



City of Fayetteville

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

Meeting Agenda - Final Zoning Commission

Tuesday, March 12, 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: February 13, 2024

4.0 EVIDENTIARY HEARINGS

- 4.01 A24-04. Variance to reduce minimum setbacks, located at 2936 Mirror Lake Drive (REID 0417978540000), and being the property of Benjamin & Victoria Stout.
- 4.02 A24-13. Variance to reduce the minimum front and rear yard setbacks, located at 0? Drive (REID# 0426801531000), totaling 0.18 acres \pm , and being the property of Timothy Davis.
- 4.03 A24-14. Variance to increase the maximum front yard setback for two storage/maintenance buildings at the rear of the property located at 1204 Walter Reed Rd., totaling 13.21 acres \pm and being the property of Cumberland County Hospital System Inc.
- 4.04 A24-15. Variance to reduce the minimum required lot size for a lot in the SF-10 Zoning District totaling 0.21 acres \pm , located at 449 McPhee Drive, and being the property of Thomas Michael Lecka.
- 4.05 A24-16. Variance to increase the maximum size for an accessory structure in the SF-10 Zoning District, located at 1495 Bingham Drive, totaling 6.31 acres \pm , and being the property of Miracle Temple Holy Deliverance Church of God Inc.

5.0 PUBLIC HEARINGS (Public & Legislative)

- 5.01 P24-17. Rezoning from Single Family Residential 10 (SF-10) to Limited Commercial (LC) located at 458 Lansdowne Rd (REID 0407661937000) totaling .96 acres \pm and being the property of Timothy & April Gant.
- 5.02 P24-18. Rezoning from Light Industrial (LI) to Community Commercial (CC) located at 2326 Owen Drive (REID 0426419941000) totaling .91 acres \pm and being the property of McCauley & McDonald Investments Inc.

- 5.03** P24-19. Rezoning from Single Family Residential 6 (SF-6) to Mixed Residential 5 (MR-5) located at 0 Preston Ave (REID 0428469409000) totaling 17.52 acres ± and being the property of Wood Valley NC LLC. **This case has been postponed by the applicant until the Tuesday, April 9, 2024, Zoning Commission meeting.**

6.0 OTHER ITEMS OF BUSINESS

7.0 ADJOURNMENT



City of Fayetteville

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

City Council Action Memo

File Number: 24-3897

Agenda Date: 3/12/2024

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: March 12, 2024

RE: Approval of Meeting Minutes: February 13, 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: February 13, 2024

**MINUTES
CITY OF FAYETTEVILLE
ZONING COMMISSION MEETING
FAST TRANSIT CENTER COMMUNITY ROOM
FEBRUARY 13, 2024 @ 6:00 P.M.**

MEMBERS PRESENT

Pavan Patel, Chair
Alex Keith, Vice-Chair
Kevin Hight
Justin Herbe, Alternate
Stephen McCorquodale

STAFF PRESENT

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

MEMBERS ABSENT

Tyrone Simon

The Zoning Commission Meeting on Tuesday, February 13, 2024, was called to order by Chair Pavan Patel at 6:00 p.m. The members introduced themselves.

I. APPROVAL OF THE AGENDA

MOTION: Stephen McCorquodale
SECOND: Kevin Hight
VOTE: Unanimous (5-0)

II. APPROVAL OF THE CONSENT AGENDA TO INCLUDE THE MINUTES FROM THE JANUARY 17, 2024, MEETING

MOTION: Kevin Hight
SECOND: Justin Herbe
VOTE: Unanimous (5-0)

III. LEGISLATIVE HEARING

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

Mr. Patel opened the legislative hearing for case P24-08.

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

Demetrios Moutos presented case P24-08. The rezoning request is a straight rezoning of 4.75 acres from CC and SF-6 to MR-5. To the south of the area is a U-Haul facility. A majority of the area is SF-6 in the front of the property. The Future Land Use Plan calls for the area to be designated medium residential and neighborhood mixed-use. Mr. Moutos showed the subject property photos to the Board. He showed the Board the surrounding properties with the U-Haul on the southern portion of the land. Mr. Moutos read the analysis for the case. He said the MR-5 zoning allows for a wide range of housing types, and MR-5 is aimed at enhancing the economic growth of the area. The staff recommends approval. Mr. Moutos provided the Board with their voting options.

Mr. Patel opened the hearing for case P24-08.

Speaker in favor:

Lori Epler, 1333 Morganton Road, Fayetteville, NC 28305

- Ms. Epler said the applicant desires to take dilapidated homes and upgrade them. The applicant wants to get rid of mobile homes and upgrade the property so veterans can live there and purchase their homes if desired.
- The area is currently nonconforming.

Mr. Patel closed the hearing for case P24-08.

MOTION: Kevin Hight made a motion to approve the request for rezoning for case P24-08 based on all the goals, policies, and strategies as well as the reasonableness statements and the Future Land Use Map information provided by staff.

SECOND: Stephen McCorquodale

VOTE: Unanimous (5-0)

Mr. Patel opened the legislative hearing for case P24-09.

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

Demetrios Moutos presented case P24-09. The subject property is located on Hay Street. The property is currently zoned Office Institutional (OI) and there is MR-5 zoning in the area. The Future Land Use Plan calls for the area to be designated as neighborhood mixed-use. Mr. Moutos showed the Board a picture of the subject property. The house pictured was previously a drug rehab facility. To the west is Fleming and Consultants and to the east is a law firm. There are offices in the area. Mr. Moutos read the analysis for the rezoning. He said the rezoning enhances the area and it creates an economically dynamic area. Mr. Moutos said the Staff recommends approval of the rezoning. He provided the Board with their voting options.

Mr. Patel opened the hearing for case P24-09.

Speakers in favor:

Casey Benander, 214 Hillside Avenue, Fayetteville, NC 28301

- Ms. Benander is excited about having the historic site renovated and open to the public as a local retail store.

Mr. Patel closed the hearing for case P24-09.

MOTION: Justin Herbe made a motion to recommend approval of the Map amendment to NC as presented based on the evidence submitted and find that the rezoning is consistent with the Future Land Use Plan as demonstrated by the attached consistency and reasonableness statement.

SECOND: Kevin Hight

VOTE: Unanimous (5-0)

P24-10. Rezoning from Mixed Residential 5 Conditional Zoning (MR-5/CZ) to amended Mixed Residential 5 Conditional Zoning (MR-5/CZ) located at 0 Rock Creek Lane and 0 Mount Rainer Road (REID 0439300490000 & 0439302525000) totaling 17.61 acres ± and being the property of Northridge Park Developers LLC & Green Valley South LLC.

Heather Eckhardt presented case P24-10. The request is to modify the existing MR-5 zoning district located off of Rock Creek Lane and Mount Rainer Road. The subject property is located south of Country Club Drive between Rosehill Road and Ramsey Street. The Future Land Use Plan calls for the area to be designated low-density residential. The surrounding area consists of vacant land, a single-family subdivision, and a church. The only proposed condition is to limit the site to a maximum of 125 dwelling units. The zoning would allow the owners to utilize all of the uses allowed under the MR-5 zoning. The staff is recommending approval of the modifications to the property. Ms. Eckhardt presented the Board with their voting options.

Mr. Patel opened the hearing for case P24-10.

Speakers in favor:

Johnathan Charleston, 201 Hay Street, Fayetteville, NC 28302

- Mr. Charleston, the applicant's representative, stated the request was needed to allow for the development of townhouses on the site.

Mr. Patel closed the hearing for case P24-10.

MOTION: Alex Keith made a motion to approve the map amendment to the existing MR-5/CZ zoning district 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.

SECOND: Stephen McCorquodale

VOTE: Unanimous (5-0)

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

Heather Eckhardt presented case P24-11. This is a rezoning request for a split rezoning from Single-Family Residential 6 (SF-6) and Community Commercial (CC) to Community Commercial (CC) at 5709 Bragg Blvd. The property is located at the corner of Bragg Boulevard and Santa Fe Drive. The Future Land Use Plan calls for

the area to develop as employment center. There is a combination of commercial uses and vacant land in the area. Staff recommends approval. Ms. Eckhardt provided the Board with their voting options.

Mr. Patel opened the hearing for case P24-11.

Speakers in favor:

Tracy Rye, 3090 Premiere Parkway, Duluth, GA 30097

- Ms. Rye, the applicant's representative, was available for questions.

Mr. Keith asked Ms. Rye what they would develop in the area. Ms. Rye said they will develop retail uses on the property. Mr. Hight asked if there was anything that they could only do with a switch to Community Commercial (CC) zoning. Ms. Rye said one of the existing driveways is in two different zoning districts, so they are requesting this rezoning. Mr. Patel asked about buffers around the area, and she said they would follow all City guidelines.

Mr. Patel closed the hearing for case P24-11.

Mr. McCorquodale noted that the split driveway was an important issue. Mr. Keith noted that the site map shows that the area is in two zoning districts.

MOTION: Stephen McCorquodale made a motion for case P24-11 to recommend approval of the map amendment to rezone the area from Single-Family Residential 6 (SF-6) and Community Commercial (CC) to Community Commercial (CC) located at 5709 Bragg Boulevard totaling 9.29 acres based on the presentation and within our reasonableness and consistency statements and based on the City's goals and objectives.

SECOND: Kevin Hight

VOTE: Unanimous (5-0)

Mr. Patel opened the hearing for case P24-12.

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

Heather Eckhardt presented case P24-12. Case P24-12 is a rezoning request entered by the Charleston Group and it is part of an annexation request for a large portion of this property. It is an initial zoning from Rural Residential (RR) to Mixed Residential 5 (MR-5) and a rezoning from Single Family Residential 15 (SF-15) to Mixed Residential 5 (MR-5) of one parcel that is already in the city limits of Fayetteville. The property is located on Cedar Creek Road just west of I-95 and across from Locks Creek Road. The property is currently zoned RR and the property at the corner of Cedar Creek Road and Water Oaks Drive is zoned SF-15. The Future Land Use Plan designates the area as low-density residential and Office Institutional (OI). The portion of the property is currently undeveloped. To the north is vacant land and on the other side of Cedar Creek Road, there is a stretch of commercial land. To the south is offices. Ms. Eckhardt stated this area along Cedar Creek Road has a variety of commercial district uses as well as residential uses, and the proposed Mixed Residential 5 zoning will allow for a range of residential uses from single-family to multi-family. Mr. Eckhardt stated that MR-5 zoning is a

compromise between the Land Use designation of low-density and office institutional districts. Staff is recommending approval of the request. She provided the Board with their voting options.

Mr. Patel reminded the speakers that they had 15 minutes to speak in total. He opened the hearing for case P24-12. Mr. Hight advised the speakers to avoid expressing repetitive ideas during their presentations.

Speakers in favor:

Johnathan Charleston, 201 Hay Street, Fayetteville, NC 28302

- Mr. Charleston spoke for owner Darren Collins and advocated for rezoning approval to develop the property for its best use. He pointed out that this aligns with the Comprehensive Plan and would create a buffer between commercial and residential zones. Charleston emphasized the county's housing shortage, citing low availability and rising rents. He provided articles backing the claim of a nationwide housing shortage, linking it to increasing rent costs.

Mr. Patel asked Mr. Charleston if they had reached out to the community to learn about their ideas on this matter. Mr. Charleston said he was only recently aware of any community concerns regarding the project after he received messages from residents. He said the subject property has been owned by a family for a long time and the owners clarified that this development would not consist of affordable housing. This is a market rate development designed to meet the demand in the city. The family had some say in the style and number of units because they reside on the land. The sellers have certain restrictions as to what could be developed on the site, and they have a say as to what is placed on the site. Mr. Hight asked if there were any conditions placed on the development and Mr. Charleston said yes based on deed restrictions. Mr. Keith asked if the conditions were recorded and Mr. Charleston said yes.

The Board informed Mr. Charleston he had nine minutes left to speak. Mr. Charleston chose to use his remaining time for rebuttal.

Julia Aber, 1937 Water Oaks Drive, Fayetteville, NC 28301

- Ms. Aber, who lives nearby, highlighted the importance of protecting a creek mentioned in the Homeowners Association Covenant. Aber suggested building a playground to keep children safe and away from negative activities. She also expressed worries about drugs in the neighborhood and stressed preserving local wildlife.

Speakers in Opposition:

Channing Perdue, 1531 Cedar Creek Road, Fayetteville, NC 28312

- Ms. Perdue, a local property owner, opposed the rezoning and annexation.
- She stressed wildlife preservation due to developers displacing animals, including endangered woodpeckers.
- She also discussed an issue with wet soil affecting Locks Creek. She questioned why drainage and flooding issues remain unresolved.
- She also cited concerns about traffic accidents and looting. Perdue also mentioned overcrowded schools and transportation issues for children. She urges the Board not to approve rezoning and mentions support from another resident.

Mr. Hight asked the Staff if the Board could change the allotted speaking time for each side. Ms. Harper said that they could extend the time for speakers.

Janene Ackles, 1684 Cedar Creek Road, Fayetteville, NC 28312

- Ms. Ackles expressed concerns about traffic issues if an apartment complex is built. She witnessed an accident last weekend, highlighting traffic as a major problem.
- Having moved into the neighborhood two years ago, she believes changing the area from rural would impact the community negatively.
- Ackles suggested developers improve community outreach. She stated she was not informed by the City about the zoning meeting and stressed the importance of developers understanding community desires. Ackles opposed the development, urging the Board not to approve it due to lack of community outreach.

MOTION: Kevin Hight made a motion to add 10 minutes for the speakers representing both sides.

SECOND: Stephen McCorquodale

VOTE: Unanimous (5-0)

Robert Naylor, 1997 Water Oaks Drive, Fayetteville, NC 28312

- Mr. Naylor said there was a storm where water entered the area. If the developers develop in the area there will be more flooding in the area.

Mr. Hight asked Mr. Naylor if they had contacted any County offices about the flooding issues. Mr. Naylor said it would be an issue that could be considered. Ms. Perdue stated she is part of an association and she noted she has seen the animals. She went to the City Council and spoke to them about the Locks Creek cleanup. The County knew about this, and they received money to fix the problem because of Hurricane Katrina, but the County did nothing. Ms. Perdue said her property was flooded because of Locks Creek. Mr. Hight wanted to know if it was a known flood area and Ms. Perdue said yes.

Mr. Naylor noted that he cleaned up the area.

Brandon Perdue, 1531 Cedar Creek Road, Fayetteville, NC 28312

- Mr. Perdue was surprised by flooding issues at Locks Creek which have prompted evacuations. He explained how removing soil exacerbates flooding risks.
- He argued that the development contradicts the 2040 Comprehensive Plan, citing definitions of low-density residential. Perdue emphasized that the area shouldn't allow duplexes or apartments based on Fayetteville 2040 and the Comprehensive Plan.
- He highlighted the lack of a school bus stop in their area, resulting in him dropping off his children. Perdue, with engineering experience, warned against adding more developments, stressing the importance of preserving land to prevent drainage problems.

Jeremy Stanley, 2313 Cleveland Avenue, Fayetteville, NC 28312

- Mr. Stanley, a Cedar Creek resident since 2021, warned of flooding risks in the area and expressed frustration at its neglect. He pointed out overcrowded schools and criticized plans for apartment development in a flood-prone area, ultimately advising against any further development there.

Nadia Minniti, 16721 NC Hwy 53, Fayetteville, NC 28312

- Ms. Minniti regularly drives Cedar Creek Road and worries about flooding hindering her commute to work. Drawing from her experience volunteering on Wilson County's planning board, she stresses the importance of impact studies for new developments. She urges the city to conduct environmental impact studies before approving developments.

Lester Lowe, 1025 Locks Creek Road, Fayetteville, NC 28312

- Mr. Lowe, a 30-year law enforcement veteran, faces daily crime challenges. He experienced the Locks Creek flooding post-hurricane and stressed the importance of communication with the City. He expressed opposition to the development.

Jonathan Charleston- Rebuttal

- Mr. Charleston stated there's no evidence of increased traffic or crime, overcrowded schools, or adverse effects on surrounding properties due to the development.
- He mentioned the City's public notification and the State's stormwater regulation.
- Charleston argued against waiting for school demand before development and emphasized shared burdens.
- He noted the absence of evidence for concerns like endangered woodpeckers or traffic issues.
- Charleston highlighted state and federal regulations addressing various concerns and mentioned the property's previous owners' input through restrictive covenants. He believes the development will benefit the area and offered to address residents' questions.

Mr. Hight inquired about what would occur if the Board did not approve the rezoning and what is the developer's plan. Mr. Charleston said the developer intends to construct multi-family dwellings. He stated there is not enough multi-family housing in the County.

Mr. Patel noted that he agreed that there is a need for multi-family housing as stated by Mr. Charleston. He asked about Department of Transportation studies and Mr. Charleston said that the Department of Transportation has not weighed in on it. Mr. Patel asked if there was a study done, and Mr. Charleston stated that Department of Transportation assessments were not conducted in the area.

A resident inquired about a stormwater survey in the area. Mr. Charleston responded that recommendations would be based on stated factors and wetlands considerations, to be addressed during the permitting process regulated by the State. He mentioned that the stormwater plan would need State approval and emphasized the importance of not obstructing the creek's water flow. When asked about the impervious area for the development, Mr. Charleston explained they don't have a finalized plan to specify this yet.

Mr. Keith noted that the Technical Review Committee would look at the plans and the developers need to work with the Technical Review Committee (TRC). Mr. Charleston said that TRC will be involved with this plan. Mr. Charleston said the risk is all on the developer. The issues will be dealt with by the City. The main issue is stormwater, and it will be mandated by the State. Mr. Charleston did not see the issue of wildlife being addressed in the Staff report. Mr. Charleston reiterated the issues noted by the community and the lack of evidence presented.

There was a question about traffic lights and Mr. Charleston said that when this development starts, the Department of Transportation will determine if a light is necessary based on traffic studies. It is not the City but the State that makes that determination.

Mr. Patel closed the hearing for case P24-12.

Mr. Herbe said he heard that the notifications were not done properly. Mr. Harmon said letters were sent out to residents and the legal ads were published as per State statutes. Residents noted that they did not receive postcards in the mail and Mr. Patel said the hearing is closed.

Mr. Herbe asked questions about the need for the Comprehensive Plan in the staff reports, and he asked what was included in MR-5. Ms. Eckhardt said that single and multi-family housing is included in MR-5. Ms. Harper said that Mr. Herbe could vote that the rezoning is not consistent with the Land Use Plan and show the evidence that supports this.

Mr. Patel said this is the Board's recommendation to the City Council and the applicant can appeal. Mr. Patel said that there are a lot of concerns. Mr. Keith stated that the property has not been entirely annexed into the City and Ms. Eckhardt agreed. Mr. Moutos said that the case would go to the City Council for an annexation hearing in March. Mr. Harmon said the annexation will be a public hearing. Mr. Hight said that if the Board said no to the rezoning then the owners could come back later and resubmit their request. Mr. Harmon said the developer would be informed about what zoning district they can come under when conducting their project, so they may choose to back out. A small portion of this land is in the City and if the land is annexed into the City the owner could come back to the Board with another request.

Ms. Harper said that the City normally requires the rezoning first, so the developer could back out of the annexation. She noted that this is a recommendation by the Board and the case will go to the City Council for a final vote. Mr. McCorquodale said that the developer could present plans to the City and receive restrictions. Mr. Hight asked the Staff about what could be built on the property now. Ms. Eckhardt said it would be single-family housing and it would need to meet the standards of the ordinance. Mr. McCorquodale was concerned that the new development would not complement what is currently located in the area. He noted the covenant that is in place to provide restrictions. Ms. Charleston said something would eventually come to the area.

MOTION: Justin Herbe made a motion to approve the map amendment to a more restrictive zoning district from RR and SF-15 to SF-15 based on evidence submitted and findings that the map amendment would be consistent with the Future Land Use Plan and an amended consistency statement. The amendment is not consistent with the Future Land Use Map in the sense that the Future Land Use Map called for low-density housing to be in the area and MR-5 is medium-density housing.

Mr. Hight stated for clarification that Mr. Herbe's proposal would leave the property at its current zoning. Mr. Herbe clarified that his understanding is that the area is currently RR and SF-15 and he is changing the zoning to SF-15. He is recommending that the properties be initially zoned SF-15.

**SECOND:
VOTE:**

The motion failed due to lack of a second.

MOTION: Kevin Hight made a motion to deny this map amendment request because it is inconsistent and does not align with the area designation on the Future Land Use Map, and it is also not complimentary and congruous to those properties already in that area.

SECOND: Pavan Patel

VOTE: (4-1) (Stephen McCorquodale opposed)

IV. OTHER BUSINESS

Mr. Harmon stated that a variance from February would be heard due to concerns regarding notification of the hearing. In an abundance of caution, the Legal department decided that the case would be reheard as the findings of fact had not yet been approved. Ms. Harper confirmed that the case would be re-noticed prior to the March meeting date.

V. ADJOURNMENT

MOTION: Alex Keith made a motion to adjourn the February 13, 2024, meeting.

SECOND: Stephen McCorquodale

VOTE: Unanimous (5-0)

The meeting adjourned at 8:23 p.m.
Respectfully submitted by Catina Evans



City of Fayetteville

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City Council Action Memo

File Number: 24-3865

Agenda Date: 3/12/2024

Version: 1

Status: Agenda Ready

In Control: Zoning Commission

File Type: Evidentiary Hearing

Agenda Number: 4.01

TO: Mayor and Members of City Council

THRU: Zoning Commission

FROM: Heather Eckhardt, CZO - Planner II

DATE: March 12, 2024

RE:

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

COUNCIL DISTRICT(S):

5 - Lynne Greene

Relationship To Strategic Plan:

Strategic Operating Plan FY 2022

Goals 2027

Goal 4: Desirable Place to Live, Work and Recreate

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

Executive Summary:

The applicant is requesting a variance to reduce the corner side yard and rear yard setbacks for the property located at 2936 Mirror Lake Drive.

This item was initially scheduled for the January 9th Zoning Commission however, due to inclement weather, the meeting was rescheduled for January 17th. At the January 17th meeting, the Zoning Commission voted unanimously to approve the variance as requested.

Due to concerns regarding notification of citizens, after the meeting date was changed, this item is being reheard. Staff is treating this evidentiary hearing as a new case. The case was readvertised and new letters were sent out to the required surrounding property owners.

30.2.C.14 Variance:

The purpose of a variance is to allow certain deviations from the dimensional standards of this Ordinance (such as height, yard setback, lot coverage, or similar numeric standards) when the landowner demonstrates that, owing to special

circumstances or conditions beyond the landowner's control (such as exceptional topographical conditions, narrowness, shallowness, or the shape of a specific parcel of land), the literal application of the standards would result in undue and unique hardship to the landowner and the deviation would not be contrary to the public interest.

Variances are to be sparingly exercised and only in rare instances or under exceptional circumstances to relieve undue and unique hardships to the landowner. No change in permitted uses or applicable conditions of approval may be authorized by variance.

Background:

Owner/Applicant: Benjamin & Victoria Stout

Requested Action: Reduction of corner side yard and rear yard setbacks

Zoning District: Single Family Residential 10 (SF-10)

Property Address: 2936 Mirror Lake Drive

Size: .5 acres ±

Existing Land Use: Vacant

Surrounding Zoning and Land Uses

- North: SF-10 - Single family house
- South: SF-10 - Single family house
- East: SF-10 - Single family house
- West: SF-10 - Single family house

Letters Mailed: 29

Issues/Analysis:

The subject property was subdivided in 2000 as part of Vanstory Hills Section 9-D.

The owner and applicant purchased the property in November 2023. The subject property was not altered in size or shape prior to the purchase or after.

Section 30-3.D.3 of the Unified Development Ordinance outlines the setbacks required for the Single Family Residential 10 (SF-10) zoning district. The UDO requires the following setbacks:

- Front: 30 feet
- Corner Side: 30 Feet
- Side: 10 feet
- Rear: 35 feet

The subject property is located at the corner of a short cul-de-sac. The subject property has an unusual shape due to its location on a corner and a cul-de-sac. The unusual shape results in 384.17 feet which are required to meet a front yard/corner side yard setback of 30 feet. Additionally, the subject property has a short rear lot line at only 49.33 feet in length.

The applicant is requesting to reduce the required setbacks to the following:

- Front: No change
- Corner Side: 15 feet along the cul-de-sac street and 10 feet on the bulb
- Side: No change
- Rear: 5 feet

Insufficient Justification for Variance

The following does not constitute grounds for a Variance:

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

Subsequent Development

The applicant intends to construct a house on the subject property in the future. The applicant does not have specific plans for the house at this time but would like to address the setback restrictions at this time.

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

Findings of Fact Statements as reviewed by the Planning Staff:

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

The applicant states "There are a number of issues that are contributing to our hardship. The primary difficulties are the lot has two "side yards" as it sit on a cul de sac creating an unusual lot shape. In addition it was subdivided with the old setbacks, prior to the UDO."

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

The applicant states "As previously stated the lot faces two street being on Mirror Lake and Hartford Place being a cul de sac, thus creating challenging setback."

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

The applicant states "The shape creates difficultly building envelope and to resolve this is the only option."

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

The applicant states "We plan on building a SFR home which will fit in with all the other homes in the area. By granting this variance it will allow the home to blend in better as it won't have weird angles and shapes."

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

The applicant states "It will not impact the neighbors as we plan on being great neighbors."

Budget Impact:

There is no immediate budgetary impact.

Options:

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

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

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

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

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

Possible Motions and Factual Findings:

Motion to approve a variance to reduce the corner side yard setback to 10 feet and 15 feet and reduce the rear yard setback to 5 feet.

Findings of Fact Required to Approve this Request:

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

—

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

—

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

—

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

—

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

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

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

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

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

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

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

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

Motion to deny the variance as requested.

Findings of Fact Statements Required to Deny this Request:

1. There is not sufficient evidence that the strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships as shown by the following evidence:
-

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

-
3. There is not sufficient evidence that the Variance is the minimum action that will make possible a reasonable use of land or structures as shown by the following evidence:
-

4. There is not sufficient evidence that the Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit as shown by the following evidence:
-

5. There is not sufficient evidence that in the granting of the Variance, the public safety and welfare has been assured and substantial justice has been done as shown by the following evidence:
-

Recommended Action:

Attachments:

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

Project Overview**#1184652**

Project Title: Mirror Lake Lot
Application Type: 5.4) Variance
Workflow: Staff Review

Jurisdiction: City of Fayetteville
State: NC
County: Cumberland

Project Location

Project Address or PIN: 2936 MIRROR LAKE DR
(0417978540000)

Zip Code: 28303

GIS Verified Data**Property Owner: Parcel**

- 2936 MIRROR LAKE DR: SMITH, TIMOTHY C JR;SMITH, JACQUELINE A

Acreage: Parcel

- 2936 MIRROR LAKE DR: 0.5

Zoning District: Zoning District

- 2936 MIRROR LAKE DR: SF-10

Subdivision Name:**Fire District:****Hospital Overlay District:****Cape Fear District:****Haymount Historic District:**

100 Year Flood: <100YearFlood>

Watershed:**Airport Overlay District:****Coliseum Tourism District:****Downtown Historic District:****Floodway:**

500 Year Flood: <500YearFlood>

Variance Request Information

Requested Variances: Minimum yard/setback

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

Minimum sideyard setback

Section of the City Code from which the variance is being requested.: Variance

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

SF10 and all the adjoining lots are SFR homes

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

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

1. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships; it shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;
2. Any practical difficulties or unnecessary hardships result from unique
3. circumstances related to the land, such as location, size, or topography, and are not the result from conditions that are common to

- the neighborhood or the general public be the basis from granting a variance;
4. The Variance is the minimum action that will make possible a reasonable use of land or structures;
 5. The Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit; and
 6. In the granting of this Variance, the public safety and welfare have been assured and substantial justice has been done.

Expiration - Variance

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

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

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

There are a number of issues that are contributing to our hardship. The primary difficulties are the lot has two "side yards" as it sit on a cul de sac creating an unusual lot shape. In addition it was subdivided with the old setbacks, prior to the UDO.

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

As previously stated the lot faces two street being on Mirror Lake and Hartford Place being a cul de sac, thus creating challenging setback.

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

The shape creates diffiucly building envelope and to resolve this is the only option.

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

We plan on building a SFR home which will fit in with all the other homes in the area. By granting this variance it will allow the home to blend in better as it won't have weird angles and shapes.

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

It will not impact the neighbors as we plan on being great neighbors.

Height of Sign Face : 0

Height of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Height of Sign Face: 0

Square Footage of Sign Face : 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Primary Contact Information

Contractor's NC ID#:

Project Owner

Ben Stout

2507 Spring Valley Rd

Fayetteville, NC 28303

P:9104764502

ben@benstoutconstruction.com

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

NC State General Contractor's License Number:

NC State Electrical Contractor #1 License Number:

NC State Electrical Contractor #2 License Number:

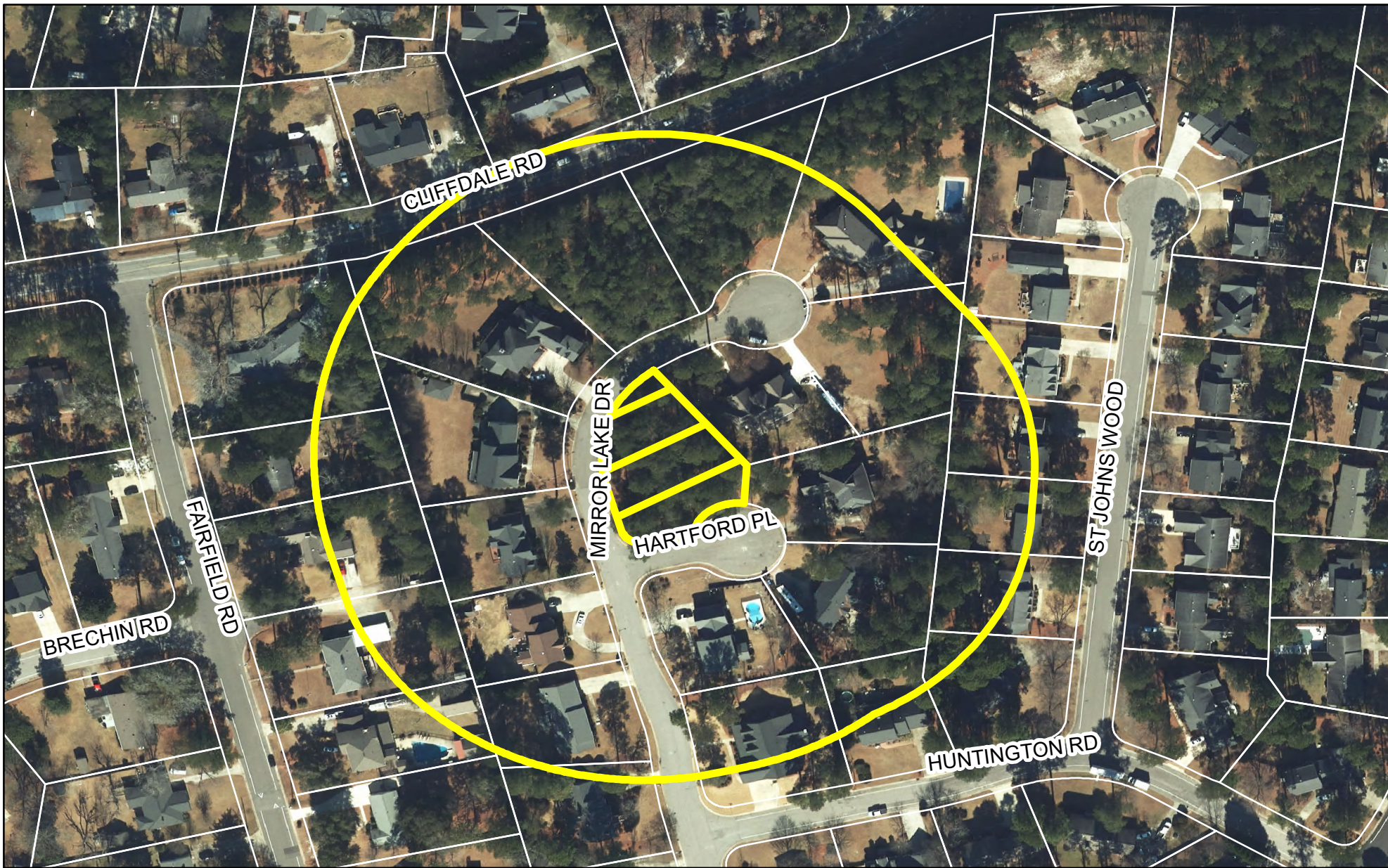
NC State Mechanical Contractor's #1 License Number:

NC State Mechanical Contractor's #2 License Number:

NC State Plumbing Contractor #1 License Number:

NC State Plumbing Contractor #2 License Number:

