



City of Fayetteville

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

Meeting Agenda - Final Zoning Commission

Tuesday, May 14, 2024

6:00 PM

FAST Transit Center

1.0 CALL TO ORDER

2.0 APPROVAL OF AGENDA

3.0 CONSENT

3.01 Approval of Minutes: April 9, 2024

4.0 PUBLIC HEARINGS (Public & Legislative)

4.01 P24-07. Initial Rezoning of 3.5 acres ± from Planned Industrial (M(P)) to Light Industrial (LI), located at 2246 Angelia M Street (REID # 0447927785000), and being the property of Judd Brook 6, LLC, represented by Gordon Rose.

4.02 P24-21. Rezoning from Single Family Residential 6 (SF-6) to Limited Commercial (LC) located at 1202 Irving Drive (REID 0438523391000) totaling .24 acres ± and being the property of Charles Davenport.

4.03 P24-22. Initial map amendment from Rural Residential (RR) (County) to Mixed Residential 5 Conditional (MR-5/CZ) located at 1666 & 1674 Cedar Creek Rd and) & 0 and 1678 Fields Rd (REID 0446709250000, 0446804556000, 0445894268000, 0445892478000) totaling 27.72 acres ± and being the property of Cedar Creek Road, LLC.

4.04 P24-23. Rezoning of multiple properties from Single Family Residential 10 (SF-10) and Limited Commercial (LC) to Office and Institutional (OI), located on the north side of Village Drive between Roxie Avenue and Owen Drive, totaling 7.54 acres ± and being the properties of Cumberland County Hospital System Inc., NGOASONG LLC, James G. Davis, and Village Commercial Properties, LLC.

4.05 P24-24. Rezoning from Limited Commercial Conditional Zoning (LC/CZ) to Limited Commercial (LC) located at 7376 & 7376 Stoney Point Road (REID #s 9495108581000 & 9495109789000) totaling 8.65 acres ± and being the property of Kazi Hasiba Burns.

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: 24-4019

Agenda Date: 5/14/2024

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: May 14, 2024
RE: Approval of Meeting Minutes: April 9, 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: April 9, 2024

**MINUTES
CITY OF FAYETTEVILLE
ZONING COMMISSION MEETING
FAST TRANSIT CENTER COMMUNITY ROOM
APRIL 9, 2024 @ 6:00 P.M.**

MEMBERS PRESENT

Pavan Patel, Chair
Alex Keith, Vice-Chair
Tyrone Simon
Justin Herbe, Alternate

STAFF PRESENT

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

MEMBERS ABSENT

Stephen McCorquodale
Kevin Hight

The Zoning Commission Meeting on Tuesday, April 9, 2024, was called to order by Chair Pavan Patel at 6 p.m. The members introduced themselves.

I. APPROVAL OF THE AGENDA

MOTION: Tyrone Simon

SECOND: Justin Herbe

VOTE: Unanimous (4-0)

II. APPROVAL OF THE CONSENT AGENDA TO INCLUDE THE MINUTES FROM THE MARCH 12, 2024, MEETING

MOTION: Tyrone Simon

SECOND: Alex Keith

VOTE: Unanimous (4-0)

I. LEGISLATIVE 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 case or ex parte communication to disclose regarding the case. Mr. Patel opened the legislative hearing for case P24-19.

P24-19. Rezoning from Single-Family Residential 6 (SF-6) to Mixed Residential 5 (MR-5) located at 0 Preston Avenue and 0 Pelt Drive (REID #'s 0428469409000 & 0428550724000), totaling 19.65 acres ± and being the property of Wood Valley NC LLC & CDM II LLC.

Heather Eckhardt presented case P24-19. She said this is a request to rezone two parcels from SF-6 and SF-10 to MR-5. The property is between Murchison Road and Pamalee Drive. The smaller of the two parcels is SF-10.

The Future Land Use Plan designates the area as high and medium residential. An apartment complex is located to the west of the property. The MR-5 zoning district aligns with the Future Land Use Plan. Staff is recommending approval of this rezoning. Ms. Eckhardt provided the Board with their voting options.

Mr. Patel opened the hearing for case P24-19.

Speaker in favor:

Darrin Collins, 324 Mason Street, Fayetteville NC

- Mr. Collins stated he has developed apartments in the area and this development would add an additional 140 units to Fayetteville.

Mr. Patel inquired about the number of apartment units and Mr. Collins said 148 units can be built on the outside tract. He said they are adding to the current residential units that exist on the property. Mr. Herbe asked if there was a Future Land Use Map available. Ms. Eckhardt put the map on the screen for the Board. She said the smaller parcel is medium density and the larger parcel is high density according to specifications outlined in the Future Land Use Plan.

Mr. Patel closed the hearing for case P24-19.

MOTION: Alex Keith made a motion to approve case P24-19 based on consistency and reasonableness statements.

SECOND: Pavan Patel

VOTE: Unanimous (4-0)

III. OTHER BUSINESS

Mr. Harmon said there will be two possible rezoning cases for the meeting next month.

IV. ADJOURNMENT

MOTION: Alex Keith made a motion to adjourn the April 9, 2024, meeting.

SECOND: Justin Herbe

VOTE: Unanimous (4-0)

The meeting adjourned at 6:14 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: 24-3826

Agenda Date: 5/14/2024

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: May 14, 2024

RE:

P24-07. Initial Rezoning of 3.5 acres ± from Planned Industrial (M(P)) to Light Industrial (LI), located at 2246 Angelia M Street (REID # 0447927785000), and being the property of Judd Brook 6, LLC, represented by Gordon Rose.

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 Bobcat Facility at 2246 Angelia M Street is seeking a rezoning for its 3.5-acre property to Light Industrial (LI). According to the applicant, the proposal aligns with the city's comprehensive plan and addresses changing conditions related to public utilities. With a focus on logical development and minimal adverse impacts, the project aims to continue its industrial use while accessing public water and sewer services. This rezoning request is in conjunction with a petition for annexation.

Background:

Owner: Judd Brook 6, LLC

Applicant: Gordon Rose

Requested Action: M(P) to LI

REID #s: 0447927785000

Potential Council District: 2 - Malik Davis

Status of Properties: Sales and service facility for Bobcat equipment

Size: 3.5 acres ±

Adjoining Land Use & Zoning:

- North: RR and M(P) - Residential and Industrial
- South: NC HWY 24 and RR
- East: M(P) - Landscaping contractor office with material storage
- West: M(P) - Vehicle Maintenance Facility

Annual Average Daily Traffic: State Highway 24 - 12,000

Postcards Mailed: 37

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 an Industrial/Employment Center (EC). These areas predominantly consist of high-intensity nonresidential uses with high impact or likelihood for nuisance, regional employment centers including larger industrial uses, and/or business parks.

Issues/Analysis:

History:

The parcel has been developed and in use as some form of storage or industrial use since 1982, according to aerial photography provided by the Cumberland County GIS. It appears there has only ever been one pre-engineered steel frame building on the property which was built in 1981. Judd Brook 6, LLC, a Virginia limited liability company, acquired the property from John R. Brantley, III, and their wife, Barbara L. Brantley in December 2020.

Surrounding Area:

Across Whitehead Road stands a landscaping contractor office with material storage, while the property at the intersection of Whitehead Road and Angelia M Street is residential. On the other side of Angelia M Street, at 2239 Angelia M Street, there seems to be an industrial facility, and adjacent to the west is a vehicle maintenance facility. The subject property is presently utilized for Bobcat equipment sales and service.

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 seeking to rezone one parcel currently Planned Industrial (M(P)) in Cumberland County to Light Industrial (LI) inside the City of Fayetteville. The Light Industrial (LI) District is created to support small-scale or minimally impactful industrial activities, including light manufacturing, assembly, fabrication, processing, distribution, storage, and research and development. The district adheres to stringent standards to mitigate potential nuisances, environmental harm, and adverse effects on neighboring uses. Additionally, limited retail support may be permitted for warehousing, distribution, and light manufacturing activities as outlined in Section 30-4.D on

Accessory Uses.

Straight Zoning:

The request is for a straight rezoning from Planned Industrial (M(P)) to Light Industrial (LI).

The reclassification of land to a base zoning district without conditions allows all of the uses shown in the Use Table in 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:

The proposed rezoning of the Bobcat Facility at 2246 Angelia M Street from M(P) to LI is strategically aligned with the city's comprehensive plan and overarching goals for responsive governance and sustainable economic growth. The request supports a diverse tax base, fosters a favorable development climate, and manages the city's future growth according to the Strategic Operating Plan. The current land use coexists with surrounding areas featuring a mix of rural residential, industrial, and commercial uses. This rezoning is in harmony with the 2040 Comprehensive Plan, which designates the region as an Industrial/Employment Center (EC), and the shift from M(P) to LI aligns with this vision for high-intensity nonresidential uses. The proposed rezoning stands as a logical and strategic move, fostering a well-integrated industrial area in line with the City's long-term vision.

Consistency and Reasonableness Statements:

According to the 2040 Future Land Use Plan, this proposed development falls within Goal #1 of the plan - Focus value and investments around infrastructure and strategic nodes, Goal #2 - Promote compatible economic and commercial development in key identified areas, and Goal #4 - Foster safe, stable, and attractive neighborhoods.

Under the plan's Land Use Policies and Strategies section, this proposed development falls under the following:

LU - 1: Encourage growth in areas well-served by infrastructure and urban services, including roads, utilities, parks, schools, police, fire, and emergency services.

- 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.

LU - 2: Encourage Strategic Economic Development

- 2.1: Encourage economic development in designated areas.
 - Encourage economic development in key areas including Downtown Office/Institutional Areas, Industrial/Employment Areas, Regional and Community Centers, and Highway Commercial Areas.

LU - 4: Create well-designed and walkable commercial and mixed-use districts.

- 4.1: Ensure new development meets basic site design standards
 - Standards should include:
 - Connected streets, entrances, and parking lots
 - Sidewalks and pedestrian pathways on both sides of all public rights-of-way (at the minimum)
 - High-quality building materials
 - Landscaping, shade, and street trees
 - Perimeter buffers
 - Low-level parking lot screening
 - Storm water retention and infiltration

- 4.2: Encourage context-sensitive site design
 - Design commercial and mixed-use areas to be walkable areas with pedestrian connection between uses and buildings.
 - Encourage buildings to be located close to the street, especially near key intersections, with parking located to the side or behind the buildings.
 - Require short block lengths (max. 400 to 600 feet) and connections to adjacent development (crosswalks, etc.).
 - Ensure development standards specify:
 - Transition in building scale between new buildings and surrounding neighborhoods.
 - Building and parking orientation and design.
 - Landscaped buffers, tree save areas, and site design that provides transitions between more and less intense uses.

LU - 5: Improve Gateways

- 5.1: Continue to require perimeter landscaping and planting islands in significant renovations and redevelopment along commercial corridors.
 - There are currently several gateways into the City that have underutilized commercial areas. Recent changes to development standards are improving some areas incrementally, however, approving exceptions during rezoning and/or for small properties can stall this incremental improvement and potentially harm adjacent properties and future development.

LU - 10: Support land use, site design, and capital improvement initiatives that increase resiliency and reduce impacts from flooding and natural disasters.

- 10.1: Encourage on-site stormwater control measures that reduce the impacts of new development.
 - 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.

Budget Impact:

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

Options:

1. Recommend approval of the map amendment to LI 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 LI 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 an Industrial/Employment Center (EC).
- 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
#1201417

Project Title: Bobcat Facility - Angelia M Street
Application Type: 5.1) Rezoning (Map Amendment)
Workflow: Staff Review

Jurisdiction: City of Fayetteville
State: NC
County: Cumberland

Project Location

Project Address or PIN: 2246 ANGELIA M ST
 (0447927785000)

Zip Code: 28312

GIS Verified Data

Property Owner: Parcel
 • 2246 ANGELIA M ST: JUDD BROOK 6, LLC

Acreage: Parcel
 • 2246 ANGELIA M ST: 3.5

Zoning District: Zoning District
 • 2246 ANGELIA M ST: cnty

Subdivision Name:

Fire District:

Airport Overlay District: Airport Overlay District
 • 2246 ANGELIA M ST: 1

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: Light Industrial (LI)

Acreage to be Rezoned: 3.5

Is this application related to an annexation?: Yes

Water Service: Public

Sewer Service: Public

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

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

Sales and service facility for Bobcat equipment

Property across Whitehead Road is a landscaping contractor office with material storage.

Property at intersection of Whitehead Road and Angelia M Street is residential.

Property across Angelia M Street at 2239 Angelia M Street appears to be some type of industrial facility.

Property adjacent to the west is a vehicle maintenance facility.

Subject property is currently being used for Bobcat equipment sales and service.

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

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

Proposed amendment is consistent with the surrounding uses.

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

Property will utilize public water and sanitary sewer which requires annexation.

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

Allows for continued use of property and accessing public water and sanitary sewer. This will eliminate the need for a septic system.

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 majority of the other properties along Angelia M Street are industrial. This amendment will allow the continued use as existing while accessing public water and sewer.

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

Consistent with existing uses in the area. Property is located on a major arterial road with easy access to I-95 which is important for industrial uses.

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

Most of the surrounding properties are already developed with similar uses. The existing Bobcat sales and service facility is currently operating on this property.

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

Adjacent uses would qualify as commercial or light industrial.

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.:

This does not create an isolated zoning district. This property and surrounding properties are currently zoned M(P) in the County with the exception of one property zoned Rural Residential.

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

This amendment continues an existing use, consistent with surrounding uses, and would not have adverse impacts on property values. The proposed improvements will improve property values.

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

None. By using public water and sanitary sewer, septic tanks will not be required which could impact groundwater quality. The development will also include a stormwater control measure to treat stormwater runoff.

Primary Contact Information

Contractor's NC ID#:

Project Owner

Chris Classen
Judd Brook 6, LLC
4551 Cox Road, Suite 425
Glen Allen, VA 23060

P:860-531-2655

chris.classen@scott-scott.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: 82711

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:

Project Contact - General Contractor

Julianne Harrelson

Critical Path Solutions

109 Gillespie Street

Fayetteville, NC 28301

P:910-745-8112

j.harrelson@criticalpathsolutions.com

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

FILED Dec 31, 2020
AT 02:35:39 PM
BOOK 10981
START PAGE 0381
END PAGE 0385
INSTRUMENT # 50177
RECORDING \$26.00
EXCISE TAX \$790.00

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

Parcel Identifier No.: 0447-92-7785

Excise Tax: \$790.00

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

Return after recording to: Joel Jenkins, Esq.

This Deed made this the 31st day of December, 2020 by and between:

J-3473020-Y

GRANTOR	GRANTEE
JOHN R. BRANTLEY, III and wife, BARBARA L. BRANTLEY	JUDD BROOK 6, LLC, a Virginia limited liability company
Mailing Address: 4 Mallard Shores Place Lexington, SC 29072	Mailing Address: 919 E. Main Street, Suite 2010 Richmond, VA 23219

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

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

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

FOR LEGAL DESCRIPTION, SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY THIS REFERENCE.

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

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

And the Grantor covenants with the Grantee, that the Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of persons claiming by, under or through Grantor, except for the exceptions hereinafter stated.

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

All valid and enforceable easements, restrictions and rights-of-way of record; and the lien of ad valorem taxes for 2020.

[SIGNATURE PAGES FOLLOW]

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

Barbara L. Brantley, the wife of John R. Brantley, III, joins in this Deed solely for the purpose of relinquishing, waiving and releasing her right to a life estate in one-half (1/2) in value of the above-described premises of which her husband was seized and possessed of an estate of inheritance at any time during coverture as provided in N.C. Gen. Stat. Section 29-30(a) and relinquishes, waives and releases any and all other rights created in said statute or any other statute to like effect. The following makes no warranty, express or implied, as to the title to the premises.

Barbara L. Brantley

By: Barbara L. Brantley

State of North Carolina
County of Cumberland

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Barbara L. Brantley

Dated: 12/28/2020

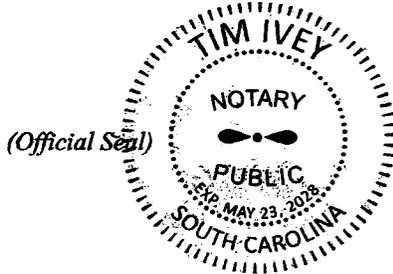
Tim Ivey

Notary Public

Printed Name: Tim Ivey

Notary Public

My commission expires: May 23, 2028



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

John R. Brantley, III
By: John R. Brantley, III

State of North Carolina
County of Cumberland

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: John R. Brantley, III.

Dated: December 31, 2020

[Signature]
Notary Public

Printed Name: Richard A Galt
Notary Public

(Official Seal)

My commission expires: Dec 15, 2025

Richard A Galt
NOTARY PUBLIC
Cumberland County, NC
My Commission Expires December 15, 2025

EXHIBIT "A"

LEGAL DESCRIPTION

TRACT ONE: BEGINNING at a concrete monument on the western right of way margin of State Road 1761 (Whitehead Road) said monument being also on the northern right of way margin of North Carolina Highway #24, and runs thence with said margin of North Carolina Highway #24, South 56 degrees 35 minutes 45 seconds West 206.20 feet to another concrete monument on right of way margin of North Carolina Highway #24, thence continuing with said margin, North 89 degrees 14 minutes 31 seconds West 332.38 feet to an iron pipe; thence leaving said highway right of way, North 08 degrees 42 minutes 29 seconds West 232.02 feet to an iron pipe on the southern right of way margin of a 60.0 foot ingress and egress strip; thence with said margin of the 60.0 foot strip, North 81 degrees 17 minutes 31 seconds East 510.66 feet to an iron pipe on the western right of way margin of Whitehead Road, thence with said margin South 13 degrees 07 minutes 11 seconds East 100.70 feet to a concrete monument; thence continuing with said margin, South 06 degrees 51 minutes 45 seconds East 100.0 feet to the BEGINNING and containing 3.0 acres. Being the same land described in a deed recorded in Book 2660, Page 203, Cumberland County Registry.

TRACT TWO: BEGINNING at an iron in the northern right of way of Highway NC 24, said iron being the southwest corner of a 3.0 acre tract heretofore conveyed to Southland Equipment

Company and runs thence as the northern right of way of Highway NC 24 two courses as follows: North 89 degrees 14 minutes 31 seconds West 71.14 feet to a concrete monument; thence South 89 degrees 15 minutes 26 seconds West 28.10 feet to a point; thence North 8 degrees 42 minutes 29 seconds West 216.43 feet to a point; thence North 81 degrees 17 minutes 31 seconds East 98.0 feet to an iron, the northwest corner of the 3.0 acre tract conveyed to Southland Equipment Company; thence as the western line of said tract, South 8 degrees 42 minutes 29 seconds East 232.02 feet to the point of BEGINNING, containing 0.50 acre more or less. Being the same land described in a deed recorded in Book 2791, Page 147, Cumberland County Registry.

LESS AND EXCEPTING ANY OUT-CONVEYANCES OF RECORD.

EXHIBIT "A"

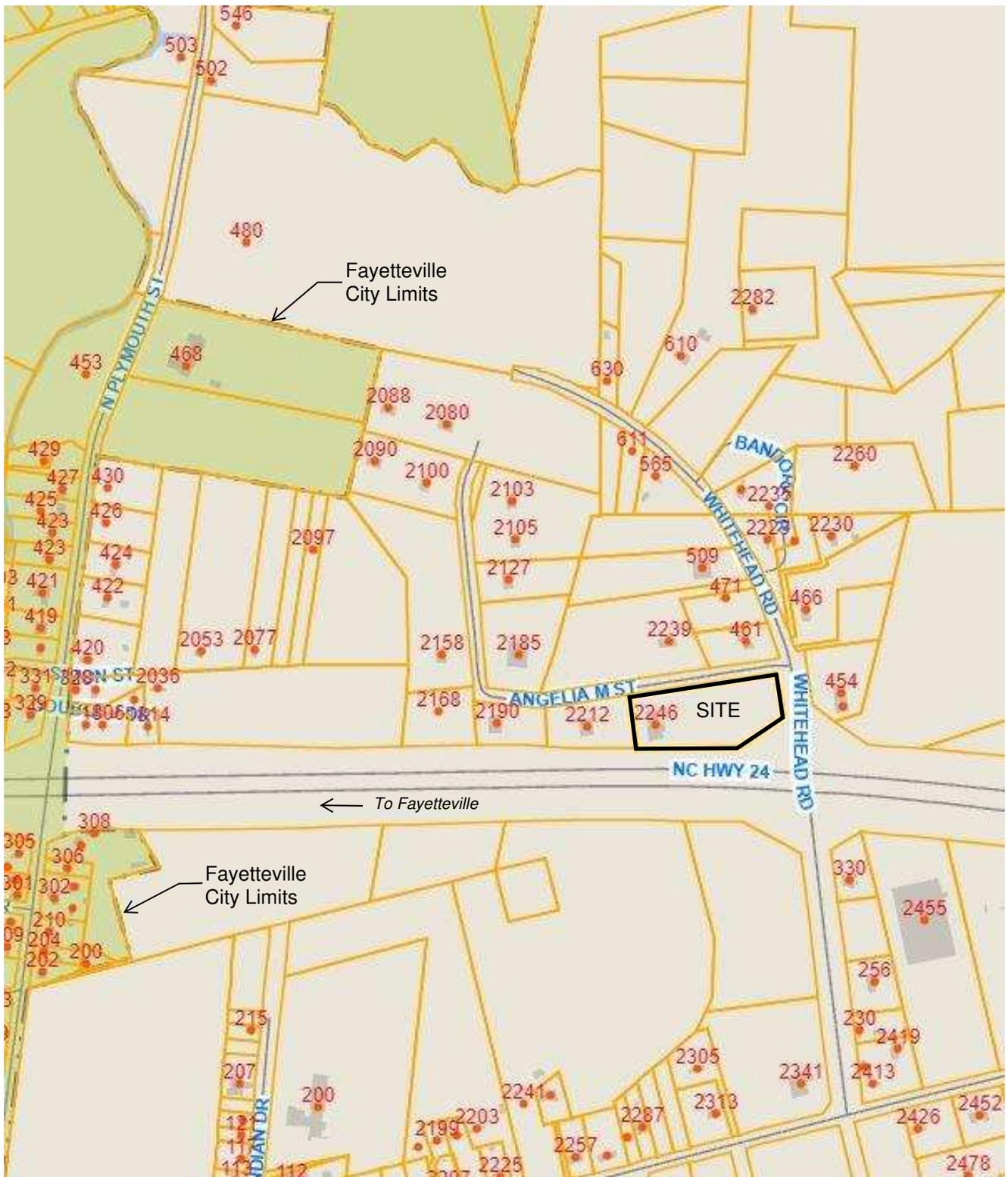
LEGAL DESCRIPTION

TRACT ONE: BEGINNING at a concrete monument on the western right of way margin of State Road 1761 (Whitehead Road) said monument being also on the northern right of way margin of North Carolina Highway #24, and runs thence with said margin of North Carolina Highway #24, South 56 degrees 35 minutes 45 seconds West 206.20 feet to another concrete monument on right of way margin of North Carolina Highway #24, thence continuing with said margin, North 89 degrees 14 minutes 31 seconds West 332.38 feet to an iron pipe; thence leaving said highway right of way, North 08 degrees 42 minutes 29 seconds West 232.02 feet to an iron pipe on the southern right of way margin of a 60.0 foot ingress and egress strip; thence with said margin of the 60.0 foot strip, North 81 degrees 17 minutes 31 seconds East 510.66 feet to an iron pipe on the western right of way margin of Whitehead Road, thence with said margin South 13 degrees 07 minutes 11 seconds East 100.70 feet to a concrete monument; thence continuing with said margin, South 06 degrees 51 minutes 45 seconds East 100.0 feet to the BEGINNING and containing 3.0 acres. Being the same land described in a deed recorded in Book 2660, Page 203, Cumberland County Registry.

