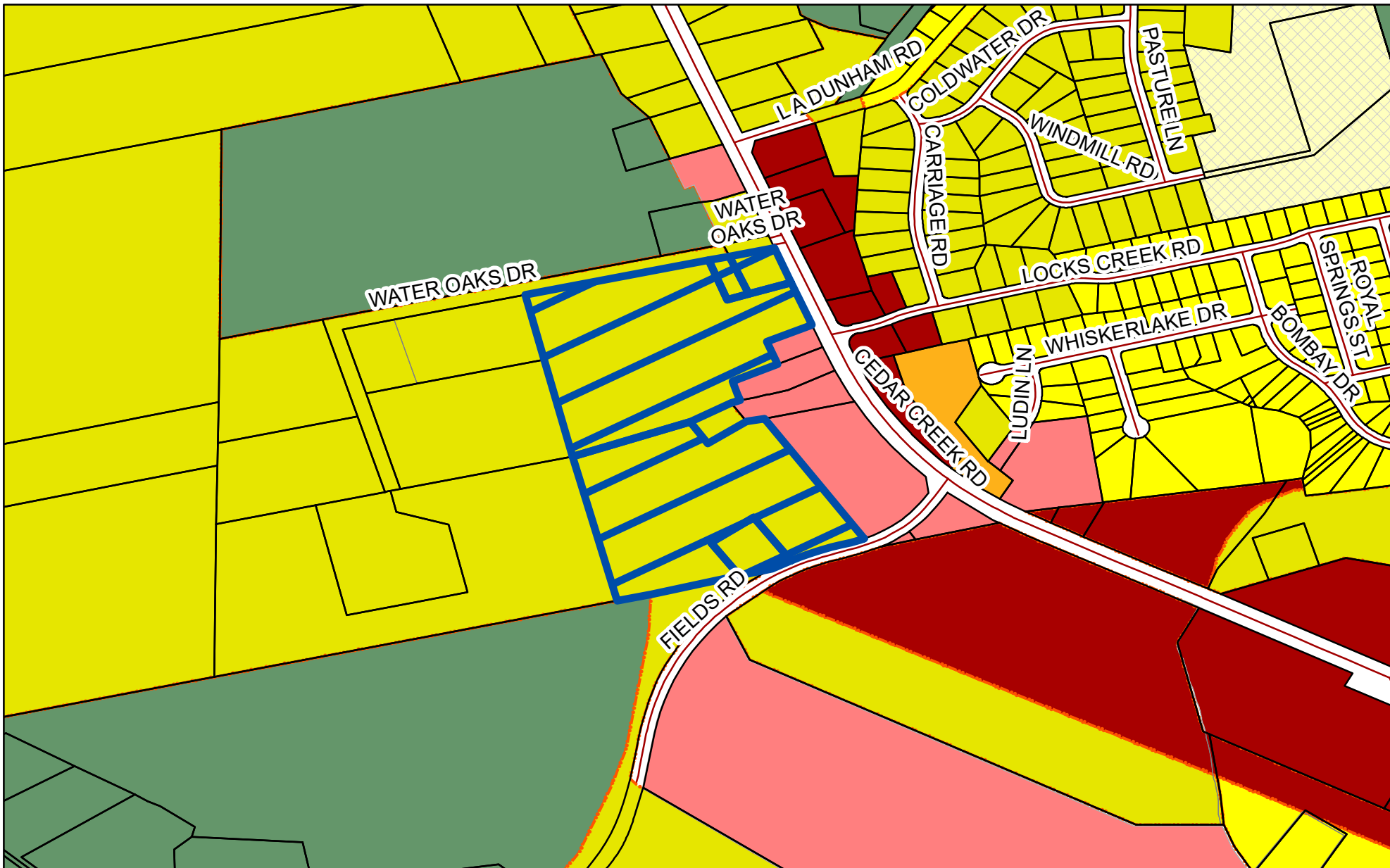
P24-12 Notification Buffer



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







## Zoning Map

Case #: P24-12

Request: Rezoning

Rural Residential (RR)(County) and  
Single Family Residential 15 (SF-15) to  
Mixed Residential 5 (MR-5)