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



Aerial Notification Map

Case #: A24-04

Request: Variance

Location: 2936 Mirror Lake Drive

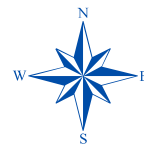
Legend



A24-04

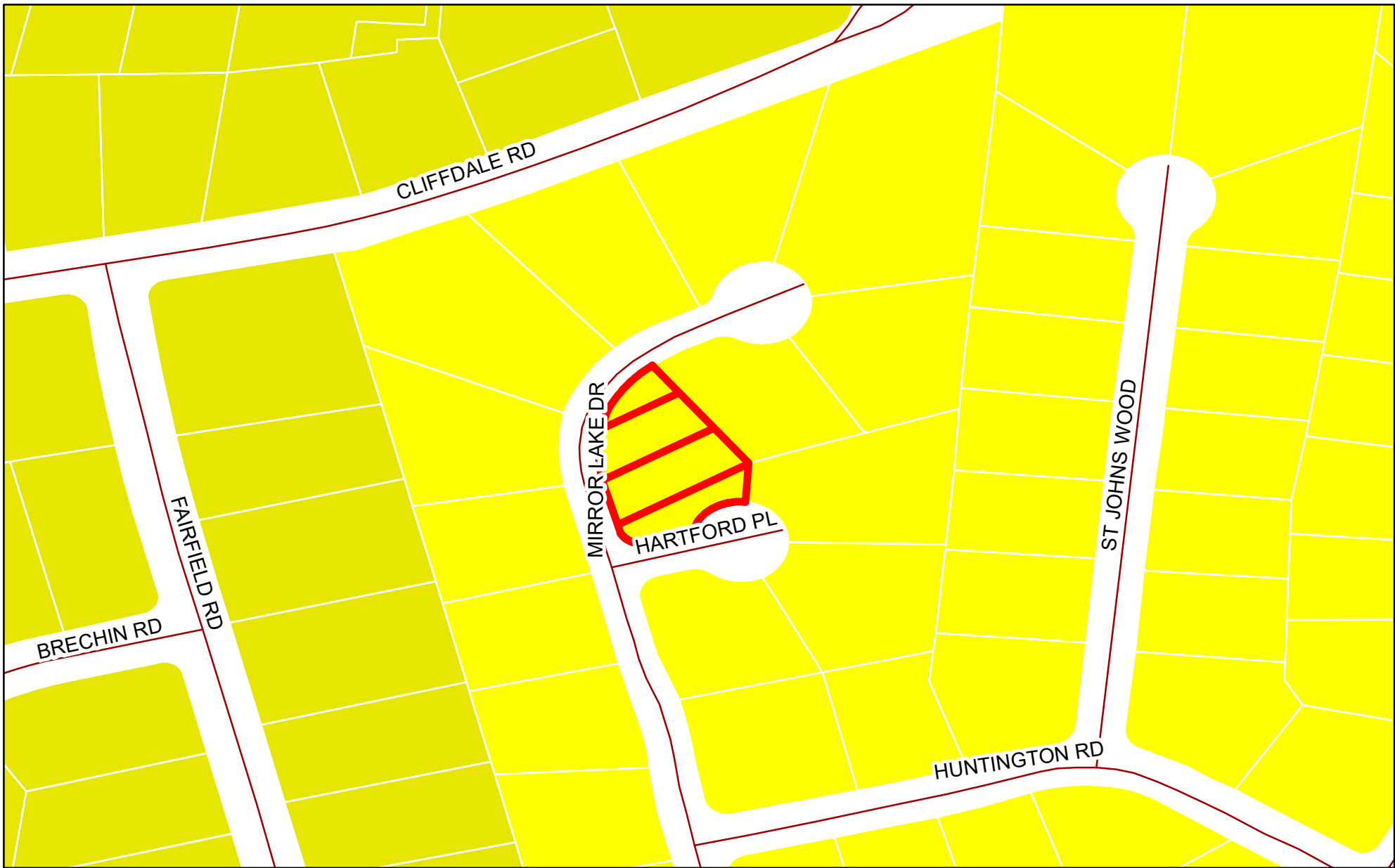


A24-04 Notification Buffer



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





Zoning Map
Case #: A24-04

Request: Variance

Location: 2936 Mirror Lake Drive

Legend



A24-04



SF-10 - Single-Family Residential 10

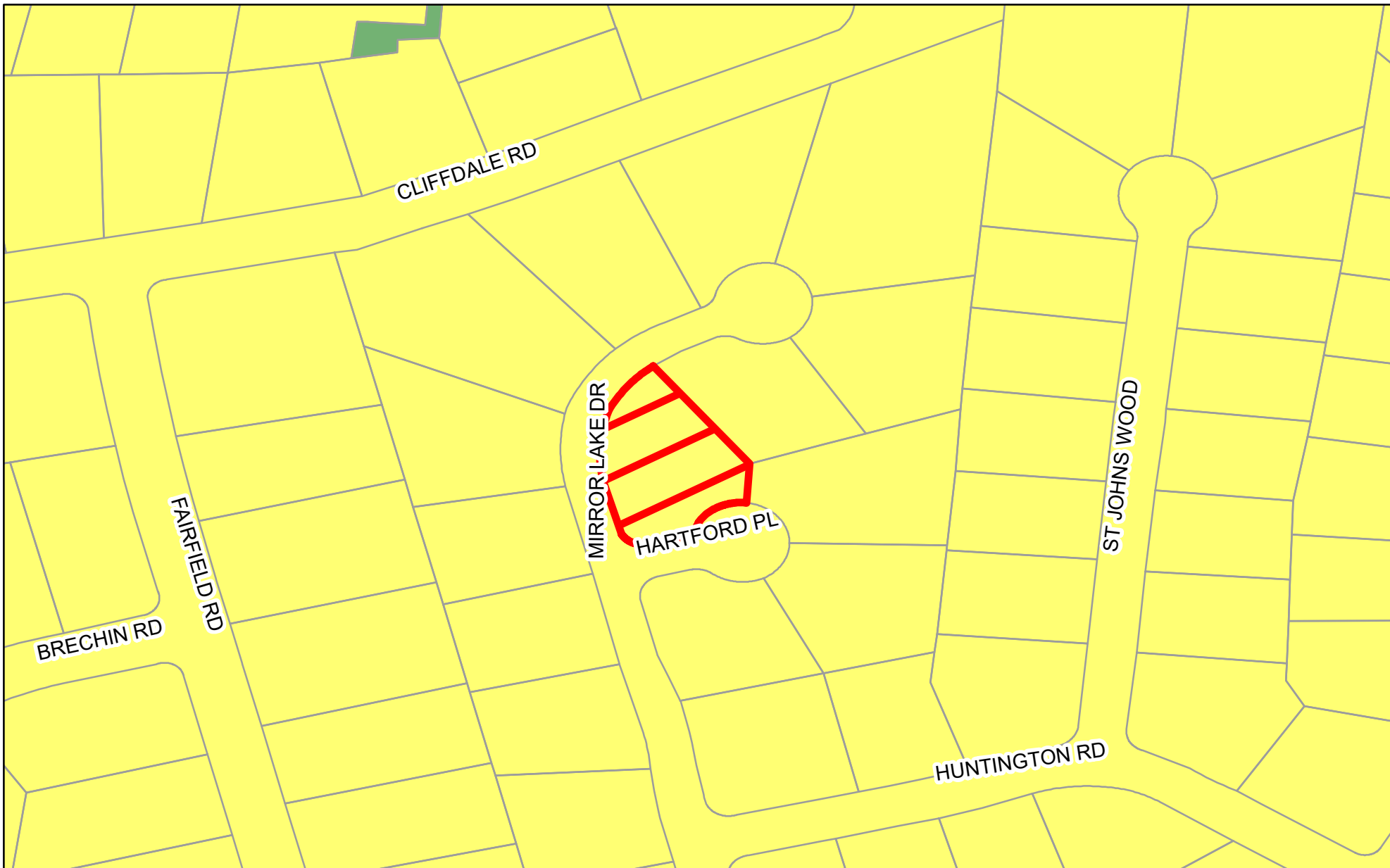


SF-15 - Single-Family Residential 15



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





Land Use Map

Case #: A24-04

Request: Variance

Location: 2936 Mirror Lake Drive

Legend



A24-04 Land Use Plan 2040

Character Areas



PARKOS - PARK / OPEN SPACE



LDR - LOW DENSITY



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





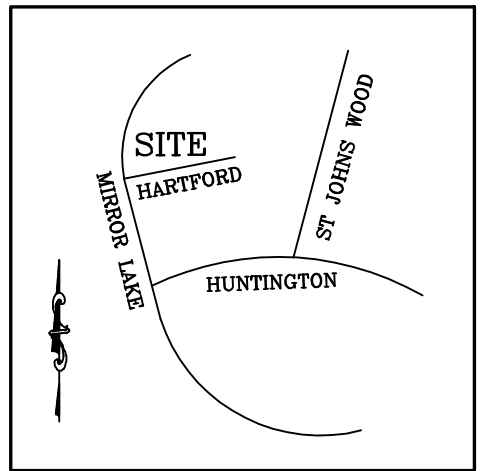


K:\data\proj\SMITH, JACQUELINE 2936 MIRROR LAKE DR\CADD\CIVIL\853 VANSTORY HILLS\BOUNDARY.dwg, 12/22/2023 8:55:30 AM, Isupler, 1:30

LEGEND

- O DENOTES IRON PIPE OR BREAK IN LINE
- △ DENOTES CONTROL CORNER
- CONCRETE MONUMENT
- SPOT ELEVATION
- EIR EXISTING IRON REBAR
- SIR SET IRON REBAR
- SSCO TELE/ELEC PEDESTAL
- WATER METER
- CATCH BASIN
- SEWER MANHOLE
- FIRE HYDRANT

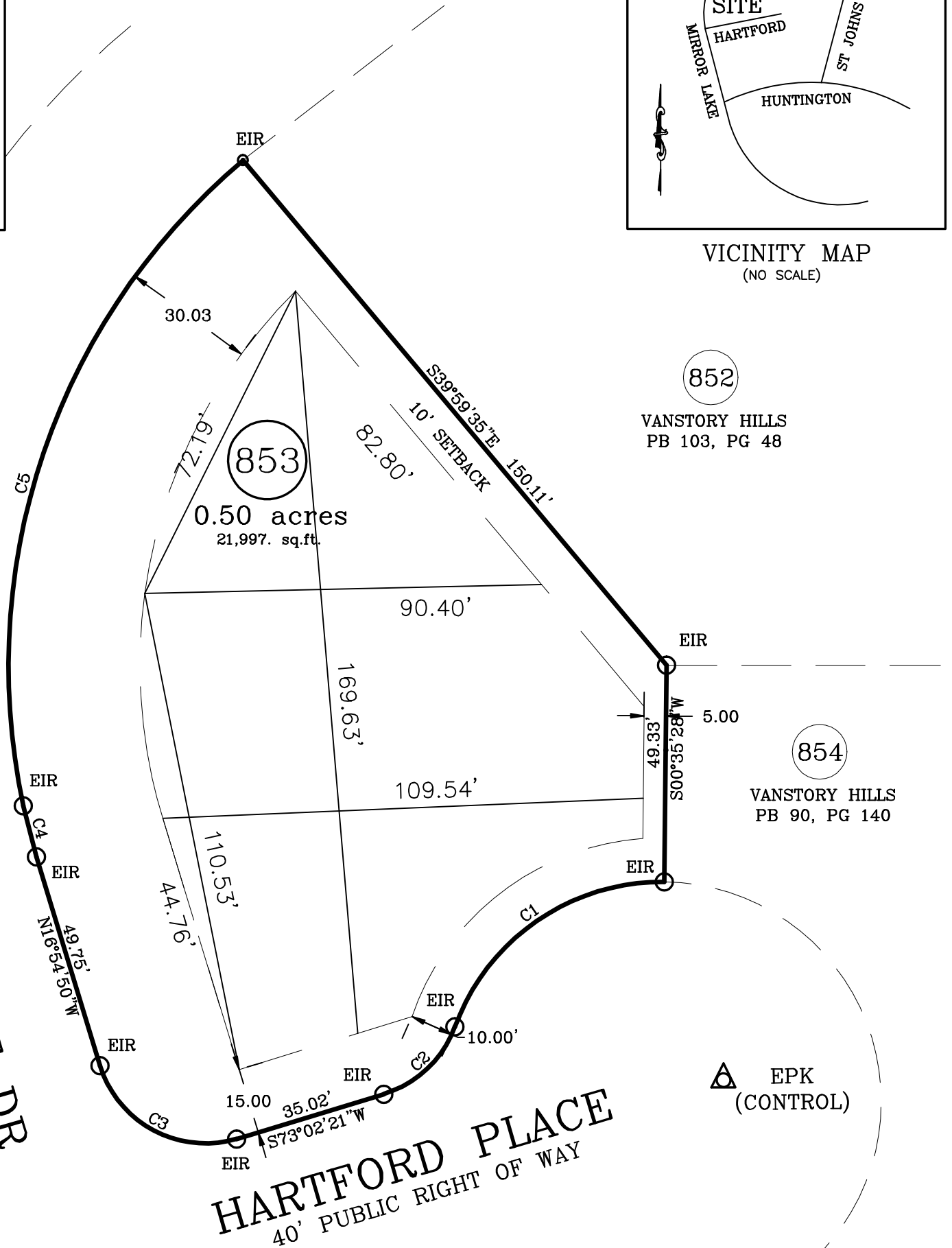
NOTE: 1/2" REBAR SET AT ALL
PROPERTY CORNERS FLUSH WITH THE
GROUND UNLESS OTHERWISE NOTED



VICINITY MAP
(NO SCALE)



MIRROR LAKE DR
40' PUBLIC RIGHT OF WAY



△ EPK
(CONTROL)

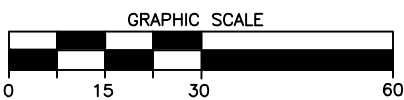
△ EPK
(CONTROL)

CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD	DIST
C1	61.83	50.22	S55°17'33"W	57.99
C2	23.19	24.66	S46°34'42"W	22.35
C3	39.17	25.24	N61°50'59"W	35.35
C4	12.03	595.60	N14°30'43"W	12.03
C5	163.18	150.60	N18°49'03"E	155.31

PHYSICAL SURVEY

PROPERTY OF: JACQUELINE & TIMOTHY SMITH
ADDRESS: 2936 MIRROR LAKE
CITY OF: FAYETTEVILLE
COUNTY OF: CUMBERLAND

TOWNSHIP OF: CROSS CREEK
DATE: DEC 22, 2023
SCALE: 1" = 30'
REFERENCE: LOT 853
VANSTORY HILLS
PB 103, PG 48



Larry King & Associates, R.L.S., P.A.
P.O. Box 53787
1333 Morganton Road, Suite 201
Fayetteville, NC 28305
Phone: (910)483-4300
Fax: (910)483-4052
www.LKandA.com
NC Firm License C-0887

"I certify that this map was drawn under my supervision from an actual survey made under my supervision (deed description recorded in PB 103, PG 48 or other reference source as shown); that the boundaries not surveyed are indicated as drawn from information in Book and page as referenced above that the ratio of precision or positional accuracy is > 1:10,000; and that this map meets the requirements of The Standards of Practice for Land Surveying in North Carolina (21 NCAC 56. 1600)."

PRELIMINARY
FOR REVIEW ONLY, NOT
FOR CONSTRUCTION

W. Larry King, Professional Land Surveyor L-1339



City of Fayetteville

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

City Council Action Memo

File Number: 24-3895

Agenda Date: 3/12/2024

Version: 1

Status: Agenda Ready

In Control: Zoning Commission

File Type: Evidentiary Hearing

Agenda Number: 4.02

TO: Mayor and Members of City Council

THRU: Zoning Commission

FROM: Demetrios Moutos - Planner I

DATE: March 12, 2024

RE:

A24-13. Variance to reduce the minimum front and rear yard setbacks, located on an unaddressed parcel at the intersection of Sandy Valley Road and Southern Avenue (REID# 0426801531000), totaling 0.18 acres ±, and being the property of Timothy Davis.

COUNCIL DISTRICT(S):

2 - Malik Davis

Relationship To Strategic Plan:

Strategic Operating Plan FY 2022

Goals 2027

Goal 4: Desirable Place to Live, Work and Recreate

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

Executive Summary:

The applicant is requesting a variance to reduce the front and rear yard setbacks for the property located at 0? Drive (REID# 0426801531000).

30.2.C.14 Variance:

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

Variances are to be sparingly exercised and only in rare instances or under exceptional circumstances to relieve undue and unique hardships to the landowner. No change in permitted uses or applicable conditions of approval may be authorized by variance.

Background:

Owner/Applicant: Timothy Davis

Requested Action: Reduction of front yard setback

Zoning District: Single Family Residential 6 (SF-6) & Airport Overlay District (AOD)

Property Address: 0? Drive

Size: .18 acres ±

Existing Land Use: Vacant

Surrounding Zoning and Land Uses

Northwest: SF-6 and CC - Vacant/Rapha Ministries Family Center, Inc.

South: CC - Vacant/Wooded

East: R6 - Single family house

West: SF-6 and CC - Get Ugly off Road, LLC and Single Family

Postcards Mailed: 25

Issues/Analysis:

The applicant and property owner, who acquired the property from the Hogan Family Living Trust in October 2023, is seeking approval for a project on the subject property, which is part of the Southlawn Subdivision platted in 1946. The property comprises lots 193 and 194 of the Southlawn Subdivision, recorded in Book of Plats 11, Page 27, with the Cumberland County Register of Deeds.

Section 30-3.D.4 of the Unified Development Ordinance outlines the setbacks required for the Single Family Residential 6 (SF-6) zoning district. The UDO requires the following setbacks:

- Front: 25 feet
- Corner Side: 25 Feet
- Side: 10 feet
- Rear: 30 feet; 15 feet when the corner side setback is 25 feet or more

The subject property, located at the corner of Southern Avenue and Sandy Valley Road, is legally nonconforming due to its dimensions. Measuring approximately 50 feet wide and 158.75 feet deep (with a considerably longer depth than width), the lot's configuration creates an issue when adhering to the mandated 25-foot front setback requirement.

The applicant is requesting to reduce the required setbacks to the following:

- Front: 11.44 feet
- Corner Side: No change
- Side: No change
- Rear: 11.44 feet

Insufficient Justification for Variance

The following does not constitute grounds for a Variance:

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

Subsequent Development

The applicant intends to construct a house on the subject property in the future. The applicant does not have specific plans for the house at this time but would like to address the setback restrictions at this time.

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

Findings of Fact Statements as reviewed by the Planning Staff:

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

The applicant states "I would like to add a single family home to this vacant lot. Because of the current setback and size, it would be difficult to put a house on this lot."

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

The applicant states "It's a corner lot and it's small and I purchased that way. They are small lots in the area as well but they are not corner lots."

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

The applicant states "This the minimum that is needed to put a house on the property."

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

The applicant states "I was planning on building a house in a residential area."

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

The applicant states "To put a single-family home there"

Budget Impact:

There is no immediate budgetary impact.

Options:

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

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

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

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

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

Possible Motions and Factual Findings:

Motion to approve a variance to reduce the front and rear yard setbacks to 11.44 feet.

Findings of Fact Required to Approve this Request:

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

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

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

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

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

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

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

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

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

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

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

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

Motion to deny the variance as requested.

Findings of Fact Statements Required to Deny this Request:

1. There is not sufficient evidence that the strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships as shown by the following evidence:

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

3. There is not sufficient evidence that the Variance is the minimum action that will make possible a reasonable use of land or structures as shown by the following evidence:

4. There is not sufficient evidence that the Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit as shown by the following evidence:

5. There is not sufficient evidence that in the granting of the Variance, the public safety and welfare has been assured and substantial justice has been done as shown by the following evidence:

Recommended Action:

Staff does not make recommendations for Evidentiary Hearings.

Attachments:

1. Application
2. Aerial Notification Map
3. Zoning Map

4. Land Use Map
5. Subject Property Photos
6. Surrounding Property Photos
7. Site Plan

Project Overview**#1233120****Project Title:** Sandy Valley Road**Jurisdiction:** City of Fayetteville**Application Type:** 5.4) Variance**State:** NC**Workflow:** Staff Review**County:** Cumberland**Project Location****Project Address or PIN:** 0 ? DR (0426801531000)**Zip Code:** 28306**GIS Verified Data****Property Owner: Parcel**

- 0 ? DR: DAVIS, TIMOTHY

Acreage: Parcel

- 0 ? DR: 0.18

Zoning District: Zoning District

- 0 ? DR: SF-6

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

- 0 ? DR: 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:****Variance Request Information****Requested Variances:** Single Family Residentis**Section of the City Code from which the variance is being requested.:** 30-3.D.4**Describe the nature of your request for a variance and identify the standard(s)/requirement(s) of the City Code proposed to be varied.:**

Side yard set backs

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

SF6

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

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

1. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships; it shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;
2. Any practical difficulties or unnecessary hardships result from unique
3. circumstances related to the land, such as location, size, or topography, and are not the result from conditions that are common to

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I would like to add a single family home to this vacant lot. Because of the current set back and size it would be difficult to put a house on this lot.

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

It's a corner lot and it small and I purchased that way. They are small lots in the area as well but they are not corner lots.

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

This the minimum that is needed to put a house on the property.

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

I was planning on building a house in a resduntal area.

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

To put a single family home there

Height of Sign Face : 0

Height of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

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Square Footage of Sign Face: 0

Height of Sign Face: 0

Square Footage of Sign Face : 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Primary Contact Information

Contractor's NC ID#:

Project Owner

Timothy Davis

Sandy Valley Rd

Fayetteville , NC 28306

P:9195233370

timothydavis94@gmail.com

Project Contact - Agent/Representative

Timothy Davis

Sandy Valley Rd
Fayetteville , NC 28306
P:9195233370
timothydavis94@gmail.com

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

NC State General Contractor's License Number:

NC State Electrical Contractor #1 License Number:

NC State Electrical Contractor #2 License Number:

NC State Mechanical Contractor's #1 License Number:

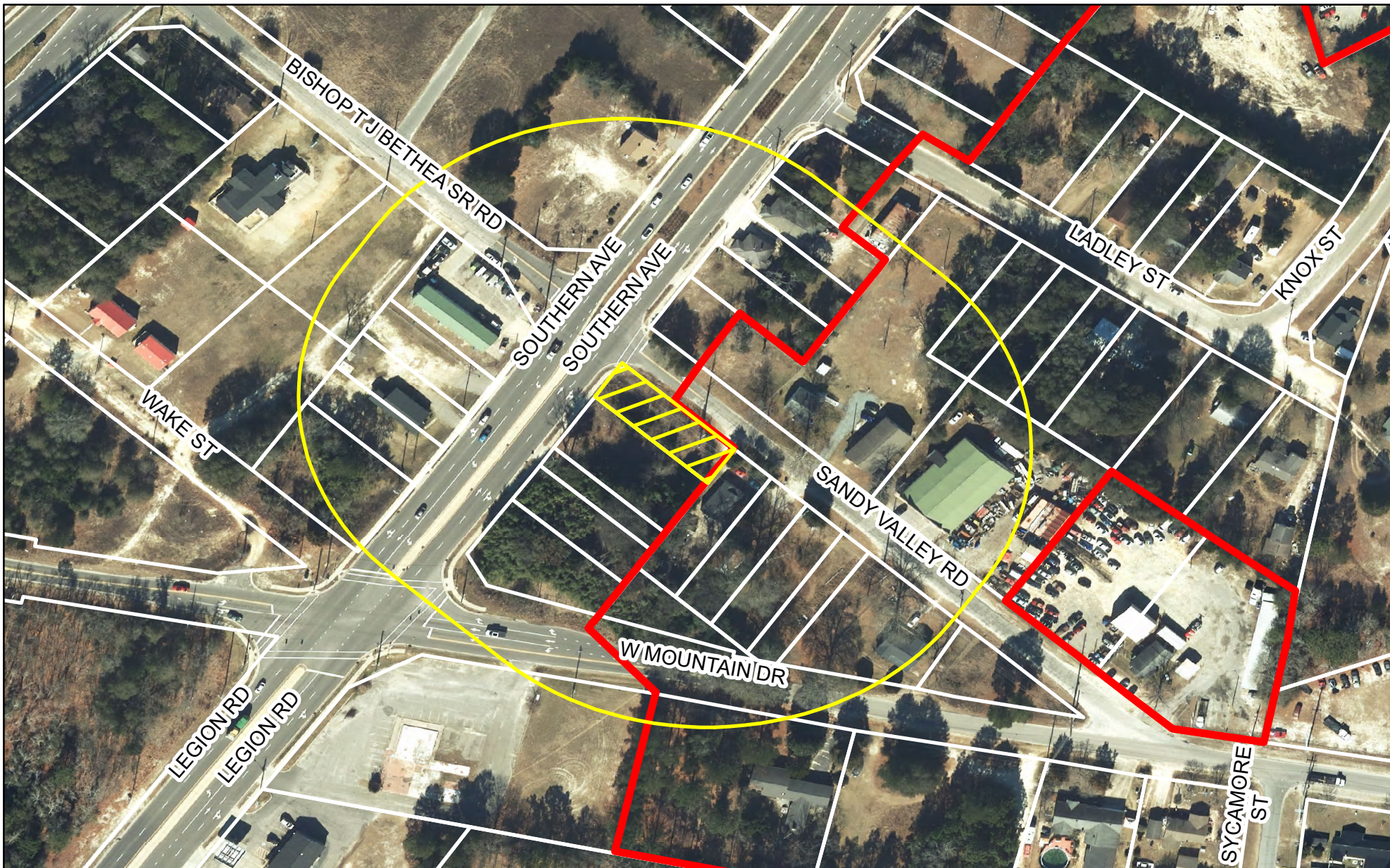
NC State Mechanical Contractor's #2 License Number:

NC State Mechanical Contractor:

NC State Plumbing Contractor #1 License Number:

NC State Plumbing Contractor #2 License Number:

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



Aerial Notification Map

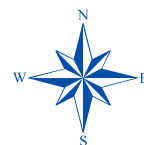
Case #: A24-13

Request: Variance to reduce minimum front yard setback, located at 0 ? Drive (REID 0426801531000), totaling 0.18 ± acres, and being the property of Timothy Davis.

Location: 0 ? Drive

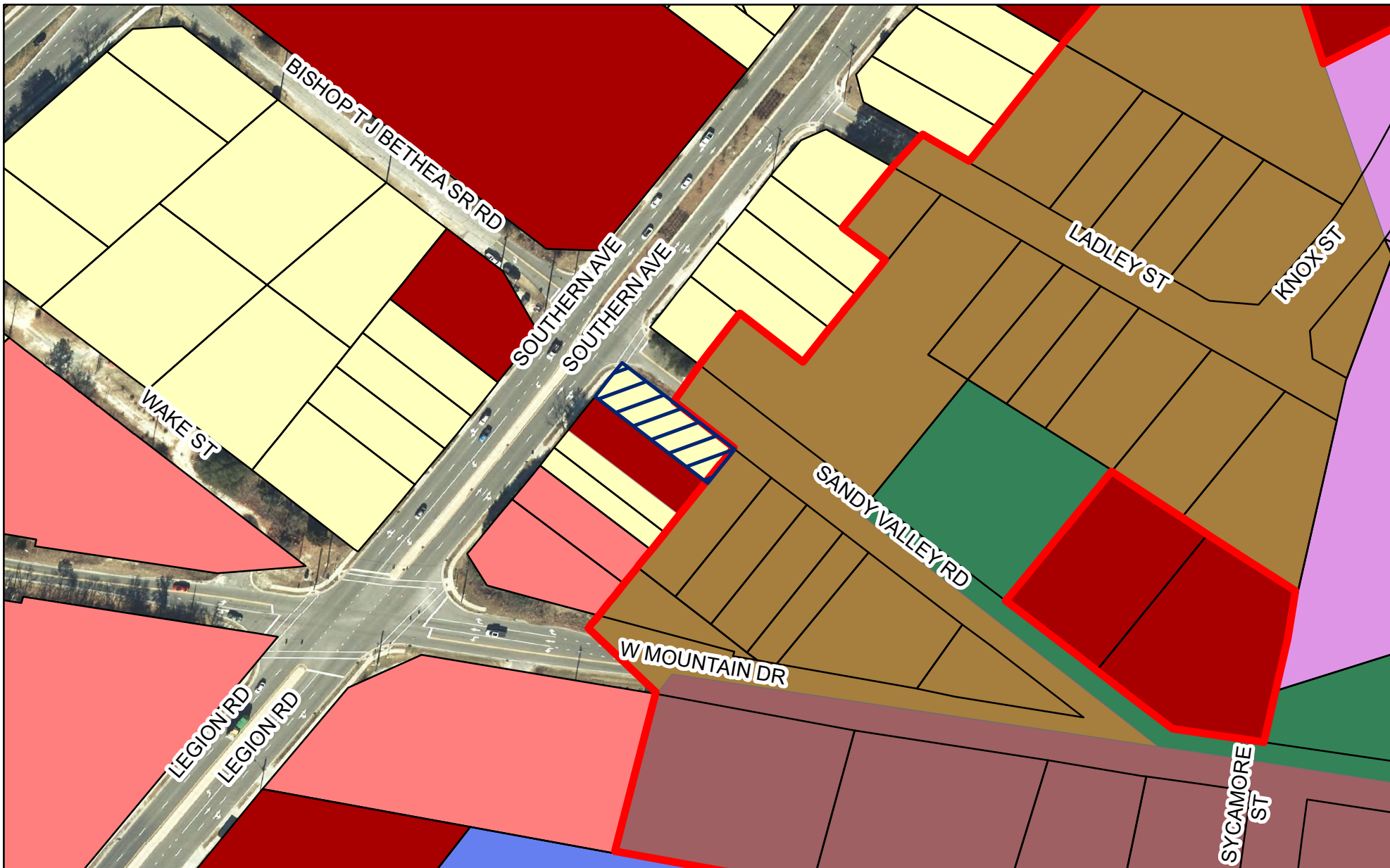
Legend

-  A24-13 Buffer
-  A24-13
-  City Boundary



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











Zoning Map

Case #: A24-13





Request: Variance to reduce minimum front yard setback, located at 0 ? Drive (REID 0426801531000), totaling 0.18 ± acres, and being the property of Timothy Davis.

Location: 0 ? Drive

Legend

-  A24-13
-  City Boundary
-  CC - Community Commercial
-  LC - Limited Commercial
-  OI - Office & Institutional
-  SF-6 - Single-Family Residential 6

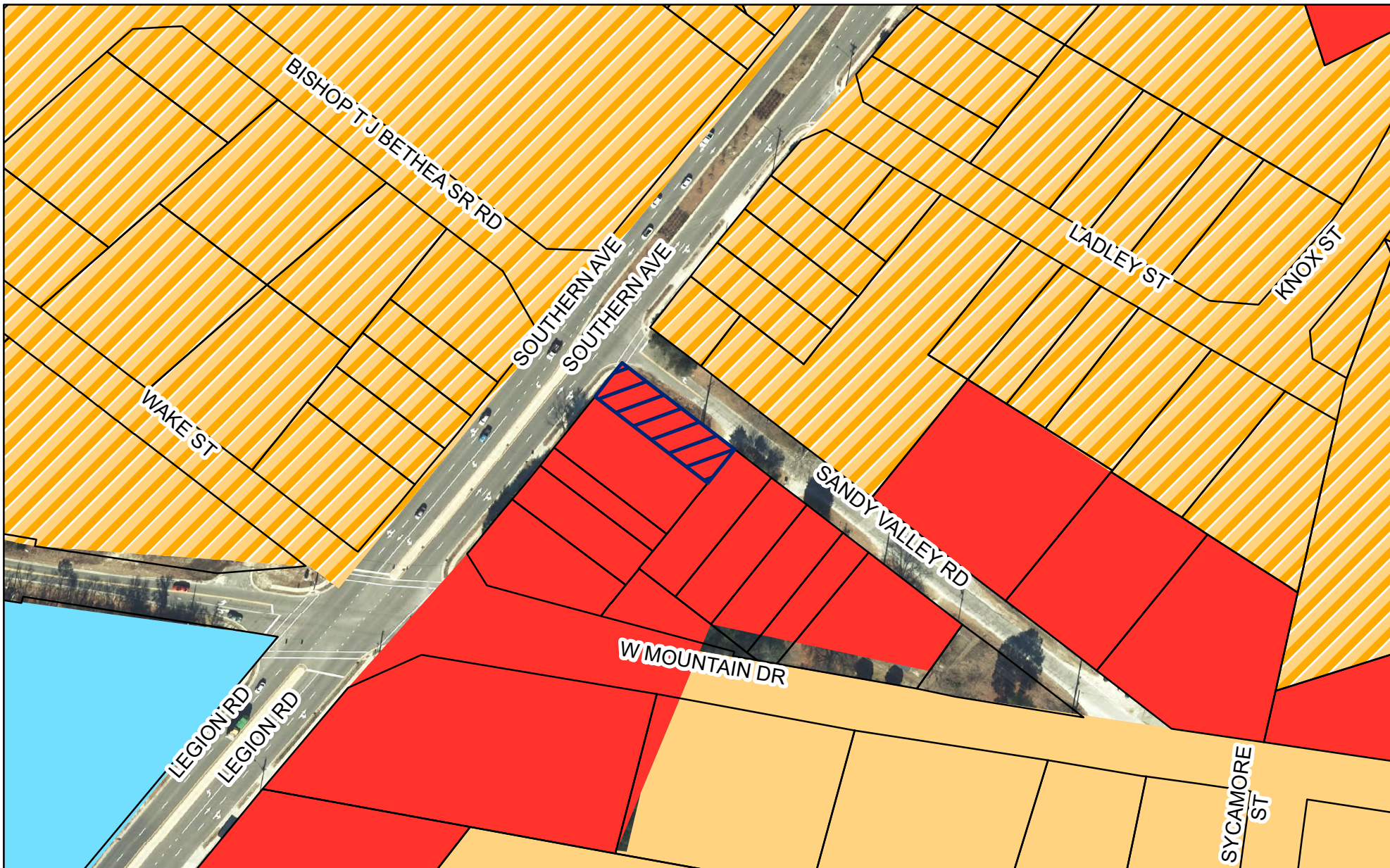
CCZoning gis_ware_3

-  C3
-  R10
-  R6
-  R6A



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





Future Land Use Map

Case #: A24-13

Request: Variance to reduce minimum front yard setback, located at 0 ? Drive (REID 0426801531000), totaling 0.18 ± acres, and being the property of Timothy Davis.

Location: 0 ? Drive





Legend



A24-13

Land Use Plan 2040

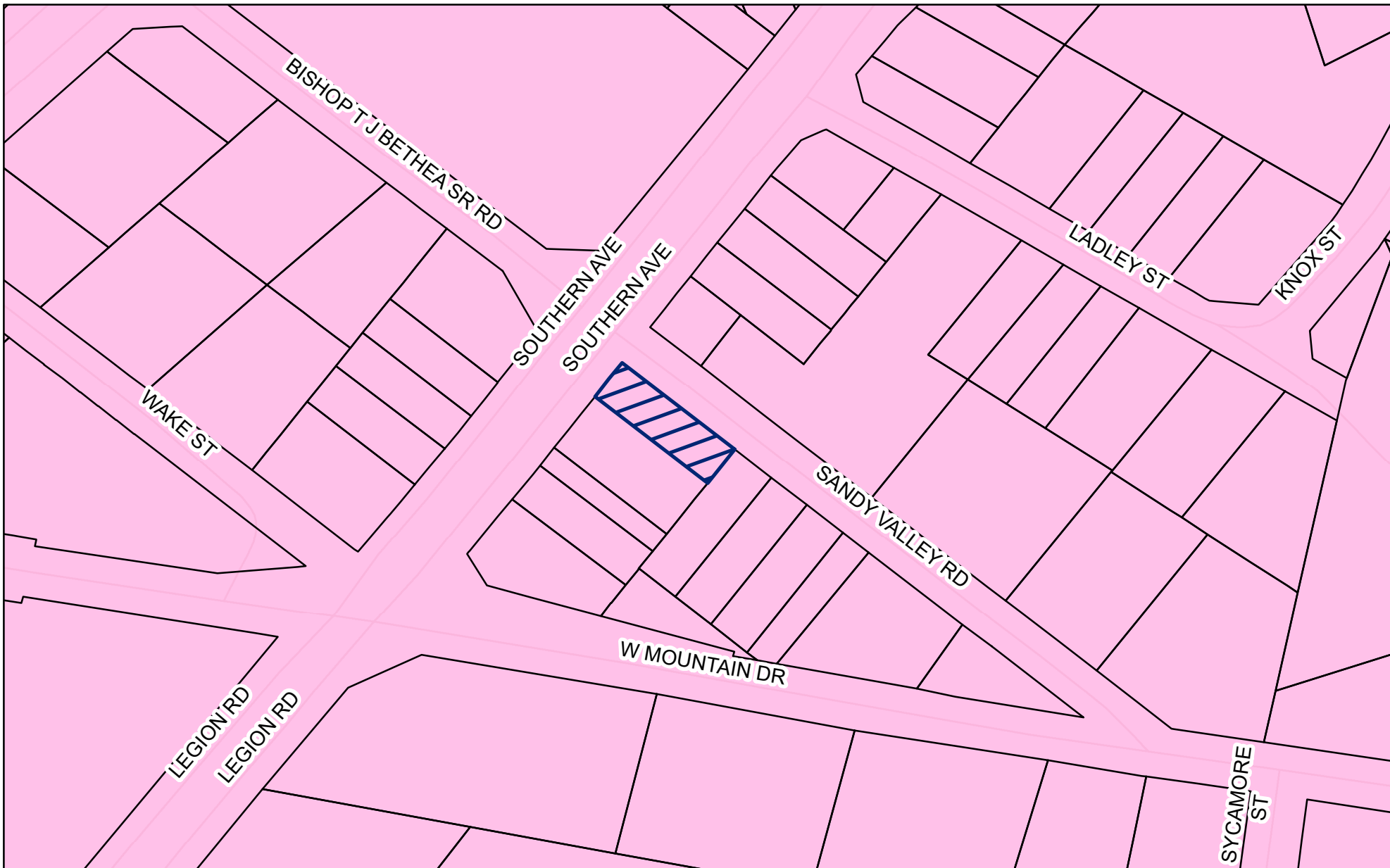
Character Areas

-  MDR - MEDIUM DENSITY
-  NIR - NEIGHBORHOOD IMPROVEMENT
-  HC - HIGHWAY COMMERCIAL
-  OI - OFFICE / INSTITUTIONAL



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





Overlay Map

Case #: A24-13

Request: Variance to reduce minimum front yard setback, located at 0 ? Drive (REID 0426801531000), totaling 0.18 ± acres, and being the property of Timothy Davis.