TRACT TWO: BEGINNING at an iron in the northern right of way of Highway NC 24, said iron being the southwest corner of a 3.0 acre tract heretofore conveyed to Southland Equipment

Company and runs thence as the northern right of way of Highway NC 24 two courses as follows: North 89 degrees 14 minutes 31 seconds West 71.14 feet to a concrete monument; thence South 89 degrees 15 minutes 26 seconds West 28.10 feet to a point; thence North 8 degrees 42 minutes 29 seconds West 216.43 feet to a point; thence North 81 degrees 17 minutes 31 seconds East 98.0 feet to an iron, the northwest corner of the 3.0 acre tract conveyed to Southland Equipment Company; thence as the western line of said tract, South 8 degrees 42 minutes 29 seconds East 232.02 feet to the point of BEGINNING, containing 0.50 acre more or less. Being the same land described in a deed recorded in Book 2791, Page 147, Cumberland County Registry.

LESS AND EXCEPTING ANY OUT-CONVEYANCES OF RECORD.



Map Indicating City Limits

No scale



**Petition Requesting Annexation
(Non-Contiguous)**

Date Received: _____ Received by: _____

Action by City Council: _____

Date Approved or Denied: _____

This form is based on the North Carolina General Statutes governing non-contiguous voluntary annexations (G.S. 160A-58-58.8).

Who should use this form?

A property owner who is requesting annexation of a non-contiguous property into the City of Fayetteville should use this form.

Statement of the Request:

To the Mayor and City Council of the City of Fayetteville, North Carolina:

1. We the undersigned owners of real property respectfully request that the area described in the attached metes and bounds legal description be annexed to the City of Fayetteville.
2. The area to be annexed is non-contiguous to the City of Fayetteville and the boundaries of such territory are shown in the attached metes and bounds legal description and in the attached map.

Project Location:

Street Address: 2246 Angelia M Street
PIN/REID: 0447-92-7785
Lot Area/Acreage: 3.50 Acres
Requested zoning district for property after annexation: Light Industrial (LI)
Have you obtained a vested right certificate from the Cumberland County Planning Department for any proposed development at this location? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, please attach evidence.

Submittal Requirement Checklist:

<input checked="" type="checkbox"/>	A metes and bounds legal description of the proposed annexation area is attached.
<input checked="" type="checkbox"/>	A deed of the property is attached indicating the deed book and page number.
<input checked="" type="checkbox"/>	A map showing the proposed annexation area in relation to the existing city limits is attached.
<input type="checkbox"/>	Evidence of vested rights obtained from County Planning Department (if applicable).
<input checked="" type="checkbox"/>	The area to be annexed is non-contiguous to the city limits and a map indicating the boundaries of such territory is attached.
<input type="checkbox"/>	When there is any question as to whether the area may be closer to another city than to the City of Fayetteville, the attached map shall also show the area proposed for annexation in relation to the primary corporate limits of the other city.

Primary Contact Information & Signatures:

If the property is owned by an individual (or individuals), please fill in the Individual section below. If the property is owned by a Corporation, Limited Liability Corporation (LLC), or Partnership, please fill in the appropriate section below. Be sure to provide names, signatures, and titles for each applicant.

Individuals:

Print Name	Mailing Address	Phone Number	Signature

Corporation:

Name of Corporation:			
Print Name & Title	Mailing Address	Phone Number	Signature

Limited Liability Corporation (LLC):

Name of LLC: Judd Brook 6, LLC			
Print Name & Title	Mailing Address	Phone Number	Signature
Daryl F Scott, Member	4551 Cox Rd. Suite 425 Glen Allen, VA 23060	860-531-2648	
David R Scott, Member	4551 Cox Rd. Suite 425 Glen Allen, VA 23060	212-634-5615	
Chris Classen, Manager	4551 Cox Rd. Suite 425 Glen Allen, VA 23060	860-531-2655	

Partnership:

Name of Partnership:			
Print Name & Title	Mailing Address	Phone Number	Signature

AFFIDAVIT OF OWNERSHIP

I, DARYL Scott, being duly sworn, deposes and says:

1. That I am the owner of the property/properties located at 2246 Angelia M Street in the City of Fayetteville, a political subdivision of the State of North Carolina.

2. I do hereby give permission to Gradient, PLLC 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 December 15, 2023.

D Scott

Signature of Affiant

Signature of Affiant

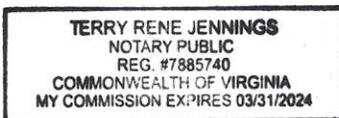
Cumberland County, North Carolina

Sworn to and subscribed before me this day on the 16th day of January, 2024.

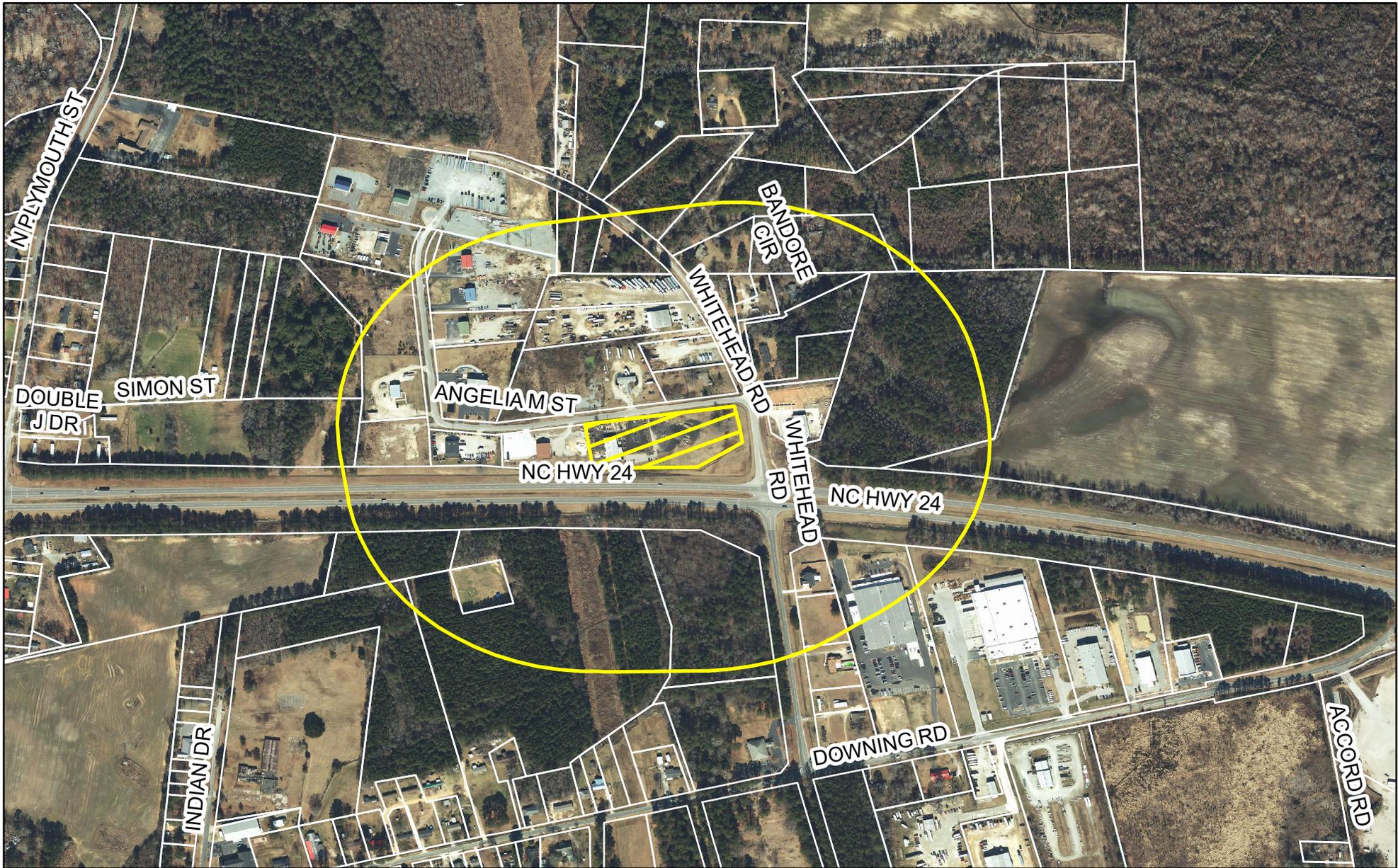
Terry Rene Jennings
Signature of Notary Public

(Official Seal)

Terry Rene Jennings, Notary Public
Printed Name of Notary Public



My Commission Expires: 03/31/2024



Aerial Notification Map

Case #: P24-07

Request: Initial Zoning to Light Industrial (LI)

Location: 2246 Angelia M Street

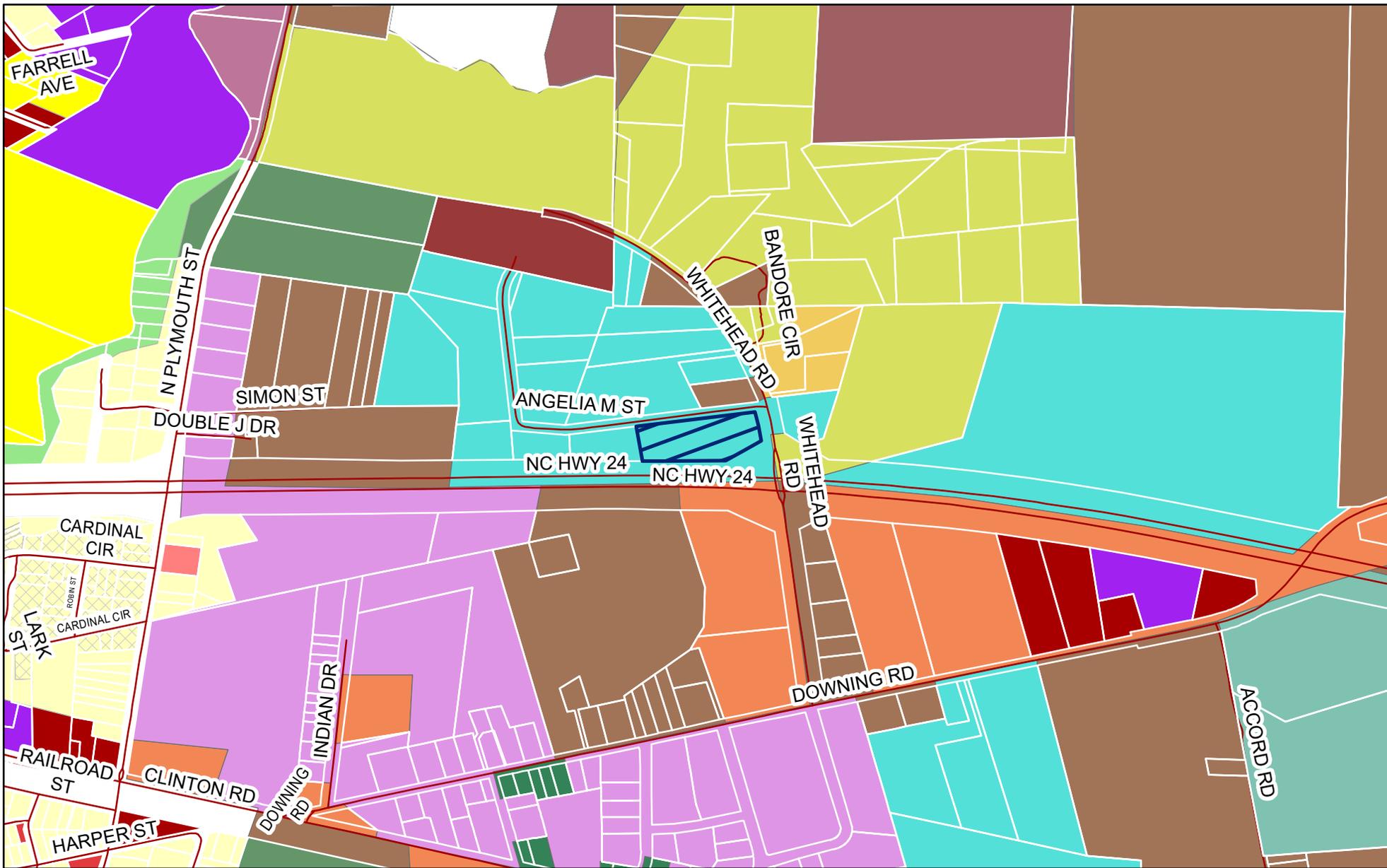
Legend

-  P24-07 Buffer
-  P24-07



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





Zoning Map

Case #: P24-07

Initial Zoning
 Request: Light Industrial (LI)
 Location: 2246 Angelia M Street

Legend

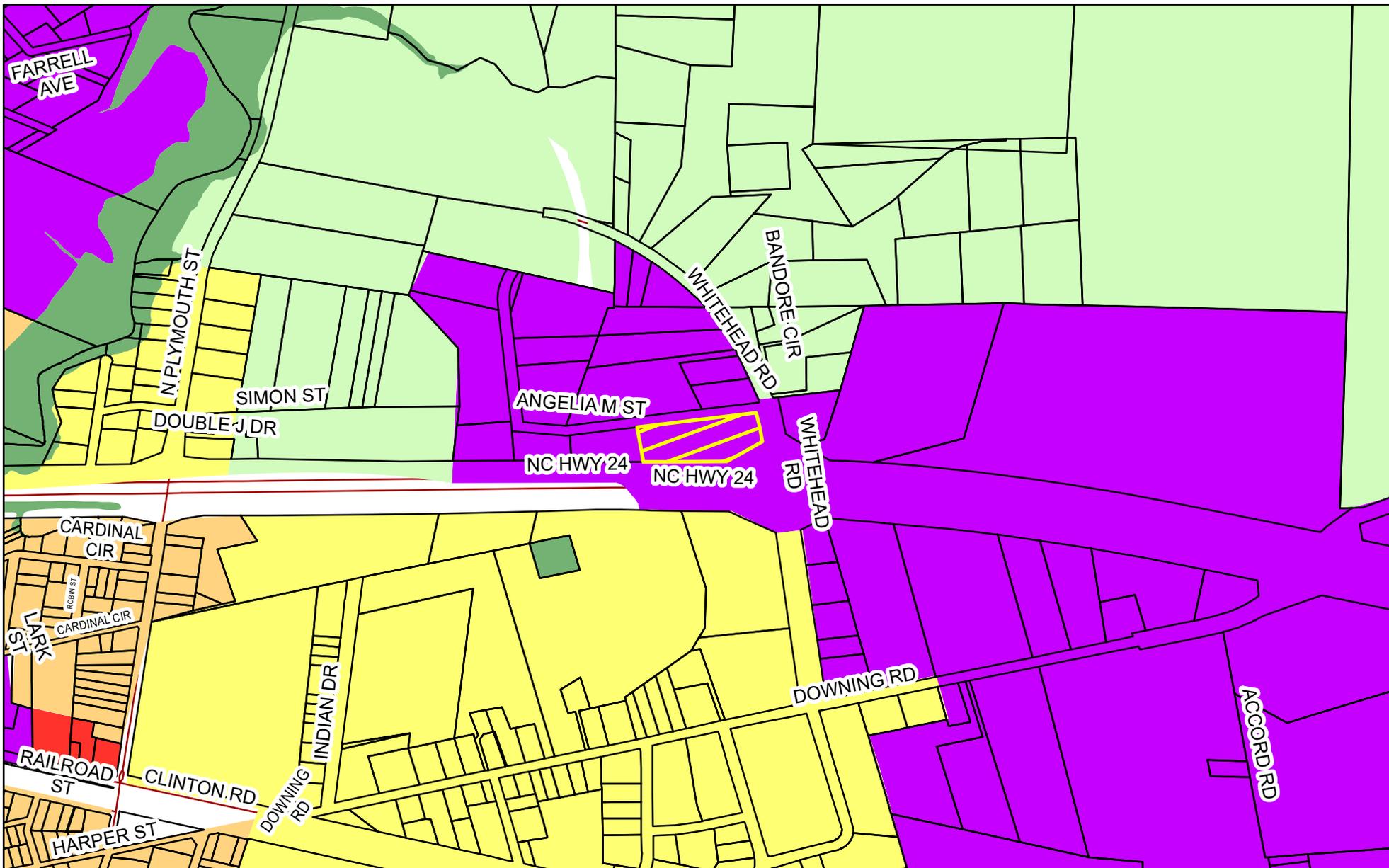
- P24-07
- AR - Agricultural-Residential
- CC - Community Commercial
- CD - Conservation District
- HI - Heavy Industrial
- LC - Limited Commercial
- SF-6 - Single-Family Residential 6
- SF-6/MHO - Single-Family Residential 6 Manufactured Home Overlay
- SF-10 - Single-Family Residential 10
- County
- CCZoning**
- gis_ware_3**
- A1
- C3
- NC - Neighborhood Commercial

- CD
- CP
- M1P
- MP
- MPCZ
- R10
- R40A
- R6A
- RR



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





Future Land Use Map Legend

Case #: P24-07

Initial Zoning
Request: Light Industrial (LI)

Location: 2246 Angelia M Street

 P24-07

Land Use Plan 2040

Character Areas

-  RU - RURAL
-  PARKOS - PARK / OPEN SPACE

-  LDR - LOW DENSITY
-  MDR - MEDIUM DENSITY
-  HC - HIGHWAY COMMERCIAL
-  EC - EMPLOYMENT CENTER

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







North



West



East



South



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 P24-07 is / not 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
LUP 1: Encourage growth in areas well-served by infrastructure and urban services, including roads, utilities, parks, schools, police, fire, and emergency services.	X	
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.	X	
LUP 2: Encourage Strategic Economic Development	X	
2.1: Encourage economic development in designated areas. <ul style="list-style-type: none"> • Encourage economic development in key areas including Downtown, Office/Institutional Areas, Industrial/Employment Areas, Regional and Community Centers, and Highway Commercial Areas. 	X	
LUP 4: Create a well-designed and walkable commercial and mixed-use districts	X	
4.1: Ensure new development meets basic site design standards <ul style="list-style-type: none"> • Standards should include: <ul style="list-style-type: none"> ○ Connected streets, entrances, and parking lots 	X	

<ul style="list-style-type: none"> ○ Sidewalks and pedestrian pathways on both sides of all public rights-of-way (at the minimum) ○ High-quality building materials ○ Landscaping, shade, and street trees ○ Perimeter buffers ○ Low-level parking lot screening ○ Storm water retention and infiltration 		
<p>4.2: Encourage context-sensitive site design</p> <ul style="list-style-type: none"> ● Design commercial and mixed-use areas to be walkable areas with pedestrian connections between uses and buildings. <ul style="list-style-type: none"> ○ Encourage buildings to be located close to the street, especially near key intersections, with parking located to the side or behind the buildings. ○ Require short block lengths (max. 400 to 600 feet) and connections to adjacent development (crosswalks, etc.). ● Ensure development standards specify: <ul style="list-style-type: none"> ○ Transition in building scale between new buildings and surrounding neighborhoods. ○ Building and parking orientation and design. ○ Landscaped buffers, tree save areas, and site design that provides transitions between more and less intense uses. 	X	
<p>LUP 5: Improve Gateways</p>	X	
<p>5.1: Continue to require perimeter landscaping and planting islands in significant renovations and redevelopment along commercial corridors.</p> <ul style="list-style-type: none"> ● There are currently several gateways into the City that have underutilized commercial areas. Recent changes to development standards are improving some areas incrementally, however approving exceptions during rezoning and/or for small properties can stall this incremental improvement and potentially harm adjacent properties and future development. 	X	
<p>LUP 10: Support land use, site design, and capital improvement initiatives that increase resiliency and reduce impacts from flooding and natural disasters</p>	X	
<p>10.1: Encourage on-site stormwater control measures that reduce the impacts of new development</p> <ul style="list-style-type: none"> ● Stormwater requirements should seek to mimic pre-development conditions, limit impacts from new 	X	

development on adjacent properties, and reduce the rate 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:

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

Reasonableness

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

- 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):

May 14, 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: 24-3998

Agenda Date: 5/14/2024

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: Heather Eckhardt, CZO - Planner II

DATE: May 14, 2024

RE:

P24-21. Rezoning from Single Family Residential 6 (SF-6) to Limited Commercial (LC) located at 1202 Irving Drive (REID 0438523391000) totaling .24 acres ± and being the property of Charles Davenport.

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:

The applicant has requested to rezone a single parcel from Single Family Residential 6 (SF-6) to Limited Commercial (LC).

Background:

Owner: Charles Davenport

Applicant: George M. Rose, P.E.

Requested Action: SF-6 to LC

REID #: 0438523391000

Council District: 2 - Malik Davis

Status of Property: Vacant

Size: .24 acres

Adjoining Land Use & Zoning:

- North: LC - Vacant commercial building and vacant land
- South: SF-6 and LC - Two duplexes
- East: LC - Commercial building
- West: SF-6 - Single family houses

Annual Average Daily Traffic: Ramsey Street: 33,000
Letters Mailed: 170

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 Commercial Strip Redevelopment. Commercial Strip Redevelopment is a commercial mixed use area that encourages higher density residential redevelopment as part of the land use mix to spur private investment. Target areas are clusters of underutilized commercial strip properties.

Issues/Analysis:

History:

The subject property was inside the city limits of Fayetteville as early as 1949. A single-family house was located on the property until at least 2001. The property has remained undeveloped since the house was demolished.