Location: 0, 1666, & 1674 Cedar Creek Rd and

0 & 1678 Fields Rd

0446803573000, 0446804658000, 0446709250000,  
0445892478000, and 0445894268000

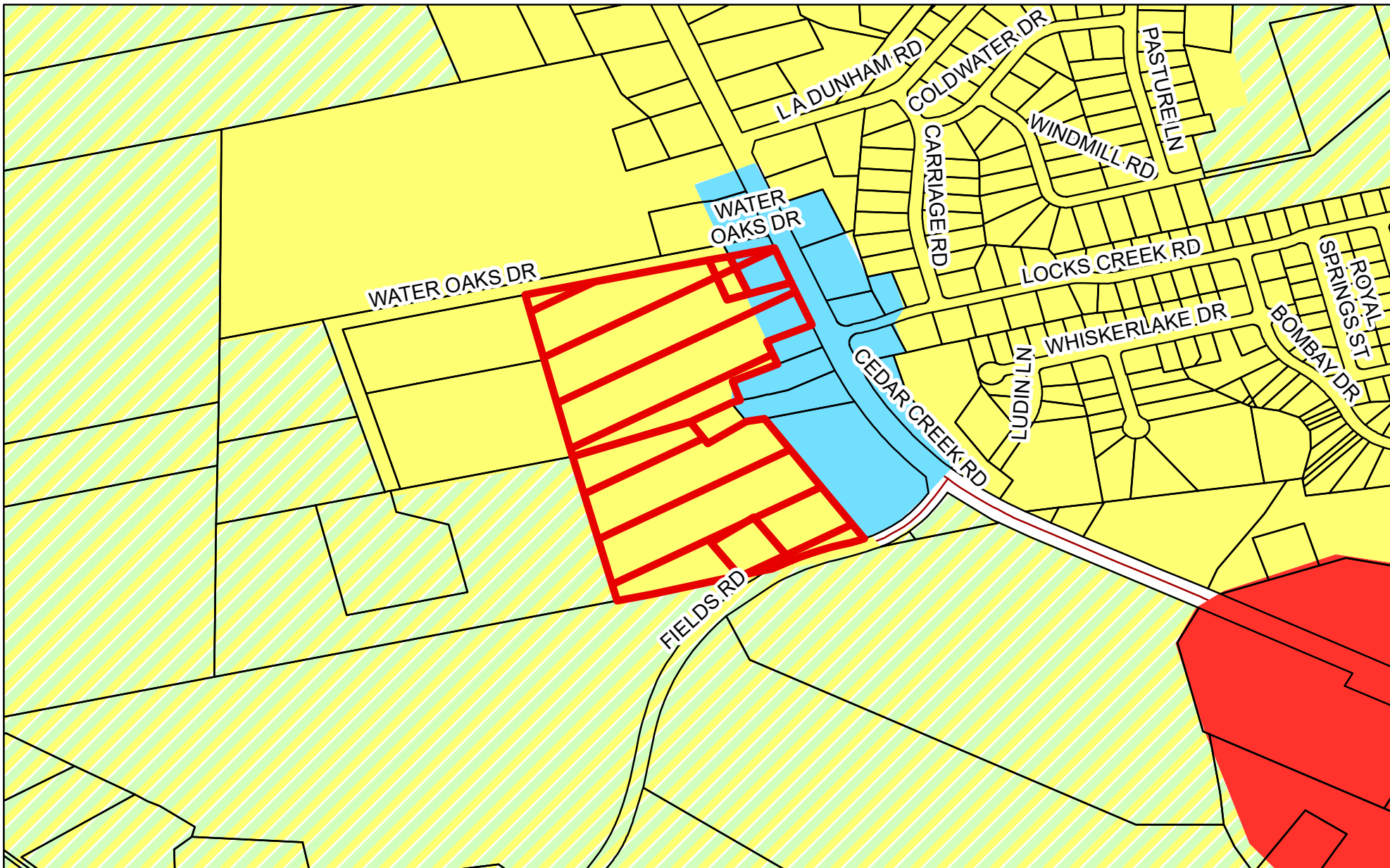
### Legend

	P24-12		AR - Agricultural-Residential
	gis_ware_1		CC - Community Commercial
	A1		LC - Limited Commercial
	C(P)		MR-5 - Mixed Residential 5
	R10		SF-6/MHO - Single-Family Residential 6 Manufactured Home Overlay
	RR		SF-10 - Single-Family Residential 10
			SF-15 - Single-Family Residential 15
			County



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 #: P24-12

Request: Rezoning

Rural Residential (RR)(County) and  
Single Family Residential 15 (SF-15) to  
Mixed Residential 5 (MR-5)

Location: 0, 1666, & 1674 Cedar Creek Rd and

0 & 1678 Fields Rd

0446803573000, 0446804658000, 0446709250000,

0445892478000, and 0445894268000

### Legend

 P24-12

### Land Use Plan 2040

#### Character Areas

 OSS - OPEN SPACE SUBDIVISIONS

 LDR - LOW DENSITY

 HC - HIGHWAY COMMERCIAL

 OI - OFFICE / INSTITUTIONAL



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 P24-12 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 #1: Focus value and investments around infrastructure and strategic nodes	<b>X</b>	
GOAL #2: Promote compatible economic and commercial development in key identified areas	<b>X</b>	

#### 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>	<b>X</b>	
1.4: Require annexation and adherence to development standards for any development proposal within the city's Municipal Influence Area (MIA) if city services are to be provided.	<b>X</b>	
1.6: Require adequate infrastructure to be in place prior to or in tandem with new development		
<b>LUP 2: Encourage strategic economic development</b>	<b>X</b>	
2.1: Encourage economic development in designated areas	<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 standards	<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.

       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):

February 13, 2024

Date

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

\_\_\_\_\_  
Print