Location: 0 ? Drive

Legend



A24-13



Airport Overlay



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





Surrounding Properties



West



North



East



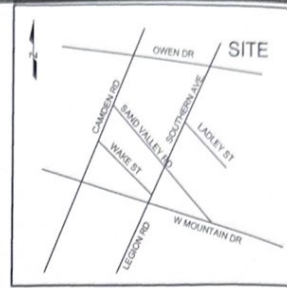
South

South

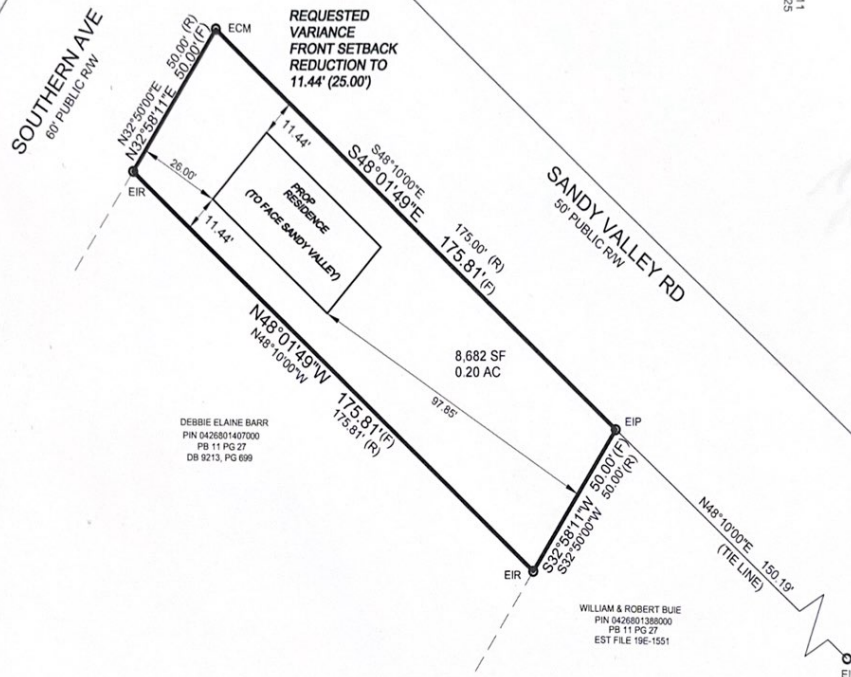


LEGEND

R/W-RIGHT OF WAY
EIP-EXISTING IRON PIPE
ECM-EXISTING CONCRETE MONUMENT
DB-DEED BOOK
PG-PAGE
SMN-SET MAG NAIL
SF-SQUARE FEET
AC-ACRE(S)
CONC-CONCRETE
PB-PLAT BOOK
(F)-FIELD MEASUREMENT
(R)-RECORDED MEASUREMENT
EIR-EXISTING IRON REBAR



Vicinity Map
(Not to Scale)



PLOT PLAN FOR VARIANCE

(BASED ON PHYSICAL SURVEY)

PROPERTY OF: TIMOTHY DAVIS

ADDRESS: SOUTHERN AVE

CITY: FAYETTEVILLE, NC

COUNTY: CUMBERLAND

TAX ID#: 0426801531000

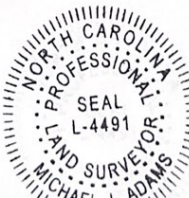
ZONING: SF6

TOWNSHIP: PEARCE'S MILL

DATE: FEBRUARY 2, 2024

SCALE: 1" = 40'

REFERENCE: LOTS 193 & 194
SOUTHLAWN SUB.
PB 11, PG 25



MICHAEL J. ADAMS

PLS-L-4491
CFS NC-075

M.A.P.S. SURVEYING, INC.
C-2589
216 MASON STREET
FAYETTEVILLE, NC 28301
PHN: (910)484-6432

DRAWN BY: LKH

I, MICHAEL J. ADAMS, CERTIFY THAT THIS PLAT MEETS THE STANDARDS OF PRACTICE OF SURVEYING IN NORTH CAROLINA AND THE MINIMUM ERROR OF CLOSURE IS GREATER THAN 1:10,000.

NOTES:

- THIS MAP CAN NOT BE USED FOR RECORDATION OR ATTACHED TO A DEED TO BE RECORDED.
- THIS MAP IS NOT DRAWN IN ACCORDANCE WITH GS 47-30.
- SUBJECT PROPERTY IS NOT IN A SPECIAL FLOOD HAZARD AREA PER FEMA FIRM 3710948400K.

MINIMUM SETBACKS:
25'-FRONT/CORNER SIDE
10'-SIDE
30'-REAR, 15' WHEN CORNER SIDE IS 25'





City of Fayetteville

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

City Council Action Memo

File Number: 24-3896

Agenda Date: 3/12/2024

Version: 1

Status: Agenda Ready

In Control: Zoning Commission

File Type: Evidentiary Hearing

Agenda Number: 4.03

TO: Mayor and Members of City Council

THRU: Zoning Commission

FROM: Demetrios Moutos - Planner I

DATE: March 12, 2024

RE:

A24-14. Variance to increase the maximum front yard setback for two storage/maintenance buildings at the rear of the property located at 1204 Walter Reed Rd., totaling 13.21 acres ± and being the property of Cumberland County Hospital System Inc.

COUNCIL DISTRICT(S):

5 - Lynne Greene

Relationship To Strategic Plan:

Strategic Operating Plan FY 2022

Goals 2027

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

- Objective 2.4 - To sustain a favorable development climate to encourage business growth.

Goal 4: Desirable Place to Live, Work, and Recreate

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

Executive Summary:

The applicant seek a variance from the front yard setback requirement for two structures within the Hospital Area Overlay District (HAO).

30.2.C.14 Variance:

The purpose of a variance is to allow certain deviations from the dimensional standards of this Ordinance (such as height, yard setback, lot coverage, or similar numeric standards) when the landowner demonstrates that, owing to special circumstances or conditions beyond the landowner's control (such as exceptional topographical conditions, narrowness, shallowness, or the shape of a specific parcel

of land), the literal application of the standards would result in undue and unique hardship to the landowner and the deviation would not be contrary to the public interest.

Variances are to be sparingly exercised and only in rare instances or under exceptional circumstances to relieve undue and unique hardships to the landowner. No change in permitted uses or applicable conditions of approval may be authorized by variance.

Background:

Applicant: George Rose

Owner: Cumberland County Hospital System Inc.

Requested Action: Increase front yard "build to" line in HAO for two structures

Zoning District: Office and Institutional (OI) and Hospital Area Overlay (HAO)

Property Address: 1204 Walter Reed Road

Size: 13.21 acres ±

Existing Land Use: Parking lot and open space/wooded

Surrounding Zoning and Land Uses

North: OI - Medical Offices

South: OI - Medical Offices

East: OI - Medical Offices

West: SF-10 - Single Family Residential

Letters Mailed: 59

Issues/Analysis:

The subject property was granted to Cumberland County Hospital System, Inc. by the County of Cumberland, North Carolina on May 2nd, 2006. The most recent plat for the subject property was recorded on December 18th, 2003. (DB 7225-0436; PB 0110-0138)

While zoned OI (Office Institutional), the subject property resides within the hospital overlay district, which enforces a stricter 10-foot maximum setback requirement. The proposed project involves constructing two storage/maintenance buildings suitable for the rear portion of the property, strategically reserving the Walter Reed Road frontage for future office or medical clinic development.

Section 30-3.H.2.e.3 of the Unified Development Ordinance outlines the front yard "build to" line requirement in the HAO. The UDO reads as follows:

Front Yard "Build To" Line

The front façade of the principal building shall be located ten feet or less from the street right-of-way. A greater setback of up to 15 feet from the right-of-way edge may be approved in accordance with an Administrative Adjustment (see Section 30-2.C.16).

The applicant is requesting to increase the required setbacks for only the two

storage/maintenance buildings, as shown on the site plan, to the following:

- Maximum Front: 800 feet
- Corner Side: No change
- Side: No change
- Rear: No change

Insufficient Justification for Variance

The following does not constitute grounds for a Variance:

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

Subsequent Development

The applicant intends to construct a series of office building that front the street in the future. Frontage on Walter Reed Road is to be reserved for office or medical clinic buildings.

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

Findings of Fact Statements as reviewed by the Planning Staff:

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

The applicant states "Hospital overlay district maximum setbacks not appropriate for storage/maintenance warehouse type buildings. Placing these structures on the front of the property would prevent future development of more appropriate medical office buildings along Walter Reed Road frontage."

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

The applicant states "Setback requirements within the Hospital Overlay District create the hardship for this intended use and are not the result of any actions of the landowner."

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

The applicant states "Setback requirements within the Hospital Overlay District intended to force office-type buildings to the front of the property. Warehouse-type buildings are not appropriate for the street frontage and waiving the maximum setback is the minimum action that allows for proper placement of the proposed structures."

4. There is sufficient evidence that the Variance is in harmony with the general purpose and

intent of this Ordinance and preserves its spirit as shown by the following evidence:

The applicant states “Warehouse-type buildings are not appropriate for the street frontage and the maximum setback requirements within the Hospital Overlay District are intended for office-type buildings to be located along the front of the property. The variance allows for the warehouse buildings to be appropriately located on the rear of the property.”

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

The applicant states “Warehouse buildings are more appropriate for the rear of the property and out of the public view, so the safety and welfare of the public are better served by the buildings not being located near the street.”

Budget Impact:

There is no immediate budgetary impact.

Options:

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

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

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

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

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

Possible Motions and Factual Findings:

Motion to approve a variance to adjust the Front Yard “Build To” line for these two structures to 800 feet, thereby exempting these two structures from the maximum front yard setback requirement.

Findings of Fact Required to Approve this Request:

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

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

the following evidence:

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

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

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

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

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

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

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

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

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

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

Motion to deny the variance as requested.

Findings of Fact Statements Required to Deny this Request:

1. There is not sufficient evidence that the strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships as shown by the following evidence:

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

3. There is not sufficient evidence that the Variance is the minimum action that will make possible a reasonable use of land or structures as shown by the following evidence:

4. There is not sufficient evidence that the Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit as shown by the following evidence:

5. There is not sufficient evidence that in the granting of the Variance, the public safety and welfare has been assured and substantial justice has been done as shown by the following evidence:

Recommended Action:

Staff does not make recommendations for Evidentiary Hearings

Attachments:

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

Project Overview**#1242527****Project Title:** New Buildings for Cape Fear Valley Hospital**Jurisdiction:** City of Fayetteville**Application Type:** 5.4) Variance**State:** NC**Workflow:** Staff Review**County:** Cumberland**Project Location****Project Address or PIN:** 1204 WALTER REED RD
(0416874531000)**Zip Code:** 28304**GIS Verified Data****Property Owner: Parcel**

- 1204 WALTER REED RD: CUMBERLAND COUNTY HOSPITAL SYSTEM INC

Acreage: Parcel

- 1204 WALTER REED RD: 13.21

Zoning District: Zoning District

- 1204 WALTER REED RD: OI

Subdivision Name:**Fire District:****Hospital Overlay District: Hospital Overlay District**

- 1204 WALTER REED RD: 0

Airport Overlay District:**Coliseum Tourism District:****Cape Fear District:****Haymount Historic District:****100 Year Flood:** <100YearFlood>**Downtown Historic District:****Floodway:****500 Year Flood:** <500YearFlood>**Watershed:****Variance Request Information****Requested Variances:** Minimum yard/setback**Section of the City Code from which the variance is being requested.:** 30-3.E.2**Describe the nature of your request for a variance and identify the standard(s)/requirement(s) of the City Code proposed to be varied.:**

Property is zoned OI but is in the hospital overlay district which has a maximum setback of 10'. The project if for two storage/maintenance buildings that are appropriate for the rear portions of the property. Frontage on Walter Reed Road is to be reserved for office or medical clinic buildings.

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

Subject property is zoned OI and is currently vacant. Existing single family residences are located in the property to the west in SF10 zoning. Properties to the north are zoned OI and consist of medical office buildings. Properties across the street on the east side of Walter Reed Road are zoned OI and consist of medical office buildings.

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

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

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

Expiration - Variance

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

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

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

Hospital overlay district maximum setbacks not appropriate for storage/maintenance warehouse type buildings. Placing these structures on the front of the property would prevent future development of more appropriate medical office buildings along Walter Reed Road frontage.

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

Setback requirements within the Hospital Overlay District create the hardship for this intended use and are not the result of any actions of the landowner.

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

Setback requirements within the Hospital Overlay District intended to force office-type buildings to the front of the property. Warehouse-type buildings are not appropriate for the street frontage and waiving the maximum setback is the minimum action that allows for proper placement of the proposed structures.

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

Warehouse-type buildings are not appropriate for the street frontage and the maximum setback requirements within the Hospital Overlay District are intended for office-type buildings to be located along the front of the property. The variance allows for the warehouse buildings to be appropriately located on the rear of the property.

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

Height of Sign Face : 0

Warehouse buildings are more appropriate for the rear of the property and out of the public view, so the safety and welfare of the public are better served by the buildings not being located near the street.

Height of Sign Face: 0

Height of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face : 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0
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Square Footage of Sign Face: 0
Square Footage of Sign Face: 0
Square Footage of Sign Face: 0
Square Footage of Sign Face: 0

Primary Contact Information

Contractor's NC ID#:

Project Owner

Mark Jackson
Cape Fear Valley Hospital System Inc.
1638 Owen Drive
Fayetteville , NC 28304
P:910-615-4000
jackson3684@live.com

Project Contact - Agent/Representative

George Rose
George M. Rose, P.E.
P.O. Box 53441
Fayetteville, NC 28305
P:910-977-5822
george@gmripe.com

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

NC State General Contractor's License Number:

NC State Electrical Contractor #1 License Number:

NC State Electrical Contractor #2 License Number:

NC State Mechanical Contractor's #1 License Number:

NC State Mechanical Contractor's #2 License Number:

NC State Mechanical Contractor:

NC State Plumbing Contractor #1 License Number:

NC State Plumbing Contractor #2 License Number:

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

AFFIDAVIT OF OWNERSHIP

I, MARK JACKSON, being duly sworn, deposes and says:

1. That I am the FACILITIES MANAGER of the property/properties located at 1311 WALTER REED ROAD in the City of Fayetteville, a political subdivision of the State of North Carolina.

2. I do hereby give permission to GEORGE ROSE 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 February 6.

Mark Jackson
Signature of Affiant

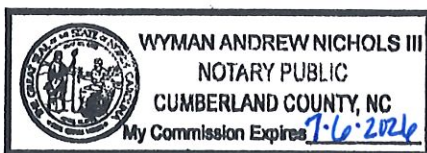
Signature of Affiant

Cumberland County, North Carolina

Sworn to and subscribed before me this day on the 19TH day of February, 2024.

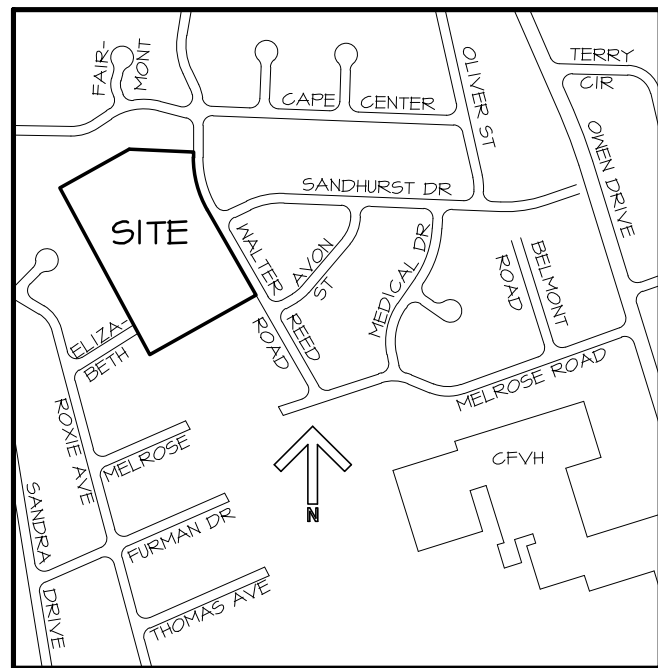
Wyman Andrew Nichols III
Signature of Notary Public

(Official Seal)



Wyman Andrew Nichols III, Notary Public
Printed Name of Notary Public

My Commission Expires: July 6, 2026



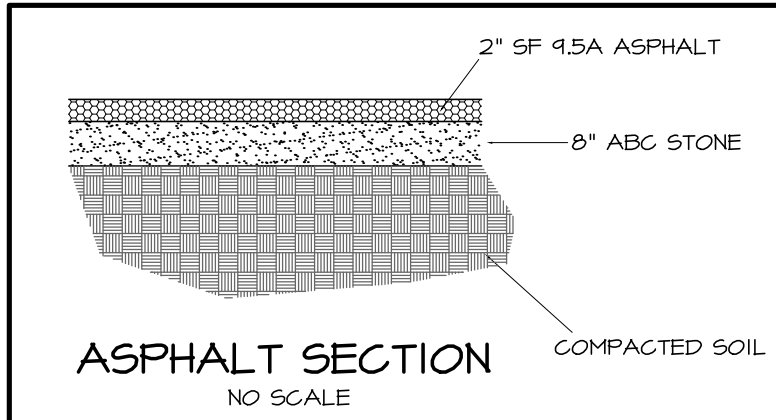
VICINITY MAP
NO SCALE

LEGEND

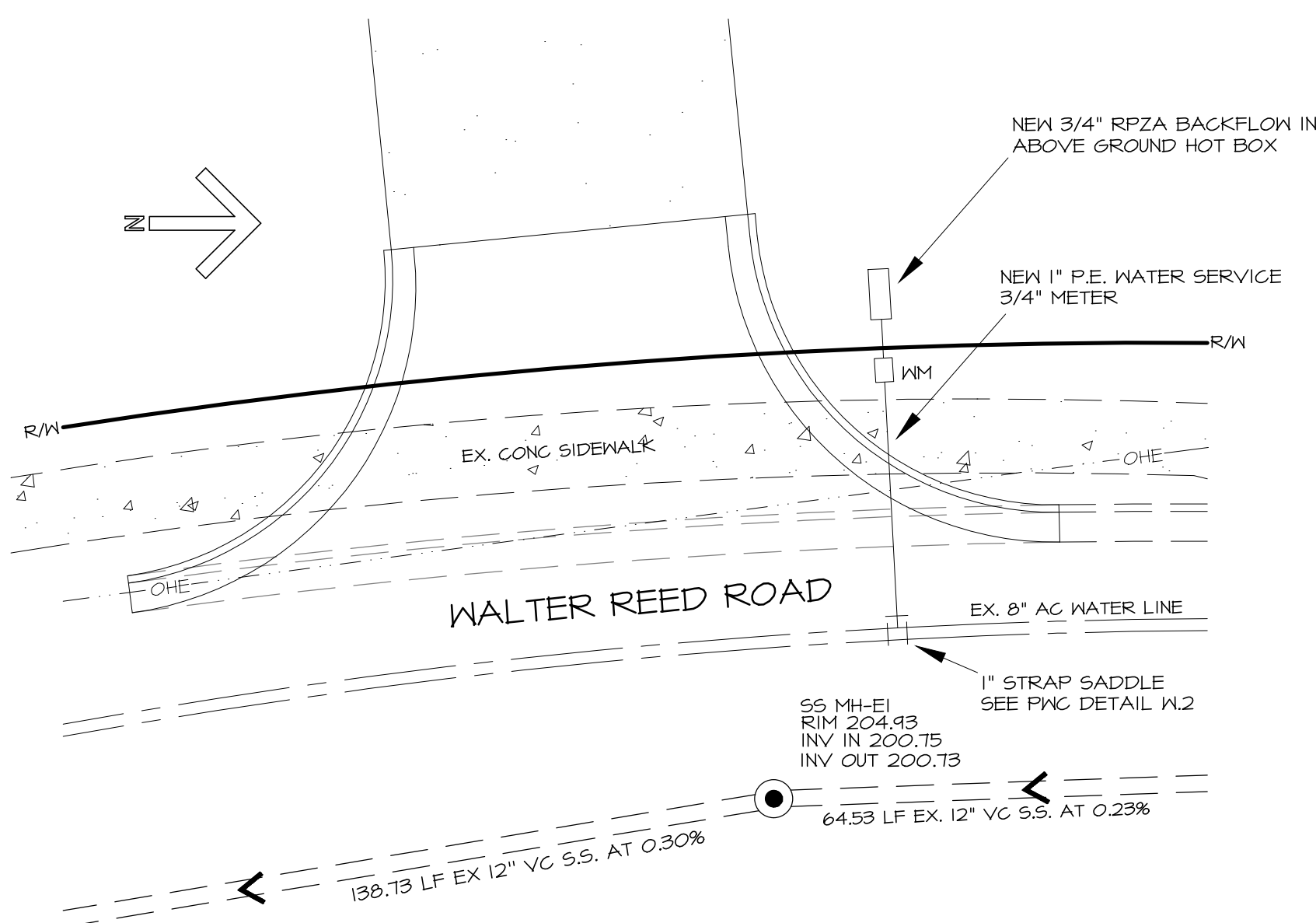
- ECM EXISTING CONCRETE MONUMENT (PROPERTY CORNER)
- ERB EXIST REBAR (PROPERTY CORNER)
- CP COMPUTED POINT (PROPERTY CORNER)
- EIP EXIST IRON PIPE (PROPERTY CORNER)
- LP EXISTING LIGHT POLE
- PP EXISTING POWER POLE
- GUT EXISTING GUY WIRE
- OHE EXISTING OVERHEAD ELECTRICAL
- 204 EXISTING CONTOUR
- 204 NEW FINISHED CONTOUR
- FM NEW 1-1/2" P.E. SEWER FORCE MAIN
- EXISTING NATURAL GAS LINE

NOTES

- TOTAL AREA IN OVERALL TRACT = 13.21 ACRES
TOTAL AREA IN PROJECT SITE = 314,50 SF = 7.21 ACRES
- OWNER/DEVELOPER:
CUMBERLAND COUNTY HOSPITAL SYSTEM INC.
1630 OVEN DRIVE
FAYETTEVILLE, NC 28304
MARK JACKSON jackson3604@live.com
910-615-6379
- REFERENCE: DB 1225 PG 436; PB 110 PG 130
- REID NO. 0416814531000
- PROPERTY IS ZONED O1, CITY
- THERE ARE NO EXISTING IMPERVIOUS SURFACES ON THE PROJECT SITE.
- NO NEW SITE LIGHTING IS PLANNED FOR THIS PROJECT.
- ALL CONSTRUCTION TO BE IN ACCORDANCE WITH ALL CITY OF FAYETTEVILLE STANDARDS AND SPECIFICATIONS.
- THE CONTRACTOR MUST CONTACT THE NORTH CAROLINA CALL CENTER AT 800-632-4444 PRIOR TO DIGGING IN ORDER TO LOCATE ALL EXISTING UTILITIES.

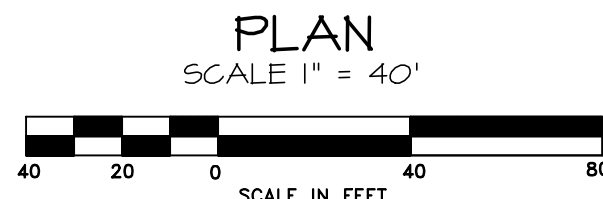
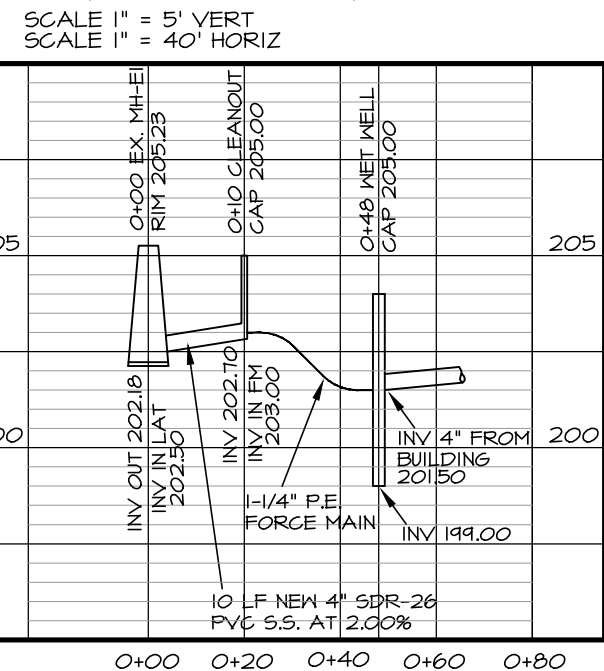


ASPHALT SECTION
NO SCALE



WATER SERVICE
AND BACKFLOW
SCALE 1" = 10'

UTILITY PROFILE B



REVISIONS:
1-12-24 PL & HYDRANT
1-24-24 PROFILE B

GEORGE M. ROSE, P.E.

P.O. BOX 53441

FAYETTEVILLE, NC 28305

910-977-5822 FAX 910-485-5823 EMAIL george@gmrpe.com

NEW BUILDINGS FOR
CAPE FEAR VALLEY HOSPITAL
FAYETTEVILLE, NC
1311 WALTER REED ROAD

SITE, UTILITY AND GRADING PLAN

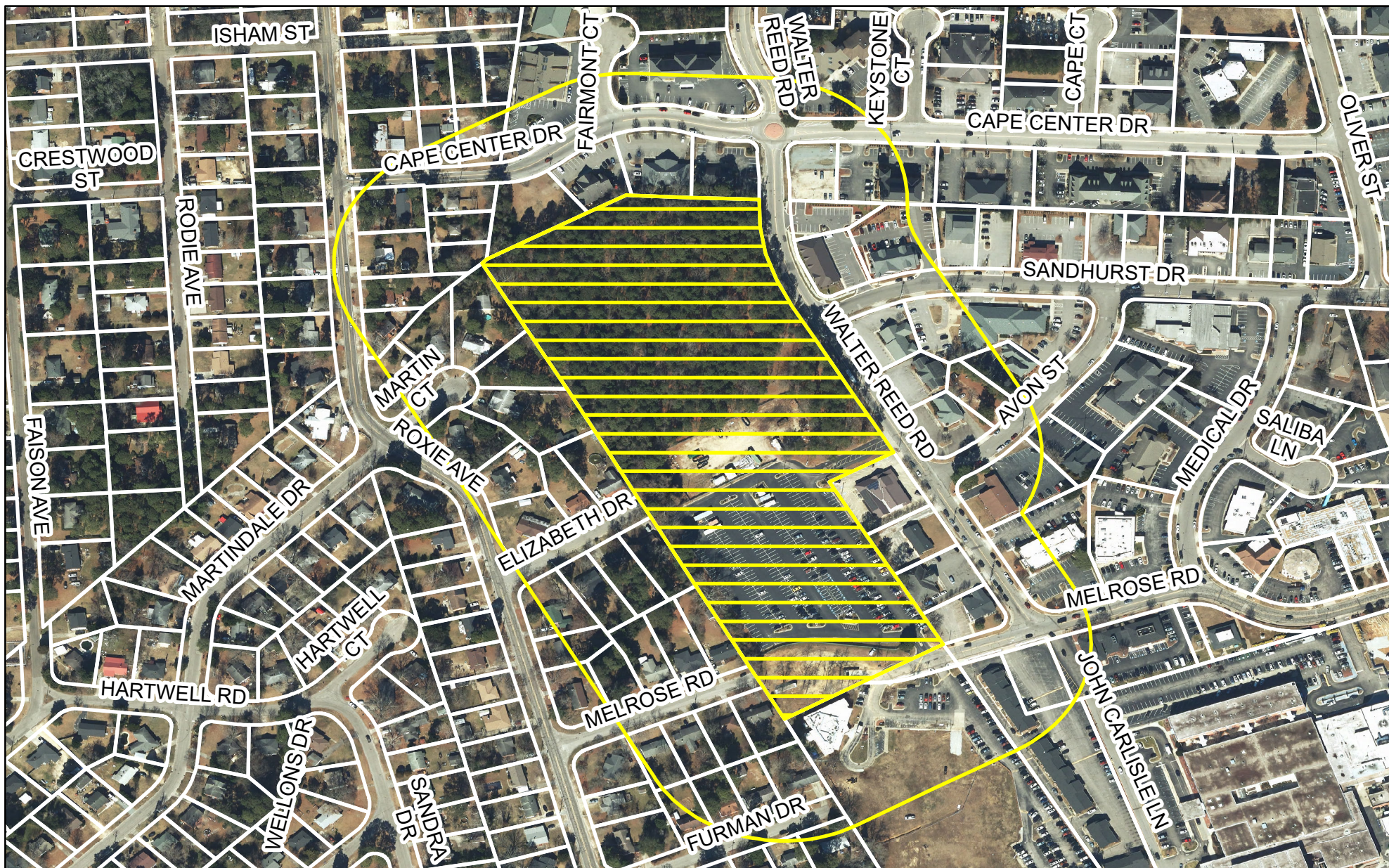
DATE: DEC 2023

DRAWN BY: GMR

CHECKED: GMR

SCALE: NOTED

SHEET NO.
SP6





Aerial Notification Map

Case #: A24-14

Request: Variance to increase maximum front yard setback for two storage/maintenance buildings at the rear of the property, located at 1204 Walter Reed Rd., totaling 13.21 acres \pm , and being the property of Cumberland County Hospital System Inc.

Legend

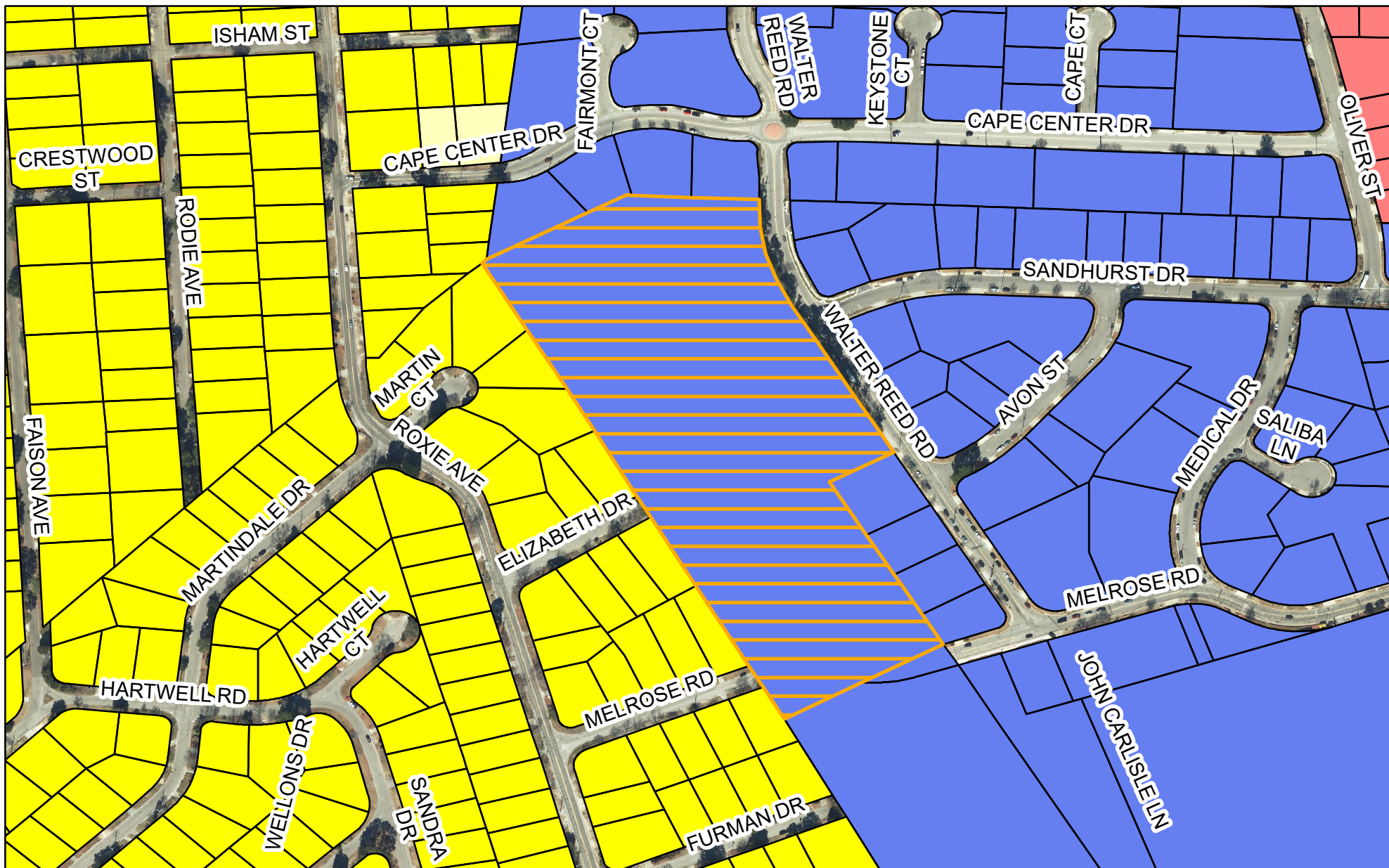
-  A24-14 Buffer
-  A24-14



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



Location: 1204 Walter Reed Road








Zoning Map

Case #: A24-14

Request: Variance to increase maximum front yard setback for two storage/maintenance buildings at the rear of the property, located at 1204 Walter Reed Rd., totaling 13.21 acres \pm , and being the property of Cumberland County Hospital System Inc.