Surrounding Area:

This section of Ramsey Street, bordered by Hillsboro Street, Peace Street, and Irving Drive, is commercial in nature along Ramsey Street with some limited residential structures to the rear along Irving Drive, Peace Street, and Hillsboro Street. The two structures on Peace Street are duplexes. The other structures on Hillsboro Street and Irving Drive are single family houses. However, much of the block is already zoned Limited Commercial. Only four parcels, including the subject property, remain residentially zoned as Single Family Residential 6.

The parcels to the east and north are currently zoned Limited Commercial with two commercial structures and a vacant lot. The area to the west, across Irving Drive, is currently zoned Single Family Residential 6 (SF-6) and is developed as a single-family subdivision. There are two lots to the south - one is zoned Single Family Residential 6 and the other is zoned Limited Commercial. Each of these lots has a single duplex.

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.

Straight Zoning:

The applicant has requested to rezone a single parcel from Single Family Residential 6 (SF-6) to Limited Commercial (LC). This request is part of a development plan for the property located at 1311 Ramsey Street. This potential development will utilize a structure that has been vacant for over ten years in conjunction with the subject property.

The Limited Commercial (LC) District is established and intended to accommodate a wider range of moderate-intensity general retail, business, and service uses that serve groups of neighborhoods instead of just an individual neighborhood.

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 Commercial Strip Redevelopment. Commercial Strip Redevelopment is a commercial mixed use area that encourages higher density residential redevelopment as part of the land use mix to spur private investment. Target areas are clusters of underutilized commercial strip properties.

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.

According to the 2040 Future Land Use Plan, this proposed development falls within Goal #1: Focus value and investment around infrastructure and strategic nodes, Goal #2: Promote compatible economic and commercial development in key identified areas, and Goal #3: Encourage redevelopment of strip commercial areas.

Under the plan's Land Use Policies and Strategics section, Subsection Strategic, Compatible Growth, this proposed development falls under the following sections:

LUP 1: Encourage growth in areas well-served by infrastructure and urban services, including roads, utilities, parks, schools, police, fire, and emergency services.

- 1.6: Require adequate infrastructure to be in place prior to or in tandem with new development

LUP 2: Encourage strategic economic development

- 2.1: Encourage economic development in designated areas
- 2.5: Partner to determine specific uses that could be supported through adaptive reuse and redevelopment opportunities.

LUP 3: Encourage redevelopment along underutilized commercial strip corridors and reinvestment in distressed residential neighborhoods.

- 3.1: Examine and identify targeted redevelopment and infill areas throughout the city

LUP 4: Create well-designed and walkable commercial and mixed use districts

- 4.1: Ensure new development meets basic site design standards

LUP 5: Improve gateways

- 5.1: Continue to require perimeter landscaping and planting islands in significant renovations and redevelopment along commercial corridors.

Conclusion:

The proposed rezoning would allow for the redevelopment of a vacant site leading to increased compliance with the current development standards and an improvement in one of Fayetteville's major thoroughfares. The redevelopment will be required to meet the standards of the Unified Development Ordinance. The standards of the UDO should address potential concerns regarding the development's impact on the

surrounding area.

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 LC 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 LC 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 Commercial Strip Redevelopment.
- 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
#1287677

Project Title: Site and Building Renovations for Firm Foundation, Inc. **Jurisdiction:** City of Fayetteville

Application Type: 5.1) Rezoning (Map Amendment)

State: NC

Workflow: Staff Review

County: Cumberland

Project Location

Project Address or PIN: 1202 IRVING DR (0438523391000) **Zip Code:** 28301

Is it in Fayetteville? [Click this link to the Cumberland County Tax Office GIS system](#)

GIS Verified Data
Property Owner: Parcel

- 1202 IRVING DR: DAVENPORT, CHARLES

Acreage: Parcel

- 1202 IRVING DR: 0.24

Zoning District: Zoning District

- 1202 IRVING DR: 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: LC

Acreage to be Rezoned: 0.23

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:

Existing use is vacant land. No structures exist on the site.

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

Current zoning is SF6. Adjacent property to the east is zoned LC and is under the same ownership (Charles Davenport). Properties to the north (including those with Irving Drive road frontage) are zoned LC. Properties to the south and west across Irving Drive are zoned 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.:

Nearly all the properties in the block bounded by Ramsey Street, Peace Street and Irving Drive are zoned LC. Parcel to be rezoned serves as a means of access for the LC-zoned property to Irving Drive.

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

Existing office building and site at 1303-1311 Ramsey Street is being renovated with existing access to Ramsey Street being eliminated. Access to the new site will be south to Peace Street and west to Irving Drive.

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

Planned project is a major renovation and upgrade of facilities that will provide counseling services to the adjacent community. With the closing of the existing Ramsey Street access, the additional access to Irving Drive is needed and the rezoning is needed in order to allow the construction of a driveway out to Irving Drive.

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 lot proposed to be rezoned will serve as access only and no new structures are planned for the property. Most adjacent properties are already zoned LC, including those to the north that have access to Irving Drive.

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

Most adjacent properties in the block bounded by Ramsey Street, Peace Street and Irving Drive are already zoned LC. Proposed rezoning and access to Irving Drive will serve residents of the community who will be utilizing the counseling services of the business.

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

Proposed rezoning is for access purposes only and no new buildings or further development of the subject property is planned or even practical.

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

Proposed amendment does 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.:

Adjacent properties are already zoned LC so no isolated zoning district will be created.

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

Proposed amendment is part of a major building renovation and site improvements that will enhance the general area not negatively affect surrounding lands.

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

The proposed amendment does not result in any adverse impacts on the natural environment.

Primary Contact Information

Contractor's NC ID#:

Project Owner

Charles Davenport
Firm Foundation, Inc.
413 Shawcroft Road
Fayetteville, NC 28311
P:910-4853332
cdavenport@firmfoundationinc.com

Project Contact - Agent/Representative

George Rose
George M. Rose, P.E.
P.O. Box 53441
Fayetteville, NC 28305
P:910-977-5822
george@gmrpe.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 Electrical Contractor #3 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



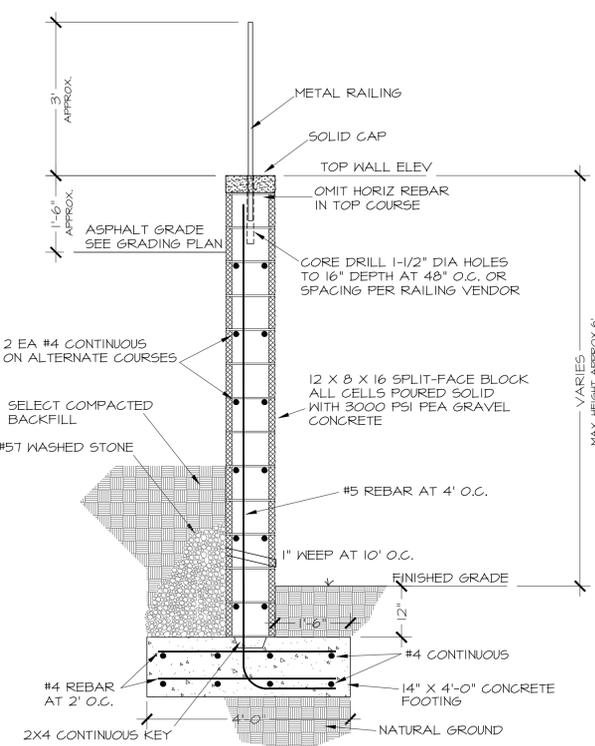
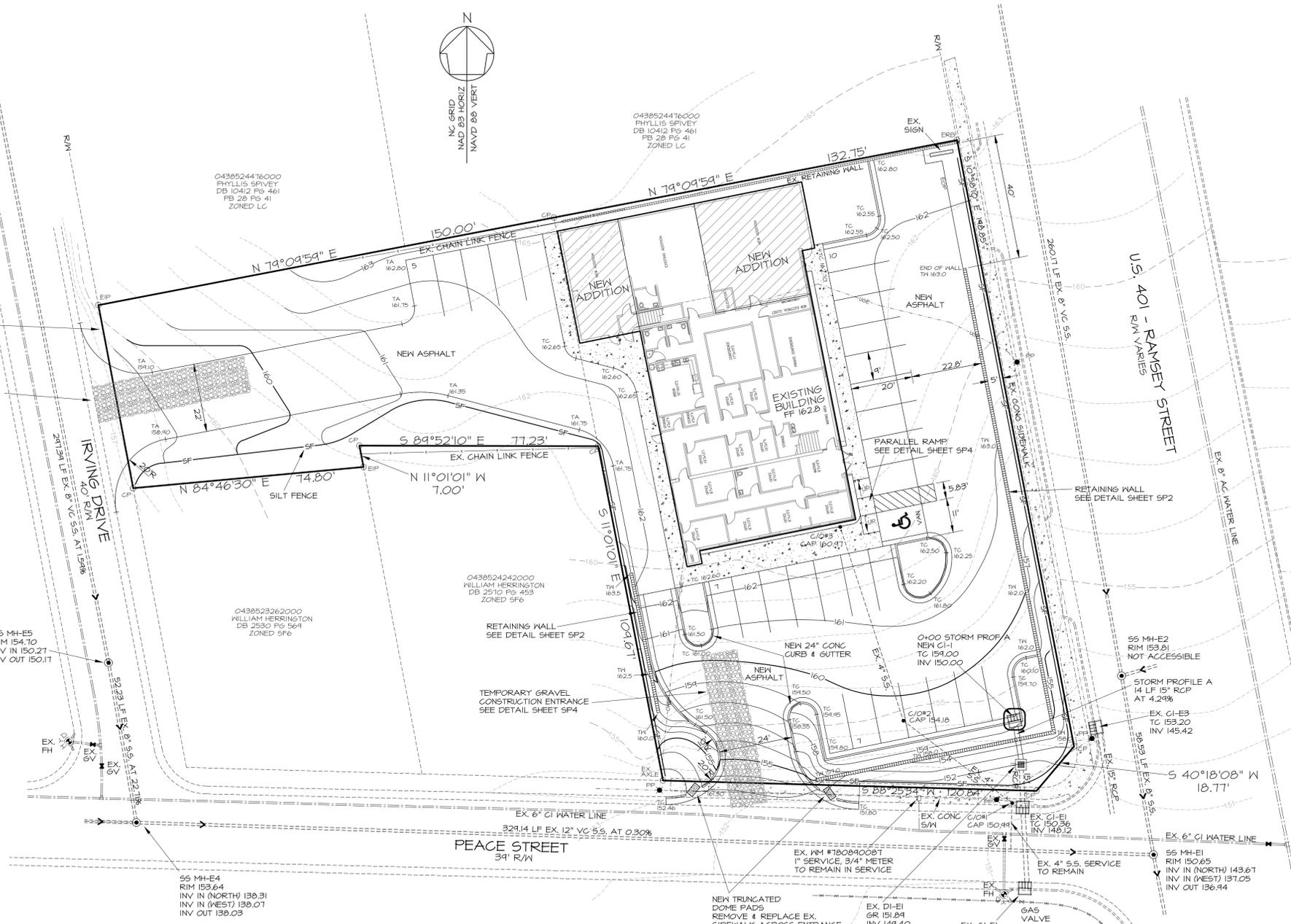
VICINITY MAP
NO SCALE

LEGEND

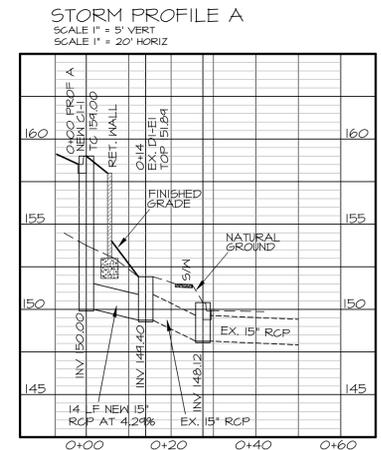
- ERB EXIST REBAR (PROPERTY CORNER)
- CP COMPUTED POINT (PROPERTY CORNER)
- EIP EXIST IRON PIPE (PROPERTY CORNER)
- TC TOP OF CURB OR CONCRETE
- TA TOP OF ASPHALT GRADE
- TR TOP OF RETAINING WALL
- LP EXISTING LIGHT POLE
- PP EXISTING POWER POLE
- GUY EXISTING GUY WIRE
- OHE EXISTING OVERHEAD ELECTRICAL
- UGE EXISTING UNDERGROUND ELECTRICAL
- 162 EXISTING CONTOUR
- 162 NEW FINISHED CONTOUR
- TEMPORARY BLOCK & GRAVEL INLET PROTECTION
- SF TEMPORARY SILT FENCE

NOTES

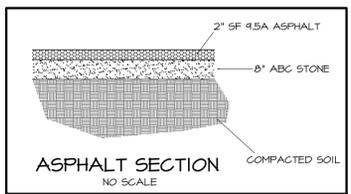
1. TOTAL AREA IN TRACT = 36,184 SF = 0.83 ACRES
2. OWNER/DEVELOPER:
CHARLES DAVENPORT
413 SHAWCROFT ROAD
FAYETTEVILLE, NC 28311
cdavenport@firmfoundationinc.com
410-485-3532
3. REFERENCE: DB 10323 PG 525
4. REID NO: 0438525241000, 0438523941000
5. EXISTING IMPERVIOUS SURFACES:
ASPHALT 11,871 SF
CONCRETE 375 SF
GRAVEL 1392 SF
BUILDING 5,004 SF
TOTAL = 18,632 SF = 0.43 ACRES
6. PARKING CALCULATIONS:
TOTAL AREA IN BUILDING WITH ADDITIONS = 6707 (1st) + 4224 (2nd) = 10,931 SF
PARKING SPACES REQUIRED = 10931/300 = 37
PARKING SPACES PROVIDED = 24
USE ALTERNATE PARKING PLAN
7. ALL CONSTRUCTION TO BE IN ACCORDANCE WITH ALL CITY OF FAYETTEVILLE STANDARDS AND SPECIFICATIONS.
8. THE CONTRACTOR MUST CONTACT THE NORTH CAROLINA CALL CENTER AT 800-652-4844 PRIOR TO DIGGING IN ORDER TO LOCATE ALL EXISTING UTILITIES.



RETAINING WALL DETAIL
NO SCALE



STORM PROFILE A
SCALE 1" = 5' VERT
SCALE 1" = 20' HORIZ



ASPHALT SECTION
NO SCALE



PLAN
SCALE 1" = 20'



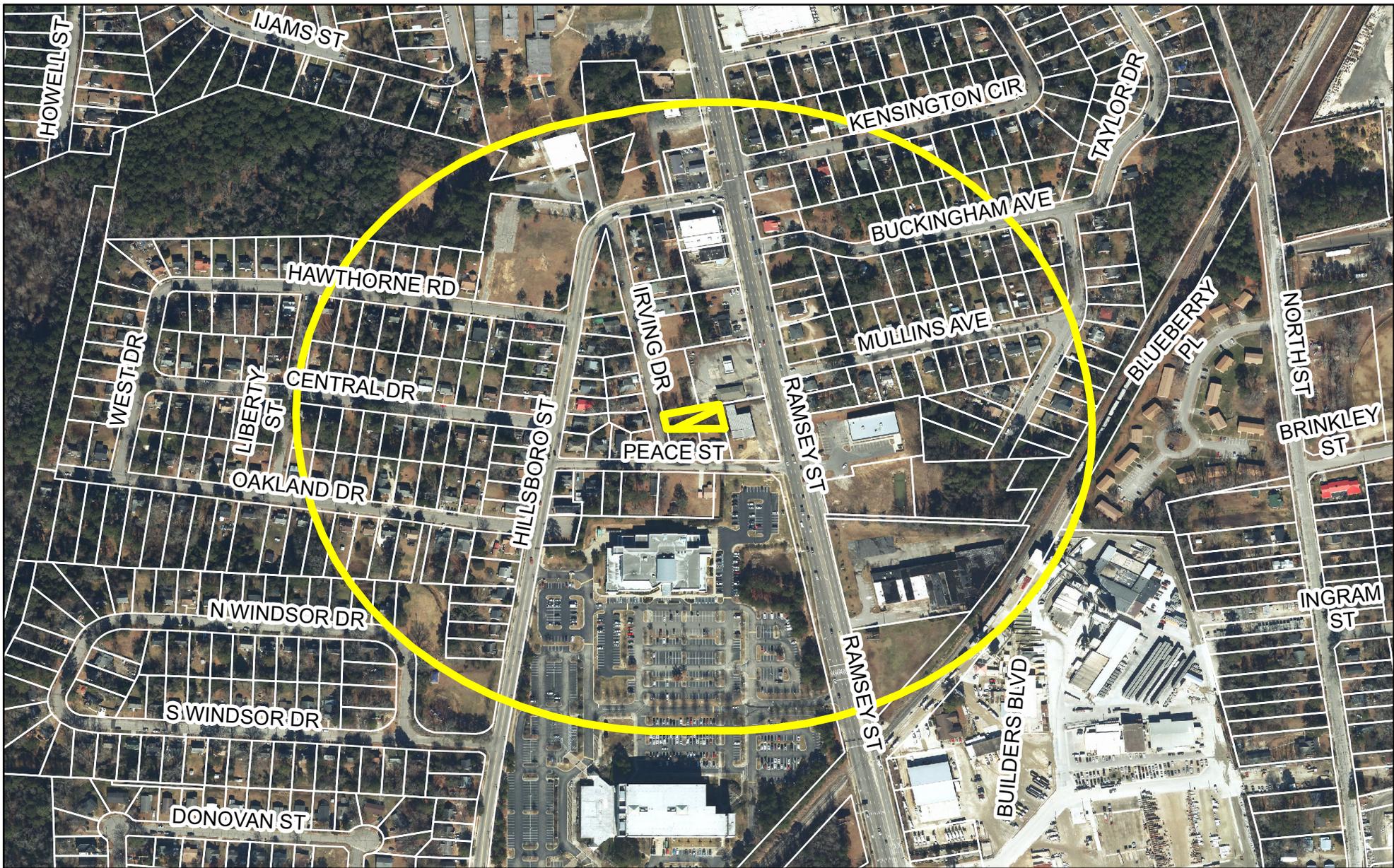
REVISIONS
3-01-24 EC MEASURES TO PADS

GEORGE M. ROSE, P.E.
P.O. BOX 53441
FAYETTEVILLE, NC 28305
910-977-5822 FAX 910-485-5823 EMAIL george@gmrpe.com

SITE AND BUILDING RENOVATIONS FOR
FIRM FOUNDATION, INC.
1303-1311 RAMSEY STREET
FAYETTEVILLE, NC
SITE, UTILITY AND GRADING PLAN

DATE: FEB 2024
DRAWN BY: GMR
CHECKED: GMR
SCALE: NOTED

SHEET NO.
SP2



Aerial Notification Map

Case #: P24-21

Request: Rezoning
 Single Family Residential 6 (SF-6) to
 Limited Commercial (LC)

Location: 1202 Irving Drive

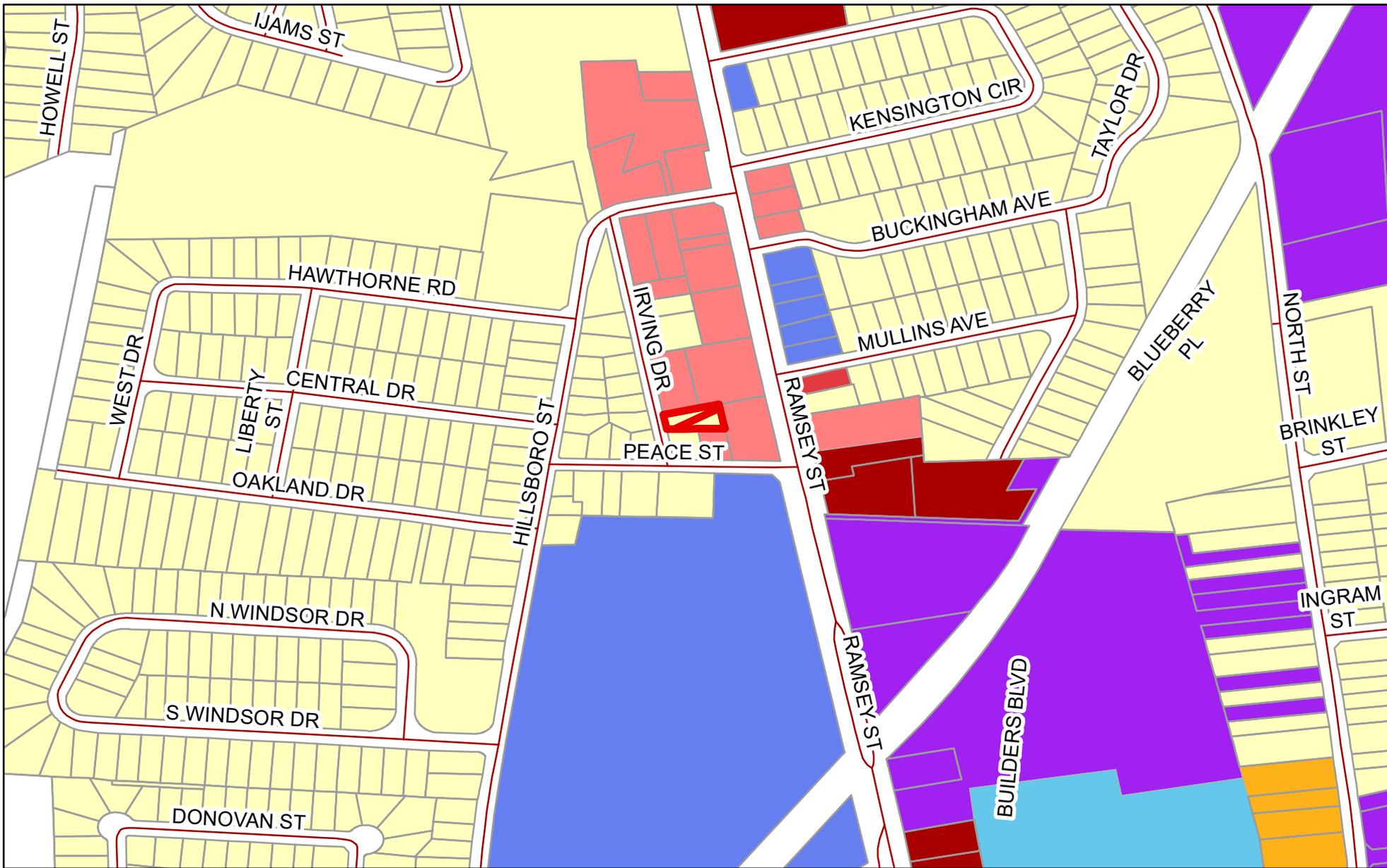
Legend

- P24-21
- P24-21 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 #: P24-21

Request: Rezoning
Single Family Residential 6 (SF-6) to
Limited Commercial (LC)