Location: 1204 Walter Reed Road

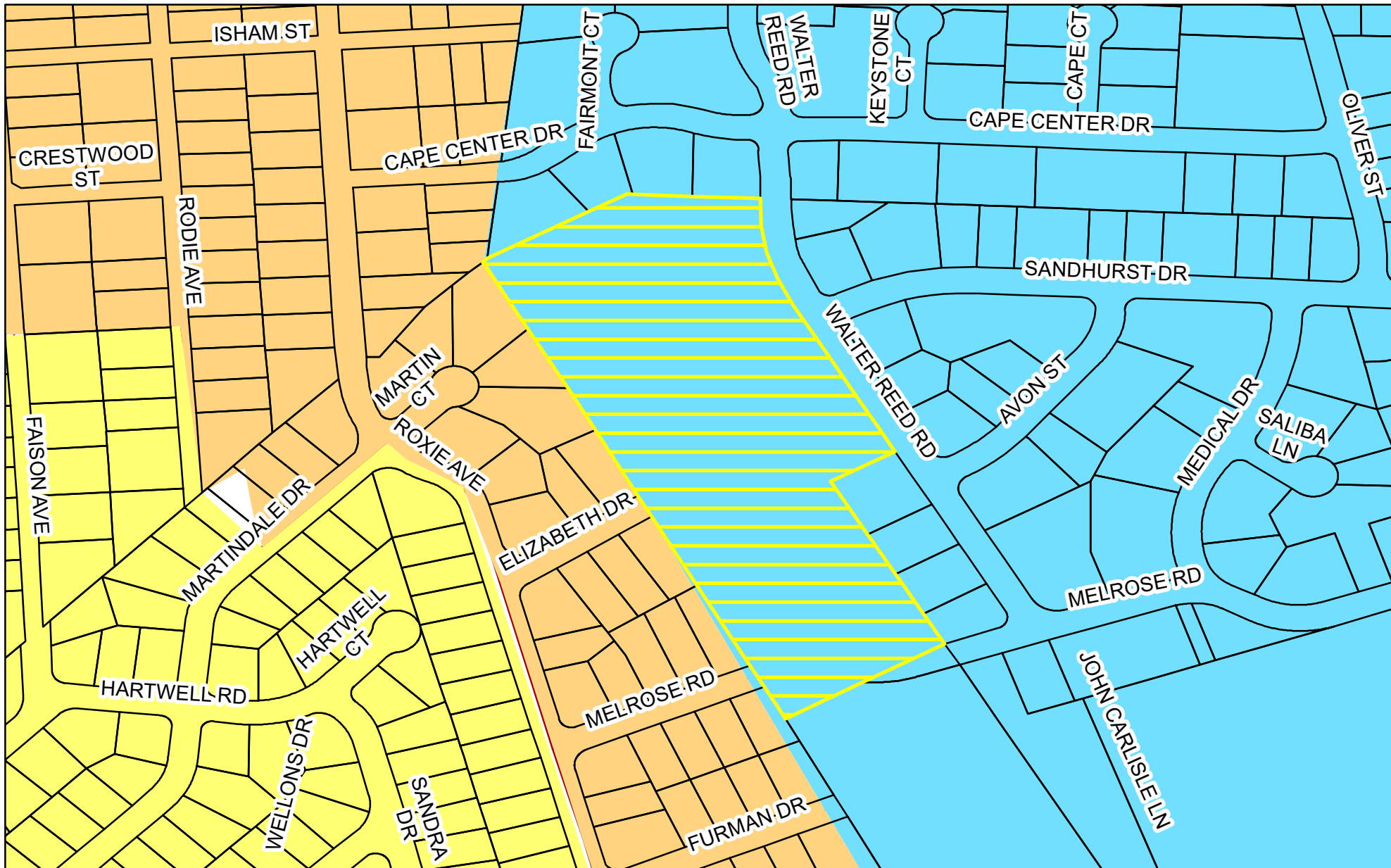
Legend

-  A24-14
-  LC - Limited Commercial
-  OI - Office & Institutional
-  SF-6 - Single-Family Residential 6
-  SF-10 - Single-Family Residential 10



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





Future Land Use Map

Case #: A24-14

Request: Variance to increase maximum front yard setback for two storage/maintenance buildings at the rear of the property, located at 1204 Walter Reed Rd., totaling 13.21 acres \pm , and being the property of Cumberland County Hospital System Inc.

Location: 1204 Walter Reed Road

Legend

 A24-14

Land Use Plan 2040

Character Areas

 LDR - LOW DENSITY

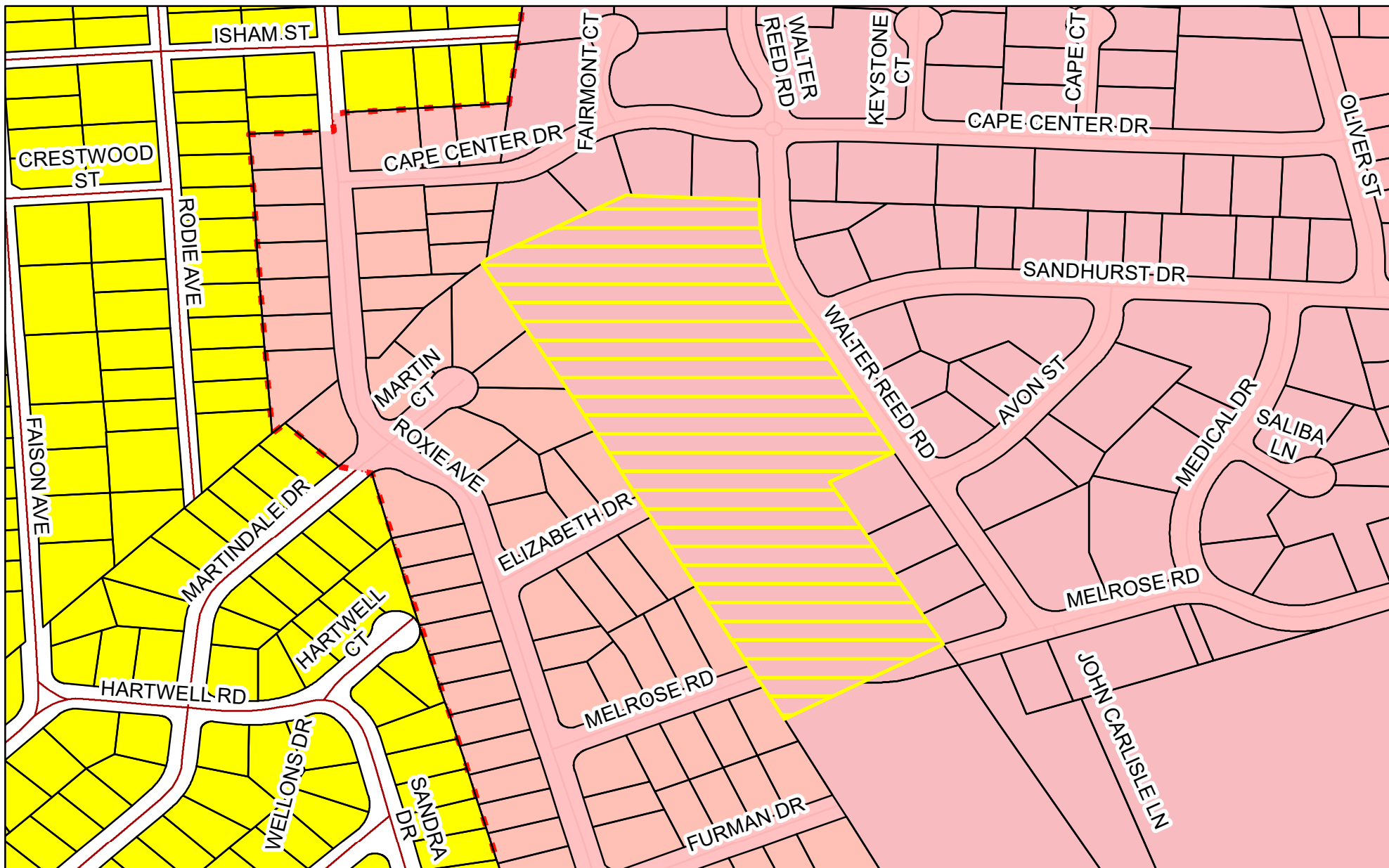
 MDR - MEDIUM DENSITY

 OI - OFFICE / INSTITUTIONAL



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





Overlay Map

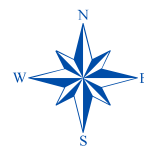
Case #: A24-14

Request: Variance to increase maximum front yard setback for two storage/maintenance buildings at the rear of the property, located at 1204 Walter Reed Rd., totaling 13.21 acres \pm , and being the property of Cumberland County Hospital System Inc.

Location: 1204 Walter Reed Road

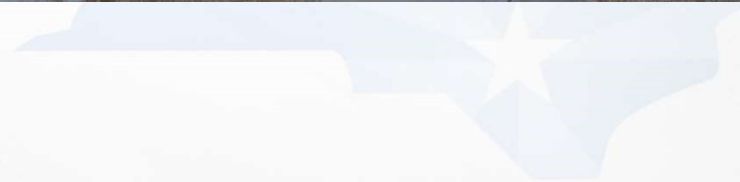
Legend

-  A24-14
-  Hospital Overlay District
-  LC - Limited Commercial
-  OI - Office & Institutional
-  SF-6 - Single-Family Residential 6
-  SF-10 - Single-Family Residential 10



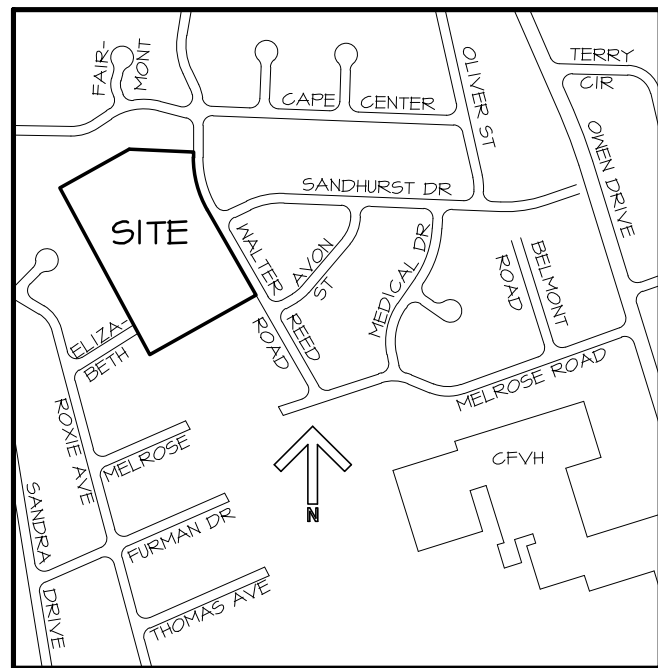
Letters are being sent to all property owners within the 300' buffer. Subject property is shown in the hatched pattern.





Surrounding Properties





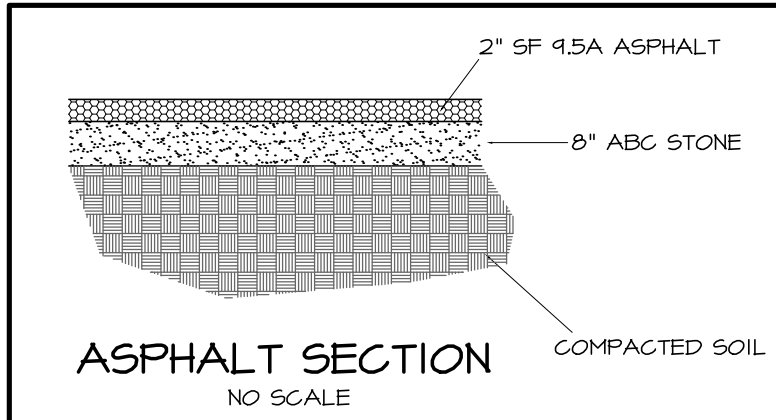
VICINITY MAP
NO SCALE

LEGEND

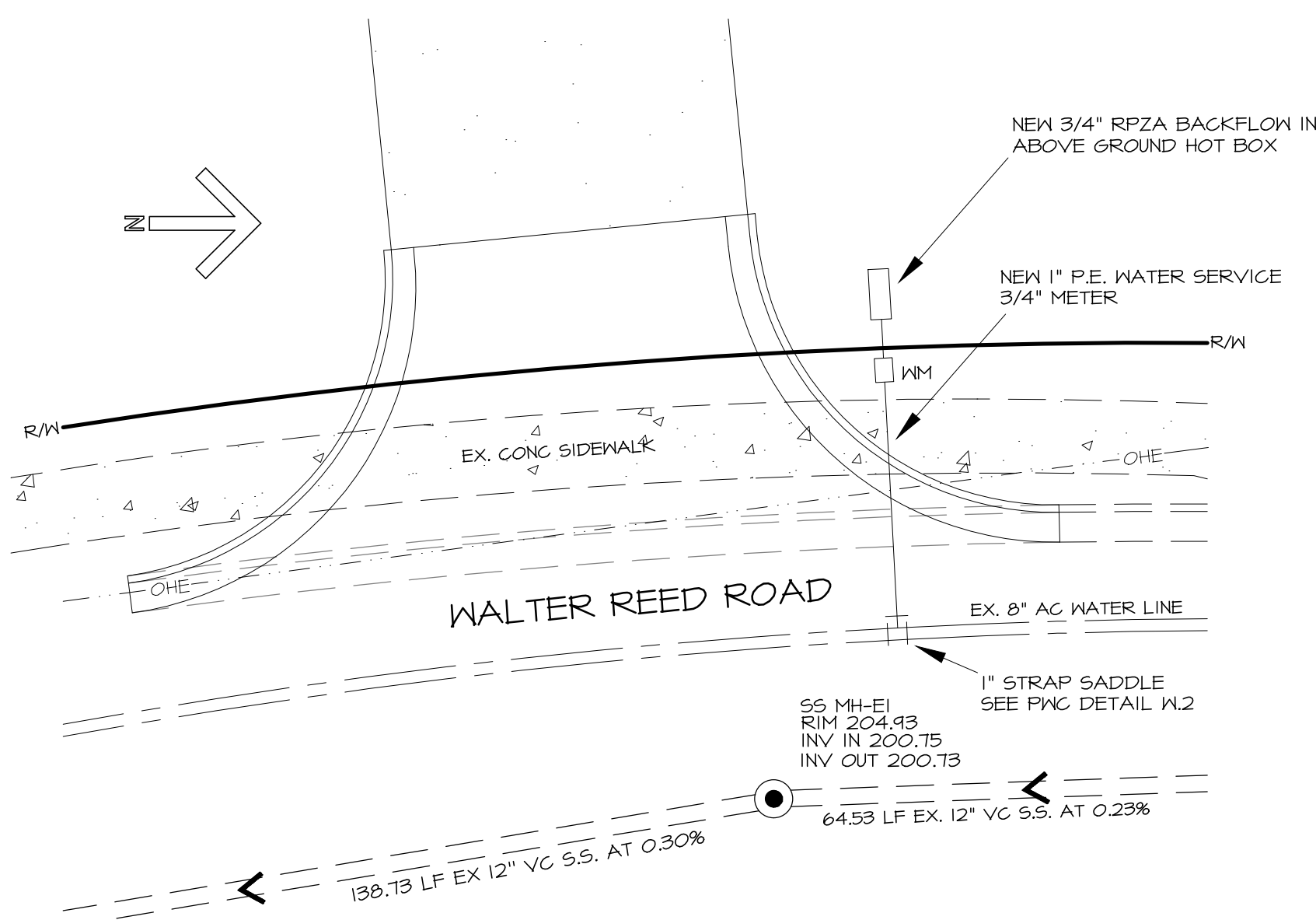
- ECM EXISTING CONCRETE MONUMENT (PROPERTY CORNER)
- ERB EXIST REBAR (PROPERTY CORNER)
- CP COMPUTED POINT (PROPERTY CORNER)
- EIP EXIST IRON PIPE (PROPERTY CORNER)
- LP EXISTING LIGHT POLE
- PP EXISTING POWER POLE
- GUT--- EXISTING GUT WIRE
- OHE--- EXISTING OVERHEAD ELECTRICAL
- 204--- EXISTING CONTOUR
- 204--- NEW FINISHED CONTOUR
- FM--- NEW 1-1/2" P.E. SEWER FORCE MAIN
- EXISTING NATURAL GAS LINE

NOTES

- TOTAL AREA IN OVERALL TRACT = 13.21 ACRES
TOTAL AREA IN PROJECT SITE = 314,50 SF = 7.21 ACRES
- OWNER/DEVELOPER:
CUMBERLAND COUNTY HOSPITAL SYSTEM INC
1630 OWEN DRIVE
FAYETTEVILLE, NC 28304
MARK JACKSON jackson3604@live.com
910-615-6379
- REFERENCE: DB 1225 PG 436; PB 110 PG 130
- REID NO. 0416814531000
- PROPERTY IS ZONED O1, CITY
- THERE ARE NO EXISTING IMPERVIOUS SURFACES ON THE PROJECT SITE.
- NO NEW SITE LIGHTING IS PLANNED FOR THIS PROJECT.
- ALL CONSTRUCTION TO BE IN ACCORDANCE WITH ALL CITY OF FAYETTEVILLE STANDARDS AND SPECIFICATIONS.
- THE CONTRACTOR MUST CONTACT THE NORTH CAROLINA CALL CENTER AT 800-632-4444 PRIOR TO DIGGING IN ORDER TO LOCATE ALL EXISTING UTILITIES.

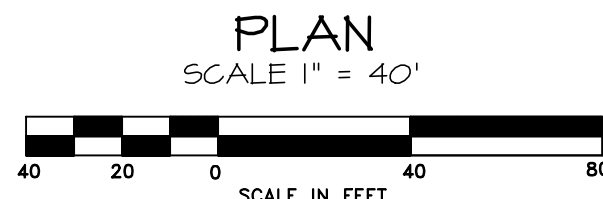
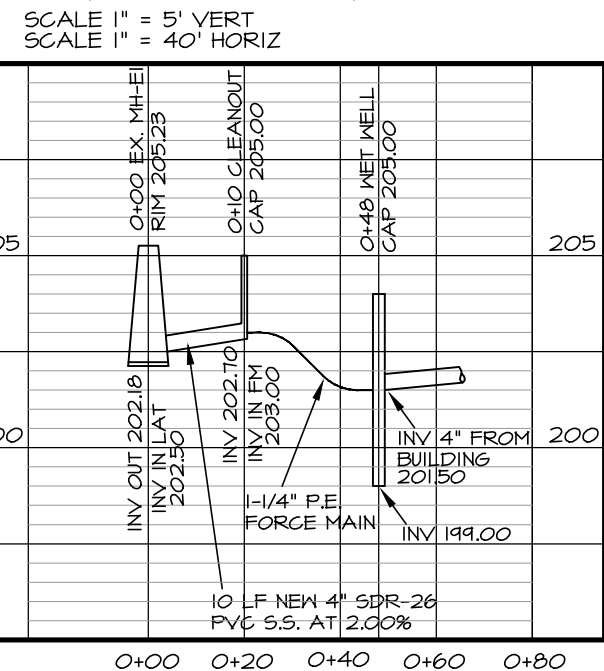


ASPHALT SECTION
NO SCALE



WATER SERVICE
AND BACKFLOW
SCALE 1" = 10'

UTILITY PROFILE B



REVISIONS:
1-12-24 P.E. & HYDRANT
1-24-24 PROFILE B

GEORGE M. ROSE, P.E.

P.O. BOX 53441
FAYETTEVILLE, NC 28305

910-977-5822 FAX 910-485-5823 EMAIL george@gmrpe.com

NEW BUILDINGS FOR
CAPE FEAR VALLEY HOSPITAL
FAYETTEVILLE, NC
1311 WALTER REED ROAD

SITE, UTILITY AND GRADING PLAN

DATE: DEC 2023

DRAWN BY: GMR

CHECKED: GMR

SCALE: NOTED

SHEET NO.
SP6



City of Fayetteville

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

City Council Action Memo

File Number: 24-3898

Agenda Date: 3/12/2024

Version: 1

Status: Agenda Ready

In Control: Zoning Commission

File Type: Evidentiary Hearing

Agenda Number: 4.04

TO: Mayor and Members of City Council

THRU: Zoning Commission

FROM: Demetrios Moutos - Planner I

DATE: March 12, 2024

RE:

A24-15. Variance to reduce the minimum required lot size for a lot in the SF-10 Zoning District totaling 0.21 acres \pm , located at 449 McPhee Drive, and being the property of Thomas Michael Lecka.

COUNCIL DISTRICT(S):

5 - Lynne Greene

Relationship To Strategic Plan:

Strategic Operating Plan FY 2022
Goals 2027

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

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

Executive Summary:

The applicant seeks a variance to reduce the minimum required lot size for a lot in the SF-10 Zoning District.

30.2.C.14 Variance:

The purpose of a variance is to allow certain deviations from the dimensional standards of this Ordinance (such as height, yard setback, lot coverage, or similar numeric standards) when the landowner demonstrates that, owing to special circumstances or conditions beyond the landowner's control (such as exceptional topographical conditions, narrowness, shallowness, or the shape of a specific parcel of land), the literal application of the standards would result in undue and unique

hardship to the landowner and the deviation would not be contrary to the public interest.

Variances are to be sparingly exercised and only in rare instances or under exceptional circumstances to relieve undue and unique hardships to the landowner. No change in permitted uses or applicable condition of approval may be authorized by variance.

Background:

Applicant: Michael Adams

Owner: Michael Lecka

Requested Action: Reduce minimum lot size requirement in SF-10

Zoning District: Single Family Residential 10 (SF-10)

Property Address: 0 McRae Drive (0427432094000)

Size: 0.21 acres ±

Existing Land Use: Vacant/Wooded

Surrounding Zoning and Land Uses

- North: SF-10 - Single Family Residence
- South: SF-6 - Single Family Residence
- East: SF-10 - Single Family Residence
- West: SF-6 - Single Family Residence

Postcards Mailed: 34

Issues/Analysis:

The subject property was granted to Thomas Michael Lecka by Sanjay Khazanchi on June 5th, 2023. The most recent plat for the subject property was recorded in January 1953. (DB 11760-0103; PB 0016-0003)

The applicant requests the recombination of two existing lots (one non-compliant) to create two buildable lots. While one resulting lot meets the minimum square footage requirement, the other falls short. A variance is therefore requested to allow the development of the second, undersized lot.

Section 30-3.D.3 of the Unified Development Ordinance outlines the minimum lot area per unit in the Single Family Residential 10 (SF-10) zoning district. The minimum lot sizes for various building types in SF-10 are as follows:

Single Family Detached Dwellings - 10,000 sq. ft.

Single Family Attached Dwellings - 9,000 sq. ft.

Two- to Four- Family Dwellings - 7,500 sq. ft.

All Other Principle Uses - 10,000 sq. ft.

The applicant is requesting to reduce the minimum required lot size from 10,000 sq. ft. to 9,128 sq. ft., as shown on the attached site plan.

Insufficient Justification for Variance

The following does not constitute grounds for a Variance:

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

Subsequent Development

The applicant intends to construct a house on the subject property in the future. The applicant does not have specific plans for the house at this time but would like to address the minimum lot area at this time.

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

Findings of Fact Statements as reviewed by the Planning Staff:

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

The applicant states “The second lot is being asked for to build a single-family house on it for family members. The applicant's lot will be reduced as much as possible to try and allow for this. Without this variance, the second lot would not be able to be built on. The neighbor to the east has been approached to acquire 8' of their property which would bring the second lot into compliance, but they are unwilling to sell.”

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

The applicant states “The zoning on this side of the street is restricting the subdivision of this lot. If this property were zoned similar to the lots to the south and west, this second lot would comply.”

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

The applicant states “The variance requested is the best that can be accomplished with these two lots. The second lot is 872 square feet short of complying.”

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

The applicant states “If the variance is approved, the resultant lot would create another taxable lot and would allow for a single-family residence to be built, therefore maximizing the intent of the ordinance.”

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

The applicant states “If variance is approved, it will allow for family members to relocate next to the applicant therefore saving gas to travel which in turn helps the environment.”

Budget Impact:

There is no immediate budgetary impact.

Options:

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

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

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

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

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

Possible Motions and Factual Findings:

Motion to approve the variance as requested

Findings of Fact Required to Approve this Request:

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

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

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

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

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

Motion to approve the variance as requested but with added conditions

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

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

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

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

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

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

Motion to deny the variance as requested.

Findings of Fact Statements Required to Deny this Request:

1. There is not sufficient evidence that the strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships as shown by the following evidence:

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

3. There is not sufficient evidence that the Variance is the minimum action that will make possible a reasonable use of land or structures as shown by the following evidence:

4. There is not sufficient evidence that the Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit as shown by the following evidence:

5. There is not sufficient evidence that in the granting of the Variance, the public safety and welfare have been assured and substantial justice has been done as shown by the following evidence:

Recommended Action:

Attachments:

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

Project Overview**#1242802****Project Title:** Mike Lecka - McRae Drive**Jurisdiction:** City of Fayetteville**Application Type:** 5.4) Variance**State:** NC**Workflow:** Staff Review**County:** Cumberland**Project Location****Project Address or PIN:** 449 MCPHEE DR (0427432021000) **Zip Code:** 28305**GIS Verified Data****Property Owner: Parcel**

- 449 MCPHEE DR: LECKA, THOMAS MICHAEL

Acreage: Parcel

- 449 MCPHEE DR: 0.38

Zoning District: Zoning District

- 449 MCPHEE DR: SF-10

Subdivision Name:**Fire District:****Airport Overlay District:****Hospital Overlay District:****Coliseum Tourism District:****Cape Fear District:****Downtown Historic District:****Haymount Historic District:****Floodway:****100 Year Flood:** <100YearFlood>**500 Year Flood:** <500YearFlood>**Watershed:****Variance Request Information****Requested Variances:** Lot area**Section of the City Code from which the variance is being requested.:** 30-3-D 3**Describe the nature of your request for a variance and identify the standard(s)/requirement(s) of the City Code proposed to be varied.:**

Request is to recombine two existing lots (one non-compliant) to create two buildable lots.

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

Adjoining lots to the north and east are zoned SF-10.

One lot can meet the square footage requirement. The second one is short of the required square footage. Variance request is to allow the second lot once it is recombined.

Lots across the street to the west and south are zoned SF-6.

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

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

1. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships; it shall not be

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

Expiration - Variance

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

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

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

Second lot is being asked for to build a single family house on it for family members. The applicants lot will be reduced as much as possible to try and allow for this. Without this variance, the second lot would not be able to be built on.

The neighbor to the east has been approached to acquire 8' of their property which would bring the second lot into compliance, but they are unwilling to sell.

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

The zoning on this side of the street is restricting the subdivision of this lot. If this property were zoned similar to the lots to the south and west, this second lot would be in compliance.

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

The variance requested is the best that can be accomplished with these two lots. The second lot is 872 square feet short of being in compliance.

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

If the variance is approved, the resultant lot would create another taxable lot and would allow for a single family residence to be built, therefore maximizing the intent of the ordinance.

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

Height of Sign Face : 0

If variance is approved, it will allow for family members to relocate next to the applicant therefore saving gas to travel which in turns helps the environment.

Height of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Height of Sign Face: 0

Square Footage of Sign Face : 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Primary Contact Information

Contractor's NC ID#:

Project Owner

Thomas Lecka

449 McPhee Drive

Fayetteville, NC 28305

P:910-660-3210

maps@mapssurveying.com

Project Contact - Agent/Representative

Michael Adams

MAPS Surveying Inc.

1306 Fort Bragg Road

Fayetteville, NC 28305

P:910-484-6432

maps@mapssurveying.com

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

NC State General Contractor's License Number:

NC State Electrical Contractor #1 License Number:

NC State Electrical Contractor #2 License Number:

NC State Mechanical Contractor's #1 License Number:

NC State Mechanical Contractor's #2 License Number:

NC State Mechanical Contractor:

NC State Plumbing Contractor #1 License Number:

NC State Plumbing Contractor #2 License Number:

Project Contact - Primary Point of Contact for the Surveyor

Michael Adams

MAPS Surveying Inc.

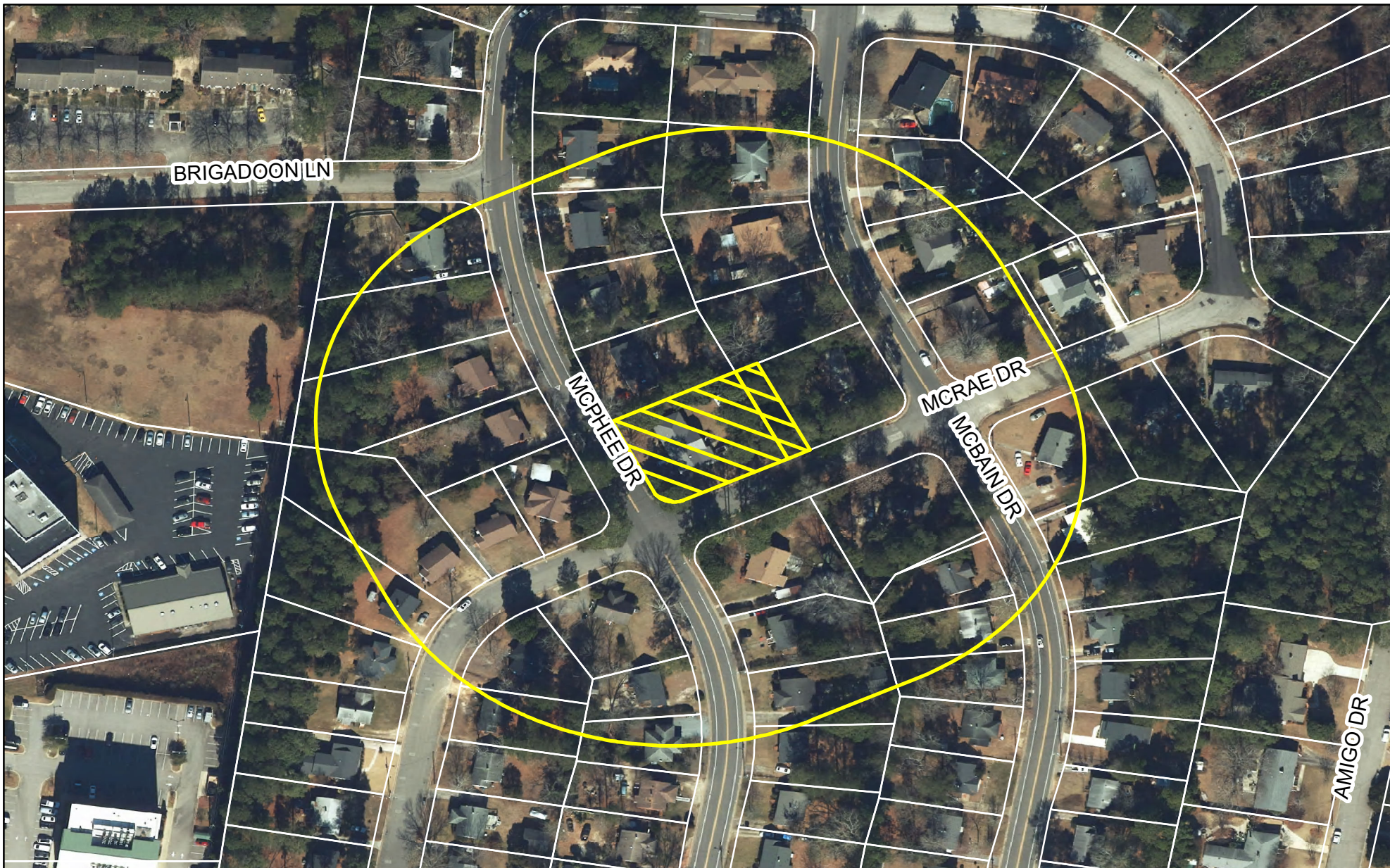
1306 Fort Bragg Road

Fayetteville, NC 28305

P:910-484-6432

maps@mapssurveying.com

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



Aerial Notification Map

Case #: A24-15

Request: Variance to reduce the minimum required lot size for a lot in the SF-10 Zoning District totaling 0.21 acres \pm , located at 449 McPhee Drive, and being the property of Thomas Michael Lecka.

Location: 449 McPhee Drive

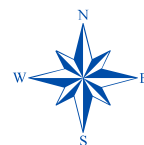
Legend



A24-15 Buffer

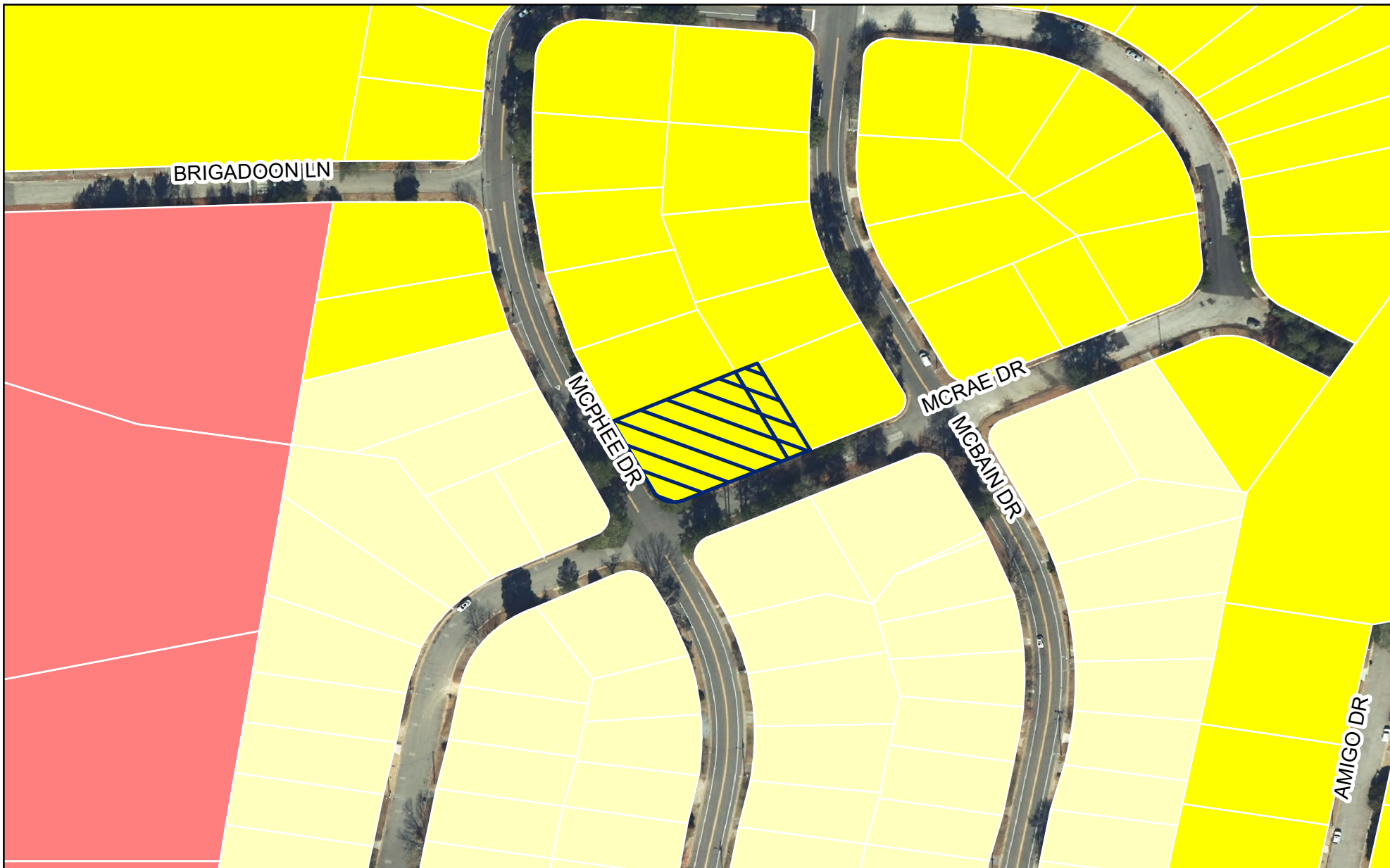


A24-15



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





Zoning Map

Case #: A24-15

Request: Variance to reduce the minimum required lot size for a lot in the SF-10 Zoning District totaling 0.21 acres \pm , located at 449 McPhee Drive, and being the property of Thomas Michael Lecka.

Location: 449 McPhee Drive

Legend



A24-15



LC - Limited Commercial



SF-6 - Single-Family Residential 6

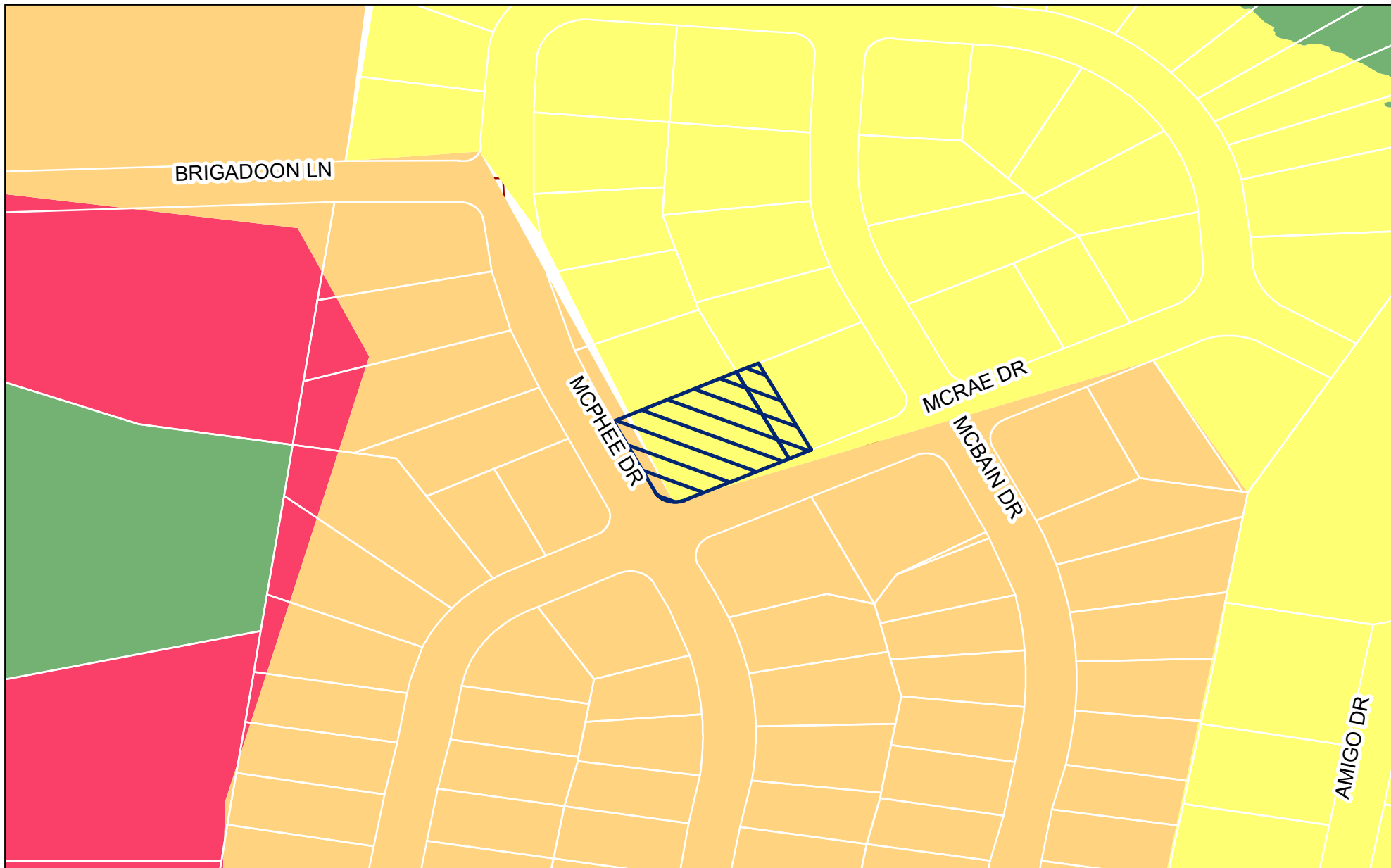


SF-10 - Single-Family Residential 10



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





Future Land Use Map

Case #: A24-15

Request: Variance to reduce the minimum required lot size for a lot in the SF-10 Zoning District totaling 0.21 acres \pm , located at 449 McPhee Drive, and being the property of Thomas Michael Lecka.

Location: 449 McPhee Drive





Legend



A24-15

Land Use Plan 2040

Character Areas

-  PARKOS - PARK / OPEN SPACE
-  LDR - LOW DENSITY
-  MDR - MEDIUM DENSITY
-  CC - COMMUNITY CENTER

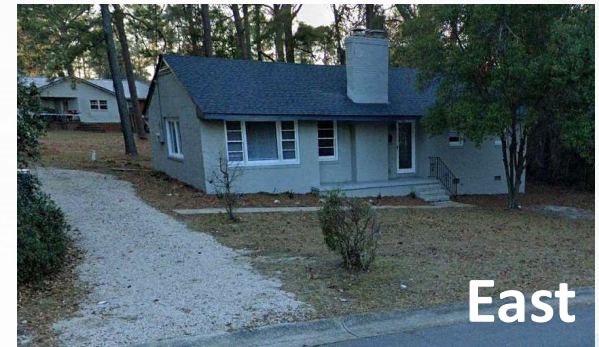


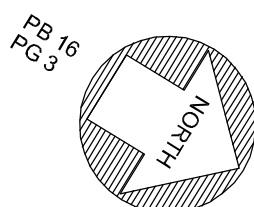
Letters are being sent to all property owners within the 300' buffer. Subject property is shown in the hatched pattern.





Surrounding Properties





VARIANCE REQUEST



City of Fayetteville

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

City Council Action Memo

File Number: 24-3899

Agenda Date: 3/12/2024

Version: 1

Status: Agenda Ready

In Control: Zoning Commission

File Type: Evidentiary Hearing

Agenda Number: 4.05

TO: Mayor and Members of City Council

THRU: Zoning Commission

FROM: Demetrios Moutos - Planner I

DATE: March 12, 2024

RE:

A24-16. Variance to increase the maximum size for an accessory structure in the SF-10 Zoning District, located at 1495 Bingham Drive, totaling 6.31 acres ±, and being the property of Miracle Temple Holy Deliverance Church of God Inc.

COUNCIL DISTRICT(S):

6 - Derrick Thompson

Relationship To Strategic Plan:

Strategic Operating Plan FY 2022

Goals 2027

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

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

Executive Summary:

The request involves seeking a variance from the maximum size allowance for an accessory structure within the SF-10 Zoning district. According to Note 2 of section 30-3.D.3, the maximum allowable size for accessory structures is 1200 square feet. Currently, the existing accessory structures on the property occupy 644 square feet. The applicant is seeking approval for an additional 2,700 square feet, which would bring the total size of accessory structures on the property to 3,344 square feet.

30.2.C.14 Variance:

The purpose of a variance is to allow certain deviations from the dimensional standards of this Ordinance (such as height, yard setback, lot coverage, or similar

numeric standards) when the landowner demonstrates that, owing to special circumstances or conditions beyond the landowner's control (such as exceptional topographical conditions, narrowness, shallowness, or the shape of a specific parcel of land), the literal application of the standards would result in undue and unique hardship to the landowner and the deviation would not be contrary to the public interest.

Variances are to be sparingly exercised and only in rare instances or under exceptional circumstances to relieve undue and unique hardships to the landowner. No change in permitted uses or applicable conditions of approval may be authorized by variance.

Background:

Applicant: Bennie Kelly

Owner: Miracle Temple Holy Deliverance Church of God Inc.

Requested Action: Variance from max. size for an accessory structure

Zoning District: Single Family Residential 10 (SF-10)

Property Address: 1495 Bingham Drive (0406541553000)

Size: 6.31 acres ±

Existing Land Use: Vacant/Wooded

Surrounding Zoning and Land Uses

North: CC - Wooded

South: SF-10 - Single Family Residences

East: SF-10 - Single Family Residences

West: LC/CZ - Vacant/Single Family

Postcards Mailed: 44

Issues/Analysis:

The subject property was granted to Miracle Temple Holy Deliverance Church of God, Inc. by Steven Douglas Johnson, Ellisson Ann Johnson, Donna Johnson Cowan, Jessica Johnson Swaney (AKA Jessica Brook Johnson) and husband Benjamin Swaney, and Debbie Johnson on March 15th, 2016. The most recent plat for the subject property was recorded in November 2018. (DB 9827-0816; PB 0141-0178)

The application entails requesting a deviation from the permitted maximum size for a supplementary building within the SF-10 Zoning district. As stated in Note 2 of section 30-3.D.3, the maximum permissible size for such structures is 1200 square feet. Presently, the accessory structures already situated on the premises encompass an area of 644 square feet. The petitioner is seeking authorization for an extra 2,700 square feet, resulting in a combined total area of accessory structures on the property amounting to 3,344 square feet.

Insufficient Justification for Variance

The following does not constitute grounds for a Variance:

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

History

The structure in question is intended for covered bus parking. A variance for this project was granted in 2019 under case A19-40F. However, the applicant did not apply for a building permit or begin construction within the one-year timeframe stipulated by the variance approval. As per regulation 30-2.C.14.e.5, this failure automatically annuls the decision made by the Zoning Commission. The minutes from the previous case are outlined below:

In the meeting for variance case A19-40F held in 2019, Senior Planner Terri Lynn Hale presented the request for 1495 Bingham Dr. The applicant sought to increase the maximum allowable accessory structure area from 1500 to 3372 square feet to construct a covered parking structure for buses and vans used for church functions. Staff recommended approval. During the discussion, Mr. Hight inquired about pursuing rezoning instead of a variance, but it was explained that other zoning districts wouldn't likely accommodate the needed size. Speakers in favor, including Pastor Bennie Kelly, emphasized the need to protect the church's invested vehicles. No opposition was voiced. A motion to approve the variance was made by Alex Keith, citing practical difficulties in meeting UDO requirements, the necessity to safeguard church property, and no harm to public safety. The motion passed unanimously.

Findings

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

Findings of Fact Statements as reviewed by the Planning Staff:

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

The applicant states "Ordinance does not allow the variable which is needed to build the size shelter that is required to suffice the church's need."

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

The applicant states "Construction of the park structure will not result in any practical difficulties or unnecessary hardships."

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

The applicant states "The variance would provide the approval to construct the 2700 sq. sf. parking structures. No other variances will be required."

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

The applicant states "Our intentions are for the protection and safeguard of our buses and vans."

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

The applicant states "By constructing the parking structure, our buses and vans will be hidden from sight, therefore preventing any attempted robbery or vandalism."

Budget Impact:

There is no immediate budgetary impact.

Options:

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

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

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

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

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

evidence supporting each of the five (5) factual findings.

Possible Motions and Factual Findings:

Motion to approve the variance as requested

Findings of Fact Required to Approve this Request:

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

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

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

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

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

Motion to approve the variance as requested but with added conditions

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

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

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

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

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

5. In the granting of the Variance, public safety and welfare have been assured and

substantial justice has been done as shown by the following evidence:

Motion to deny the variance as requested.

Findings of Fact Statements Required to Deny this Request:

1. There is not sufficient evidence that the strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships as shown by the following evidence:

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

3. There is not sufficient evidence that the Variance is the minimum action that will make possible a reasonable use of land or structures as shown by the following evidence:

4. There is not sufficient evidence that the Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit as shown by the following evidence:

5. There is not sufficient evidence that in the granting of the Variance, the public safety and welfare have been assured and substantial justice has been done as shown by the following evidence:

Recommended Action:

Attachments:

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

Project Overview**#1248429****Project Title:** Miracle Temple Church Parking Structure for Buses and Vans**Jurisdiction:** City of Fayetteville**Application Type:** 5.4) Variance**State:** NC**Workflow:** Staff Review**County:** Cumberland**Project Location****Project Address or PIN:** 1495 BINGHAM DR (0406541553000) **Zip Code:** 28304**GIS Verified Data****Property Owner: Parcel**

- 1495 BINGHAM DR: MIRACLE TEMPLE HOLY DELIVERANCE CHURCH OF GOD INC

Acreage: Parcel

- 1495 BINGHAM DR: 6.31

Zoning District: Zoning District

- 1495 BINGHAM DR: SF-10

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

- 1495 BINGHAM DR: AE

100 Year Flood: <100YearFlood>**500 Year Flood:** <500YearFlood>**Watershed:****Variance Request Information****Requested Variances:** Parking Structure**Section of the City Code from which the variance is being requested.:** 30-3.D.3**Describe the nature of your request for a variance and identify the standard(s)/requirement(s) of the City Code proposed to be varied.:**

Variance from Max. size for an accessory structure in the SF-10 Zoning district.

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

North - SF-10

South - SF-10

East - SF 10

West - SF-6

All Residential

Max Accessory Structures per 30-3.D.3 Note 2 = 1200 sq ft.

Existing Accessory Structures - 644 sq. ft.

Requesting additional 2,700 sq. ft.

Total Accessory Structures 3,344 sq. ft.

Justification for Variance Request - Use this and the following pages to answer the questions (upload additional

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

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

Expiration - Variance

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

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

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

Ordinance does not allow the variable which is needed to build the size shelter that is required to suffice the church's need.

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

Construction of the park structure will not result in any practical difficulties or unnecessary hardships.

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

The variance would provide the approval to construct the 2700 sq. sf. parking structures. No other variances will be required.

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

Our intentions are for the protection and safeguard of our buses and vans.

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

By constructing the parking structure, our buses and vans will be hidden from sight, therefore preventing any attempted robbery or vandalism.

Height of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Height of Sign Face: 0

Square Footage of Sign Face : 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Primary Contact Information

Contractor's NC ID#:

Project Owner

Bennie Kelly
Miracle Temple Church
1495 Bingham Drive
Fayetteville , NC 28304
P:9104831037
miracletemplehdcog@gmail.com

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

Project Contact - General Contractor

Jeffrey Simmons
Simmons Innovative Solutions, LLC
4100 Nelson Way
Lumberton, NC 28360
P:910-496-5209
briansimmons19@icloud.com

NC State General Contractor's License Number: 100685

NC State Electrical Contractor #1 License Number:

NC State Electrical Contractor #2 License Number:

NC State Mechanical Contractor's #1 License Number:

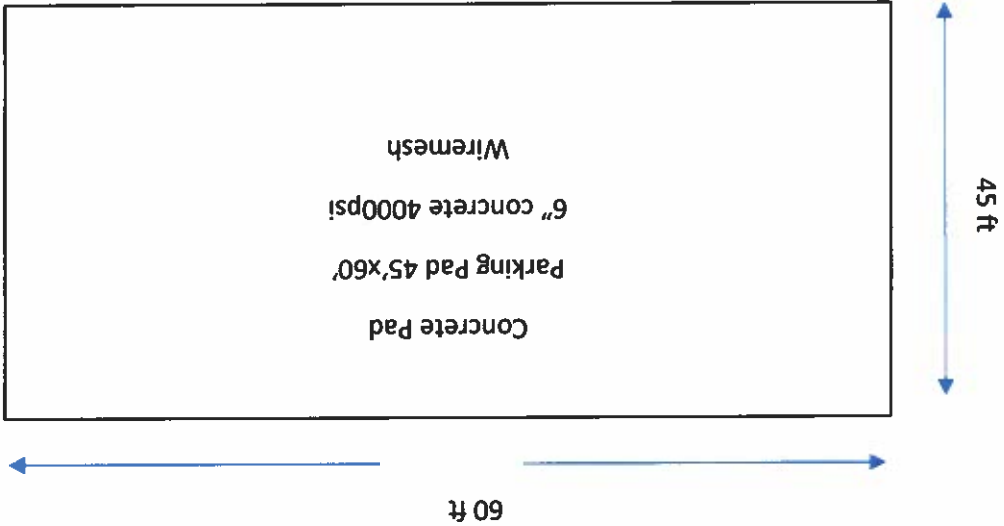
NC State Mechanical Contractor's #2 License Number:

NC State Mechanical Contractor:

NC State Plumbing Contractor #1 License Number:

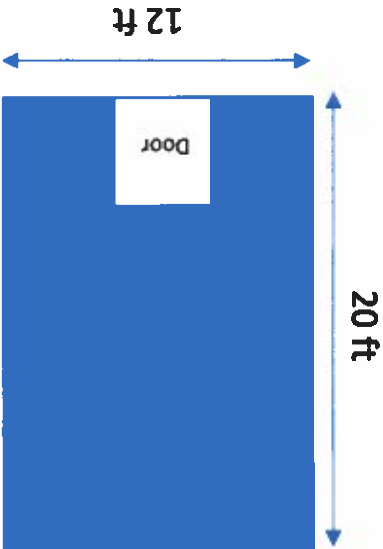
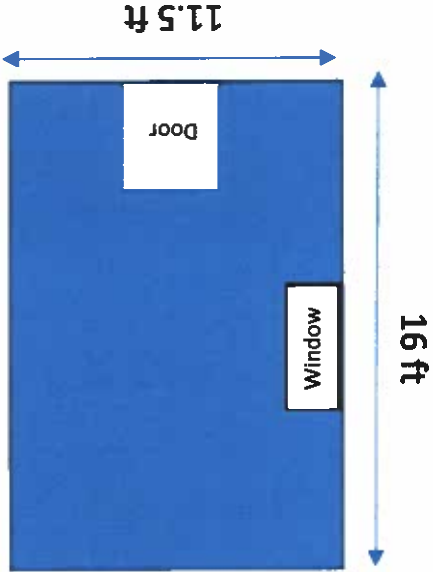
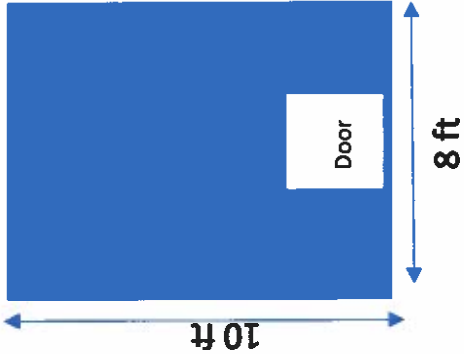
NC State Plumbing Contractor #2 License Number:

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

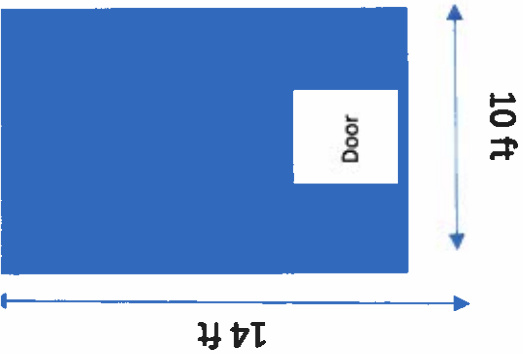


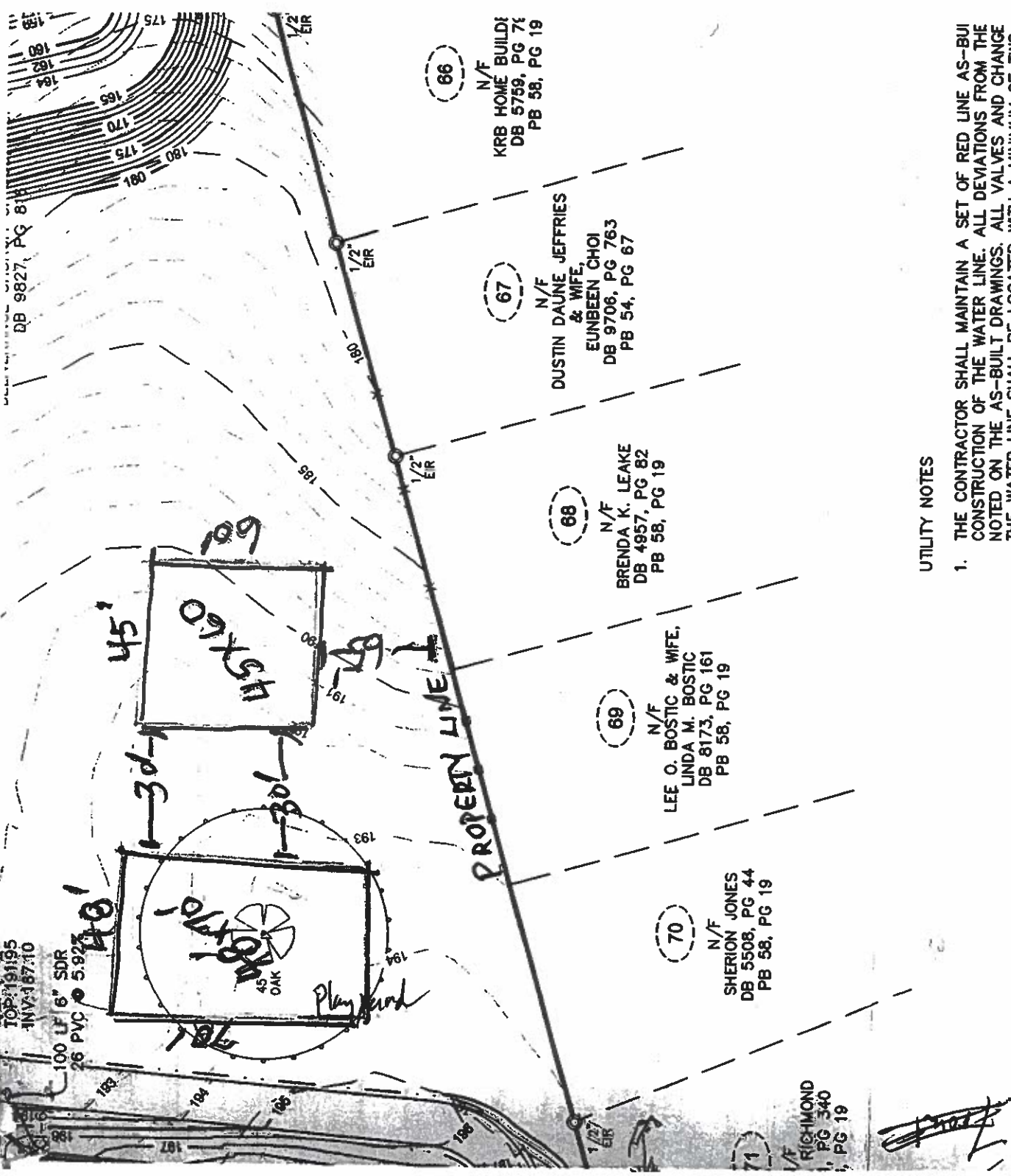
Proposed Plan
Phase 1
Concrete Slab

Play yard



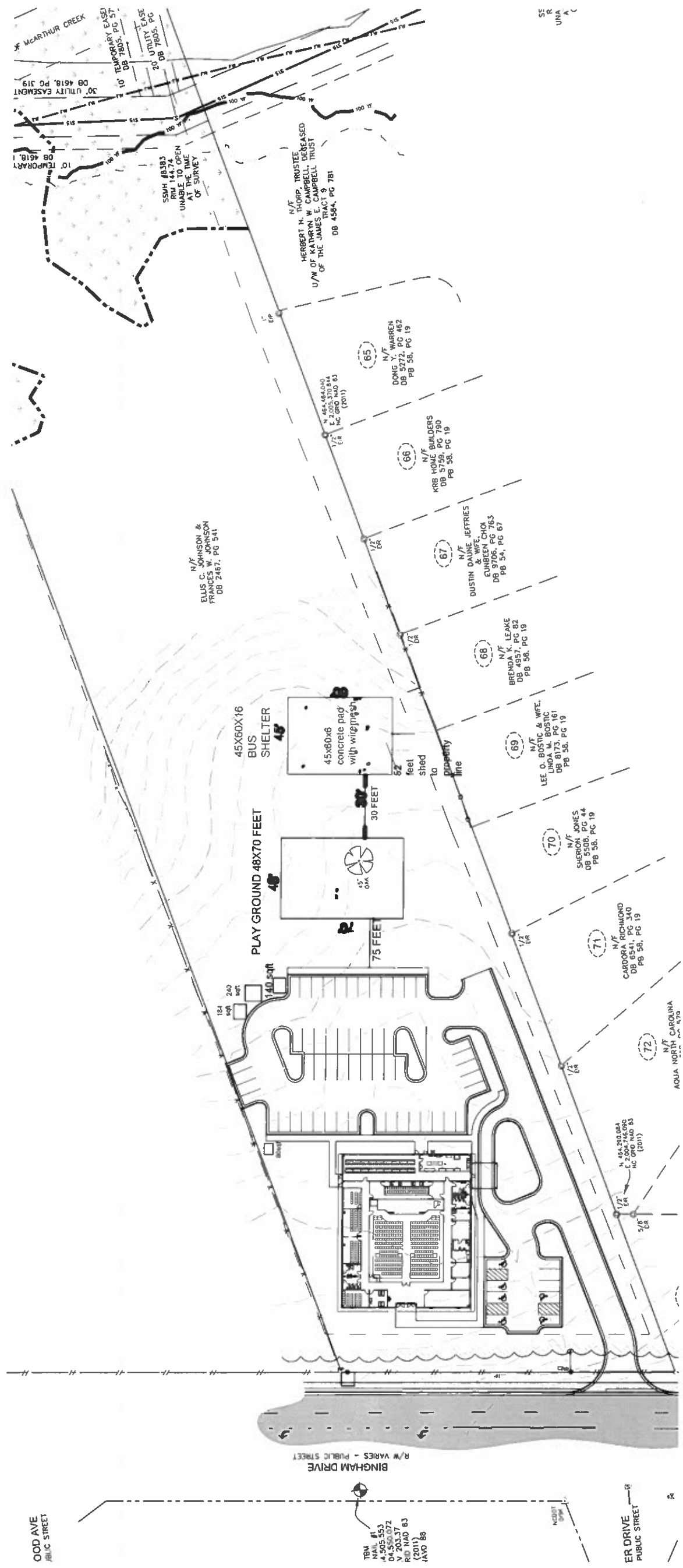
Miracle Temple Church
4 Storage Buildings = 644 sq. ft.

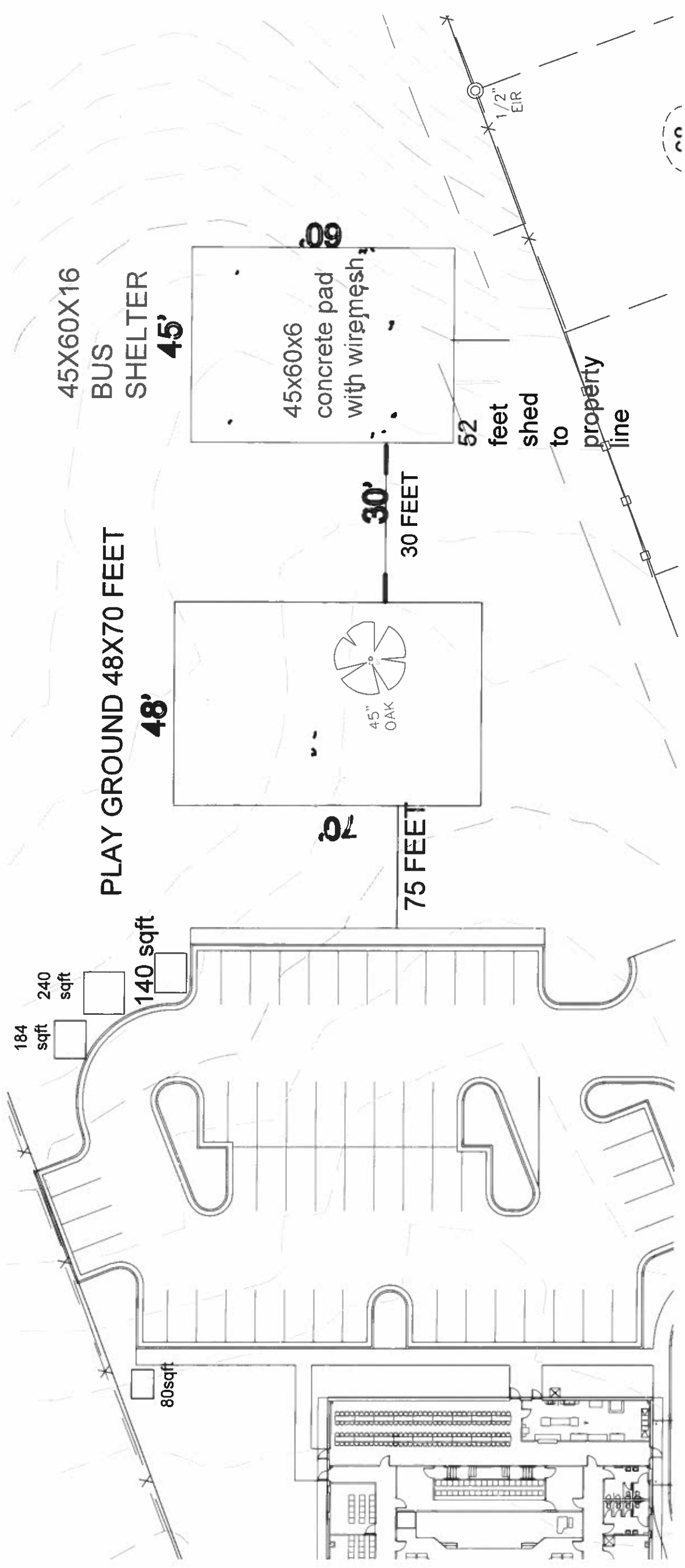




UTILITY NOTES

1. THE CONTRACTOR SHALL MAINTAIN A SET OF RED LINE AS-BUILT CONSTRUCTION OF THE WATER LINE. ALL DEVIATIONS FROM THE NOTED ON THE AS-BUILT DRAWINGS. ALL VALVES AND CHANGE THE WATER LINE SHALL BE LOCATED WITH A MINIMUM OF TWO A KNOWN OBJECT. THE CONTRACTOR WILL PROVIDE THE AS-BUILT THE OWNER TO BE USED FOR THE WATER LINE CERTIFICATION, COMPLETION OF THE PROJECT.
2. ANY WATER ENTERING THE SANITARY SEWER SYSTEM TO BE OCC UNDER THE APPROVED PLANS SHALL NOT BE DISCHARGED TO SEWER SYSTEM. PLUGS SHALL BE INSTALLED IN EXISTING MANHoles NECESSARY TO PERMIT PUMPING THE NEW SYSTEM CLEAR OF DEBRIS PRIOR TO ACCEPTANCE BY THE CITY. CARE SHALL BE TAKEN LOCATING PLUGS TO AVOID INTERRUPTING SERVICE TO EXISTING MECHANICAL PLUGS OR MORTAR AND BRICK MUST BE USED. IN DEVICES ARE NOT ALLOWED.
3. HORIZONTAL DIMENSIONS GIVEN FOR UNDERGROUND UTILITY TIES: APPROXIMATE UNLESS OTHERWISE NOTED.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING ALL COMPANIES AFFECTED BY THE PROPOSED WORK.
5. THE GENERAL CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS TO COMPLETE THE PROPOSED WORK, AND SHALL COMPLY WITH ALL CITY AND FEDERAL REGULATIONS.
6. PIPE SHALL BE LAID UPSTREAM WITH THE SPIGOT ENDS POINTING DOWN. ALL PIPES SHALL BE PLACED TRUE TO LINE AND GRADE WITH CAREFULLY CENTERED, AND WITH A SMOOTH INVERT AT THE JOINTS. MINIMUM SEPARATION BETWEEN SEWER (STORM OR SANITARY), SHALL BE 10' HORIZONTAL OR 18" VERTICAL UNLESS NOTED OTHERWISE.
7. MINIMUM SEPARATION BETWEEN SANITARY SEWER AND STORM SEWER SHALL BE 24" UNLESS NOTED OTHERWISE.
8. ALL MAINS, LATERALS AND APPURTENANCES SHALL BE TESTED WITH PWC AND NCEQ TECHNICAL SPECIFICATIONS.
9. ALL MATERIALS SHALL BE APPROVED BY PWC BEFORE INSTALL.