Location: 1202 Irving Drive

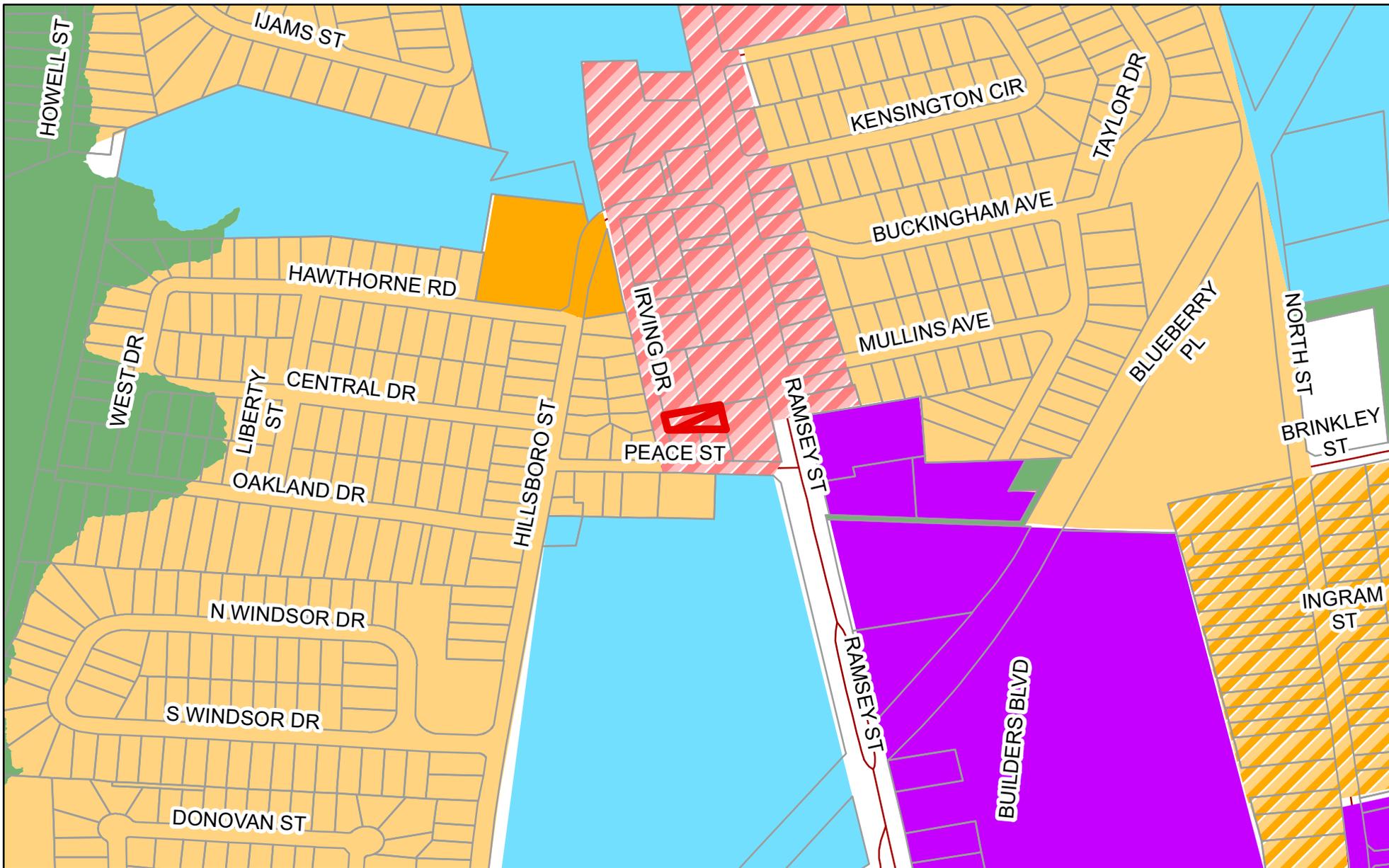
Legend

- P24-21
- CC - Community Commercial
- HI - Heavy Industrial
- LC - Limited Commercial
- LI - Light Industrial
- MR-5 - Mixed Residential 5
- NC - Neighborhood Commercial
- OI - 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.





Land Use Map

Case #: P24-21

Request: Rezoning
Single Family Residential 6 (SF-6) to
Limited Commercial (LC)

Location: 1202 Irving Drive

Legend



P24-21 Land Use Plan 2040

Character Areas

-  PARKOS - PARK / OPEN SPACE
-  MDR - MEDIUM DENSITY
-  NIR - NEIGHBORHOOD IMPROVEMENT
-  HDR - HIGH DENSITY RESIDENTIAL
-  CSR - COMMERCIAL STRIP REDEVELOPMENT
-  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 P24-21 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 #3: Encourage redevelopment of strip commercial areas	X	

2. LAND USE POLICES AND STRATEGIES:

LAND USE POLICES AND STRATEGIES	CONSISTENT	INCONSISTENT
LUP 1: Encourage growth in areas well-served by infrastructure and urban services, including roads, utilities, parks, schools, police, fire, and emergency services.	X	
1.6: Require adequate infrastructure to be in place prior to or in tandem with new development	X	
LUP 2: Encourage strategic economic development	X	
2.1: Encourage economic development in designated areas	X	
2.5: Partner to determine specific uses that could be supported through adaptive reuse and redevelopment opportunities	X	
LUP 3: Encourage redevelopment along underutilized commercial strip corridors and reinvestment in distressed residential neighborhoods.	X	
3.1: Examine and identify targeted redevelopment and infill areas throughout the city	X	

LUP 4: Create well-designed and walkable commercial and mixed-use districts	X	
4.1: Ensure new development meets basic site design standards.	X	
LUP 5: Improve gateways	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:

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

Reasonableness

The proposed zoning amendment is reasonable and in the public interest because it supports the polices 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.

X provides needed housing/commercial area.

Additional comments, if any (write-in):

Date

Chair Signature

Print



City of Fayetteville

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

City Council Action Memo

File Number: 24-4011

Agenda Date: 5/14/2024

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: Craig Harmon, CZO - Senior Planner

DATE: May 14, 2024

RE:

P24-22. Initial map amendment from Rural Residential (RR) (County) to Mixed Residential 5 Conditional (MR-5/CZ) located at 1666 & 1674 Cedar Creek Rd and 0 & 1678 Fields Rd (REID 0446709250000, 0446804556000, 0445894268000, 0445892478000) totaling 27.72 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 an initial map amendment (rezoning) of four parcels, one of which is already partly within the city limits of Fayetteville, while the remainder of the parcel is in Cumberland County's jurisdiction. Only the areas currently in the County's jurisdiction are part of this map amendment request. The County has these properties zoned Rural Residential (RR). The applicant is requesting that all parcels in the County be rezoned Mixed Residential 5 Conditional (MR-5/CZ).

The applicant has conditioned a reduction of the maximum number of units to 300, which is less than half the number allowed in a straight MR-5 rezoning. Under a straight rezoning to MR-5 665 units could be built.

Background:

Owner: Cedar Creek Road LLC

Applicant: The Charleston Group

Requested Action: Map Amendment from a County zoning of RR to MR-5

REID #: 0446709250000, 0446804556000, 0445894268000, 0445892478000

Council District: 2 - Malik Davis

Status of Properties: The portion 1666 Cedar Creek Road that is already in the City has a Single family house. The remaining acreage is vacant.

Size: 27.72 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

Technical Review Committee (TRC):

Comments from the TRC are included as an attachment. There were no major concerns or issues brought forward by the committee.

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 flex spaces.

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.

Adjacent to the proposed rezoning, at the corner of Cedar Creek and Fields Road is the site of a proposed Fire Station for the City of Fayetteville. The location aims to

enhance the city's emergency capabilities in the Cedar Creek area.

The Fayetteville Public Services Department is currently developing a Locks Creek Drainage Improvements Project. This project was identified through the Cape Fear 2 watershed study which documented flooding concerns. According to Public Services Engineering Division, this project affects the neighborhoods of Locks Creek, Cedar Falls at Three Lakes, Three Lakes and Cedar Falls Townhomes. The Locks Creek Drainage Improvements project aims to tackle drainage issues in the Locks Creek watershed. It involves building a new stormwater pump station and installing larger pipes to enhance drainage and minimize flooding risks. Additional information is available at the following web address:

<https://www.fayettevillenc.gov/city-services/public-services/engineering/resources/projects/locks-creek-drainage-improvements>

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 a map amendment to initially zone three parcels. Along with a portion of a fourth parcel. The areas that are in the County are currently zoned Rural Residential (RR). The applicant is requesting that all parcels be zoned Mixed Residential 5 Conditional (MR-5/CZ).

Conditional Zoning:

The request is to condition the subject properties by limiting the overall density to 300 units in a MR-5/CZ district. In a straight rezoning, the MR-5 district would all up to 665 units on these properties.

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 condition the allowed density on these properties. The applicant is proposing one condition that will address density - limiting the site to a maximum of 300 dwelling units with no limitation on permitted uses.

City Plans, Future Land Use Map and City Policies Analysis:

- The site is located along a Major Thoroughfare - Cedar Creek Rd (Highways 53 & 210) containing five lanes of traffic.
- The proposed development is adjacent to and across Cedar Creek Rd from existing commercial zoning and uses.
- Adjacent to the site of a proposed Fire Station for the City of Fayetteville.
- Located less than one mile from Interstate 95.
- Located a quarter mile from proposed Highway Commercial development,

according to the City's Land Use Plan.

- According to a residential suitability map put together as part of the City's Future Land Use Plan, the area in question has a medium to medium high rating for residential development.
- 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 flex spaces. Multi-Family residential, Mixed-Use and Single-Family attached units are allowed by right in the Office and Institutional (OI) zoning district.
- Under the plan's Land Use Policies and Strategies section, subsection Strategic, Compatible Growth, this proposed development falls under the following sections:
LU -1: ENCOURAGE GROWTH IN AREAS WELL-SERVED BY INFRASTRUCTURE AND URBAN SERVICES, INCLUDING ROADS, UTILITIES, PARKS, SCHOOLS, POLICE, FIRE AND EMERGENCY SERVICES.
1.1: Work with the Public Works Commission (PWC) and other utility provider to ensure that public facilities and services are planned in a coordinated manner
1.6: Require adequate infrastructure to be in place prior to or in tandem with new development

- This includes road infrastructure such as roads, turn lanes and sidewalks as well as public services such as parks, schools, water/sewer, police, fire and emergency services

- Under the SAFE, STABLE AND ATTRACTIVE NEIGHBORHOODS section the following sections apply:

LU -6: ENCOURAGE DEVELOPMENT STANDARDS THAT RESULT IN QUALITY NEIGHBORHOODS

LU -7: ENCOURAGE A MIX OF HOUSING TYPES FOR ALL AGES AND INCOMES

7.1: Allow a mix of housing, including attached and multi-family homes, to create diverse neighborhoods, especially within and near Downtown and designated Regional, Community and Neighborhood Centers

- According to the City's recent Strategic Plans, Revitalization and Affordable Housing have been among the specified Targets for Action.
- A well-documented housing shortage. According to a study conducted by the Triangle J Council of Governments, it was estimated 20,000 new residential units were needed to meet Fayetteville's housing needs in 2021).
- According to North Carolina General Statutes, Comprehensive and Land Use Plans adopted under this Chapter (160D) shall be advisory in nature without independent regulatory effect.
- According to State law, if a local government wants to enforce zoning the must have and maintain a comprehensive plan or land-use plan. This plan must be reasonably maintained.
- According to Coates' Canons North Carolina Local Government Law a comprehensive plan or land-use plan should be revised approximately every five years or on an ongoing bases in growing communities. (Fayetteville's Future Land Use Plan was adopted May of 2020).

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:

Based on the issues listed above in the analysis section, a development of no more than 300 residential units appears to fit with the growing needs of this area and the City as a whole. This along with the sites location on an underutilized major thoroughfare (according to NCDOT traffic counts) makes it ideal for multi-family development. The area's suitability rating for residential development also points to this area being appropriate for residential densities of more than those allowed in a low density zoning district. If approved, this action should also update the Land Use Map as appropriate.

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/CZ as presented based on the evidence submitted and finds that the map amendment/rezoning is consistent with the future plan of the City as demonstrated by the attached consistency and reasonableness statement with an update to the Land Use Plan to reflect this map amendment. (recommended)
2. Recommends approval of the map amendment to MR-5/CZ with additional conditions approved by the owner based on the evidence submitted and finds that the map amendment would be consistent with the future plans of the City and an amended consistency statement with an update to the Land Use Plan to reflect this rezoning.
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/CZ based on the following:

- The proposed zoning map amendment implements the policies adopted in the future City plans including the Future Land Use Plan and Strategic Plan, and those policies found in the Unified Development Ordinance (UDO) with an update to the Future Land Use Map to reflect changing conditions in this area of the City.
- 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. Application
2. Aerial Notification Map
3. Zoning Map
4. Land Use Plan Map
5. Subject Property
6. Surrounding Property Photos
7. Cedar Creek Revised TRC Site Plan
8. Consistency and Reasonableness Statement
9. TRC Comments

Project Overview

#1297741

Project Title: Cedar Creek

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: 28312

- 0 FIELDS RD (0445892478000)
- 1678 FIELDS RD (0445894268000)
- 1666 CEDAR CREEK RD (0446804556000)
- 1674 CEDAR CREEK RD (0446709250000)

Is it in Fayetteville? [Click this link to the Cumberland County Tax Office GIS system](#)

GIS Verified Data

Property Owner: Parcel

- 0 FIELDS RD: CEDAR CREEK ROAD LLC
- 1678 FIELDS RD: CEDAR CREEK ROAD LLC
- 1666 CEDAR CREEK RD: CEDAR CREEK ROAD LLC
- 1674 CEDAR CREEK RD: CEDAR CREEK ROAD LLC

Acreage: Parcel

- 0 FIELDS RD: 13.01
- 1678 FIELDS RD: 1
- 1666 CEDAR CREEK RD: 1.1
- 1674 CEDAR CREEK RD: 13.56

Zoning District: Zoning District

- 0 FIELDS RD: cnty
- 1678 FIELDS RD: cnty
- 1666 CEDAR CREEK RD: SF-15
- 1674 CEDAR CREEK RD: SF-15

Subdivision Name:

Fire District:

Airport Overlay District: Airport Overlay District

- 0 FIELDS RD: 1
- 1678 FIELDS RD: 1
- 1666 CEDAR CREEK RD: 1
- 1674 CEDAR CREEK RD: 1

Hospital Overlay District:

Coliseum Tourism District:

Cape Fear District: Cape Fear District

Downtown Historic District:

- 0 FIELDS RD: 0
- 1666 CEDAR CREEK RD: 0
- 1674 CEDAR CREEK RD: 0

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:** 27.72
Was a neighborhood meeting conducted?: No **Date of Neighborhood Meeting:**
Number of Residential Units: **Nonresidential Square Footage:**

Landowner Information

Landowner Name: Cedar Creek Road LLC **Deed Book and Page Number:** 11877/0063

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 owner of the land desires to develop the property as a residential community. Please note, the zoning request regarding 1666 Cedar Creek Road is limited to that portion of the property located in the county and zoned RR. That portion of the property is located within the city and zoned SF-15 shall remain unchanged.

C) 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.

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

The proposed condition is to rezone the properties to MR-5 with the condition of no more than three-hundred (300) units.

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 investments around infrastructure and strategic nodes; Goal 2: Promote compatible economic and commercial development in key identified areas; and Goal 4: Foster safe, stable, and attractive neighborhoods.

Further, the proposed amendment aligns with the City's 2040 Comprehensive Plan policies as follows: LUP 1: Encourage growth in areas well-served by infrastructure and urban services, including roads, utilities, parks, schools, police, fire, and emergency services; LUP 2: Encourage strategic economic development; LUP 4: Create well-designed and walkable commercial and mixed-use districts; LUP 5: Improve gateways; LUP 6: Encourage development standards that result in quality neighborhoods; LUP 7: Encourage a mix of housing types for all age and incomes; LUP10: Support land use, site design and capital improvement initiatives that increase resiliency and reduce impact from flooding and natural disasters.

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

No.

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 zone RR and SF-15, and the surrounding properties are zoned RR and LC. RR zoning allows for low density residential development. SF-15 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/CZ will allow for development of a 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

Project Contact - Agent/Representative

Victoria Clarkson
The Charleston Group
201 Hay Street , 2000
Fayetteville, NC 28302
P:9104852500
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 Electrical Contractor #3 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



Aerial Notification Map

Case #: P24-22

Request: Rezoning
 Rural Residential (RR)(County) to
 Mixed Residential 5 Conditional (MR-5/CZ)

Location: 1666 & 1674 Cedar Creek Rd & unaddressed
 and 1678 Fields Rd
 REID 0446799250090, 0446804356090,
 0445894268090, 0445892478090

Legend

 P24-22 Notification Buffer

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



 **FAYETTEVILLE**
 AMERICA'S CAN DO CITY



Zoning Map

Case #: P24-22

Request: Rezoning

Rural Residential (RR)(County) to
Mixed Residential 5 Conditional (MR-5/CZ)

Location: 1666 & 1674 Cedar Creek Rd & unaddressed

and 1678 Fields Rd

REID 0446799250090, 0446804356090,

0445894268090, 0445892478090

Legend

 A1	 AR - Agricultural Residential
 CCP	 CC - Community Commercial
 B10	 LC - Limited Commercial
 MR	 MR-5 - Mixed Residential 5
 SF-5(MH)	 SF-5(MH) - Single Family Residential 5 Manufactured Home Overlay
 SF-10	 SF-10 - Single Family Residential 10
 SF-15	 SF-15 - Single Family Residential 15
	 County



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

 **FAYETTEVILLE**
AMERICA'S CAN DO CITY



Land Use Map

Case #: P24-22

Request: Rezoning
 Rural Residential (RR)(Country) to
 Mixed Residential 5 Conditional (MR-5/CZ)

Location: 1666 & 1674 Cedar Creek Rd & unaddressed
 and 1678 Fields Rd
 REID 0446799250000, 0446804356000,
 0445894268000, 0445892470000

Legend

Land Use Plan 2040

Character Areas

- OSS - OPEN SPACE SUBDIVISIONS
- LDR - LOW DENSITY
- HC - HIGHWAY COMMERCIAL
- OI - OFFICE / INSTITUTIONAL

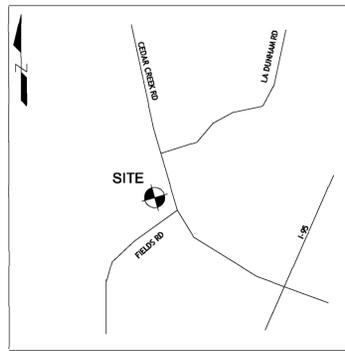


Letters are being sent to all property owners within the 1000' buffer. Subject property is shown in the hatched pattern.









VICINITY MAP (NOT TO SCALE)

LEGEND
 SW-SET 1/2" IRON REBAR
 ER-EXISTING IRON REBAR
 EP-EXISTING IRON PIPE
 ECM-EXISTING CONCRETE MONUMENT
 PB-PLAT BOOK
 PG-PAGE
 RW-RIGHT OF WAY
 DB-DEED BOOK
 SF-SQUARE FEET
 AC-ACRES
 A-ABOVE GROUND
 B-BELOW GROUND
 EPPT-EXISTING IRON PIPE (PINCH TOP)

SYMBOLS
 ○ EP/SW/ER/P
 □ ECM
 — SURVEYED LINE
 - - - - - TIE LINE
 - - - - - LINE NOT SURVEYED (ADJONER)
 - - - - - EASEMENT LINE

BOUNDARY CURVE TABLE

CURVE	RADIUS	LENGTH	CH BEARING	CH DISTANCE
C1	630.43'	62.17'	S89°51'42"W	62.14'
C2	1152.30'	173.29'	S70°59'57"W	173.20'
C3	1098.88'	71.44'	S84°42'23"W	71.43'

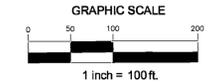
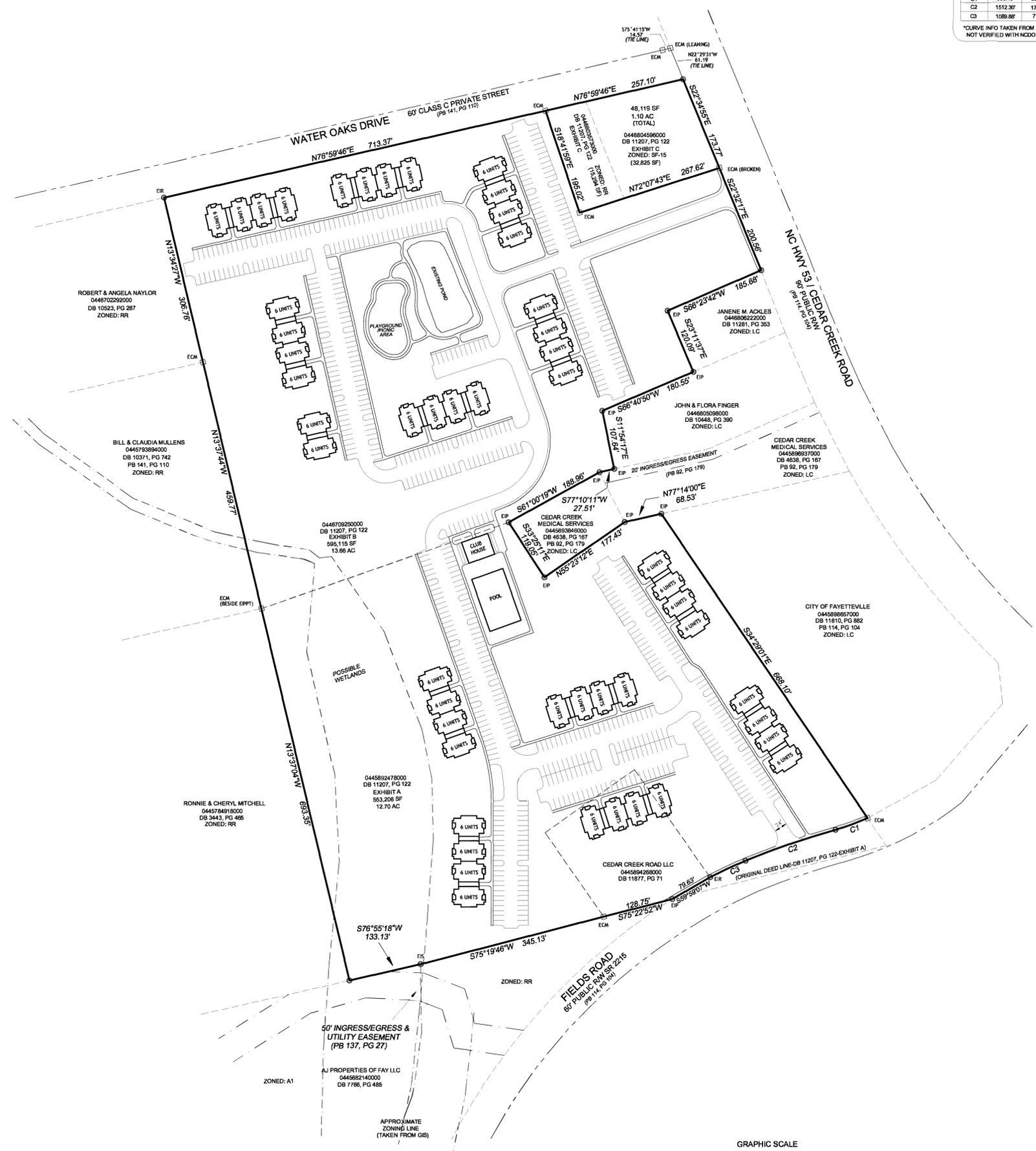
*CURVE INFO TAKEN FROM FIELD DATUM
 NOT VERIFIED WITH NCDOT AT THIS TIME



NOTES
 1. AREA COMPUTED BY COORDINATES.
 2. ALL DISTANCES ARE HORIZONTAL GROUND.
 3. NO NCAS MONUMENT FOUND WITHIN 2000' OF SUBJECT PROPERTY.
 4. SUBJECT PROPERTIES ARE NOT LOCATED IN A 100 YEAR SPECIAL FLOOD HAZARD AREA PER FEMA FIRM 372044600J AND 372004400J, DATED JANUARY 5, 2007.
 5. SETBACKS (PER RR ZONING)
 FRONT- 30'
 SIDE- 15'
 REAR- 35'
 6. SET IRON PIPES ON ALL CORNERS NOT MONUMENTED
 7. THERE ARE NO ENCROACHMENTS ACROSS PROPERTY LINES EXCEPT AS SHOWN ON MAP.

CURRENT ZONING: RR (CLIMBERLAND COUNTY)
 LAYOUT SHOWN BASED ON RR-5-CZ ZONING (CITY OF FAYETTEVILLE) PROPERTIES REQUESTED TO BE VOLUNTARILY ANNEXED INTO CITY OF FAYETTEVILLE LIMITS

TOTAL UNITS PROPOSED: 300
 PARKING PROPOSED: 1.8 SPACES PER EACH UNIT
 MINIMUM PARKING REQUIRED: 540 SPACES



PRELIMINARY LAYOUT
 FOR
CEDAR CREEK ROAD LLC
 DB 11877, PG 71

TOWNSHIP: CEDAR CREEK
 CITY: FAYETTEVILLE, NC
 COUNTY: CUMBERLAND
 TAX PINS: SEE MAP

SCALE: 1" = 100'
 DATE: APRIL 29, 2024
 ZONING: RR/SF-15

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 P24-22 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 POLICES AND STRATEGIES	CONSISTENT	INCONSISTENT
LUP 1: Encourage growth in areas well-served by infrastructure and urban services, including roads, utilities, parks, schools, police, fire, and emergency services	X	
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.	X	
1.6: Require adequate infrastructure to be in place prior to or in tandem with new development		
LUP 2: Encourage strategic economic development	X	
2.1: Encourage economic development in designated areas	X	
LUP 4: Create well-designed and walkable commercial and mixed-use districts	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	<input checked="" type="checkbox"/>	The proposed land use is inconsistent and does not align with the area's designation on the FLU Map.
<input checked="" type="checkbox"/>	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]

- 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):

May 14, 2024
Date

Chair Signature

Print

Email: 5-8-2024



Development Services
433 Hay Street
Fayetteville, NC 28301
Phone: (910) 433-1612

Technical Review Committee (TRC) Comments:

Development Name: Cedar Creek

Case Number:

Development Summary: Site Plan: Housing development.

Location: 1674 Cedar Creek Rd, 1678 Fields Rd

Zoning: RR Residential District (Awaiting Annexation & rezoning)

Reference:

Project Review Dates:

Pre Application: March 20, 2024

Pre Application: May 8, 2024 **DRAFT**

Preliminary:

Final:

Prepared By: Chester Green, Senior Planner

Contact Information: (910) 433-1497 – email: chestergreen@fayettevillenc.gov

Emailed To:

Engineer: The Charleston Group
Victoria Clarkson

email: vclarkson@charlestongroup.com

Owner: Cedar Creek Road, LLC
Darrin Collins

email: darrin@cresfund.com

Review Status: **Submit application and fee - To receive Final TRC/Site Plan Approval - a Landscape, Lighting, and Building Elevation Plan Approval are required.**

Additional Submittals That May Be Required:

- City Engineering (Development Application, Stormwater/Drainage, Street and Sidewalks Plans) – Approval Required prior to the issuance of building permits
- City Traffic Services and NCDOT (Driveway Permit Application and Roadway Improvements) – Approval Required prior to the issuance of building permits
- Public Works Commission (PWC) (Water, Sewer, and Electrical Applications and Plans, Fire Flow Data, Main Extensions when required)
- Army Corp of Engineers and/or NCDENR-DWQ – (when applicable) – Approval Required prior to land disturbance
- City Inspections (Construction Drawings for Building Permitting)

Ordinance <http://online.encodeplus.com/regs/fayetteville-nc/index.aspx>

For Additional Assistance you may contact: Chester Green, Senior Planner (910) 4331497 email: chestergreen@fayettevillenc.gov

TRC Staff Comments: (Staff has compiled the various review agencies' comments for you as a courtesy. These should be used to supplement your notes from the TRC meeting you attended. Additionally, preliminary comments are emailed to those listed on the submittal application in draft form prior to the scheduled TRC meeting. As a courtesy, these comments are revised as needed based on the TRC meeting discussion and again emailed to those listed on the application.)

<p>Fire Department Contact: Jeff Olund Title: Asst. Fire Marshall Email: jeffrevolund@fayettevillenc.gov Phone: 910-433-1730</p>	<ol style="list-style-type: none"> 1. The fire department access road shall have a minimum width of 20 feet of clearance and shall reach within 150 feet of all portions of the exterior walls of the first story of each building. The 150 feet can be extended to 300 feet if buildings have sprinklers. Streets and/or drives in excess of 150 feet shall provide an approved turn-around for emergency vehicles. As phased final plats are submitted temporary turn-around shall be required for street sections that are in excess of 150 feet. 2. Fire hydrants shall be provided within 400 feet of all portions of the building as measured by an approved route around the exterior of the building. Buildings with an approved sprinkler system shall be allowed a distance of 600 feet. <u>If this distance cannot be met a new hydrant shall be required to be installed.</u> 3. Location of the FDC shall be away from the building and shall be approved by the Fire Dept. All water lines, type(s) of control valves and indication of where the utility company/fire department service ends/begins, in regards to the sprinkler system, shall be shown on plans. FDC detail plan shall be provided with TRC preliminary submittal and approved as part of the TRC final approval. 4. Developments shall comply with the Fire Flow requirements of Appendix B of the N.C. Fire Code; higher standards may be required by the providing utility. A request for a Fire Flow test can be submitted to the Public Works Commission (PWC). Robert.turner@faypwc.com
<p>Planning Department Contact: Chet Green Title: Senior Planner Email: chestergreen@fayettevillenc.gov Phone: 910-433-1497</p>	<ol style="list-style-type: none"> 1. Rezoning required 2. Street address numbers shall be assigned prior to building permits being issued. The builder shall post the address numbers (minimum 4") in full view of the street immediately upon beginning construction. (Please contact: Cumberland County Address Dept. 678-7666) 3. Street names shall be approved prior to final plats being approved. (Please contact: Cumberland County 678-7665) 4. Lateral access shall be provided to the adjacent properties in accordance with Article 30-5.A.3.f Stub to the property line for future cross-connection. 5. The U.S. Postal Service requires cluster mailboxes in new subdivisions with 4 or more lots and in multi-unit buildings. In accordance with Article 30-6.A.3.g. and 30-6.A.4 Centralized mail receptacle areas are required and must have a minimum setback of 4 feet from the curb. Cluster mailbox areas shall be approved by the USPS and the City Traffic Services to ensure that access does not impede traffic and that the area is handicap accessible. Cluster mailboxes shall be installed prior to final plat approval and/or a building certificate of occupancy being issued. (Contact: Margaret Blackann, Growth Coordinator, Mid-Carolinas District, Margaret.L.Blackann@usps.gov)

	<ol style="list-style-type: none"> 6. A recombination plat shall be required prior to the issuance of building permits. The owner’s signature shall be on the plat.- 7. The owner(s) shall develop in accordance with the approved site plan, engineering plan, and utility plan. Deviation from the approved plan may result in additional submittals/approvals. 8. Revisions to plans shall require resubmission for review/approval). 9. Any future development shall be submitted for review/approval. 10. The developer shall be aware that subsequent application for zoning and building permits constitutes the developers understanding and acceptance of these Comments. 11. Building orientation and elevation information shall be required for <u>Final Site Plan Approval</u>. See Article 30-5.H: Multi-Family Design Standards. 12. A sidewalk with approved handicap ramps and striping shall be required from the public sidewalk system to the development per Article 30-5.F.9.b.8.
<p>Planning Department Contact: Chet Green Title: Senior Planner Email: chestergreen@fayettevillenc.gov Phone: 910-433-1497</p>	<ol style="list-style-type: none"> 1. Lighting plan required. 2. Coordination with PWC for landscaping and lighting plans, to confirm no interference with easements will be required. PWC approval of these plans will be required prior to TRC approval. 3. For Final Site Plan Approval an Exterior Lighting plan for all new exterior lighting shall be required. See Article 30-5.E <ul style="list-style-type: none"> • All exterior lights shall be full cut off fixtures. • The Lighting Plan shall indicate the pole height (max. 20 feet in residential districts and OI, NC, MU, and DT districts, max. 30 feet in LC, CC, BP and industrial districts.) • Maximum illumination, measured in foot-candles at ground level, at a property line shall not exceed the standards in Table 30-5.E.5 • Light poles shall be located at least 15 feet from canopy and 5 feet from understory tree trunks. • Any adjustments in the field need to comply with this standard and be approved. 4. Landscape Plan prepared by someone knowledgeable of plant material and design is required. See Article 30-5.B It is recommended that the landscape plan be included on a separate sheet. The plan shall include all applicable street trees, site and building landscaping, VUA (parking lot and drive aisle) landscaping, screening, property perimeter and/or street yard buffers. (Type D along the residentially zoned property lines). <u>Recommended Plant Lists</u> <ul style="list-style-type: none"> • A planting legend summarizing quantity, size, type and spacing of plants should be included on plan. • Existing vegetation may be used to satisfy required buffers. Staff will determine if additional plantings are needed to satisfy this requirement. • Identify easement locations to ensure that there is no conflict between utilities and required landscaping. • Tree islands must meet minimum soil area requirements. • Canopy trees require 274 SF of uninterrupted soil area and min. width of 10’. • Understory trees require 180 SF of uninterrupted soil area and min. width of 7’.

- Shrubbery to be a minimum of 2.5 feet from front end of the parking spaces to prevent damage from car overhang.
 - All shrubs installed as vehicular use screening are to be maintained as a continuous hedge at a minimum height of 36 inches.
5. Please add the following notes to the plan for the installer:
- Shrubbery is to be planted at least 30” from curbing and from end of parking spaces to prevent damage from car overhang.
 - Shrubs installed as vehicular use screening are to be maintained at a min. height of 36”; Min. installation height is 24”.
 - Site lighting plans require lights to be a min. of 15 feet from trees. Any adjustments in the field need to comply with this standard and be approved by staff.
 - Each tree must be planted such that the root flare is visible at the top of the root ball. Trees where the root flare is not visible will be rejected. Do not cover the root flare with mulch.
 - Do not place mulch in contact with the tree trunk. Keep mulch a min. of 4” away from the trunk base.
 - Any changes to the proposed plant schedule must be approved by the designer of record and staff. In cases where the plant schedule only includes the plant type and does not include the plant species, the contractor shall be required to submit to the City for approval, a detailed plant schedule and associated planting plan prepared by someone knowledgeable about plant material and design, prior to proceeding with installation.
 - Property Perimeter Buffer - In areas where existing vegetation is to be used to satisfy perimeter landscape buffer, the City may determine, after an on-site inspection, that additional planting is required to satisfy the required buffer.
6. In accordance with **Article 30-5.B.6. Tree Preservation** - Trees 30 inches or greater in diameter at breast height (4.5 feet) are considered Specimen Trees. The location of all specimen trees shall be noted on the plan along with their size. Removal of healthy specimen trees is discouraged and a fee-in-lieu of preservation is imposed (\$50 per caliper inch if removed or if the critical root zone is not protected during construction.)
7. **Article 30-2.C.9 Clear-Cutting Permit:** Do not remove any trees prior to final site plan approval. A Clear-Cutting Permit may be required if land clearing is to begin prior to site plan approval. If trees are improperly removed a fine and/or mitigation plan shall be required. A State Soil and Erosion Control Permit shall also be required prior to clearing the site.
8. **Article 30-5.B.7. Tree Preservation Incentives:** Saving existing trees may result in a reduction of open space dedication and/or may count toward required landscaping. A 300 percent credit for the preservation of the critical root zoned is available.
9. Tree protection areas based on a tree’s critical root zone (one foot radius per one inch of tree diameter) shall be noted and drawn to scale on demolition, grading, erosion control, and landscaping plans. **Include the following information:**
PRIOR TO CONSTRUCTION:
 The contractor shall install and maintain, for each protected tree or group of trees fencing that encircles the outer limits of the tree(s) critical root zone to protect them from construction activity. All fencing shall be in place prior to any site work and shall remain in place until all exterior work is completed.

	<p><u>PROTECTIVE FENCING:</u> Orange Vinyl construction fencing, chain link fencing, snow fencing or other similar fencing at least four feet high and supported at a maximum of ten-foot intervals, enough to keep the fence upright and in place. The fencing shall have a tree protection sign affixed every twenty feet and be clearly visible to the workers.</p> <p>10. Open Space Requirement: Residential sites (<i>greater than 20 acres</i>) - Twenty percent of the site shall be dedicated as Open Space. A minimum of 10% shall be provided with at least 50% being usable for active or passive amenities and shall be planned and improved with those amenities. Indicate the location, square footage, and details of the area and the amenities on the plan. Payment-in-Lieu is available for the remaining 10% required Open Space, calculated at the rate of \$12,038.96 per acre. See Article 30-5.C</p>
<p>Zoning Department Contact: Dave Winstead Title: Zoning Administrator Email: davidwinstead@fayettevillenc.gov Phone: 910-433-1062 Or Joseph Senn Title: Zoning Administrator Email: JosephSenn@Fayettevillenc.gov Phone: 910-433-1437 Or Contact: Sabrina McLaurin Title: Zoning Technician Email: SabrinaMcLaurin@fayettevillenc.gov Phone: 910-433-1385</p>	<ol style="list-style-type: none"> 1. Will need to meet all dimensional standards (density, setback, & lot size) for the future zoning district. Will need a recorded recombination/subdivision plat be for approval. 2. Parking shall be provided in accordance with the Code; parking counts are based on the type of use; for multi-family is based on 1.8 spaces for every unit and all required parking space stalls shall be a minimum of 9' x 20'. Please provide the necessary information for staff to determine compliance. An Alternative Parking Plan to reduce the number of required spaces may be an option, if necessary. See Article 30-5.A. 3. This review does not approval for any location of signage, all required permits shall be obtained prior to any installation permanent signage. 4. No Certificate of Occupancy Permit shall be issued until a zoning officer inspects the site and certifies that the site is developed in accordance with the plan and that all comments have been satisfied.
<p>Inspections Department Contact: Jason Everage Title: Chief Building Official Email: jasoneverage@fayettevillenc.gov Phone: 910-433-1703</p>	<ol style="list-style-type: none"> 1. ADA parking compliance shall be required: One ADA parking space is required for every 25 parking spaces; for every 6 ADA spaces one shall be a van accessible space. 2. The building plans shall be in compliance with the 2018 NC Building Code.
<p>Engineering Department Contact: Michael Monge Title: Engineering Inspector Email: michaelmonge@fayettevillenc.gov Phone: 910-433-1655</p> <p>Submit application, fee and plans directly to City Engineering.</p>	<ol style="list-style-type: none"> 1. Your project requires an infrastructure permit, which requires a new application to be created. Please visit the link below to begin the application process. Begin Infrastructure Permit Application Process 2. An undeveloped site that adds 20,000+ SF of impervious area is required to meet the Stormwater Control Ordinance.

	<p>3. Stormwater management facilities must limit the one-year and ten-year developed peak discharge rates to predeveloped peak discharge rates or to the amount that can be accommodated by the receiving downstream drainage system, whichever is more restrictive. (Sec. 23-28 of the Stormwater Control Ordinance)</p> <p>4. This project is located in a watershed that has well-documented water quantity problems. More stringent/modified design criteria (such as controlling the 25-year developed peak discharge rate to the predeveloped peak discharge rate) determined by the city engineer may be required. (Sec. 23-28 of the Stormwater Control Ordinance)</p> <p>5. This site is greater than an acre and requires an Erosion Control Permit. Please coordinate with NCDEQ and submit an approved permit prior to any land disturbance or issuance of the Infrastructure Permit.</p> <p>6. Please coordinate with NCDEQ to obtain the appropriate 401 & 404 permit related to the potential wetland impact that will occur during development.</p>
<p>NC Dept. Environmental & Natural Resources Contact: Bailey Taylor or Melissa Joyner Email: bailey.taylor@deq.nc.gov melissa.joyner@deq.nc.gov</p>	<p><u>Standard Comments:</u></p> <ol style="list-style-type: none"> 1. Any project having one or more acres of disturbance requires a plan be submitted with our office. 2. Person(s) conducting land disturbing activity shall take all reasonable measures to protect public and private property from damage caused by such activities. 3. Sedimentation and erosion control measures are required to be installed to protect adjacent properties.
<p>Solid Waste Department Contact: Daniel Edwards Title: Assistant Public Services Director Email: danieledwards@fayettevillenc.gov Phone: 910-433-1691</p>	<p><u>Standard Comments:</u></p> <ol style="list-style-type: none"> 1. A start-up kit for recycling in multi-family communities is on the City's webpage. (www.fayettevillenc.gov - Departments, Environmental Services Department, Public Services, Solid Waste Division, Recycling) 2. There should be an area on-site for the garbage dumpsters and/or carts; providing an area for recycling is strongly encouraged. 3. Dumpster and/or cart enclosures shall be constructed or retrofitted to comply with City standards and shall be screened from off-site view. If block or concrete walls are used and/or a drain is provided a building permit and/or plumbing permit may be required. 4. Dumpster pad should include an area no less than 6 feet in front of the dumpster so the weight bearing front wheels of the collection truck will be resting on a reinforced concrete pad when the dumpster is lifted by the truck.
<p>PWC Contact: Sam Powers Title: Engineer (Water Resources) Email: samuel.powers@faypwc.com Phone: 910-223-4370 Or Contact: Tiffany B. Faulk Title: Engineer I (Water Resources) Email: tiffany.faulk@faypwc.com</p>	<ol style="list-style-type: none"> 1. All projects are required to submit separately to PWC for review and/or approval. Submit required information through the PWC GeoCivix portal at https://faypwc.geocivix.com/secure/. 2. The Submittal Checklist and plans for the project are required to be included with the submittal to PWC. Additional documents that may be required are identified in the Submittal Checklist that is available at https://www.faypwc.com/design-standards/.

<p>Phone: 910-233-4759</p> <p>Submit application, fee and plans directly to PWC.</p>	<ol style="list-style-type: none"> 3. For projects requiring water and/or sewer main extensions, PWC has local delegated permitting authority from the State and may issue your water and sewer permits. 4. Water and sewer mains shall be extended in accordance with PWC's policies. 5. You may contact PWC for information on obtaining water and sewer services. (PWC – Water Resources Engineering, 910-223-4730) 6. No permanent structure(s) shall be permitted within any PWC utility easements. 7. Landscaping plan(s) shall be included in the submittal to PWC. No trees are allowed to be planted in PWC water and sewer utility easements. Non-invasive shrubs can be placed in the rear 5 feet of easements (if necessary). Chet Green can provide a list of vegetation allowed within easement areas. Existing and proposed PWC easements must be shown on the landscaping plan in addition to being shown on the utility plan(s). 8. Any existing water and/or sewer laterals that are not utilized on the project must be killed out at the main in accordance with PWC requirements. 9. A fire hydrant flow test may be required as determined by the fire marshal's office. As of July 1, 2019 the hydrant flow test fee is \$500. Application may be submitted through the PWC GeoCivix portal at https://faypwc.geocivix.com/secure/. 10. The application form is available at https://www.faypwc.com/design-standards/. Contact Robert Turner (910-223-4746, robert.turner@faypwc.com) at PWC with any questions. 11. A water permit is not required for fire lines of any size for projects submitted to PWC for review after January 01, 2017. 12. A hydraulic analysis (i.e. fire hydrant flow calculations) shall be submitted to PWC for review as determined by the fire marshal's office. These calculations shall demonstrate that the required fire flow may be supplied by the approved fire hydrant(s), as determined by the fire marshal's office, while maintaining 20 psi residual pressure on the PWC water system. 13. For projects in PWC's electric service area, a copy of the electrical panel schedule shall be included with the PWC submittal. For additional information, please contact PWC Electrical Engineering at 910-223-4514.
<p>PWC Contact: Zachary Hall Title: Engineer (Electrical Service) Email: zachary.hall@faypwc.com Phone: 910-988-0228</p>	<ol style="list-style-type: none"> 1. Utility Plans, Application and Fees shall be submitted directly to the Public Works Commission (PWC). You may contact PWC for information on obtaining electrical services. (PWC – Electrical Resources Engineering, 910- 818-2250) The link to the PWC electric service standards is: http://www.faypwc.com/wp-content/uploads/2014/03/electric_standards.pdf 2. A panel schedule shall be required. 3. Provide a landscape plan in auto-cad format to coordinate landscaping with utilities and easements. <p>Understory trees are allowed to be planted in PWC electrical utility easements. Canopy trees can be placed 15 feet off the center line of distribution lines and 25 feet off the center line of transmission lines if</p>

	<p>necessary. Chet Green, can provide a list of vegetation allowed within easement areas. Existing and proposed PWC easements must be shown on the landscaping plan.</p>
<p>NC Department of Transportation Contact: Troy Baker Title: Traffic Engineer Email: tlbaker@ncdot.gov Phone: 910-364-0601</p>	<p><u>Site Specific Comments:</u> <u>Standard Comments:</u></p> <ol style="list-style-type: none"> 1. Construction of any new connection or alteration of any existing connection may require an approved Driveway Permit. For additional information contact the Division 6/District 2 office. 2. Change of use may require a new Driveway Permit. Permits MUST be secured prior to the change of property use. 3. Failure to secure required permits prior to construction or change in property usage may result in the removal of the driveway or street connections at the property owner’s expense. For additional information contact the Division 6/District 2 office. 4. In the event that a house is built by a contractor for commercial gain and/or if property changes ownership from existing owner to builder, an approved Driveway Permit must be secured. 5. All concrete curb and gutter within Departmental rights-of-way shall be 30” and constructed to NCDOT Specifications and Standards. All existing curb cuts shall be removed and replaced with the standard 30” concrete curb and gutter. 6. Additional rights-of-way may be required as associated with the construction of the roadway improvements. All right-of-way dedication/reservation shall be conveyed by North Carolina General Warranty Deed (metes and bounds) referencing the required recorded plat dedicating/reserving the rights-of-way. Any plats and deeds must be reviewed and approved by the Department prior to recordation. NCDOT signature is required prior to the City’s approval of the plat. 7. Performance and Indemnity Bond will be required as conditions of the Driveway Permit (roadway improvements). 8. When working within NCDOT rights-of-way requiring lane, shoulder closures or other affected areas will require strict adherence to NCDOT Specifications and Standards. 9. Proposed sidewalks and utility installations within NCDOT rights-of-way shall be approved by separate encroachment agreements. 10. Design engineers should contact the District office for more information on site improvements, required pavement schedules and bonding requirements.
<p>Traffic Services Department Contact: Virginia Small Title: Transportation Planner Email: virginiasmall@fayettevillenc.gov Phone: (910) 433-1148 Or Brian McGill Title: Deputy City Traffic Engineer Email: brianmcgill@fayettevillenc.gov Phone: 910-433-1170</p>	<ol style="list-style-type: none"> 1. Submit the N.C. Department of Transportation Street and Driveway Access Permit Application (https://connect.ncdot.gov/resources/BusinessForms/TEB-65-04.doc) to the City Traffic Services Division online by visiting https://fayetteville.idtplans.com/secure/. Application will be created as a separate submission in IDT from the original TRC submission and will need to include PDFs of both the permit application and site plan. Please note: where signatures are required, NCDOT acceptable signature methods include: Original wet signature (scanned in color), Docusign verified, and Adobe Pro verified. Approval of the permit will be conducted online through IDT from the City of

Submit NCDOT and City Driveway Permit application directly to City Traffic Services Dept.