Begin forwarded message:

From: Viking Steel Structures <sales@vikingsteelstructures.com>

Date: February 27, 2023 at 4:29:46 PM EST

To: damaestrogk@gmail.com

Subject: Here's Your Custom Design (James Kelly #1677533384110678)






Viking Steel Structures

37830

(877)261-3287

sales@vikingsteelstructures.com

Customer Order - **Feb 27, 2023**

Ship To			
Name <u>James Kelly</u>		Order # <u>1677533384110678</u>	
Billing Address <u>1495 Bingham Drive</u>			
City <u>Fayetteville</u>		State <u>NC</u>	Zip Code <u>28304</u>
Install Address <u>1495 Bingham Drive</u>			
City <u>Fayetteville</u>		State <u>NC</u>	Zip Code <u>28304</u>
Email <u>damaestrogk@gmail.com</u>		Phone # <u>9102861999</u>	Mobile # _____
Building Info		Size	Color
Style: <u>Standard</u>	44' X 60' X 16' Width Length Leg Height	Roof <u>E Brown</u> 	Anchoring & Site Preparation
Roof Style: <u>Vertical Style</u>		Trim: <u>E Brown</u> 	Installation Surface: <u>Concrete</u>
Gauge: <u>14-Gauge Framing</u>		Gable End <u>Sandstone</u> 	Installation Surface: <u>Cement</u>
Leg Style: <u>Ladder Legs</u>		Wall	

Brace: Standard Brace

Side
Wall

Sandstone ☐

(Provided by
Customer)

Power Available
(Within 100' of
Installation Site) ☒

Site Ready
(Concrete/Asphalt
Already Cured -
Ground Level) ☐

Jobsite Level (At most
3"-4") ☒

Design Link & Notes

Design Link: <https://carportview.vikingsteelstructures.com/#678c1621021fcda7bd1609c172a7664a>

Building Images



Perspective View



Front



Left Side

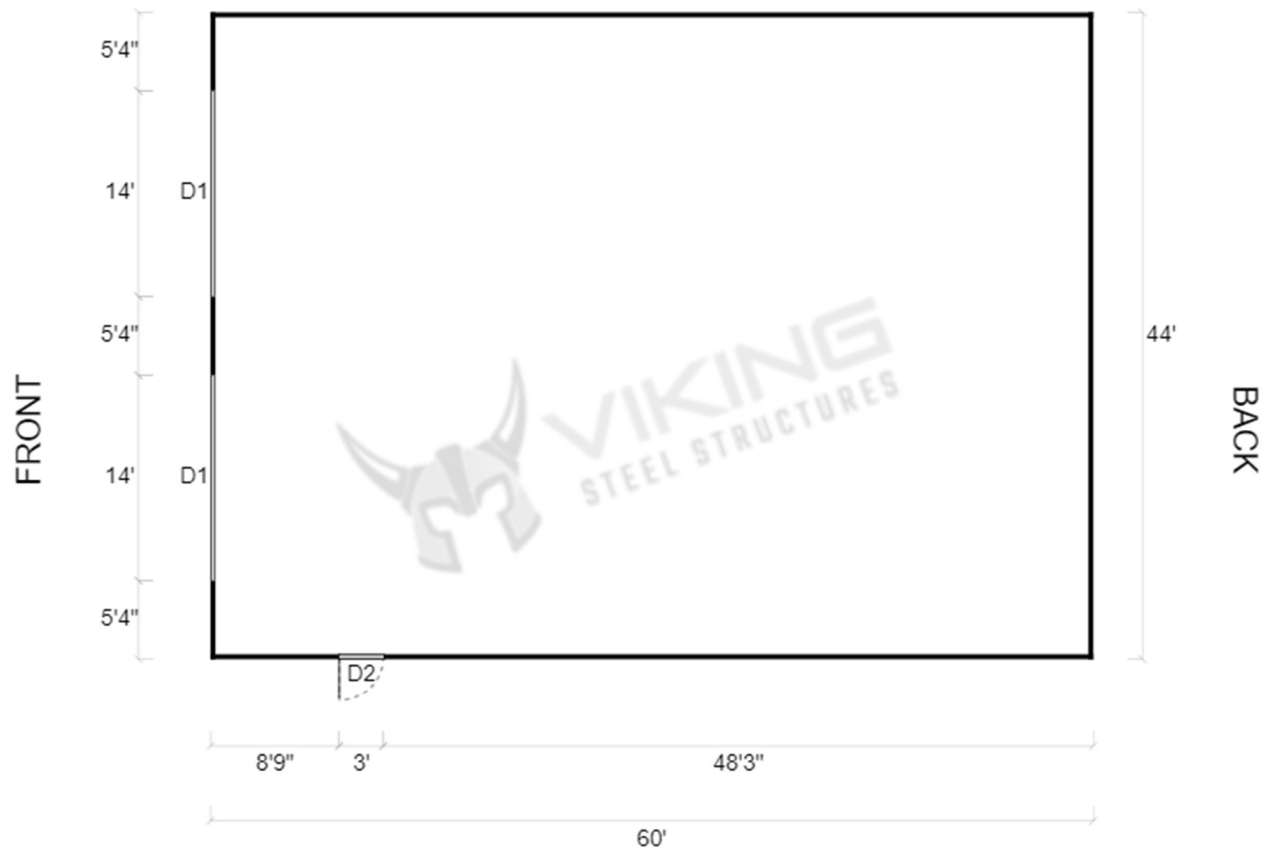


Right Side



Back

LEFT SIDE



RIGHT SIDE

SYMBOL LEGEND

- D1
14'x14' Garage Door*
- D2
Walk-In Door (36x80)

Closed Wall

Section	Description	Quantity
	Structure Details	
	Style: Standard	1
	Base Price: 44'x60'	1
	Installation Surface: Concrete	1
	Roof: E Brown	1
	Trim: E Brown	1
	Gable End Wall: Sandstone	1
	Side Wall: Sandstone	1
	Garage Door: White	1
	Roof Style: Vertical Style	1
	Roof Pitch: 3 / 12	1
	Trusses: Certified 170mph/35psf	1
	Leg Style: Ladder Legs	1
	Gauge: 14-Gauge Framing	1
	Brace: Standard Brace	1
	Leg Height: 16'	1
	Left Side: Fully Enclosed	1

Section	Description	Quantity
	Left Side Siding: Vertical	1
	Right Side: Fully Enclosed	1
	Right Side Siding: Vertical	1
	Front End: Fully Enclosed	1
	Front End Siding: Vertical	1
	Back End: Fully Enclosed	1
	Back End Siding: Vertical	1
	Roll Doors & Ramps	
	14'x14' Garage Door*	2
	Doors & Ramps	
	Walk-In Door (36x80)	1
	Frameouts	
	Corner Style: Square (Traditional)	2

Section	Description	Quantity
	Additional Options	
	29 Gauge	
	Additions and Adjustments	
	*Customer Required to Provide 7k Lull Telescopic Lift	1
	Additional Fees	
All	Double Anchoring Included with Certified Buildings	1

Signatures

Customer Signature:	
Date:	
Delivery Date (may vary depending on weather):	
Delivery Notes:	

Dealer or Manufacturer Signature:	
-----------------------------------	--

Signatures

Date:

All frame work is constructed with galvanized steel metal

All frame work is constructed with galvanized steel metal

This purchase agreement (the "Agreement" is made by and between Carolina Carports, Inc. ("CCI"), a North Carolina corporation, And the Buyer. Buyer agrees to buy, and CCI agrees to sell, CCI's various products including the fourteen(14) gauge, twelve (12) gauge, and certified units, to buy, and CCI agrees to sell, pursuant to the terms listed in this agreement, the item described above. Buyer has read and understands the terms of this Agreement, including the terms and conditions, which terms are expressly incorporated herein by reference, as well as any and all relevant warranty information, and agrees to be bound by same.

Pricing Table (For Internal Use): Southern States

This estimate is provided by Viking Steel Structures. Use of this estimate with any other company violates the terms and conditions of Viking Steel Structures and will be subject to legal action.

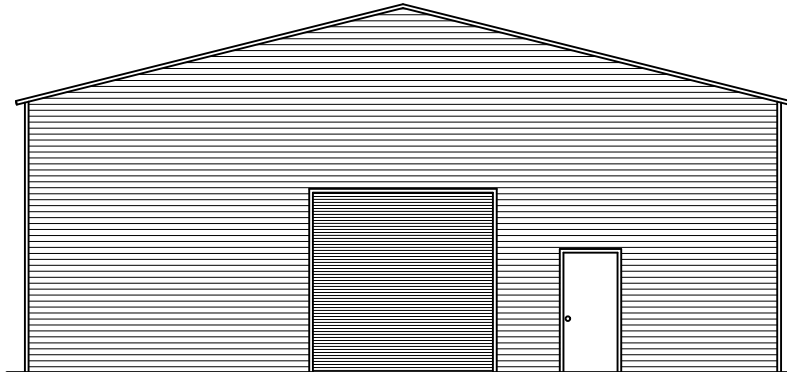


Viking Steel Structures

37830

(877)261-3287

sales@vikingsteelstructures.com

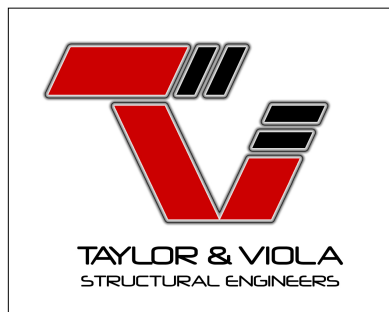


ENCLOSED GABLE END BUILDING
MAXIMUM 50'-0" WIDE X 20'-0" EAVE HEIGHT WITH BOX FRAME / 145 MPH WIND ZONE

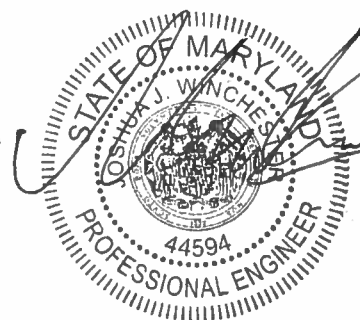
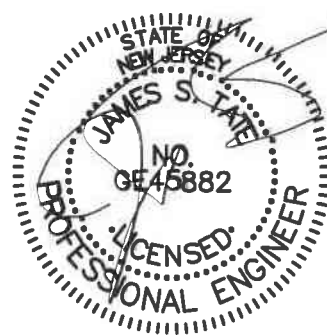
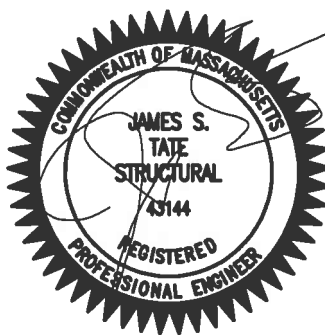
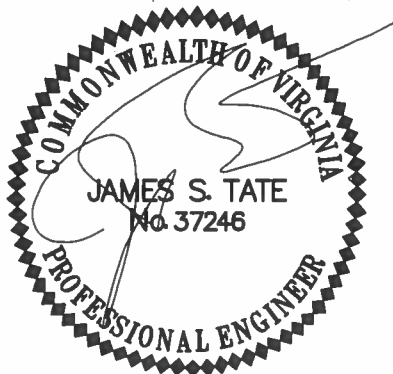
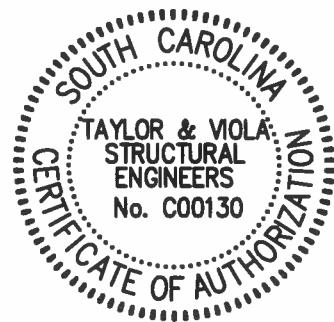
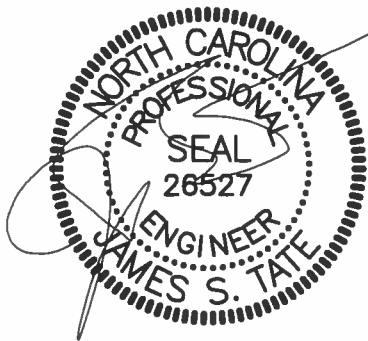
FOR:

N.C. CARPORTS & GARAGES
116 EAST MARKET STREET / ELKIN, NC. 28621

ISSUE DATE: JUNE 24, 2022



JCMT Associates, LLC
211 Stone Drive, Pilot Mountain, NC 27041
336-399-6277



TAYLOR & VIOLA
STRUCTURAL ENGINEERS
P.O.B. 2616 HICKORY NORTH CAROLINA
TELE: 828-328-6331 FAX: 828-322-1801
WWW.TAYLORVIOLA.COM

N.C. CARPORT & GARAGES

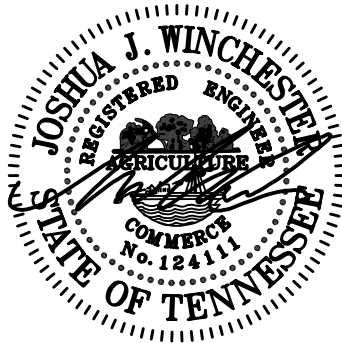
116 EAST MARKET STREET
ELKIN, NORTH CAROLINA 28621

DRAWN BY:
BKS

PROJECT NO:
21014

DATE:
2022.06.24

SHEET NO:
S1



TAYLOR & VIOLA
STRUCTURAL ENGINEERS

P.O.B. 2616 HICKORY NORTH CAROLINA
TELE: 828-328-6331 FAX: 828-322-1801
WWW.TAYLORVIOLA.COM

N.C. CARPORT & GARAGES

116 EAST MARKET STREET
ELKIN, NORTH CAROLINA 28621

DRAWN BY:
BKS

PROJECT NO:
21014

DATE:
2022.06.24

SHEET NO:
S1

SHEET INDEX

SHEET NUMBER	SHEET TITLE
S0	SEALED COVER SHEET
S1	P.E. SEALS SHEET
S1A	P.E. SEALS SHEET
S2	DRAWING INDEX
S3	GENERAL NOTES AND SPECIFICATIONS
S4	SIDE AND END ELEVATIONS
S5	TYPICAL RAFTER / COLUMN FRAME SECTIONS
S5A	TYPICAL RAFTER / COLUMN FRAME AND SIDE FRAMING SECTION
S5B	(OPTIONAL) SPLICE CONNECTION DETAIL
S6	COLUMN CONNECTION DETAILS (LACED COLUMN)
S6A	COLUMN CONNECTION DETAILS (DOUBLE AND SINGLE COLUMN)
S7	BASE RAIL ANCHORAGE
S7A	BASE RAIL ANCHORAGE
S8	BASE RAIL ANCHORAGE
S9	TYPICAL END WALL OPENINGS FRAMING SECTIONS
S9A	TYPICAL SIDE WALL OPENINGS FRAMING SECTIONS
S10	CONNECTION DETAILS
S11	CONNECTION DETAILS
S12	CONNECTION DETAILS
S13	CONNECTION DETAILS
S14	CONNECTION DETAILS
S15	LEAN-TO OPTIONS
S15A	LEAN-TO CONNECTION DETAILS
S15B	LEAN-TO CONNECTION DETAILS
S15C	LEAN-TO CONNECTION DETAILS
S16	VERTICAL ROOF / SIDING OPTION END AND SIDE ELEVATION
S16A	VERTICAL ROOF / SIDING OPTION END SECTION
S16B	VERTICAL ROOF / SIDING OPTION SIDE SECTION
S17	SIDE WALL HEADER OPTIONS
S17A	END WALL HEADER OPTIONS



TAYLOR & VIOLA
STRUCTURAL ENGINEERS

P.O.B. 2616 HICKORY NORTH CAROLINA
TELE: 828-328-6331 FAX: 828-322-1801
WWW.TAYLORVIOLA.COM

**N . C . C A R P O R T
& G A R A G E S**

116 EAST MARKET STREET
ELKIN, NORTH CAROLINA 28621

DRAWN BY:
BKS

PROJECT NO:
21014

DATE:
2022.06.24

SHEET NO:
S2

DESIGN LOADS:

IMPORTANCE FACTORS WIND (1w) 1.00
 SNOW (1s) 1.00
 SEISMIC (1e) 1.00

DEAD LOADS ROOF 13 PSF
 ROOF COLLATERAL 0 PSF

LIVE LOADS ROOF 20 PSF

GROUND SNOW LOAD: 50 PSF

GROUND LOAD: BASIC WIND SPEED V 145 mph (ASCE 7-10) *DRIFT LOAD HAS NOT
 EXPOSURE CATAGORY B BEEN CALCULATED

SEISMIC DESIGN CATAGORY A

COMPLIANCE WITH SECTION 1616.4? ☒ NO ☐ YES

PROVIDE THE FOLLOWING SEISMIC DESIGN PARAMETERS:

OCCUPANCY CATEGORY I

SPECTRAL RESPONSE ACCELERATION Ss 20.5 %g S1 8.8 %g

SITE CLASSIFICATION D ☐ FIELD TEST ☐ PRESUMPTIVE ☐ HISTORICAL DATA

BASIC STRUCTURAL SYSTEM (CHECK ONE)

☐ BEARING WALL ☐ DUAL W/ SPECTRAL MOMENT FRAME
☒ BUILDING FRAME ☐ DUAL W/ INTERMEDIATE R/C OR SPECIAL STEEL
☐ MOMENT FRAME ☐ INVERTED PENDULUM

ANALYSIS PROCEDURE ☐ SIMPLIFIED ☒ EQUIVALANT LATERAL FORCE ☐ MODAL

LATERAL DESIGN CONTROL? ☐ EARTHQUAKE ☒ WIND

SOIL BEARING CAPACITIES:

PRESUMPTIVE BEARING CAPACITIES: 2,000 PSF

GENERAL NOTES:

1. MAX FRAME SPACING SHALL BE 48"oc UNLESS NOTED OTHERWISE.
2. MAX. END-WALL COLUMN SPACING SHALL BE 60"oc UNLESS NOTED OTHERWISE.
3. TUBE MATERIAL SHALL BE 2-1/2" x 2-1/2" x 14 GA. 50 KSI MIN. UNLESS NOTED OTHERWISE.
4. ALL FASTENERS SHALL BE #12 SELF TAPPING AT 8"o.c. UNLESS NOTED OTHERWISE.
5. 2,000 PSF ASSUMED BEARING CAPACITY UNLESS NOTED OTHERWISE.

DRIFT CRITERIA:

LATERAL WIND LOAD H60
 VERTICAL AND LATERAL COMBO H60
 HORIZONTAL ROOF MEMBERS L/120
 HORIZONTAL WALL MEMBER L/120



N . C . C A R P O R T
 & G A R A G E S

116 EAST MARKET STREET
 ELKIN, NORTH CAROLINA 28621

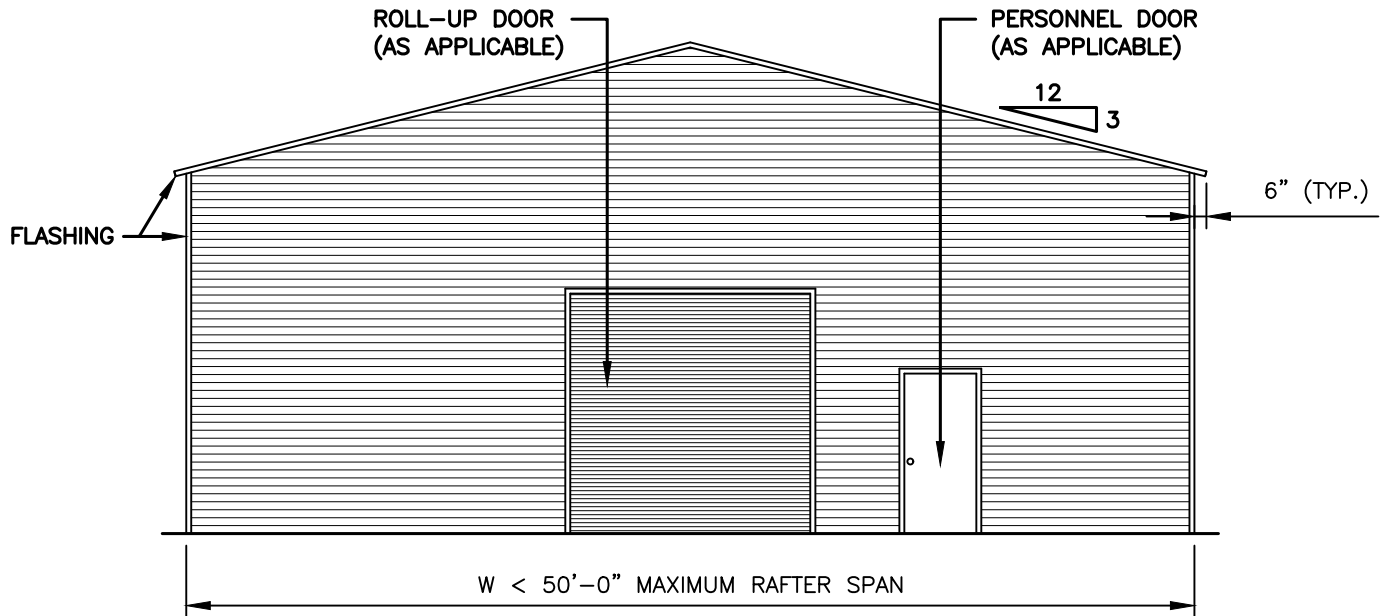
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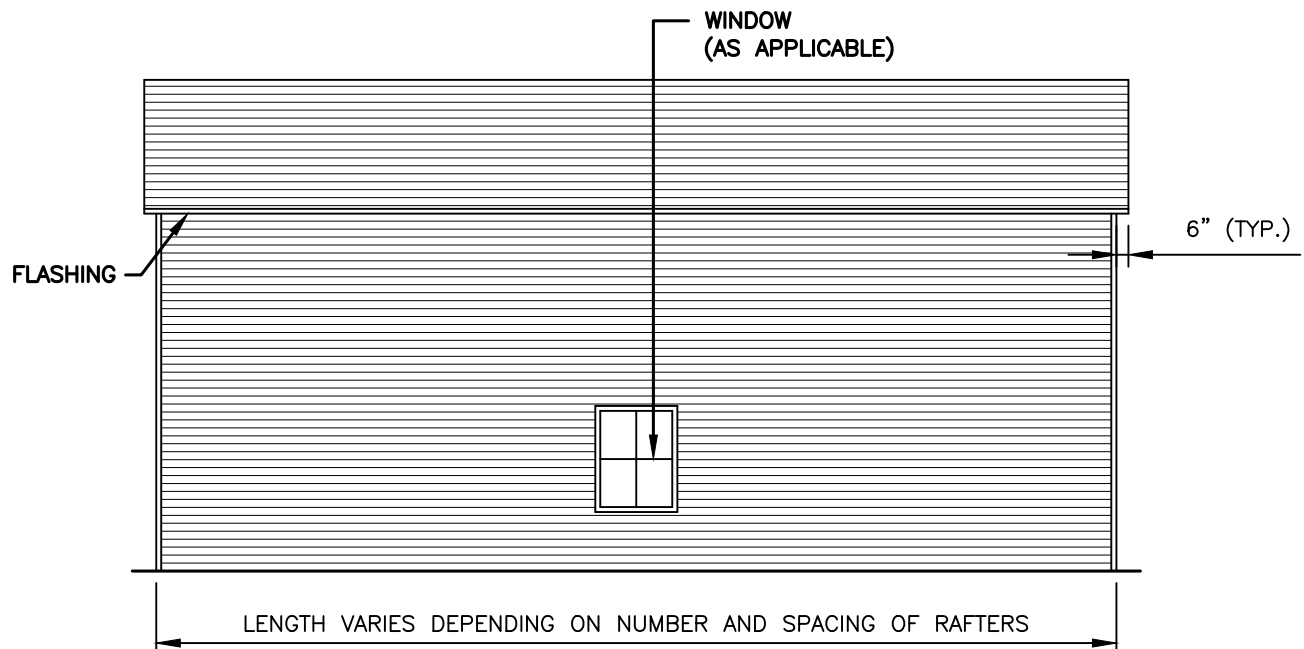
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 2022.06.24

SHEET NO:
S3

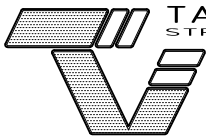
BOX EVE FRAME RAFTER STURCTURE



TYPICAL END ELEVATION



TYPICAL SIDE ELEVATION



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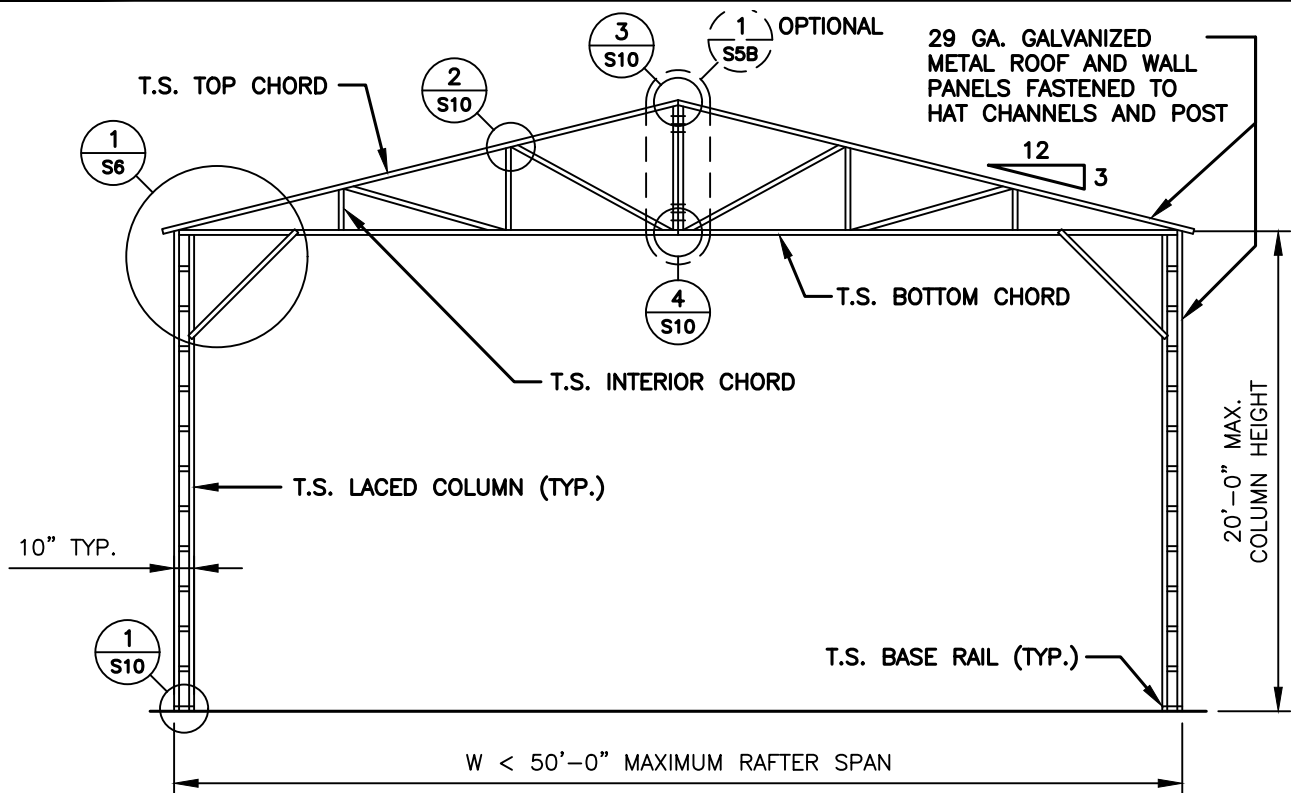
116 EAST MARKET STREET
ELKIN, NORTH CAROLINA 28621

DRAWN BY:
BKS

DATE:
2022.06.24

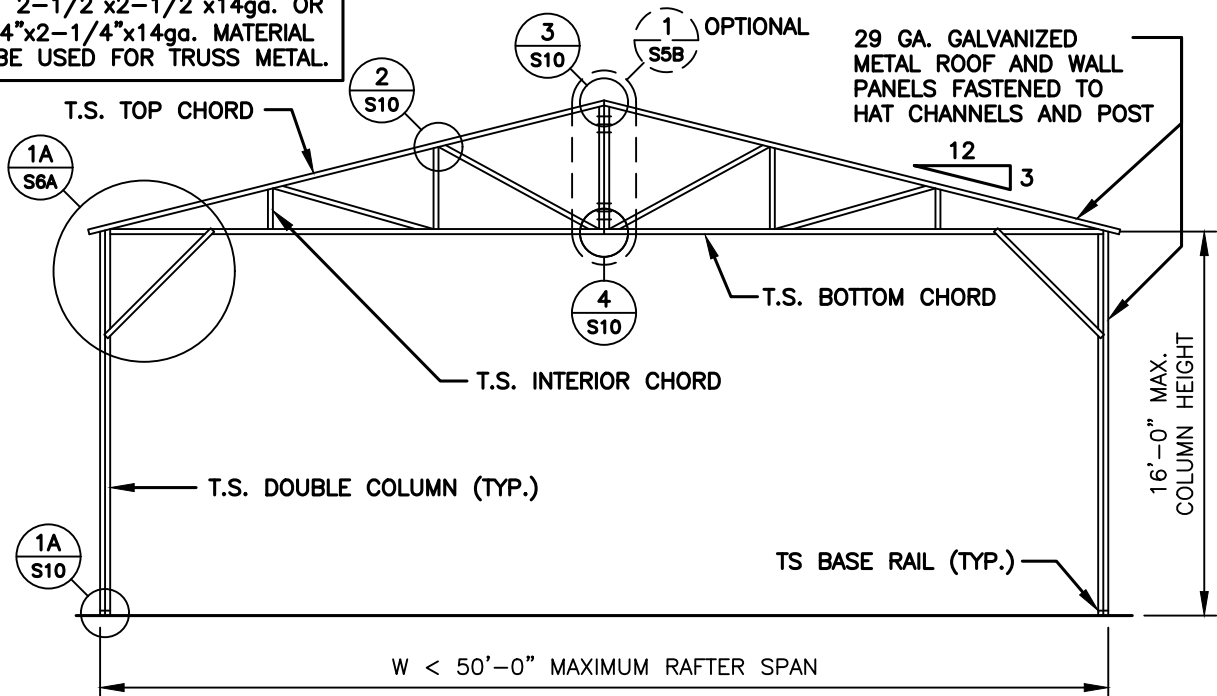
PROJECT NO:
21014

SHEET NO:
S4

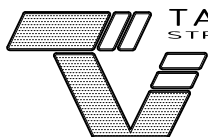


TYPICAL RAFTER / COLUMN FRAME SECTION

NOTE:
H.S.S. 2-1/2"x2-1/2"x14ga. OR
2-1/4"x2-1/4"x14ga. MATERIAL
MAY BE USED FOR TRUSS METAL.



TYPICAL RAFTER / COLUMN FRAME SECTION



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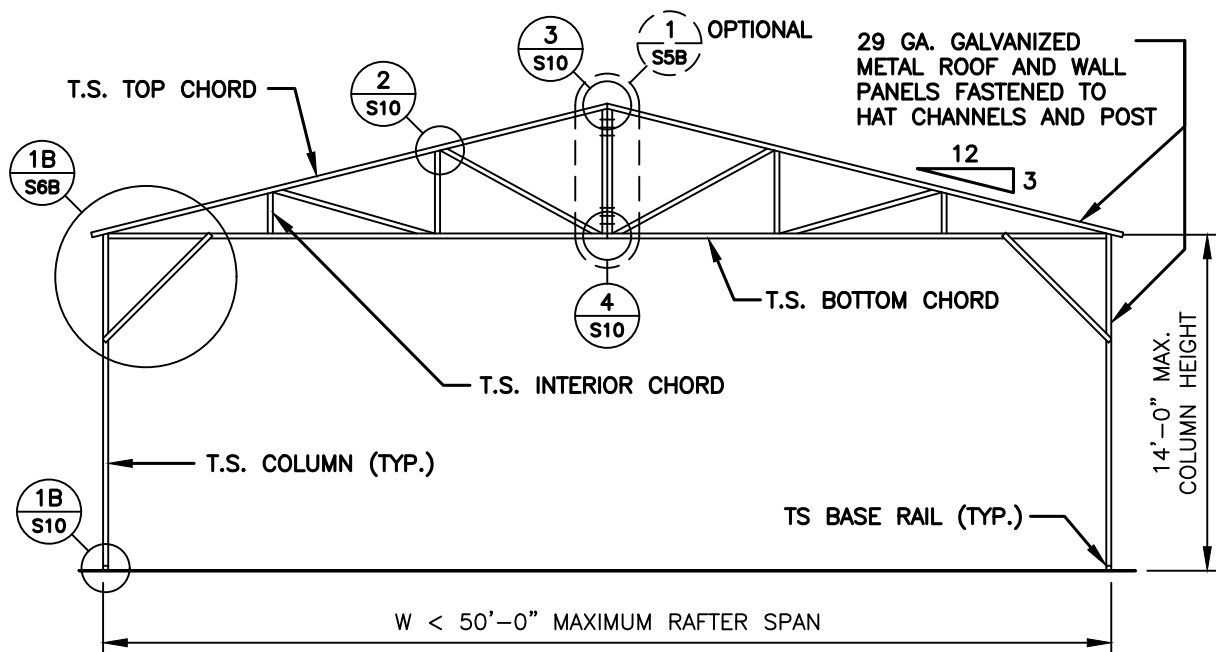
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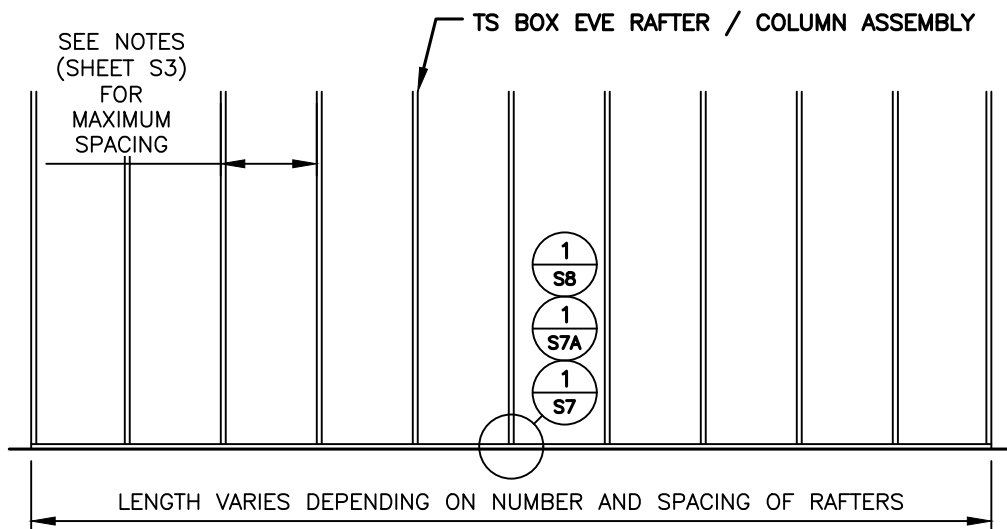
DATE:
2022.06.24

SHEET NO:
S5



TYPICAL RAFTER / COLUMN FRAME SECTION

NOTE:
H.S.S. 2-1/2"x2-1/2"x14ga. OR
2-1/4"x2-1/4"x14ga. MATERIAL
MAY BE USED FOR TRUSS METAL.



TYPICAL RAFTER / COLUMN SIDE FRAME SECTION



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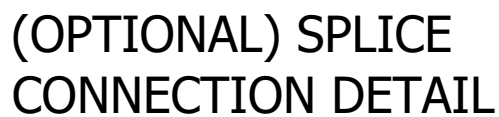
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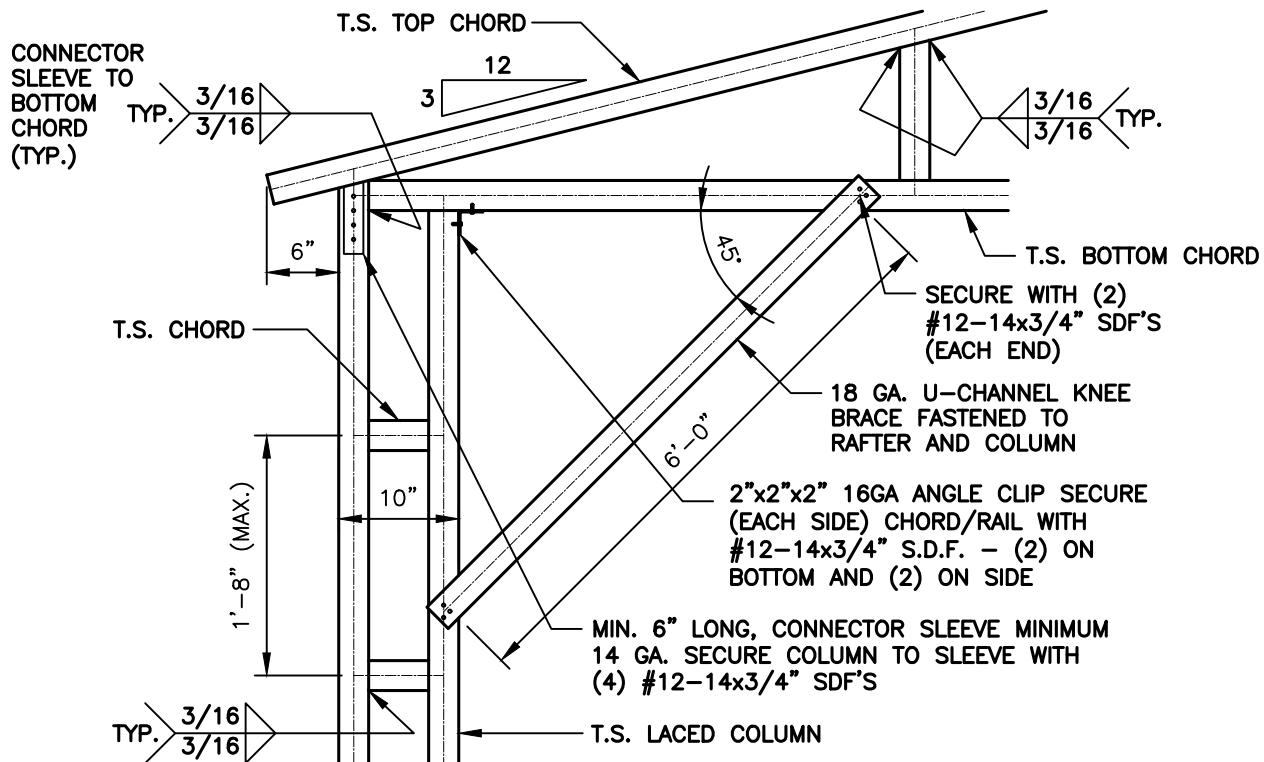
DATE:
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SHEET NO:
S5B



SCALE: 1/2" = 1'-0"



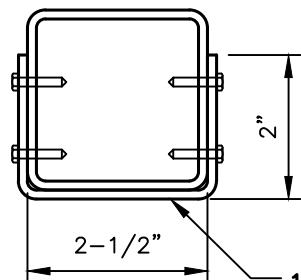


1

BOX EAVE / CORNER POST CONNECTION DETAIL FOR HEIGHTS 16'-1" < TO <20'-0"

S6

SCALE: 3/4" = 1'-0"



BRACE
SECTION

18 GA. U-CHANNEL BRACE FASTENED TO THE COLUMN AND BOTTOM CHORD, WITH #12-14x3/4" SDF'S AT EACH END AS SHOWN IN ELEVATION.



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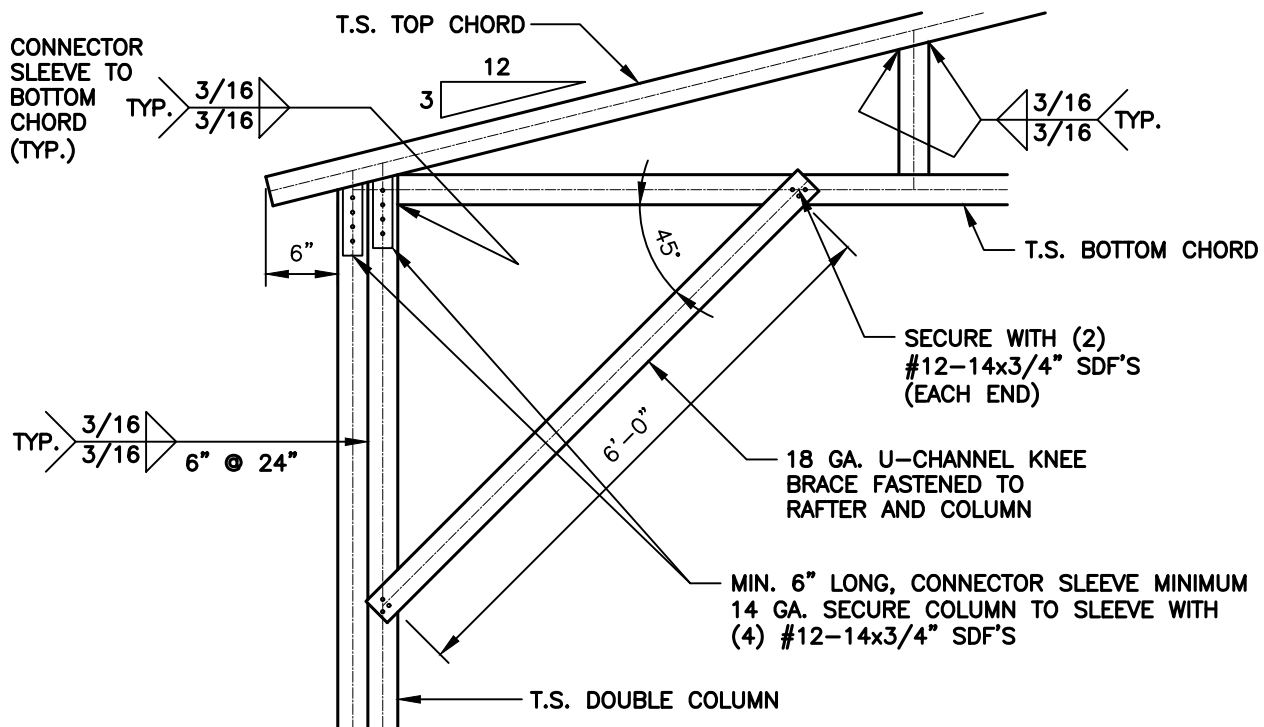
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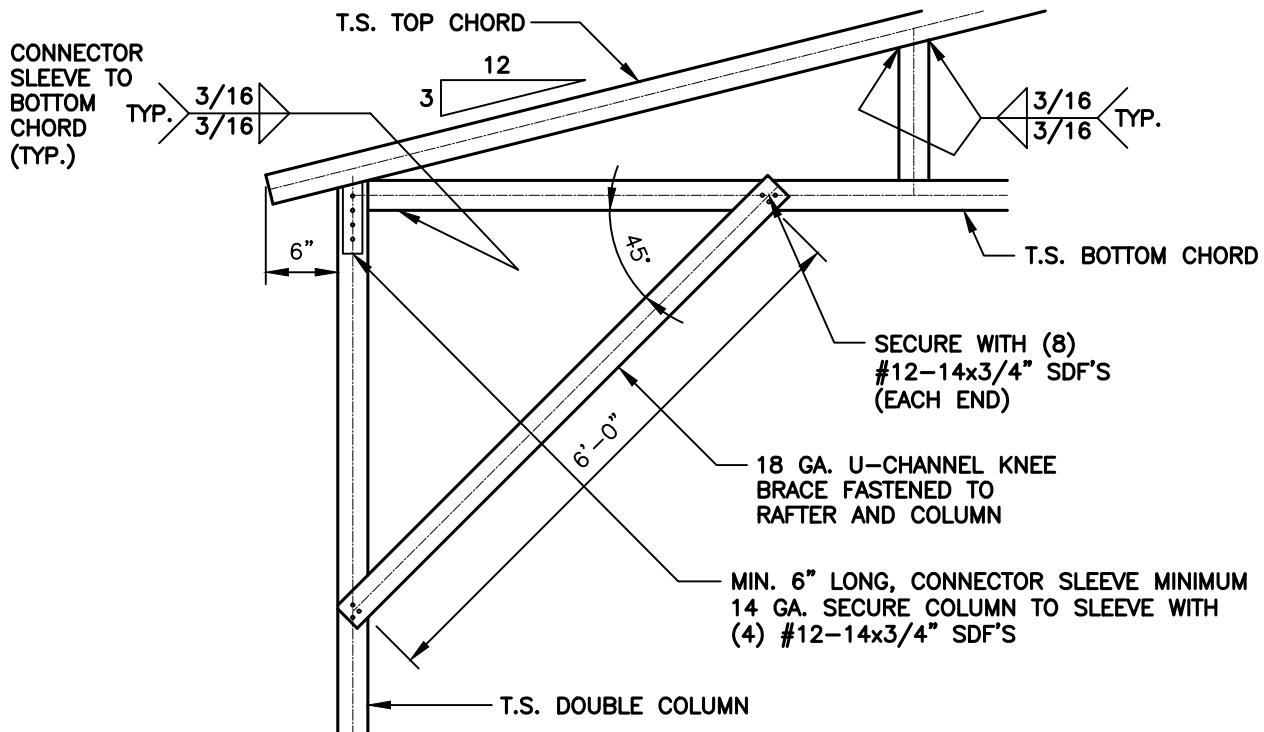
PROJECT NO:
21014

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SHEET NO:
S6



1A BOX EAVE / CORNER POST CONNECTION DETAIL FOR HEIGHTS 14'-1" < TO <16'-0"
S6A SCALE: 3/4" = 1'-0"



1B BOX EAVE / CORNER POST CONNECTION DETAIL FOR HEIGHTS < 14'-0"
S6A SCALE: 3/4" = 1'-0"



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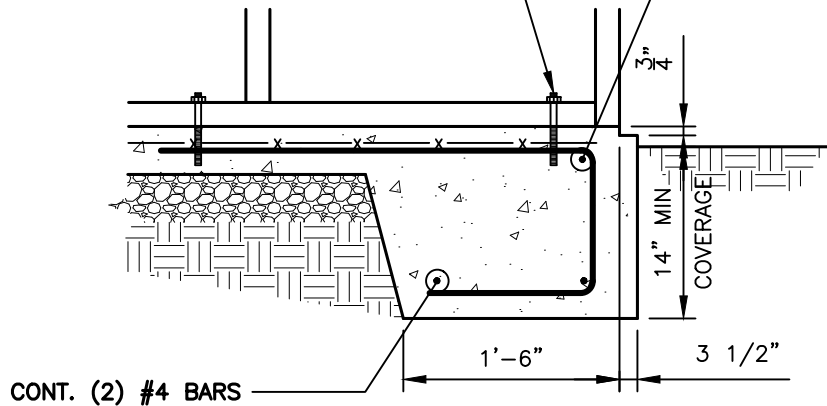
DATE:
2022.06.24

SHEET NO:
S6A

CONCRETE BASE RAIL ANCHORAGE

INSTALL (1) 1/2"x6 1/2"
EXPANSION ANCHOR THROUGH BASE
RAIL WITHIN 6" OF EACH COLUMN.
(ALSO APPLICABLE TO END WALLS)

CONT. (1) #4 NOSING BAR



BASE RAIL ANCHORAGE DETAIL

SCALE: 3/4" = 1'-0"

GENERAL NOTES:

ALL CONCRETE MONOLITHIC SLAB DESIGN BASED ON MINIMUM SOIL BEARING CAPACITY OF 2,000 PSF

CONCRETE:

CONCRETE SHALL HAVE A MINIMUM SPECIFIED COMPRESSIVE STRENGTH OF 3,000 PSI AT 28 DAYS

COVER OVER REINFORCING STEEL:

FOR FOUNDATIONS, MINIMUM CONCRETE COVER OVER REINFORCING BARS SHALL BE PER ACI-318:

3" IN FOUNDATIONS WHERE THE CONCRETE IS CAST AGAINST AND PERMANENTLY IN CONTACT WITH THE EARTH OR EXPOSED TO THE EARTH AND WEATHER AND 1-1/2" ELSEWHERE.

REINFORCING STEEL:

THE TURNDOWN REINFORCING STEEL SHALL BE ASTM A615 GRADE 60. THE SLAB REINFORCEMENT SHALL BE WELDED WIRE FABRIC MEETING ASTM A185 OR FIBERGLASS FIBER REINFORCEMENT.

REINFORCEMENT MAT BE BENT IN THE SHOP OF THE FIELD PROVIDED:

1. REINFORCEMENT IS BENT COLD.
2. THE DIAMETER OF THE BEND, MEASURED ON THE INSIDE OF THE BAR, IS NOT LESS THAN SIX-BAR DIAMETERS.
3. REINFORCEMENT PARTIALLY EMBEDDED IN CONCRETE SHALL NOT BE FIELD BENT.



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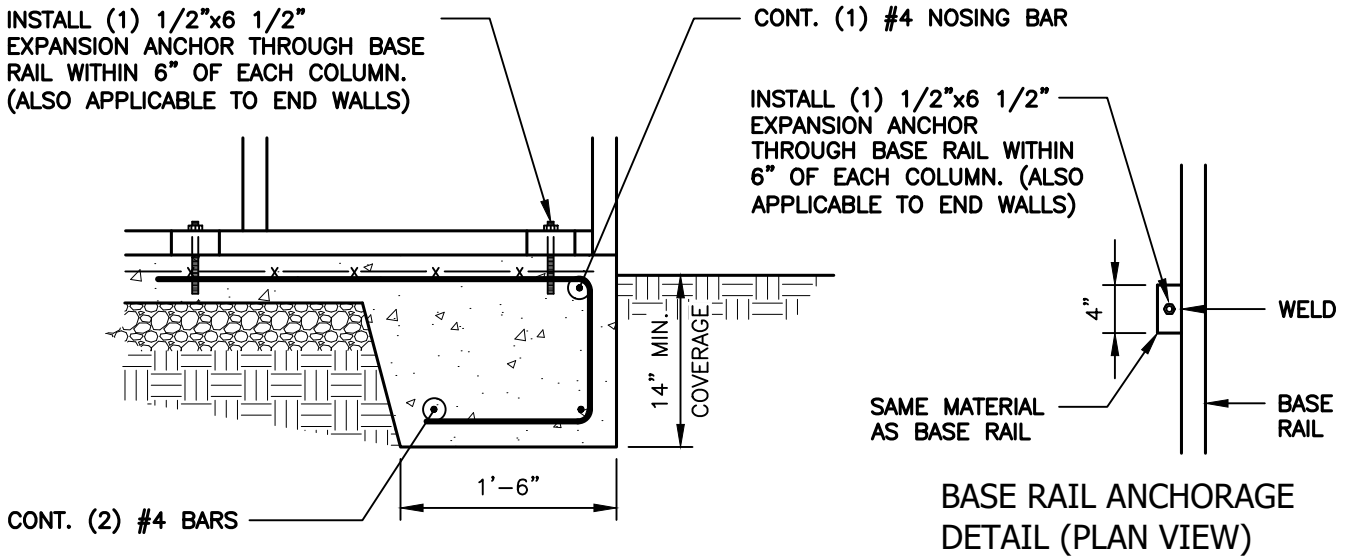
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21014

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2022.06.24

SHEET NO:
S7

CONCRETE BASE RAIL ANCHORAGE



1 BASE RAIL ANCHORAGE DETAIL

S7A SCALE: 3/4" = 1'-0"

GENERAL NOTES:

ALL CONCRETE MONOLITHIC SLAB DESIGN BASED ON MINIMUM SOIL BEARING
CAPACITY OF 2,000 PSF

CONCRETE:

CONCRETE SHALL HAVE A MINIMUM SPECIFIED COMPRESSIVE STRENGTH OF 3,000 PSI AT 28 DAYS

COVER OVER REINFORCING STEEL:

FOR FOUNDATIONS, MINIMUM CONCRETE COVER OVER REINFORCING BARS SHALL BE PER ACI-318:

3" IN FOUNDATIONS WHERE THE CONCRETE IS CAST AGAINST AND PERMANENTLY IN CONTACT WITH THE EARTH OR EXPOSED TO THE EARTH AND WEATHER AND 1-1/2" ELSEWHERE.

REINFORCING STEEL:

THE TURNDOWN REINFORCING STEEL SHALL BE ASTM A615 GRADE 60. THE SLAB REINFORCEMENT SHALL BE WELDED WIRE FABRIC MEETING ASTM A185 OR FIBERGLASS FIBER REINFORCEMENT.

REINFORCEMENT MAT BE BENT IN THE SHOP OF THE FIELD PROVIDED:

1. REINFORCEMENT IS BENT COLD.
2. THE DIAMETER OF THE BEND, MEASURED ON THE INSIDE OF THE BAR, IS NOT LESS THAN SIX-BAR DIAMETERS.
3. REINFORCEMENT PARTIALLY EMBEDDED IN CONCRETE SHALL NOT BE FIELD BENT.



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& G A R A G E S

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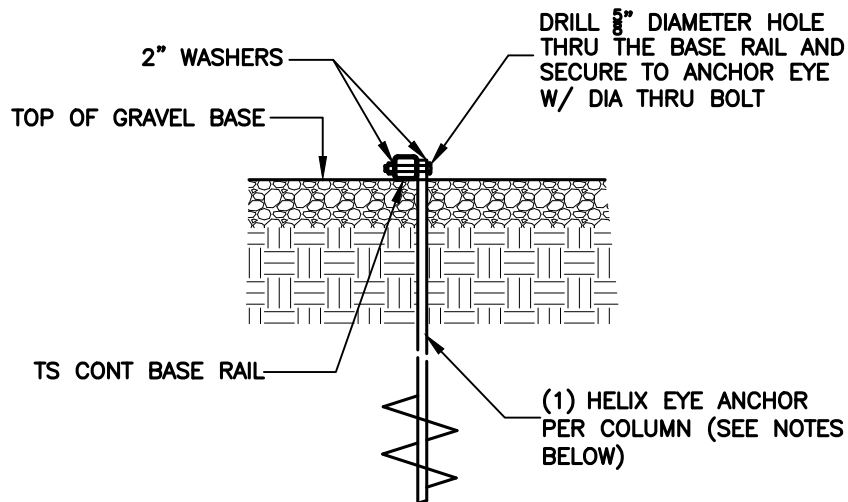
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21014

DATE:
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SHEET NO:
S7A

SOIL NAIL BASE RAIL ANCHORAGE



BASE RAIL ANCHORAGE DETAIL

SCALE: 3/4" = 1'-0"

HELIX EMBEDMENT INFORMATION:

FOR VERY DENSE OR CEMENTED SANDS, COARSE GRAVEL, COBBLES, CALICHE, PRELOADED SILTS AND CLAYS, USE MIN (2) 4" HELICES WITH MINIMUM 30" EMBEDMENT OR SINGLE 6" HELIX WITH 50" EMBEDMENT

FOR CORAL, USE MIN (2) 4" HELICES WITH MINIMUM 30" EMBEDMENT OR SINGLE 6" HELIX WITH 50" EMBEDMENT

FOR MED DENSE COARSE SANDS, SANDY GRAVEL, VERY STIFF SILTS, AND CLAYS, USE MIN (2) 4" HELICES WITH MINIMUM 30" EMBEDMENT OR SINGLE 6" HELIX WITH 50" EMBEDMENT

FOR LOOSE TO MEDIUM DENSE SANDS, FIRM TO STIFF CLAYS AND SILTS, USE MIN (2) 6" HELICES WITH MINIMUM 50" EMBEDMENT

FOR VERY LOOSE TO MEDIUM DENSE SANDS, FIRM TO STIFFER CLAYS AND SILTS AND ALLUVIAL FILL, USE MIN (2) 8" HELICES WITH MINIMUM 60" EMBEDMENT



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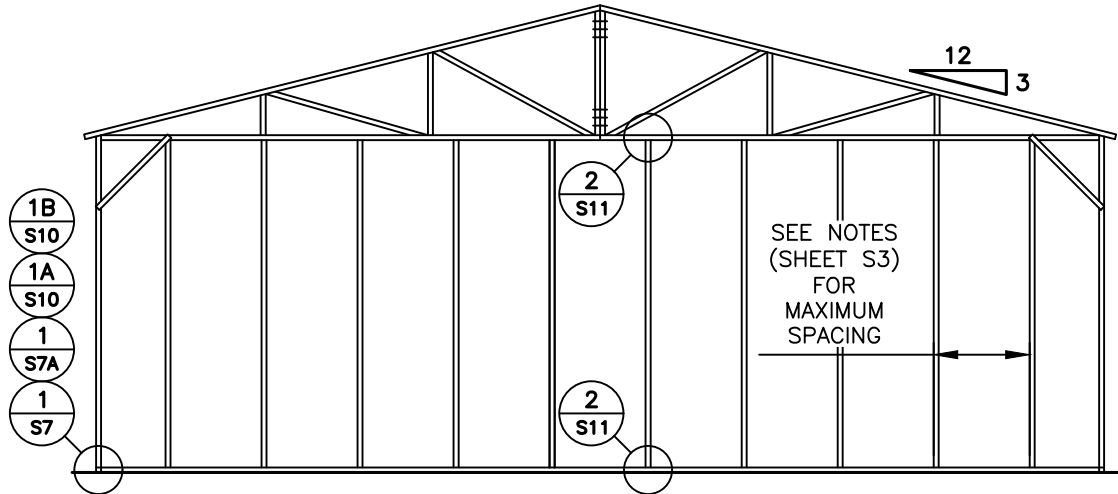
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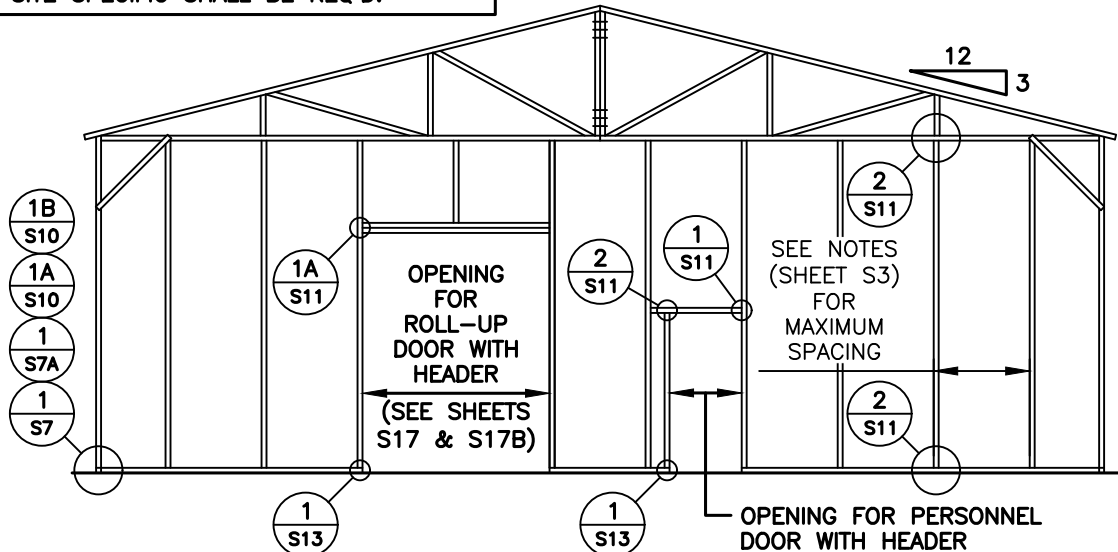
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BOX EVE RAFTER END WALL OPENINGS

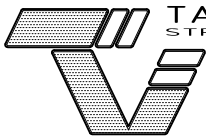


TYPICAL BOX EVE RAFTER / END WALL COLUMN FRAME SECTION

NOTE:
ROLL UP DOORS SHALL HAVE ONE JAMB
EACH SIDE + ONE FRAME COLUMN BETWEEN
OR SITE SPECIFIC SHALL BE REQ'D.



TYPICAL BOX EVE RAFTER END WALL OPENINGS FRAMING SECTION



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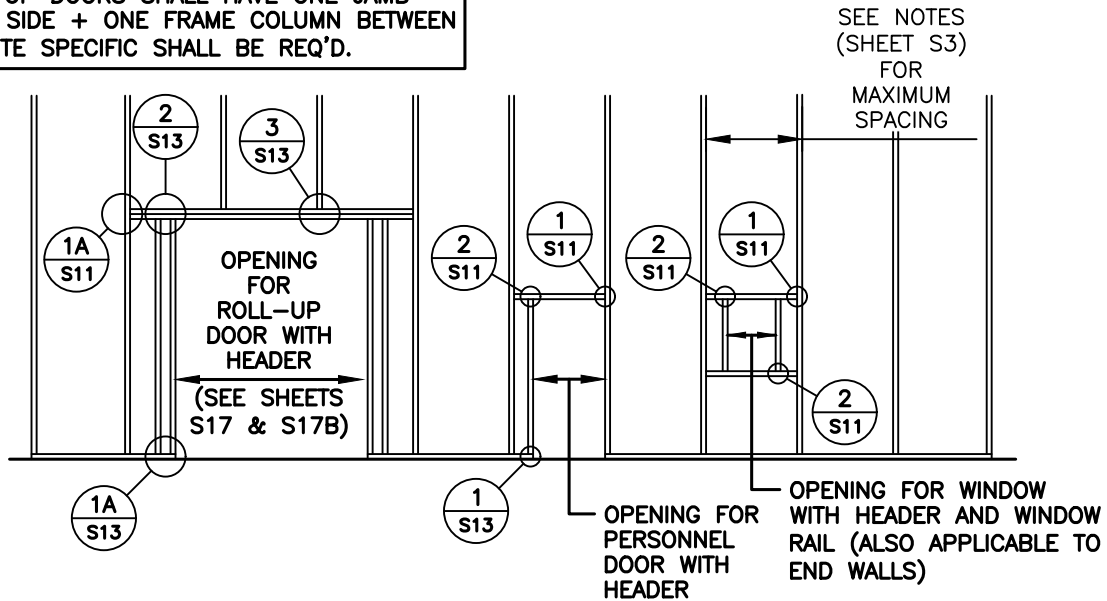
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SHEET NO:
S9

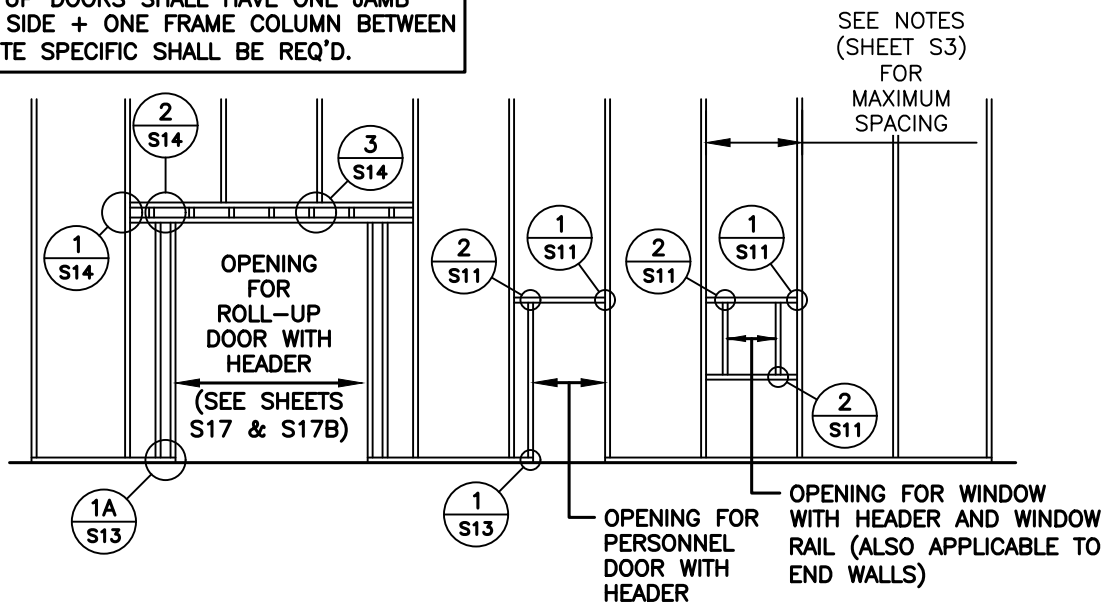
BOX EVE RAFTER END WALL AND SIDE WALL OPENINGS

NOTE:
ROLL UP DOORS SHALL HAVE ONE JAMB
EACH SIDE + ONE FRAME COLUMN BETWEEN
OR SITE SPECIFIC SHALL BE REQ'D.



TYPICAL END WALL OPENING FRAMING SECTION

NOTE:
ROLL UP DOORS SHALL HAVE ONE JAMB
EACH SIDE + ONE FRAME COLUMN BETWEEN
OR SITE SPECIFIC SHALL BE REQ'D.



TYPICAL SIDE WALL OPENING FRAMING SECTION



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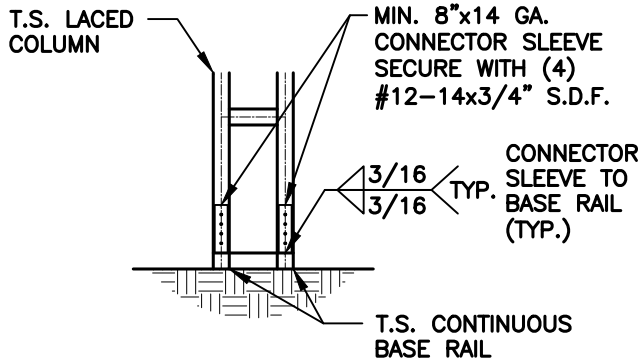
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SHEET NO:
S9A

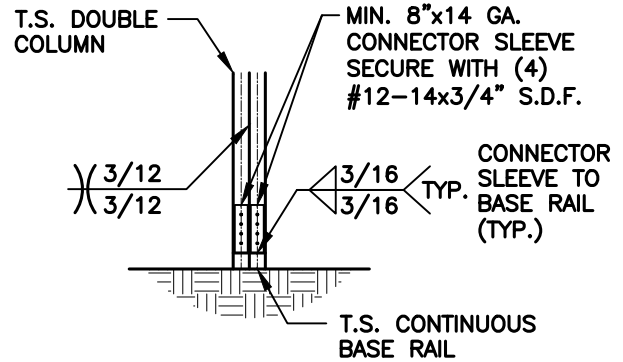
CONNECTION DETAILS



**POST / BASE RAIL
CONNECTION DETAIL**

**1
S10**

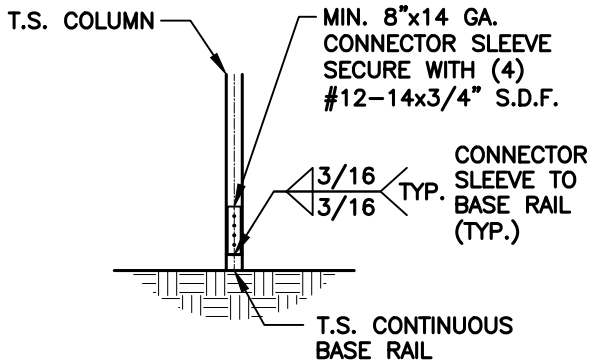
SCALE: 1/2" = 1'-0"



**POST / BASE RAIL
CONNECTION DETAIL**

**1A
S10**

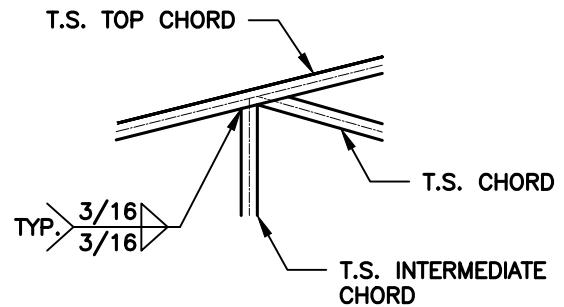
SCALE: 1/2" = 1'-0"



**POST / BASE RAIL
CONNECTION DETAIL**

**1B
S10**

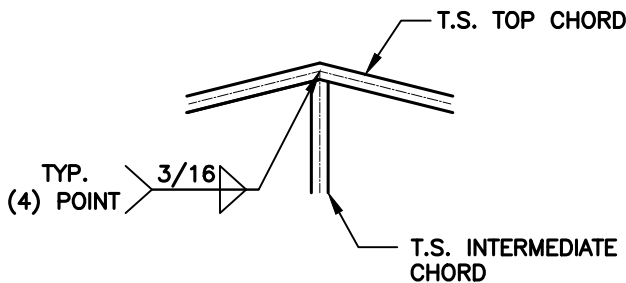
SCALE: 1/2" = 1'-0"



**INTERMEDIATE CHORD TO TOP
CHORD CONNECTION DETAIL**

**2
S10**

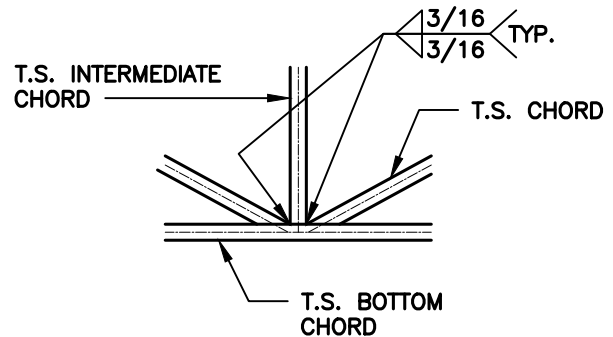
SCALE: 1/2" = 1'-0"



**CENTER POST TO RAFTER
CONNECTION DETAIL**

**3
S10**

SCALE: 1/2" = 1'-0"



**INTERMEDIATE CHORD TO TOP
CHORD CONNECTION DETAIL**

**4
S10**

SCALE: 1/2" = 1'-0"



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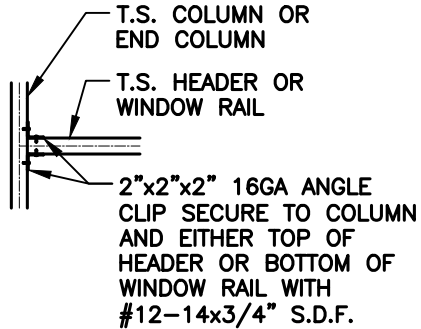
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**DATE:
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**SHEET NO:
S10**