Fayetteville. **Payments** to The City of Fayetteville will also be **made online through IDT (*preferred*)** or by check (please contact City of Fayetteville Traffic Services staff person prior if you must pay via this method). Please note, paying offline may significantly slow down approval of the driveway permit. The City will approve driveway permits prior to NCDOT's approval. Following the City's approval, the applicant will need to meet all of NCDOT's requirements. The NCDOT driveway permit point of contact is Troy Baker tlbaker@ncdot.gov Driveway permits also will **not be approved until TRC has approved the final site plan layout**. Reference Article 24-101. Fees are as follows

- \$50.00 PER DRIVEWAY CONNECTION ON SITE** payable to **NC Department of Transportation** (Driveway Permit)
- Please note: The City will not accept payments made to NCDOT. This will need to be sent directly to them separately.
- \$200.00** (or \$400 if building square footage is > 75,000) payable to **City of Fayetteville** (Driveway Permit)
- If NCDOT Driveway Permit is required, City driveway permit fees must still be paid, however, the developer is only required to fill out the NCDOT Driveway Permit Application.

Steps For Submitting a Driveway Permit Online Have Been Provided In a Separate Comment/Issue in IDT. The City Will **ONLY** Accept Driveway Permits Online Now & The Process Has Changed Significantly, So Please Read Carefully.

IMPORTANT UPDATE: As of 10/18/2021, following NCDOT approval, the **applicant will now be required to upload the NCDOT driveway permit approval package back into the City's IDT portal** under the previously submitted driveway permit project application. Thank you for understanding as this new requirement will significantly enhance coordination & may also help significantly expedite the approval process for your project.

3. **Minimum 20' radii** are required on all city access driveways. Driveway radii and driveway widths are to be labeled on the site plan. Reference Article 24-102 + NCDOT Policy on Street & Driveway Access Chapter 7 Section B
4. Any **existing curb cuts** and/or **driveway apron(s)** that are **no longer being used** or no longer allowed shall be removed and replaced with curb and gutter. This is to be depicted on the site plan in that manner.
5. Where any new driveway is constructed or an existing driveway reconstructed that requires a driveway permit, **a city standard sidewalk shall be constructed along the entire length of the property served by such driveway**. NOTE: Sidewalk installation may require curb drop(s) and curb ramp(s). Appropriate ramp type detail shall be provided with

the driveway permit and labeled on the site plan. Reference Article 24-101

6. A **sidewalk** with approved handicap ramps, truncated domes, and a 5 foot landing (except with parallel handicapped ramps) shall be constructed along the property that abuts all public and private streets. Sidewalk must be 5' wide and 4" thick. Sidewalks across driveways shall be 5' wide and 6" thick. **All sidewalk details must be site specific and not a compilation of all the available sidewalk details.**
7. Future **sidewalk placement** will depend on pavement end treatment/conditions:
 - a. -If strip pavement is used, sidewalk improvements will require an easement.
 - b. -If rollback curb and gutter is used, sidewalk improvements require a 2' offset.
 - c. -If vertical curb and gutter is used, sidewalk improvements may be placed directly behind.
8. A **sidewalk easement** shall be required for sidewalk and ramps within the property lines. Sidewalk easements are to be labeled on the site plan.
9. Sidewalks within the right-of-way will be included in the driveway permit approval and a **three-party encroachment** agreement shall be required for all sidewalks within NCDOT maintained right-of-way. Reference: <https://connect.ncdot.gov/municipalities/Utilities/Pages/Encroachment-Agreements.aspx>
10. Should **cross sections** of existing sidewalk at adjacent properties be greater than the minimum width, installation of new sidewalk should match the existing cross section width.
11. Sidewalks shall be constructed or a bond issued **prior to final plat approval** and/or issuance of a Certificate of Occupancy. Reference Article 24/102 + NCDOT Policy on Street & Driveway Access Chapter 2 Section A, Chapter 3 Section E
13. Appropriate **stacking distance** is required: (Measured from the edge of the street travel lane to the intersection of the driveway and parking area.) Reference Article 30-5.A.11
 1. -1-49 parking spaces requires 35 feet
 2. -50-249 parking spaces requires 45 feet
 3. -250-499 parking spaces requires 100 feet
 4. -500 or more requires 100 feet plus 15 feet for every additional 50 parking spaces
14. A **sight distance triangle** may be required: 20' x 20' and/or 10' x 70'. No object (including signs) shall interfere with visibility within the sight distance triangle of an intersection of streets. Reference Article 30-5.F.4

	<p>15. For cluster mailbox/kiosk areas, adequate vehicle storage shall be provided to ensure that no disruption in the normal flow of traffic along the adjacent roadway is created. Reference Article 30-6.A.3 and 30-6.A.4</p>
<p>Transit Department Contact: Jaimie Walters Title: Transit Planner Email: JaimieWalters@FayettevilleNC.gov Phone: 910-433-1626</p>	<p>Route 3 currently serves this area with an existing ADA compliant stop nearby. FAST would not request a new stop.</p>



City of Fayetteville

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

City Council Action Memo

File Number: 24-4021

Agenda Date: 5/14/2024

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: Demetrios Moutos - Planner I

DATE: May 14, 2024

RE:

P24-23. Rezoning of multiple properties from Single Family Residential 10 (SF-10) and Limited Commercial (LC) to Office and Institutional (OI), located on the north side of Village Drive between Roxie Avenue and Owen Drive, totaling 7.54 acres ± and being the properties of Cumberland County Hospital System Inc., NGOASONG LLC, James G. Davis, and Village Commercial Properties, LLC.

COUNCIL DISTRICT(S):

5 - Lynne Greene

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:

Over the past twenty-five years, the Cape Fear Valley Medical Center and its associated medical services have expanded substantially, necessitating a reassessment of land use to support continued growth and integration with the surrounding community. The Hospital Area Plan and Overlay Ordinance, implemented in 2010, was a proactive measure addressing key concerns such as managing rapid regional growth, resolving land use conflicts, and enhancing development quality to support this medical hub. Key issues identified include significant traffic congestion and the need for higher-quality development that aligns with the area's evolving role as a healthcare nucleus.

This report advocates for the rezoning of multiple properties from Single Family Residential 10 (SF-10) and Limited Commercial (LC) to Office and Institutional (OI) to

accommodate uses more suitable to the current and future needs of the area. This transition is supported by the Cumberland County Hospital System's acquisition of most properties in question, which aligns with the strategic goal of facilitating effective land use around major institutional centers.

Background:

Owner: Cumberland County Hospital System Inc., NGOASONG LLC, James G. Davis, and Village Commercial Properties, LLC

Applicant: City of Fayetteville

Requested Action: LC and SF-10 to OI

REID #s: 0416855119000, 0416855294000, 0416856279000, 0416951815000, 0416951690000, 0416956888000, 0416957971000, 0426060010000, 0426061055000, 0426062099000, 0416966493000, 0426065138000, 0426066230000, and 0426066239000

Potential Council District: 5 - Lynne Greene

Status of Properties: Various businesses, vacant lots, single-family structures, parking lots, etc.

Size: 7.54 acres ±

Adjoining Land Use and Zoning:

- North: OI - Medical Center and Offices
- South: SF-10, OICZ, OI, and LC - Retail, Medical Offices, Single-family
- East: CC - Retail and Medical Offices
- West: SF-10 - Single-family, religious institution

Annual Average Daily Traffic 2022: Village Drive - 15,000

Postcards Mailed: 227

Land Use Maps and Plans:

The 2040 Comprehensive Plan, adopted on May 26, 2020, designates this area for Office/Institutional development, encompassing light industrial sites, offices, flex spaces, and large institutions. The Hospital Area Plan also supports this zoning to accommodate the area's growth as a medical hub.

Issues/Analysis:

History:

According to a story in the Fayetteville Observer from January 2019, construction began on Cape Fear Valley Hospital in 1954. The 200-bed hospital opened in June 1956, but admissions remained low until the early 1960s because "doctors wouldn't come out here; it was too far from downtown." Today, the Cape Fear Valley Health System is the eighth-largest system in North Carolina, serving a broad range of patients and providing comprehensive healthcare services.

In 1968, aerial photography showed that all parcels between Conover Drive and Roxie Avenue contained single-family residential structures. Over the years, significant changes occurred:

- Between 1982 and 1995, Conover Drive and Owen Drive parcels were converted into parking lots. Additionally, one structure was removed to create

- an entrance to the hospital across from Conover Drive.
- Between 2001 and 2008, two buildings on the corner of Owen Drive and Village Drive were demolished to expand the hospital's main campus.
- By 2011, some homes, including 3526 Village Drive, had been converted into medical offices. In 2011, 3410 Village Drive was rezoned to OI (Office/Institutional), and in 2012, it received a Special Use Permit to operate an office use in the Hospital Overlay within 100 feet of a residence.
- Further removals and conversions continued through 2021, leading to only a few remaining single-family homes.

Today, the Cumberland County Hospital System owns all but three parcels on the north side of Village Drive between Owen Drive and Roxie Avenue.

Surrounding Area:

Within the Hospital Area Overlay, the surrounding area is characterized by various medical offices, retail establishments, the Cape Fear Valley Medical Center's main campus, and single-family housing on the periphery. The Bordeaux Shopping Center is located on the opposite side of Village Drive, at the corner of Village Drive and Owen Drive.

Breakthrough Physical Therapy and an office for the North Carolina Department of Revenue occupy a building at 3401 Village Drive, a new structure erected between 2017 and 2021, replacing a daycare. The rest of the uses on this short block between Fargo Drive and Conover Drive are single-family residences, with properties zoned Office/Institutional (OI) two parcels deep.

3505 Village Drive was redeveloped between 2010 and 2013 and zoned OI/CZ. This conditional zoning aimed to facilitate coordinated redevelopment, acknowledging the hospital's activity and emergency entrance noise. The applicant collaborated with staff to mitigate impacts on both the neighborhood behind and the corridor's function and appearance. Substantial buffers, a landscaped streetscape, coordinated access, and an urban building pattern were provided, creating a protective edge for the neighborhood. The rezoning was approved in March 2010.

The remaining uses between Stockton Drive and Roxie Avenue on the south side of Village Drive are single-family residential zoned SF-10. West of these properties is the Welmar Heights subdivision, also zoned SF-10. Cape Fear Church of Christ, the Bordeaux Public Library, and Mary McArthur Elementary School lie further down Village Drive to the west. The Cape Fear Valley Medical Center's main campus abuts the subject properties to the north.

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 City of Fayetteville is seeking to rezone sixteen parcels currently zoned Single Family Residential 10 (SF-10) and Limited Commercial (LC) to Office and Institutional (OI). This district accommodates small-scale, low-intensity professional and business offices, institutions, and limited personal service and supporting retail uses. It also allows single-family detached, single-family attached, and multi-family residential uses close to each other, subject to design and compatibility standards (see 30-4.D Accessory Uses).

OI districts are generally situated near residential neighborhoods, serving as a buffer or transition between these neighborhoods and more intense business districts. Uses

within the district are subject to design standards outlined in Article 30-5: Development Standards. As OI districts often evolve from primarily residential areas, office/institutional uses should align with surrounding residential uses in terms of design, scale, and character.

Straight Zoning:

The request is for a straight rezoning from Single Family Residential 10 (SF-10) and Limited Commercial (LC) to Office and Institutional (OI).

The reclassification of land to a base zoning district without conditions allows all uses permitted in that district, as shown in the Use Table in the UDO. The Zoning Commission cannot impose conditions or restrictions on the range of allowable uses, use standards, development intensities, or other development standards.

Land Use Plan Analysis:

Hospital Area Plan and Overlay Ordinance:

As previously noted, the subject properties fall within the Hospital Area Overlay, which aims to protect public health, safety, and welfare by reducing conflicts between residential and non-residential land uses and encouraging high-quality, compact development. This includes enforcing specific zoning and building standards, such as those for building dimensions, parking, landscaping, and buffering, to ensure that new developments are well-integrated and enhance the area's aesthetic and functional appeal.

The Hospital Area Plan and Overlay Ordinance, adopted on December 13, 2010, designates these properties as Area 2 and Area 8. Area 2 includes both the north and south sides of Village Drive, west of Conover, while Area 8 encompasses the main hospital campus.

The analysis provided in the plan highlights a significant land use conflict between the hospital and the Bordeaux neighborhood, exacerbated by the “recent” relocation of the emergency entrance to Village Drive. This move has increased noise disturbances and, along with heavy traffic, has diminished the quality of life for residents.

Additionally, this area has seen a surge in rezoning activities.

Recommendations from the Plan are as follows:

1. **Zoning:** Designate both sides of Village Drive for office use to shield homes from direct commercial exposure. Where feasible, zone properties two lots deep on the south side to allow for deeper site development.
2. **Land Consolidation:** Encourage the merging of adjoining lots to improve parking, landscaping, and buffering capabilities.
3. **Building Design:** Erect two-story buildings with substantial buffers to mitigate noise from the hospital.
4. **Aesthetics:** Develop new buildings that will serve as attractive gateways, enhancing the area's overall image.
5. **Land Use Transition:** Gradually shift from residential to office use, providing relief to current residents and property owners along Village Drive.

These recommendations remain as pertinent today as they were in 2010. The redevelopment of the south side of Village Drive has already commenced in alignment with these guidelines. The current rezoning request focuses solely on the north side, predominantly owned by the Cumberland County Hospital System and primarily used for medical offices, parking lots, or remaining vacant.

Traffic concerns persist, with Village Drive's configuration allowing for speeds well above the posted limit of thirty-five miles per hour, despite its designation as a

seven-lane road (including a short turn lane). Observations during a recent site visit revealed the challenges faced by pedestrians, including construction workers, patients, and hospital staff, attempting to cross the road to the Bordeaux Shopping Center.

Village Drive exemplifies a "stroad," a problematic hybrid of a street and a road that poses safety risks and efficiency issues, commonly providing access to car-oriented businesses like strip malls and drive-throughs. This layout is inefficient and hazardous, necessitating a shift towards more pedestrian-friendly infrastructure.

Given these conditions, Village Drive is unsuitable for single-family residential frontage and should continue to develop with office and retail spaces that can act as buffers from the traffic.

Future Land Use Plan:

According to the 2040 Future Land Use Plan, this proposal achieves the following goals:

- Goal #1: Focus value and investments around infrastructure and strategic nodes.
- Goal #2: Promote compatible economic and commercial development in key identified areas.
- Goal #4: Foster safe, stable, and attractive neighborhoods.
- Goal #6: Compliment and capitalize on the strategic importance of military installations, educational institutions, and medical institutions.

Under the plan's Land Use Policies and Strategies section, this proposal aligns with the following:

LU - 1: Encourage growth in areas well-served by infrastructure and urban services, including roads, utilities, parks, schools, police, fire, and emergency services.

- 1.2: Encourage more intense uses, a greater mix of uses, and denser residential types in key focal areas.
 - Regional Centers and Community Centers
 - Neighborhood Mixed Use
 - Downtown
- 1.6: Require adequate infrastructure to be in place before or in tandem with new development.
 - This includes road infrastructure such as roads, turn lanes, and sidewalks as well as public services such as parks, schools, water/sewer, police, fire, and emergency services.

LU - 2: Encourage strategic economic development

- 2.1: Encourage economic development in designated areas.
 - Encourage economic development in key areas including Downtown, Office/Institutional Areas, Industrial/Employment Areas, Regional and Community Centers, and Highway Commercial Areas.

LU - 3: Encourage redevelopment along underutilized commercial strip corridors and reinvestment in distressed residential neighborhoods.

- 3.1: Examine and identify targeted redevelopment and infill areas throughout the city.

LU - 4: Create well-designed and walkable commercial and mixed-use districts.

- 4.1: Ensure new development meets basic site design standards.
 - Standards should include:
 - Connected streets, entrances, and parking lots

- Sidewalks and pedestrian pathways on both sides of all public rights-of-way (at the minimum)
 - High-quality building materials
 - Landscaping, shade, and street trees
 - Perimeter buffers
 - Low-level parking lot screening
 - Stormwater retention and infiltration
- 4.2: Encourage context-sensitive site design.
 - Design commercial and mixed-use areas to be walkable areas with pedestrian connections between uses and buildings
 - Encourage buildings to be located close to the street, especially near key intersections, with parking located to the side or behind the buildings
 - Require short block lengths (max. 400 to 600 feet) and connections to adjacent development (crosswalks, etc.)
 - Ensure development standards specify:
 - Transition in building scale between new buildings and the surrounding neighborhoods
 - Building and parking orientation and design
 - Landscaped buffers, tree save areas, and site design that provides transitions between more and less intense uses

LU - 10: Support land use, site design, and capital improvement initiatives that increase resiliency and reduce impacts from flooding and natural disasters.

- 10.1: Encourage on-site stormwater control measures that reduce the impacts of new development
 - 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.

LU - 13: Coordinate with local governments, non-profits, and education and medical institutions on economic development initiatives and complementary development in the vicinity of campuses.

- Encourage growth and development that is complementary to higher education institutions

Budget Impact:

There will be no immediate impact on the budget; however, ongoing redevelopment is expected to increase tax revenue.

Options:

1. Recommend approval of the map amendment to OI 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 OI 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 properties to be developed as an Office/Institutional (OI).
- 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 Properties
6. Surrounding Properties
7. Consistency and Reasonableness Statement

Project Overview
#1307693
Project Title: North Side of Village Drive Between Owen Drive and Roxie Avenue

Jurisdiction: City of Fayetteville

Application Type: 5.1) Rezoning (Map Amendment)

State: NC

Workflow: Zoning Commission Hearing

County: Cumberland

Project Location
Project Address or PIN:
Zip Code: 28304

- 3540 VILLAGE DR (0416855119000)
- 3534 VILLAGE DR (0416855294000)
- 3530 VILLAGE DR (0416856279000)
- 3414 VILLAGE DR (0416951815000)
- 3506 VILLAGE DR (0416951690000)
- 3406 VILLAGE DR (0416956888000)
- 3402 VILLAGE DR (0416957971000)
- 0 VILLAGE DR (0426060010000)
- 3360 C VILLAGE DR (0426061055000)
- 0 VILLAGE DR (0426062099000)
- 1608 OWEN DR (0416966493000)
- 3326 VILLAGE DR (0426065138000)
- 1674 OWEN DR (0426066230000)
- 1672 OWEN DR (0426066239000)

 Is it in Fayetteville? [Click this link to the Cumberland County Tax Office GIS system](#)
GIS Verified Data
Property Owner: Parcel

- 3540 VILLAGE DR: CUMBERLAND COUNTY HOSPITAL SYSTEM INC
- 3534 VILLAGE DR: CUMBERLAND COUNTY HOSPITAL SYSTEM INC
- 3530 VILLAGE DR: CUMBERLAND COUNTY HOSPITAL SYSTEM INC
- 3414 VILLAGE DR: CUMBERLAND COUNTY HOSPITAL SYSTEM INC
- 3506 VILLAGE DR: CUMBERLAND COUNTY HOSPITAL SYSTEM INC
- 3406 VILLAGE DR: DAVIS, JAMES G
- 3402 VILLAGE DR: CUMBERLAND COUNTY HOSPITAL SYSTEM, INC.
- 0 VILLAGE DR: CUMBERLAND COUNTY HOSPITAL SYSTEM INC
- 3360 C VILLAGE DR: VILLAGE COMMERCIAL

Acreage: Parcel

- 3540 VILLAGE DR: 0.34
- 3534 VILLAGE DR: 0.34
- 3530 VILLAGE DR: 0.34
- 3414 VILLAGE DR: 9
- 3506 VILLAGE DR: 0.34
- 3406 VILLAGE DR: 0.46
- 3402 VILLAGE DR: 0.46
- 0 VILLAGE DR: 0.92
- 3360 C VILLAGE DR: 0.49
- 0 VILLAGE DR: 0.8
- 1608 OWEN DR: 38.72
- 3326 VILLAGE DR: 0.23
- 1674 OWEN DR: 0.67
- 1672 OWEN DR: 0.16

PROPERTIES, LLC

- 0 VILLAGE DR: CUMBERLAND COUNTY HOSPITAL SYSTEM INC
- 1608 OWEN DR: CUMBERLAND COUNTY HOSPITAL SYSTEM INC
- 3326 VILLAGE DR: CUMBERLAND COUNTY HOSPITAL SYSTEM INC
- 1674 OWEN DR: CUMBERLAND COUNTY HOSPITAL SYSTEM INC
- 1672 OWEN DR: CUMBERLAND COUNTY HOSPITAL SYSTEM INC

Zoning District: Zoning District

- 3540 VILLAGE DR: SF-10
- 3534 VILLAGE DR: SF-10
- 3530 VILLAGE DR: OI
- 3414 VILLAGE DR: OI
- 3506 VILLAGE DR: OI
- 3406 VILLAGE DR: OI
- 3402 VILLAGE DR: SF-10
- 0 VILLAGE DR: OI
- 3360 C VILLAGE DR: LC
- 0 VILLAGE DR: LC
- 1608 OWEN DR: SF-10
- 3326 VILLAGE DR: OI
- 1674 OWEN DR: OI
- 1672 OWEN DR: OI

Subdivision Name:

Fire District:

Hospital Overlay District: Hospital Overlay District

- 3540 VILLAGE DR: 0
- 3534 VILLAGE DR: 0
- 3530 VILLAGE DR: 0
- 3414 VILLAGE DR: 0
- 3506 VILLAGE DR: 0
- 3406 VILLAGE DR: 0
- 3402 VILLAGE DR: 0
- 0 VILLAGE DR: 0
- 3360 C VILLAGE DR: 0
- 0 VILLAGE DR: 0
- 1608 OWEN DR: 0
- 3326 VILLAGE DR: 0
- 1674 OWEN DR: 0
- 1672 OWEN DR: 0

Airport Overlay District:

Coliseum Tourism District:

Cape Fear District:

Haymount Historic District:

100 Year Flood: <100YearFlood>

Watershed:

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 Approval Date:

Previous Amendment Case #:

Acreage to be Rezoned: 7.54

Water Service: Public

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

The land contains multiple uses related to the Hospital and various medical services. One single-family house exists at 3406 Village Drive. A deli and old sports bar exist at 3360 C Village Drive.

SF-10, OI, and LC

Proposed Zoning District: Office and Institutional (OI)

Is this application related to an annexation?: No

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.:

Most of the surrounding uses are related to the Hospital and Medical Services, with single-family, commercial, and office uses across Village Drive to the South and across Owen Drive to the east. To the west exists single-family development.

South: SF-10, OICZ, OI, LC

East: CC, OI

West: SF-10

North: OI

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 Map calls for this area to develop as Office and Institutional. The Hospital Area Plan also suggests that both sides of Village Drive be zoned for offices.

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 rezoning initiative aims to align the area with the hospital's expansion plans. By proactively adjusting zoning regulations, we seek to protect surrounding communities while facilitating the expansion in a controlled manner.

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 properties in question are situated immediately adjacent to the main hospital campus, currently designated as Office Institutional (OI). Many of the parcels target for rezoning by this application are under the ownership of the Cumberland County Hospital System. Given the Hospital's plans for expansion, either through enlarging its main campus or developing additional offices and medical facilities, it becomes imperative to rezone these parcels sooner rather than later. In addition, no other zoning district aligns more closely with the intended uses for these lands.

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

As mentioned earlier, the parcels in question are located next to the main hospital campus, which dominates the development block bordered by Owen Drive and Roxie Avenue. By rezoning these parcels to align with the zoning of the Hospital's Main Campus and anticipated similar developments, we encourage a logical and orderly pattern of growth.

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

There is no reason to believe that this rezoning would lead to premature development.

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

The uses allowed within the Office and Institutional Zoning District, as well as the development regulations outlined by the Hospital Area Overlay, ensure that a specific type of development occur on these parcels.

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 doesn't

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

To accurately determine the impacts on property values and taxes, an assessment by a professional assessor is necessary. However, it is generally expected that the property values of the subject properties and the surrounding area would increase due to the area's continued expansion and redevelopment.

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

The rezoning-promoted development is expected to have no negative environmental impacts. Each subject property is already either developed or cleared to some extent. Additionally, it's highly likely that future enhancements will improve stormwater retention and drainage systems. Any forthcoming development will adhere to local landscaping ordinances, which are designed to maintain a high-quality environment and ensure a healthy amount of vegetation.

Primary Contact Information

Contractor's NC ID#:

Project Owner

Demetrios Moutos
City of Fayetteville
433 Hay St.
Fayetteville, NC 28301
P:9104331329
demetriosmoutos@fayettevillenc.gov

Project Contact - Agent/Representative

Demetrios Moutos
City of Fayetteville
433 Hay St.
Fayetteville, NC 28301
P:9104331329
demetriosmoutos@fayettevillenc.gov

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 Electrical Contractor #3 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:



Aerial Notification Map

Case #: P24-23

Request: Rezoning from Single Family Residential 10 (SF-10) and Limited Commercial (LC) to Office and Institutional (OI).

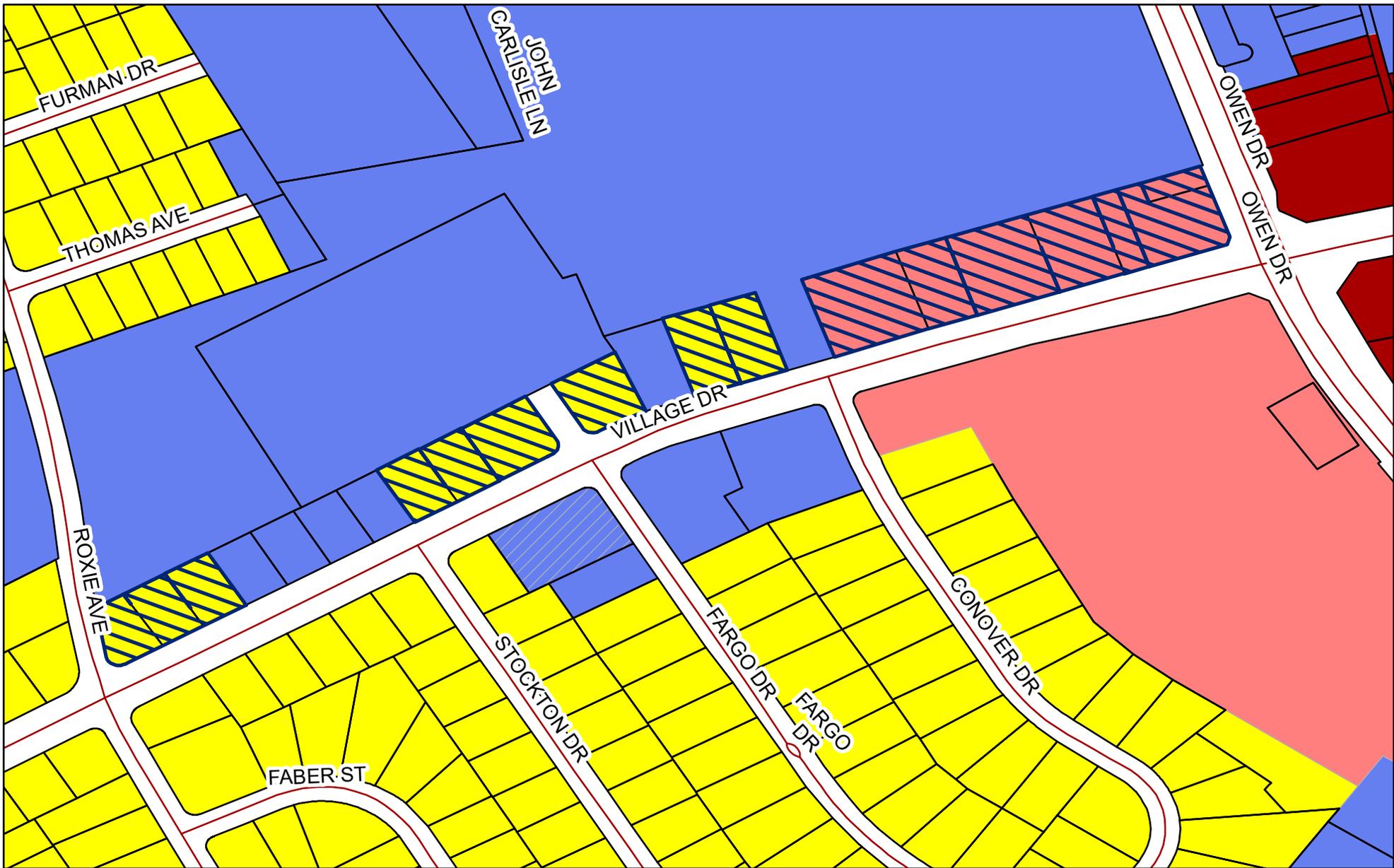
Location: North side of Village Drive between Roxie Avenue and Owen Drive

Legend

-  P24-23 Buffer
-  P24-23



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



Zoning Map

Case #: P24-23

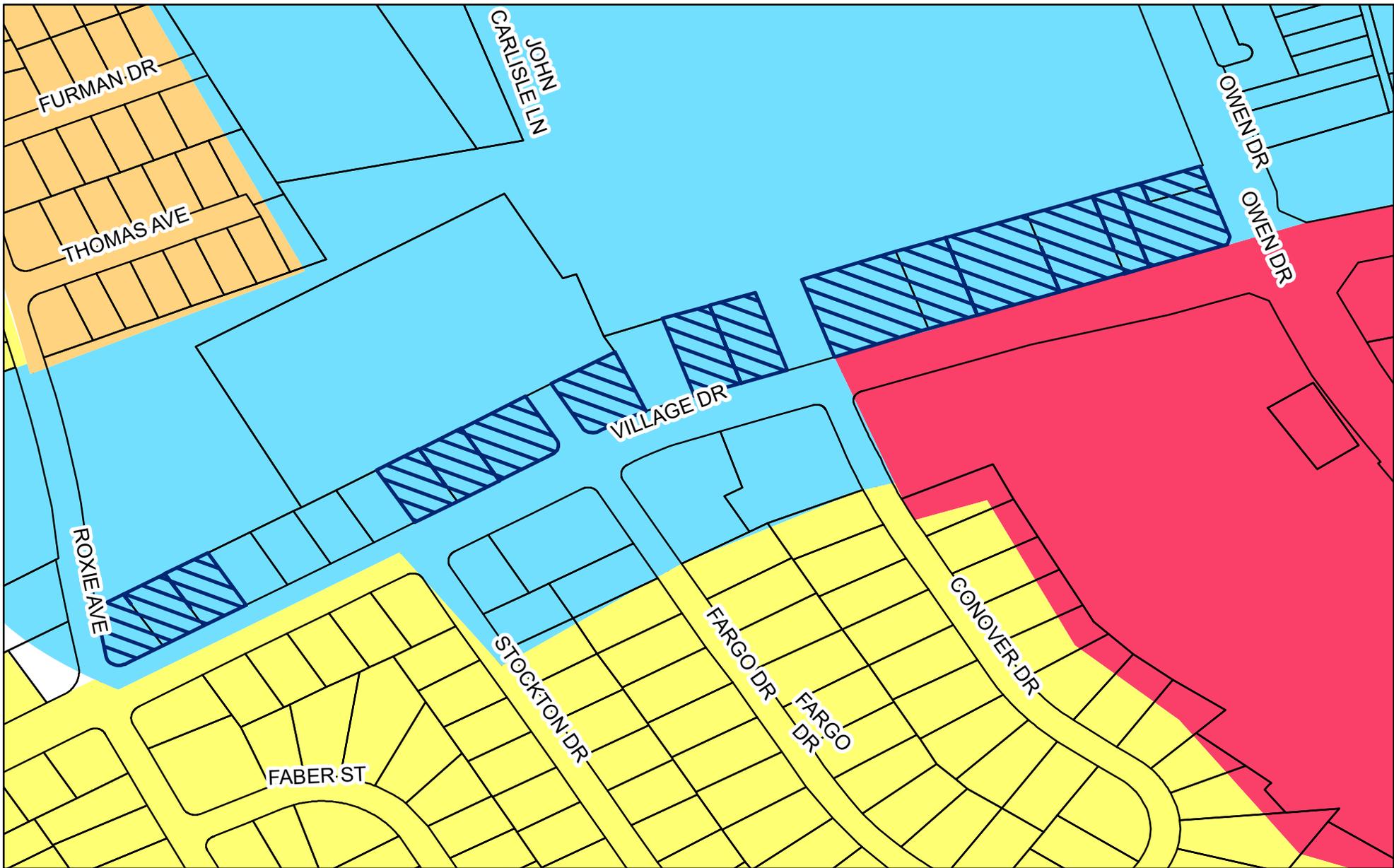
Request: Rezoning from Single Family Residential 10 (SF-10) and Limited Commercial (LC) to Office and Institutional (OI).

Location: North side of Village Drive between Roxie Avenue and Owen Drive

-  P24-23
-  CC - Community Commercial
-  LC - Limited Commercial
-  OI - Office & Institutional
-  OI/CZ - Conditional Office & Institutional
-  SF-10 - Single-Family Residential 10



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



Future Land Use Map

Case #: P24-23

Request: Rezoning from Single Family Residential 10 (SF-10) and Limited Commercial (LC) to Office and Institutional (OI).

Location: North side of Village Drive between Roxie Avenue and Owen Drive



P24-23

Land Use Plan 2040

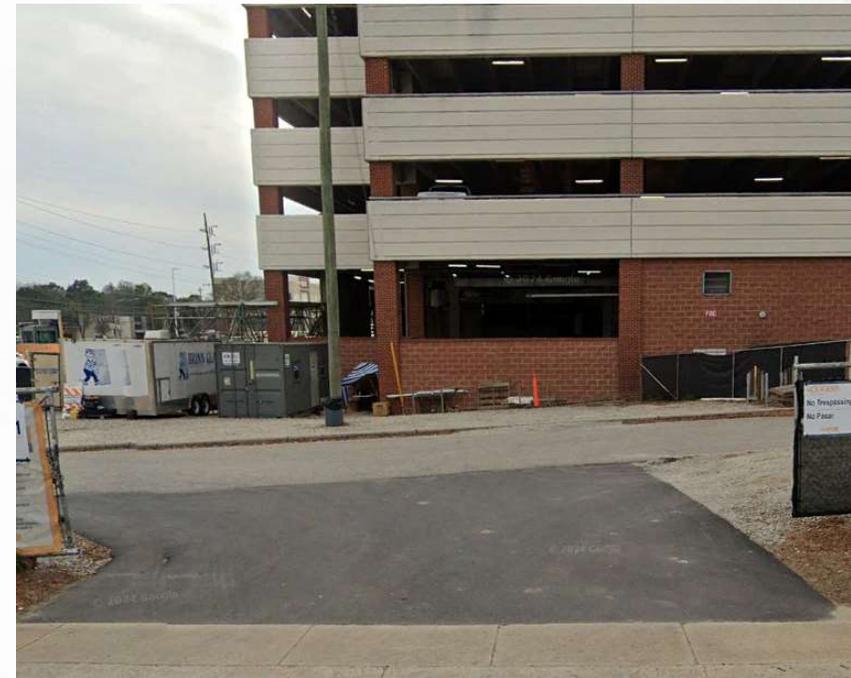
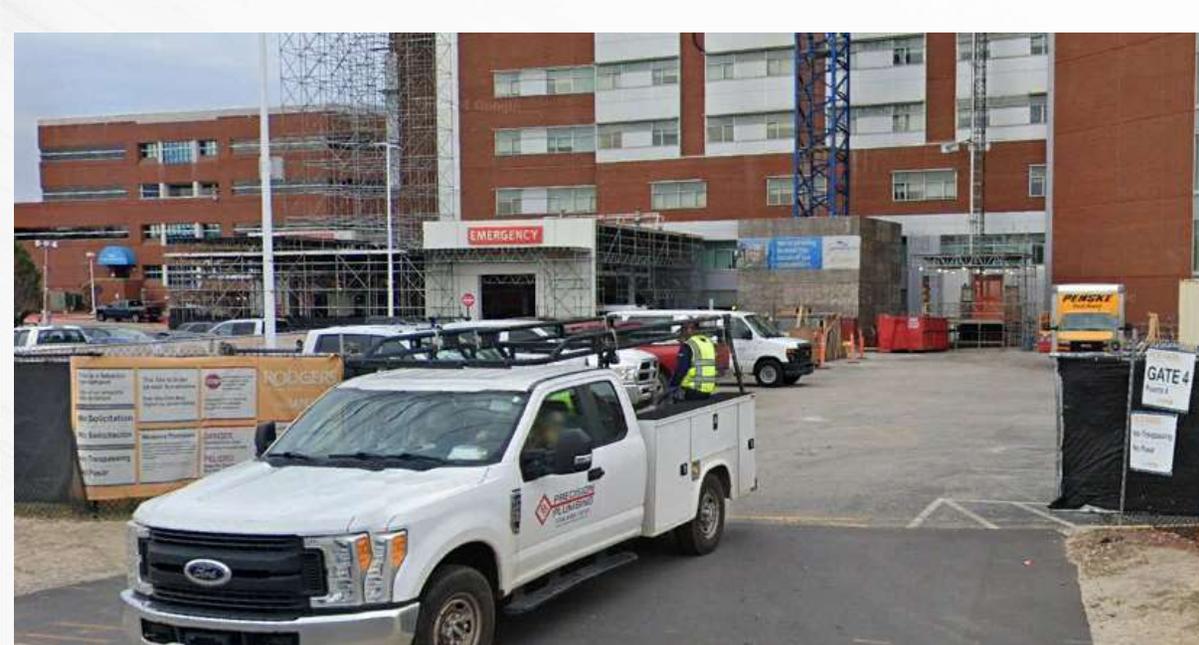
Character Areas

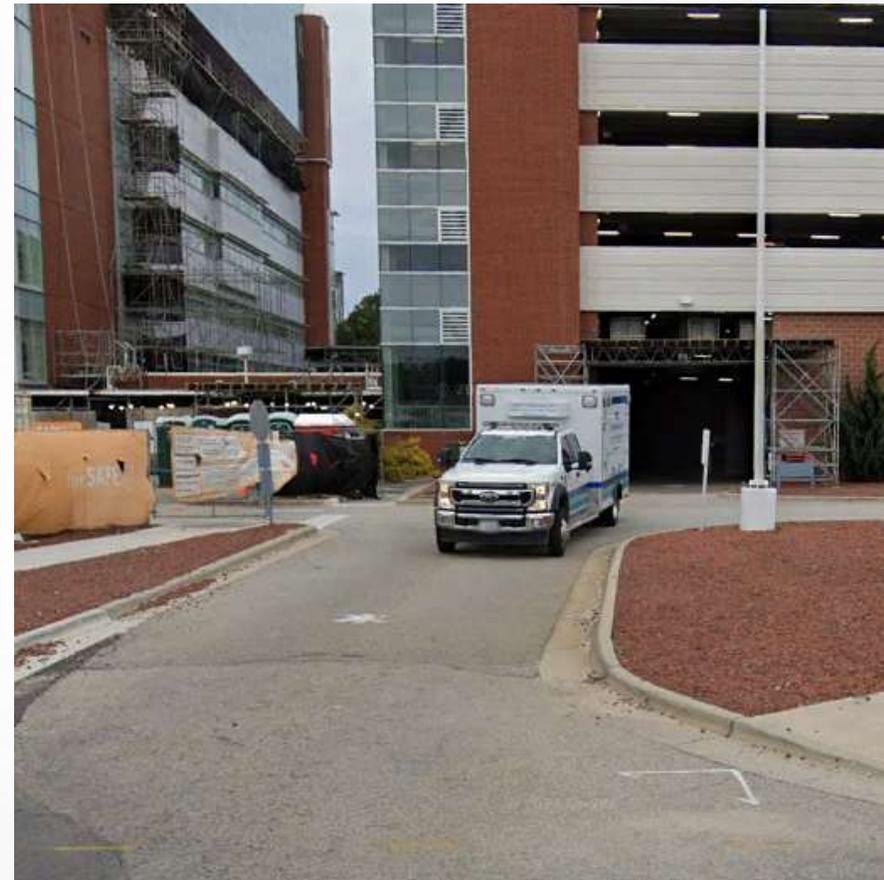
-  LDR - LOW DENSITY
-  MDR - MEDIUM DENSITY
-  CC - COMMUNITY CENTER
-  OI - OFFICE / INSTITUTIONAL



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





















South





South

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 P24-23 is/is not 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 GOAL #6: Compliment and capitalize on the strategic importance of military installations, education institutions, and medical institutions.	X X	

2. LAND USE POLICIES AND STRATEGIES:

LAND USE POLICIES AND STRATEGIES	CONSISTENT	INCONSISTENT
LUP 1: Encourage growth in areas well-served by infrastructure and urban services, including roads, utilities, parks, schools, police, fire, and emergency services.	X	
1.2: Encourage more intense uses, a greater mix of uses, and denser residential types in key focal areas. o Regional Centers and Community Centers o Neighborhood Mixed Use o Downtown	X	
1.6: Require adequate infrastructure to be in place before or in tandem with new development. o This includes road infrastructure such as roads, turn lanes, and sidewalks as well as public services such as parks, schools, water/sewer, police, fire, and emergency services.	X	
LUP 2: Encourage Strategic Economic Development	X	
2.1: Encourage economic development in designated areas. • Encourage economic development in key areas including Downtown, Office/Institutional Areas,	X	

Industrial/Employment Areas, Regional and Community Centers, and Highway Commercial Areas.		
LUP 3: Encourage redevelopment along underutilized commercial strip corridors and reinvestment in distressed residential neighborhoods.	X	
3.1: Examine and identify targeted redevelopment and infill areas throughout the city.	X	
LUP 4: Create a well-designed and walkable commercial and mixed-use districts	X	
4.1: Ensure new development meets basic site design standards <ul style="list-style-type: none"> • Standards should include: <ul style="list-style-type: none"> ○ Connected streets, entrances, and parking lots ○ Sidewalks and pedestrian pathways on both sides of all public rights-of-way (at the minimum) ○ High-quality building materials ○ Landscaping, shade, and street trees ○ Perimeter buffers ○ Low-level parking lot screening ○ Storm water retention and infiltration 	X	
4.2: Encourage context-sensitive site design <ul style="list-style-type: none"> • Design commercial and mixed-use areas to be walkable areas with pedestrian connections between uses and buildings. <ul style="list-style-type: none"> ○ Encourage buildings to be located close to the street, especially near key intersections, with parking located to the side or behind the buildings. ○ Require short block lengths (max. 400 to 600 feet) and connections to adjacent development (crosswalks, etc.). • Ensure development standards specify: <ul style="list-style-type: none"> ○ Transition in building scale between new buildings and surrounding neighborhoods. ○ Building and parking orientation and design. ○ Landscaped buffers, tree save areas, and site design that provides transitions between more and less intense uses. 	X	
LUP 10: Support land use, site design, and capital improvement initiatives that increase resiliency and reduce impacts from flooding and natural disasters	X	

10.1: Encourage on-site stormwater control measures that reduce the impacts of new development <ul style="list-style-type: none"> 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. 	X	
LUP 13: Coordinate with local governments, non-profits, and education and medical institutions on economic development initiatives and complementary development in the vicinity of campuses.	X	
<ul style="list-style-type: none"> Encourage growth and development that is complementary to higher education institutions 	X	

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

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

Reasonableness

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

- 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]

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):

 May 14, 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: 24-4020

Agenda Date: 5/14/2024

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: Craig Harmon, CZO - Senior Planner

DATE: May 14, 2024

RE:

P24-24. Rezoning from Limited Commercial Conditional Zoning (LC/CZ) to Limited Commercial (LC) located at 7376 & 7376 Stoney Point Road (REID #s 9495108581000 & 9495109789000) totaling 8.65 acres ± and being the property of Kazi Hasiba Burns.

COUNCIL DISTRICT(S):

6 - Derrick Thompson

Relationship To Strategic Plan:

Strategic Operating Plan FY 2022

Goals 2027

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

- Objective 2.1 - To ensure a diverse City tax base

Goal III: City invested in Today and Tomorrow

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

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

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

Executive Summary:

The applicant has requested to rezone two parcels at the corner of Stoney Point Road and Dundle Road from Limited Commercial Conditional Zoning (LC/CZ) to Limited Commercial (LC). One parcel is .95 acres with a single-family house and the other parcel is 7.70 acres and is currently vacant.

Background:

Owner: Kazi Hasiba Burns

Applicant: The Charleston Group

Requested Action: LC/CZ to LC

REID #: 9495108581000 & 9495109789000

Council District: 6 - Derrick Thompson

Status of Property: One single family house and one vacant lot

Size: 8.65 acres

Adjoining Land Use & Zoning:

- North: SF-10 - Single family subdivision and vacant land

- South: AR, NC, and LC - Gas station, pet boarding facility, and vacant land
- East: SF-10 - Single family houses
- West: SF-10 and AR - Single family houses

Annual Average Daily Traffic: Stoney Point Road: 13,500
Dundle Road: 3,700

NCDOT STIP: U-6072A (Not funded)

Letters Mailed: 160

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 Neighborhood Mixed Use. The Neighborhood Mixed Use character area calls for neighborhood-scale commercial uses, primarily horizontal development but vertical in key locations. Smaller-scale multi-family, attached, and small lot single family is possible.

Issues/Analysis:

History:

The subject properties were annexed into the City of Fayetteville in 2005 as part of the Phase V annexation project. The single-family house on the smaller lot was built in 1970 per Cumberland County Tax Office. The larger parcel did have a structure in the 1980s but the site is currently vacant and has been primarily agricultural in use. There have been multiple rezoning requests in the past for the subject properties. The subject properties were successfully rezoned to Limited Commercial Conditional Zoning in 2018. The conditions prohibited a variety of uses and prohibited a grocery store and gas station from being on the site at the same time.

Surrounding Area:

The surrounding area is primarily residential in nature with some commercial uses concentrated at the corner of Stoney Point Road and Dundle Road. A small gas station is located at southwest corner of Stoney Point and Dundle Roads. Just to the east of the gas station, there is a pet boarding facility, Blessed Oasis. There are various commercially zoned properties in the area, however, they remain either undeveloped or are currently in use as residential housing. The southwest corner of Stoney Point and Dundle Roads remains undeveloped.

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.

Straight Zoning:

The applicant has requested to rezone two parcels from Limited Commercial Conditional Zoning (LC/CZ) to Limited Commercial (LC).

The Limited Commercial (LC) District is established and intended to accommodate a wider range of moderate-intensity general retail, business, and service uses that serve groups of neighborhoods instead of just an individual neighborhood.

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 Neighborhood Mixed Use. The Neighborhood Mixed Use character area calls for neighborhood-scale commercial uses, primarily horizontal development but vertical in key locations. Smaller-scale multi-family, attached, and small lot single family is possible.

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.

According to the 2040 Future Land Use Plan, this proposed development falls within Goal #1: Focus value and investment around infrastructure and strategic nodes, Goal #2: Promote compatible economic and commercial development in key identified areas, and Goal #3: Encourage redevelopment of strip commercial areas.

Under the plan's Land Use Policies and Strategics section, Subsection Strategic, Compatible Growth, this proposed development falls under the following sections:

LUP 1: Encourage growth in areas well-served by infrastructure and urban services, including roads, utilities, parks, schools, police, fire, and emergency services.

- 1.6: Require adequate infrastructure to be in place prior to or in tandem with new development

LUP 2: Encourage strategic economic development

- 2.1: Encourage economic development in designated areas
- 2.5: Partner to determine specific uses that could be supported through adaptive reuse and redevelopment opportunities.

LUP 3: Encourage redevelopment along underutilized commercial strip corridors and reinvestment in distressed residential neighborhoods.

- 3.1: Examine and identify targeted redevelopment and infill areas throughout the city

LUP 4: Create well-designed and walkable commercial and mixed use districts

- 4.1: Ensure new development meets basic site design standards

LUP 5: Improve gateways

- 5.1: Continue to require perimeter landscaping and planting islands in significant renovations and redevelopment along commercial corridors.

Conclusion:

The proposed rezoning would allow for the redevelopment of a long vacant site leading to increased compliance with the current development standards and an improvement in one of Fayetteville's major thoroughfares. The redevelopment will be required to meet the standards of the Unified Development Ordinance. The standards of the UDO should address potential concerns regarding the development's impact on

the surrounding area.

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 LC 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 LC 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 applied 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

**Planning & Zoning**

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

Project Overview**#1288638****Project Title:** Stoney Point Road**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:** 28306

- 7376 STONEY POINT RD (9495108581000)
- 7376 STONEY POINT RD (9495109789000)

Is it in Fayetteville? Click this link to the Cumberland County Tax Office GIS system

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

- 7376 STONEY POINT RD: BURNS, KAZI HASIBA
- 7376 STONEY POINT RD: BURNS, KAZI HASIBA
- 7376 STONEY POINT RD: 0.95
- 7376 STONEY POINT RD: 7.7

Zoning District: Zoning District**Subdivision Name:**

- 7376 STONEY POINT RD: LC/CZ
- 7376 STONEY POINT RD: SF-10

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:** LC - Limited Commercial**Acreage to be Rezoned:** 8.65**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 7.7 acre site is vacant except for a horse shed and a storage shed. The 0.95 acre site has a single family dwelling and an out building related to the dwelling.

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 LC, SF-10, and AR. Across the street from the subject property is a convenience store/service station, located on land designated as LC. Further, across the street from the subject property is a pet resort and a few single family dwellings, located on land designated as AR. The adjacent properties are the site of subdivisions and single family homes, located on land designated as SF-10.

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 2: Promote compatible economic and commercial development in key identified areas.

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; and LU 2: Encourage strategic economic development.

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 property is located in a developing area of the City; including, commercial businesses and residential development. This development warrants the need for additional commercial development.

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

The subject property is currently zoned LC/CZ, and the surrounding properties are zoned LC, SF-10 and AR.

LC zoning allows for general retail, business and services uses that serve groups of neighborhoods and residential uses on the upper floors of non-residential establishments. SF-10 zoning allows for single-family detached residential development, as well as small-scale multi-family dwellings. SF-10 zoning also allows for complementary uses, such as parks, open space, schools, and places of worship. AR zoning allows for rural uses, including agricultural uses, as well as low-density residential uses.

The uses and zoning near this property are a mix of commercial and residential property which is compatible with the proposed zoning.

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

The proposed amendment will allow the subject property to be developed to serve the needs of the group of neighboring residential and commercial properties.

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 and surrounding zoning districts.

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 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**

Kazi Burns

7376 Stoney Point Road

Fayetteville, NC 28306

P: (Phone)910-580-3118

hasi_burns@live.com

Project Contact - Agent/Representative

Victoria Clarkson

The Charleston Group

201 Hay Street , 2000

Fayetteville, NC 28302

P: (Phone)9104852500

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 Electrical Contractor #3 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, Hasi Burns, being duly sworn, deposes and says:

1. That I am the owner of the property properties located at 7376 Stony Point Road in the City of Fayetteville, a subdivision of the State of North Carolina.

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

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

[Signature]
Signature of Affiant

Signature of Affiant

New Hanover
Cumberland County, North Carolina

Sworn to and subscribed before me this day on the 9th day of April

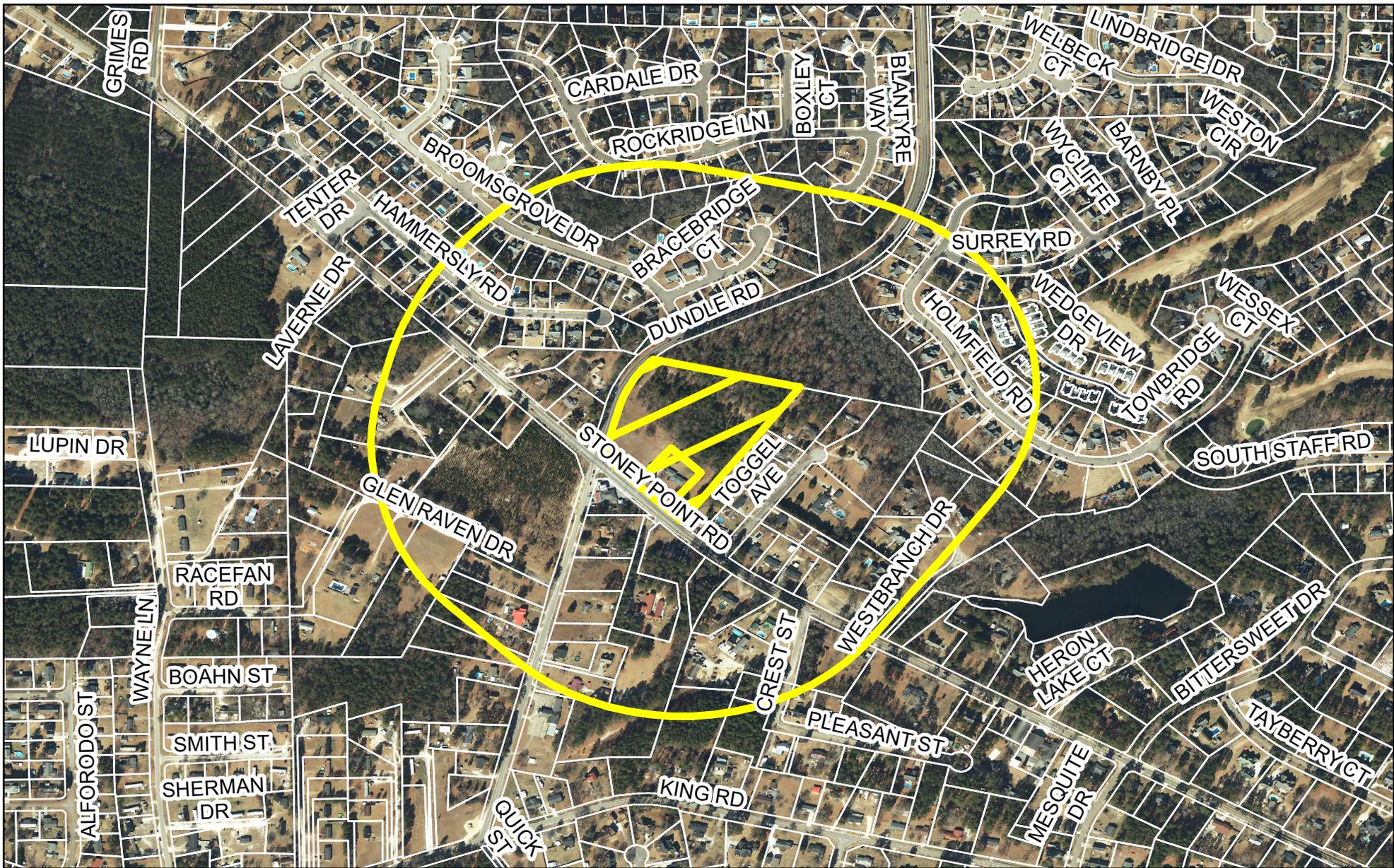
[Signature]
Signature of Notary Public

(Official Seal)

LILY LI
Notary Public
New Hanover Co., North Carolina
My Commission Expires Apr. 3, 2028

LILY LI, Notary Public
Printed Name of Notary Public

My Commission Expires: April 3,



Aerial Notification Map

Case #: P24-24

Request: Rezoning
 Limited Commercial
 Conditional Zoning (LC/CZ) to
 Limited Commercial (LC)

Location: 7376 Stoney Point Road and
 7376 Stoney Point Road

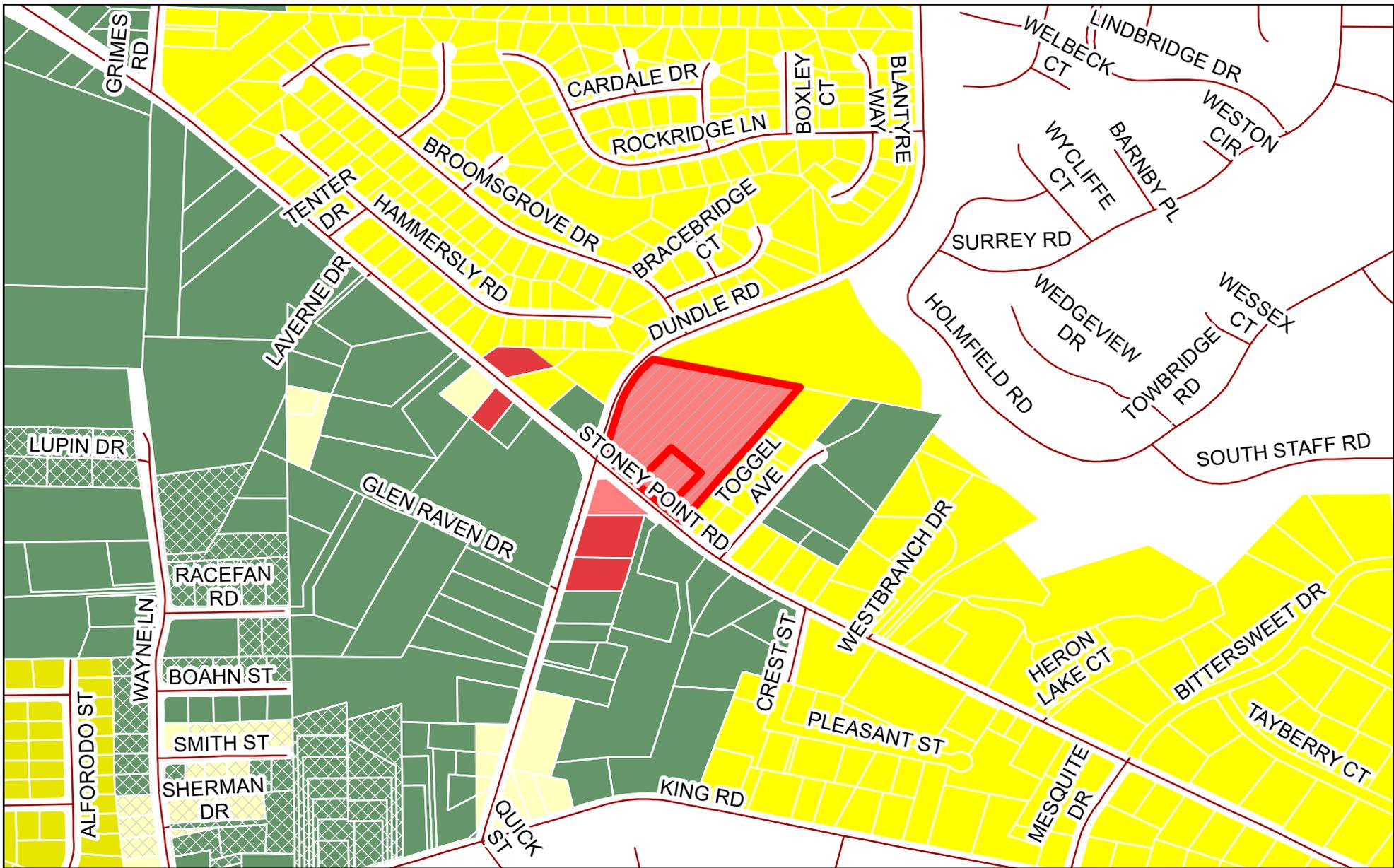
Legend

-  P24-24
-  P24-24 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 #: P24-24

Request: Rezoning
 Limited Commercial
 Conditional Zoning (LC/CZ) to
 Limited Commercial (LC)

Location: 7376 Stoney Point Road and
 7376 Stoney Point Road

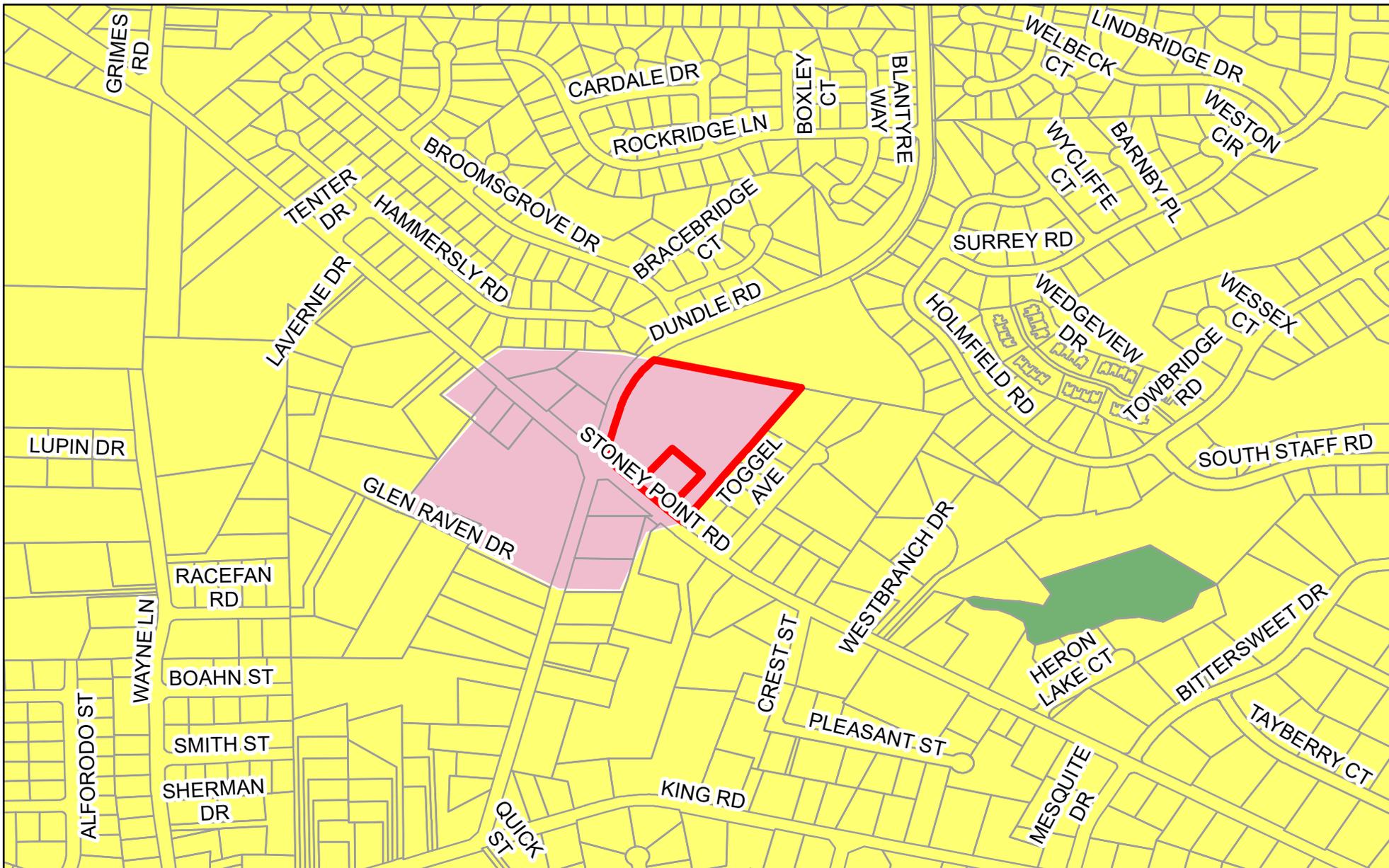
Legend

-  P24-24
-  AR - Agricultural-Residential
-  AR/MHO - Agricultural-Residential Manufactured Home Overlay
-  LC - Limited Commercial
-  LC/CZ - Conditional Limited Commercial
-  NC - Neighborhood Commercial
-  SF-6 - Single-Family Residential 6
-  SF-6/MHO - Single-Family Residential 6 Manufactured Home Overlay
-  SF-10 - Single-Family Residential 10
-  SF-15 - Single-Family Residential 15



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





Land Use Map

Case #: P24-24

Request: Rezoning
 Limited Commercial
 Conditional Zoning (LC/CZ) to
 Limited Commercial (LC)

Location: 7376 Stoney Point Road and
 7376 Stoney Point Road

Legend

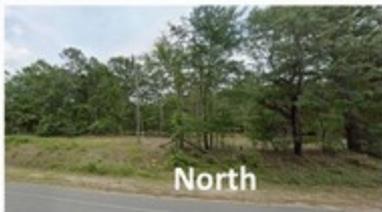
-  P24-24
- Land Use Plan 2040**
- Character Areas**
-  PARKOS - PARK / OPEN SPACE
-  LDR - LOW DENSITY
-  NMU - NEIGHBORHOOD MIXED USE



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







Consistency and Reasonableness Statement

Map Amendments

Pursuant N.C.G.S. Sections 160D-604 and -605, the Zoning Commission finds that the proposed zoning map amendment in case P24-24 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 POLICES AND STRATEGIES	CONSISTENT	INCONSISTENT
LUP 1: Encourage growth in areas well-served by infrastructure and urban services, including roads, utilities, parks, schools, police, fire, and emergency services	X	
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.	X	
1.6: Require adequate infrastructure to be in place prior to or in tandem with new development		
LUP 2: Encourage strategic economic development	X	
2.1: Encourage economic development in designated areas	X	
LUP 4: Create well-designed and walkable commercial and mixed-use districts	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:

<input checked="" type="checkbox"/>	The proposed land use is consistent and aligns with the area's designation on the FLU Map.	OR	<input type="checkbox"/>	The proposed land use is inconsistent and does not align with the area's designation on the FLU Map.
<input checked="" type="checkbox"/>	The proposed designation, as requested, would permit uses that are complimentary to those existing on adjacent tracts.	OR	<input type="checkbox"/>	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):

May 14, 2024
Date

Chair Signature

Print