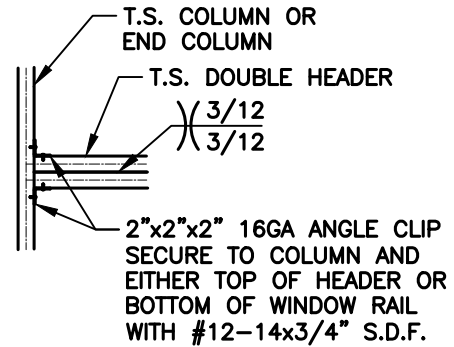
CONNECTION DETAILS



COLUMN OR WINDOW
RAIL / WALL GIRT TO POST
CONNECTION DETAIL

1
S11

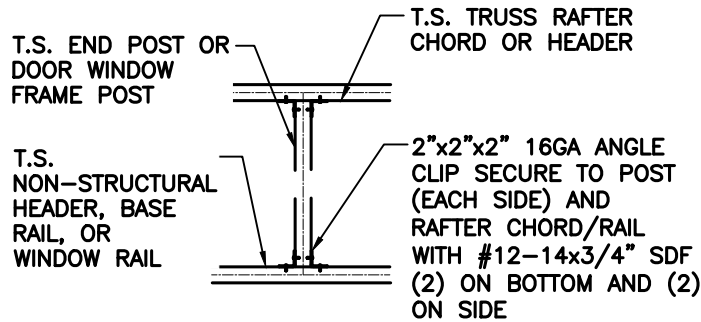
SCALE: 1/2" = 1'-0"



COLUMN / DOUBLE HEADER
CONNECTION DETAIL

1A
S11

SCALE: 1/2" = 1'-0"



DOOR OR WINDOW HEADER
RAIL TO POST CONNECTION
DETAIL

2
S11

SCALE: 1/2" = 1'-0"



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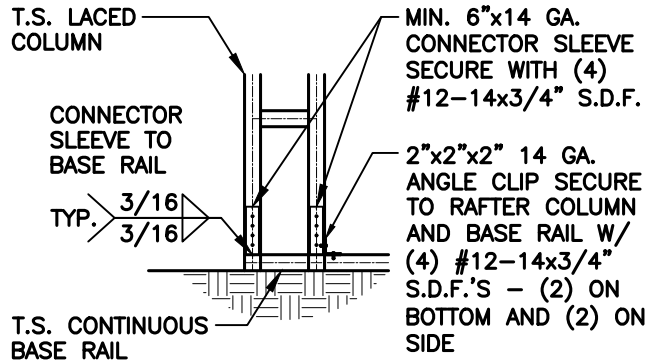
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21014

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SHEET NO:
S11

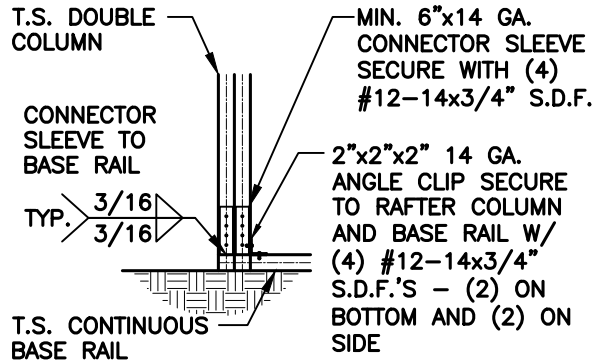
CONNECTION DETAILS



1
END COLUMN / BASE RAIL
CONNECTION DETAIL

1
S12

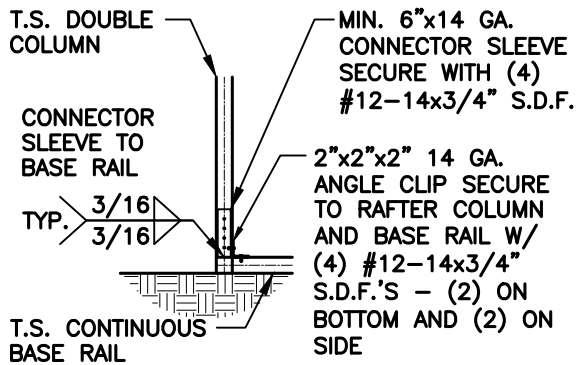
SCALE: 1/2" = 1'-0"



1A
END COLUMN / BASE RAIL
CONNECTION DETAIL

1A
S12

SCALE: 1/2" = 1'-0"



1B
END COLUMN / BASE RAIL
CONNECTION DETAIL

1B
S12

SCALE: 1/2" = 1'-0"



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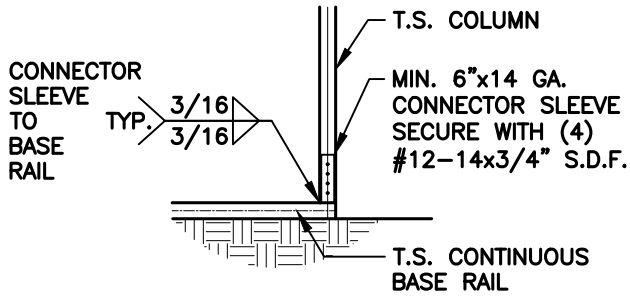
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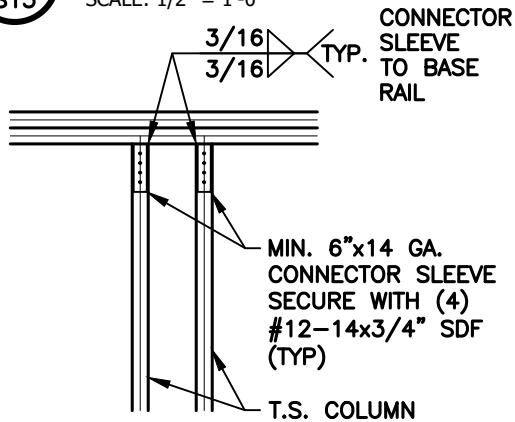
SHEET NO:
S12

CONNECTION DETAILS



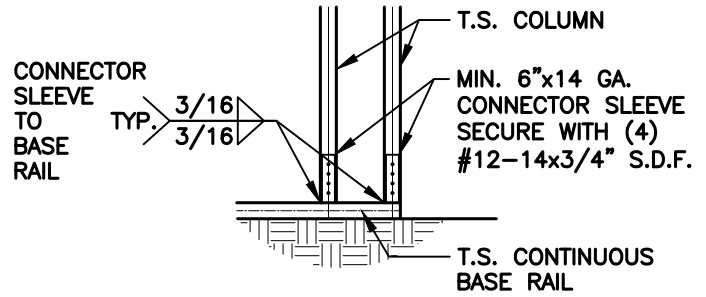
1
S13 COLUMN / BASE RAIL CONNECTION DETAIL

SCALE: 1/2" = 1'-0"



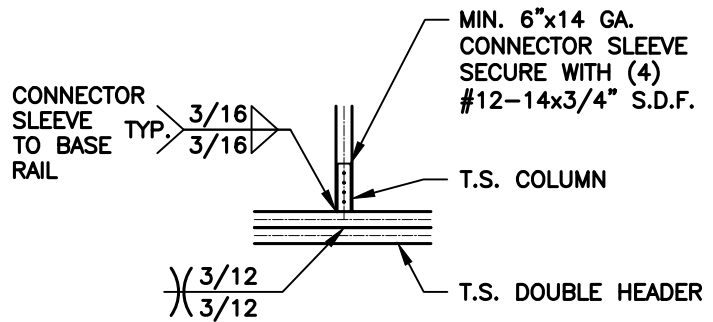
2
S13 DOUBLE HEADER / COLUMN CONNECTION DETAIL

SCALE: 1/2" = 1'-0"



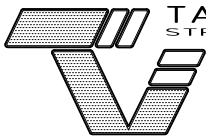
1A
S13 COLUMN / BASE RAIL CONNECTION DETAIL

SCALE: 1/2" = 1'-0"



3
S13 COLUMN / DOUBLE HEADER CONNECTION DETAIL

SCALE: 1/2" = 1'-0"



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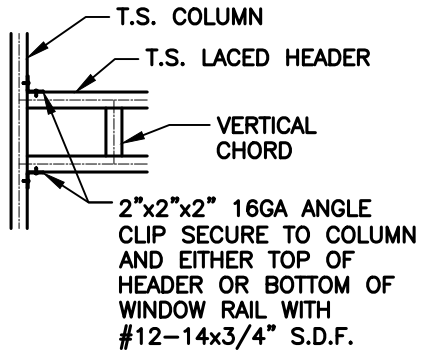
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DATE:
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SHEET NO:
S13

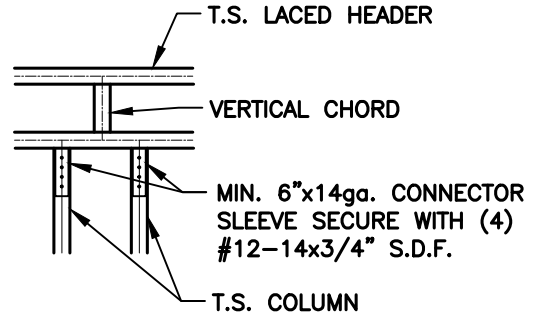
CONNECTION DETAILS



**COLUMN / LACED HEADER
CONNECTION DETAIL**

1
S14

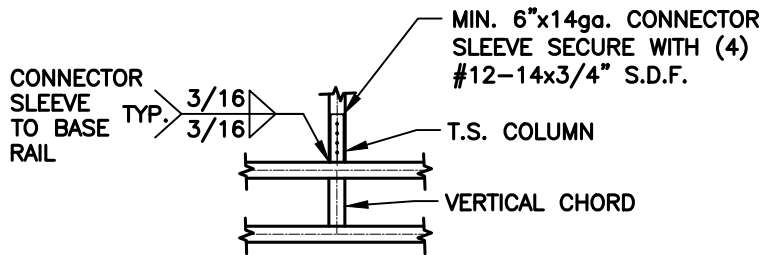
SCALE: 1/2" = 1'-0"



**LACED HEADER / COLUMN
CONNECTION DETAIL**

2
S14

SCALE: 1/2" = 1'-0"



**COLUMN / LACED HEADER
CONNECTION DETAIL**

3
S14

SCALE: 1/2" = 1'-0"



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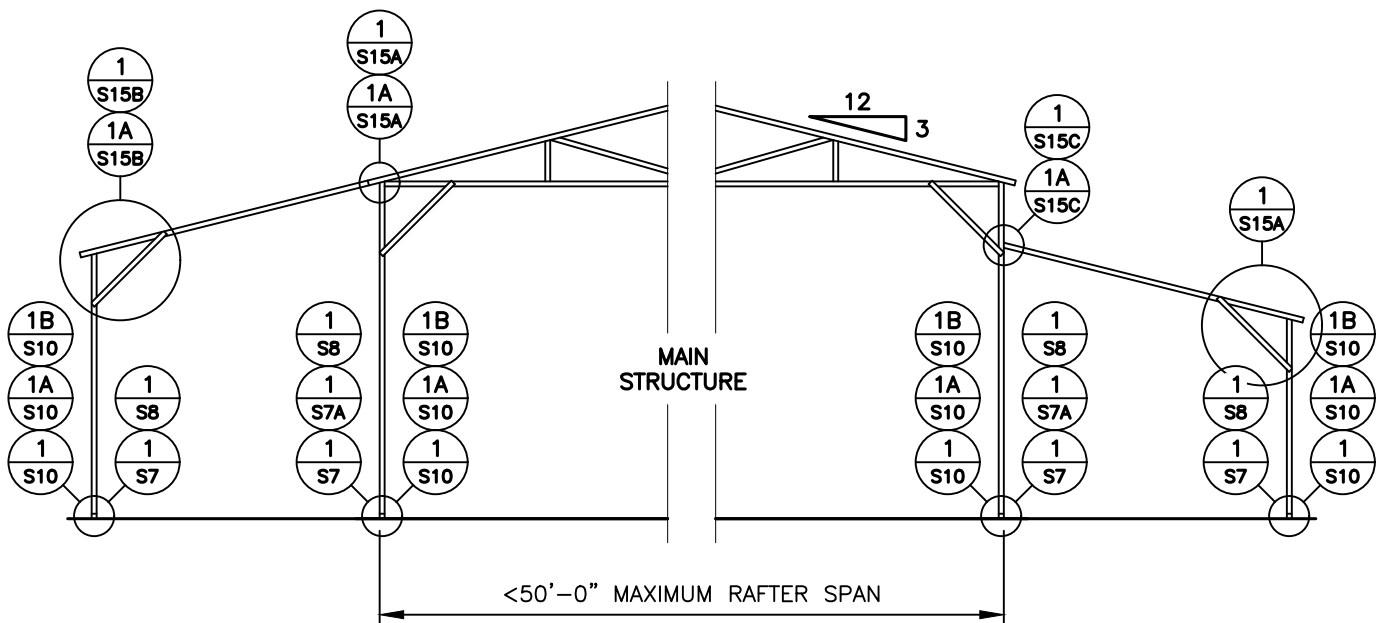
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**PROJECT NO:
21014**

**DATE:
2022.06.24**

**SHEET NO:
S14**

BOX EVE RAFTER LEAN-TO OPTIONS



TYPICAL LEAN-TO OPTIONS FRAMING SECTION (BOTH OPTIONS SHOWN)

MAXIMUM WIDTH OF SINGLE MEMBER ROOF EXTENSION AND LEAN-TO OPTION IS 10'-0"

MAXIMUM WIDTH OF DOUBLE MEMBER ROOF EXTENSION AND LEAN-TO IS 15'-0"



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116 EAST MARKET STREET
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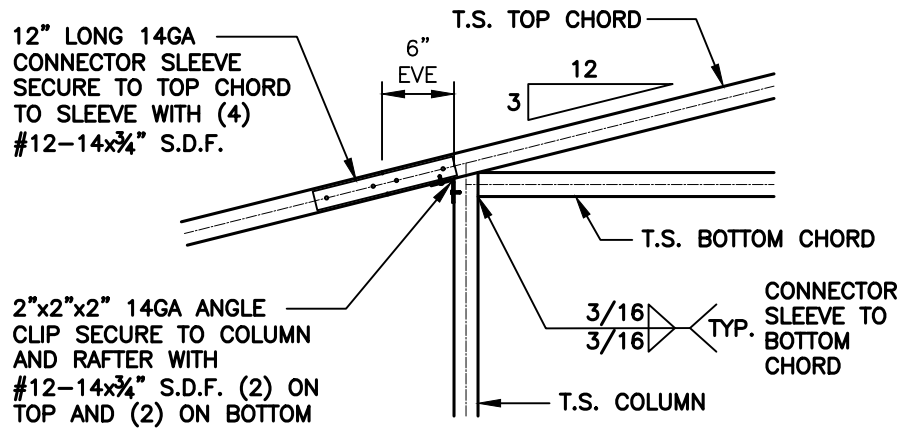
DRAWN BY:
BKS

PROJECT NO:
21014

DATE:
2022.06.24

SHEET NO:
S15

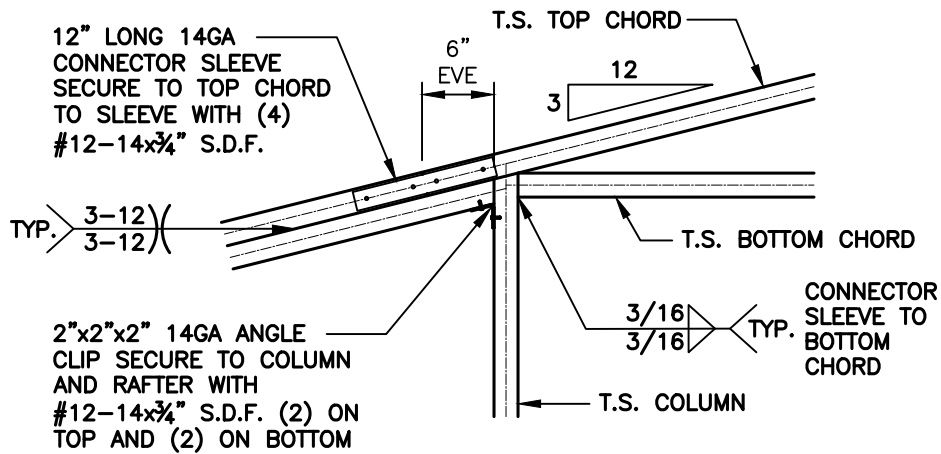
LEAN-TO CONNECTION DETAILS



ROOF EXTENSION RAFTER / CORNER POST
DETAIL FOR WIDTHS < 10'-0"

1
S15A

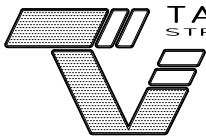
SCALE: 3/4" = 1'-0"



ROOF EXTENSION RAFTER / CORNER POST
DETAIL FOR WIDTHS < 10'-0"

1A
S15A

SCALE: 3/4" = 1'-0"



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STRUCTURAL ENGINEERS

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& GARAGES

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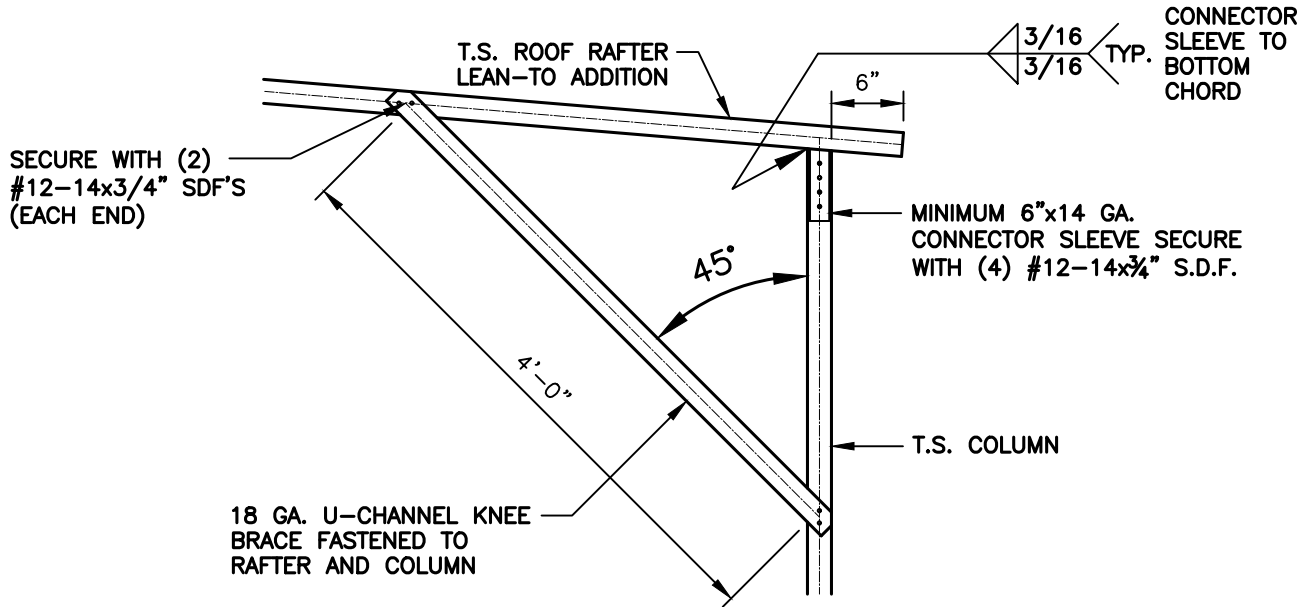
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DATE:
2022.06.24

SHEET NO:
S15A

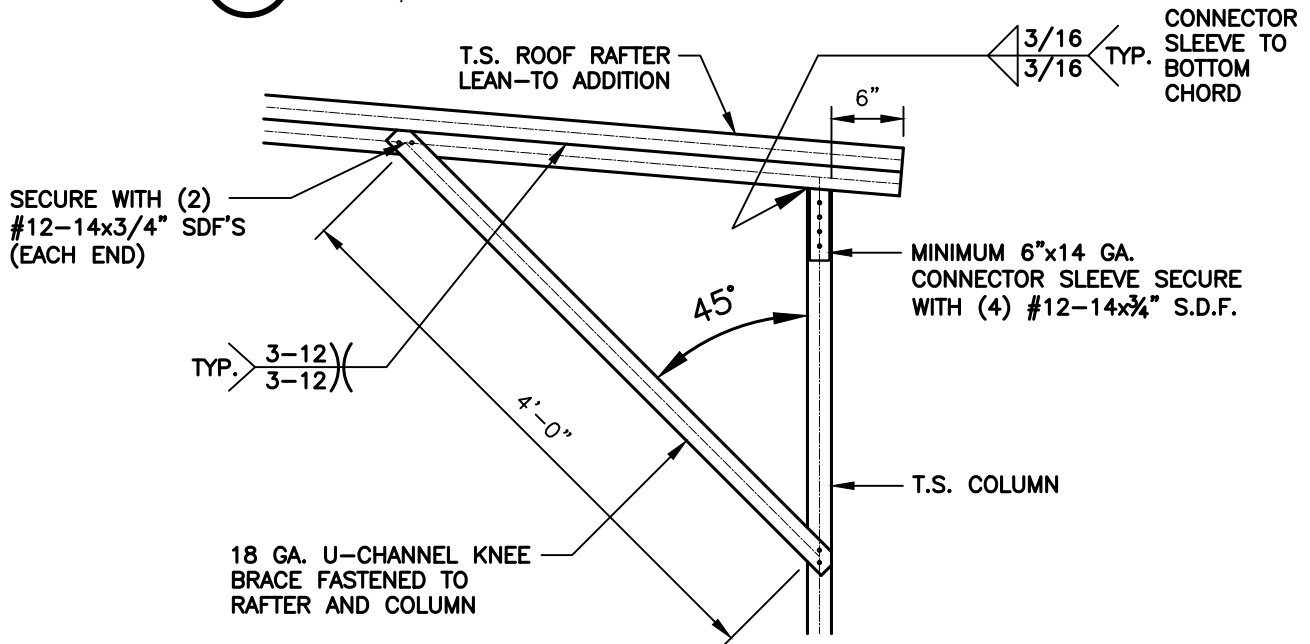
LEAN-TO CONNECTION DETAILS



BOX EAVE RAFTER COLUMN CONNECTION
DETAIL FOR LEAN-TO RAFTER SPAN <10'-0"

1
S15B

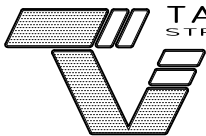
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BOX EAVE RAFTER COLUMN CONNECTION
DETAIL FOR LEAN-TO RAFTER SPAN <15'-0"

1A
S15B

SCALE: 3/4" = 1'-0"



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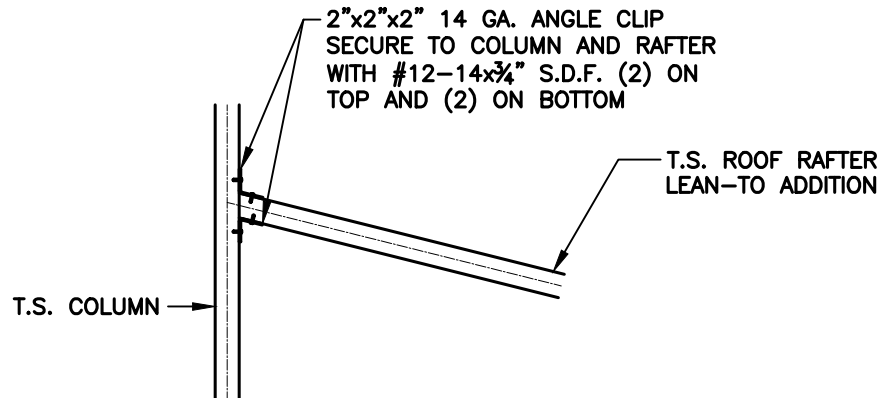
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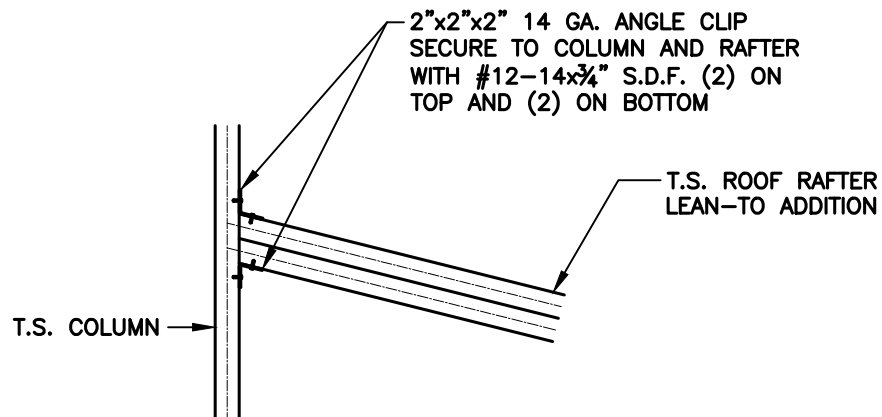
LEAN-TO CONNECTION DETAILS



LEAN-TO RAFTER TO RAFTER POST CONNECTION DETAIL FOR WIDTHS < 10'-0"

1
S15C

SCALE: 3/4" = 1'-0"



LEAN-TO RAFTER TO RAFTER POST CONNECTION DETAIL FOR WIDTHS < 15'-0"

1A
S15C

SCALE: 3/4" = 1'-0"



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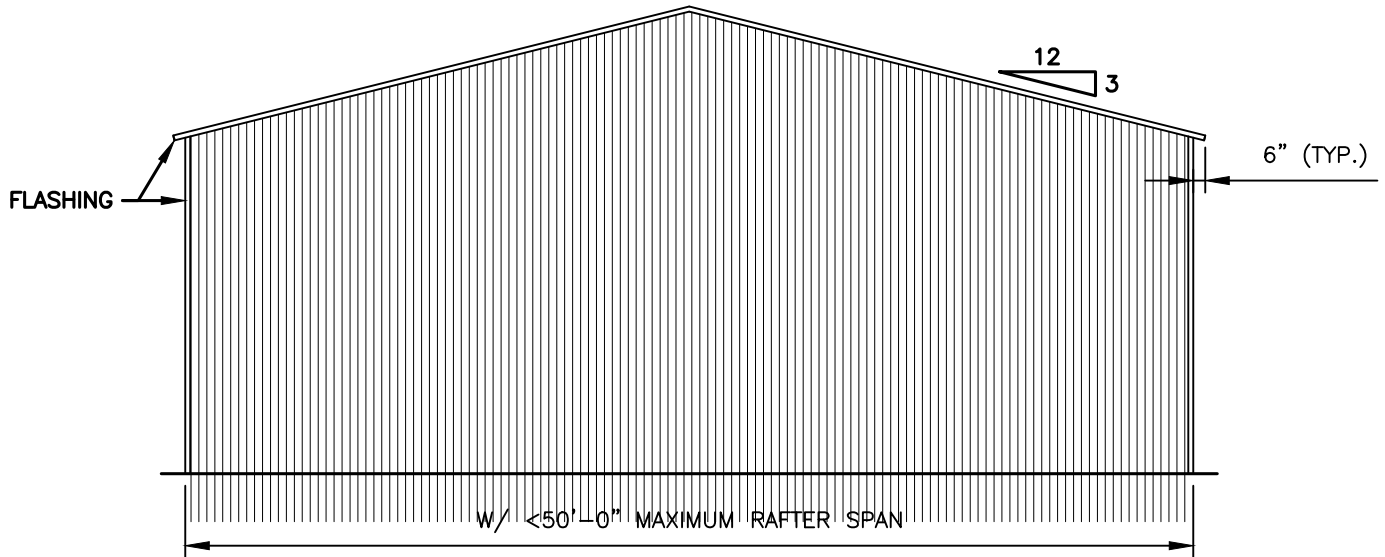
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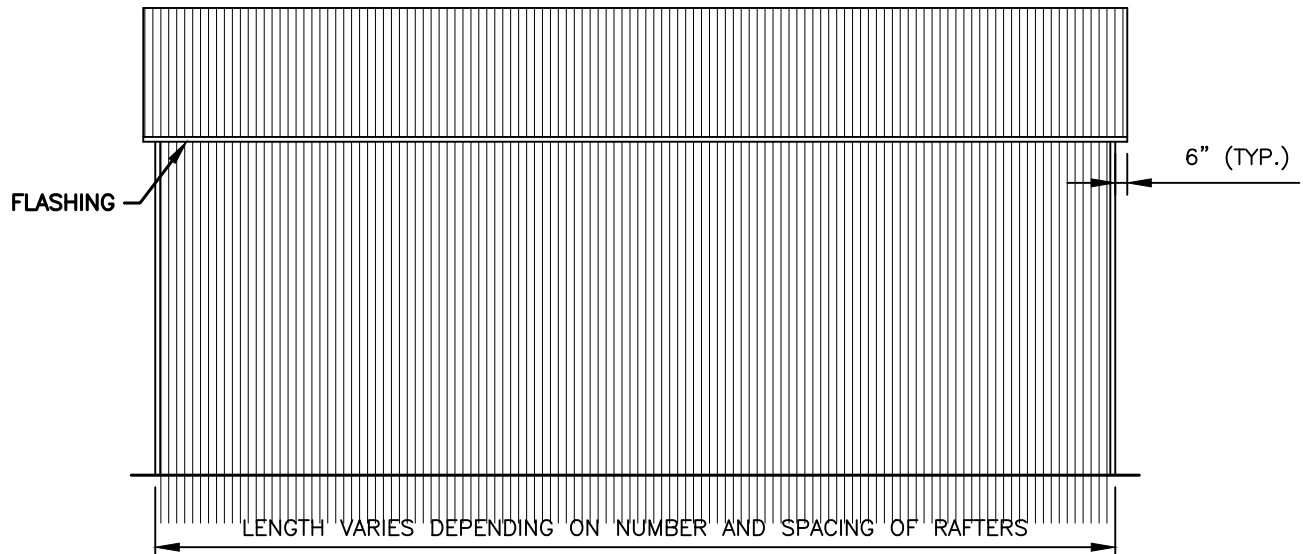
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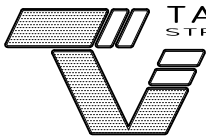
VERTICAL ROOF / SIDING OPTION



TYPICAL END ELEVATION - VERTICAL ROOF / SIDING



TYPICAL SIDE ELEVATION - VERTICAL ROOF / SIDING



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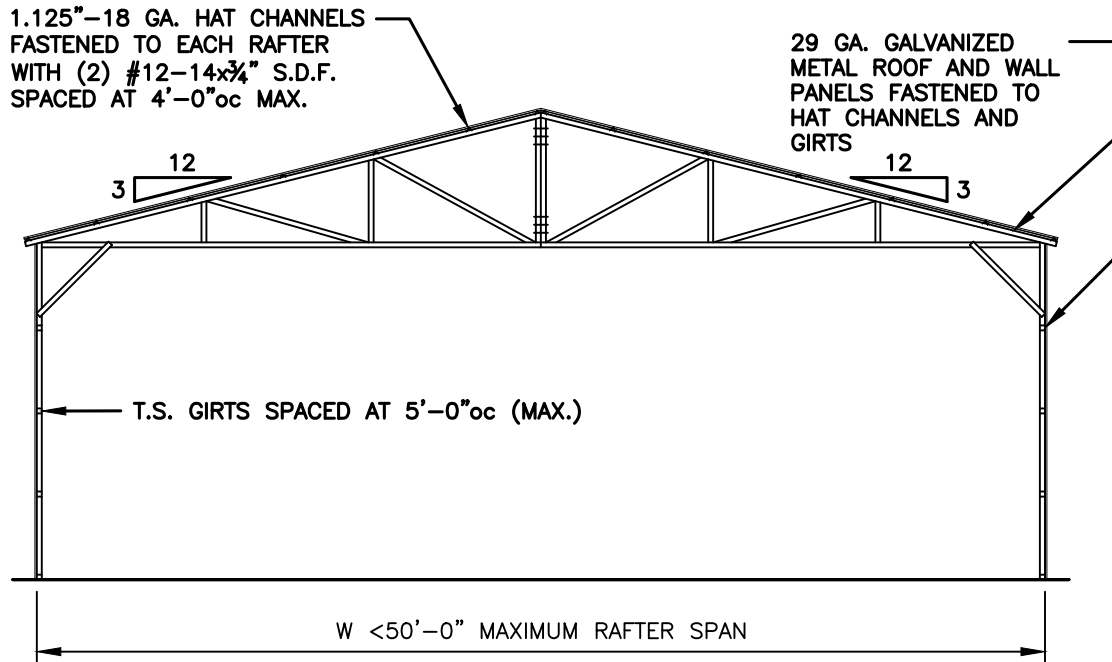
DRAWN BY:
BKS

DATE:
2022.06.24

PROJECT NO:
21014

SHEET NO:
S16

VERTICAL ROOF / SIDING OPTION



TYPICAL SECTION VERTICAL ROOF / SIDING OPTION

NOTE:
H.S.S. 2-1/2"x2-1/2"x14ga. OR
2-1/4"x2-1/4"x14ga. MATERIAL
MAY BE USED FOR TRUSS METAL.



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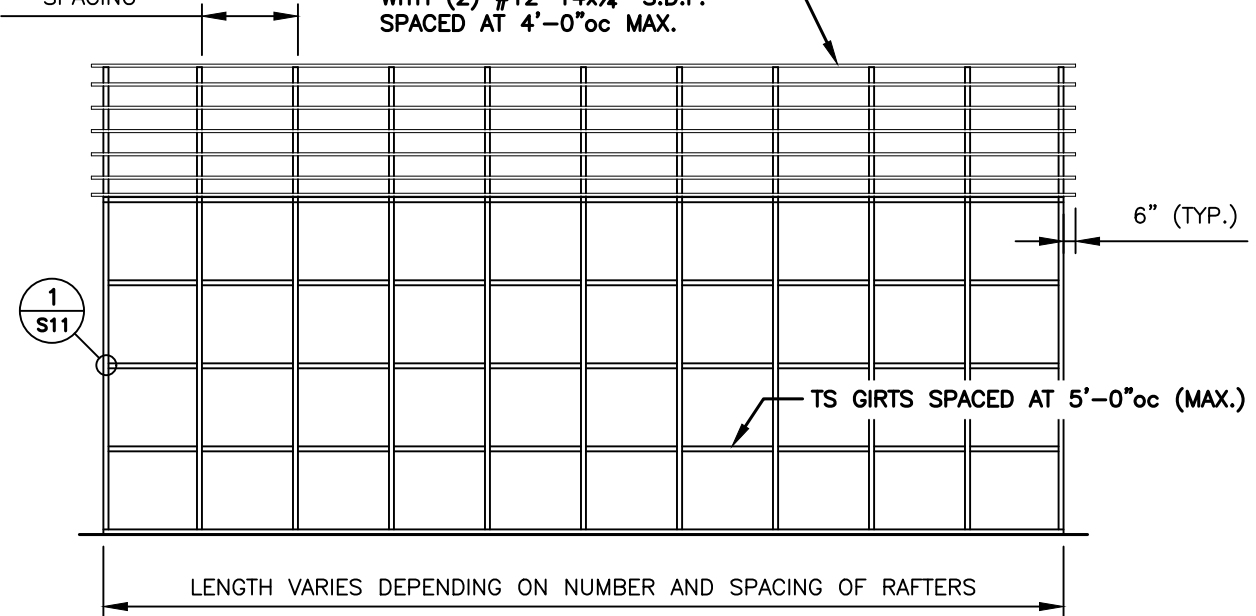
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SHEET NO:
S16A

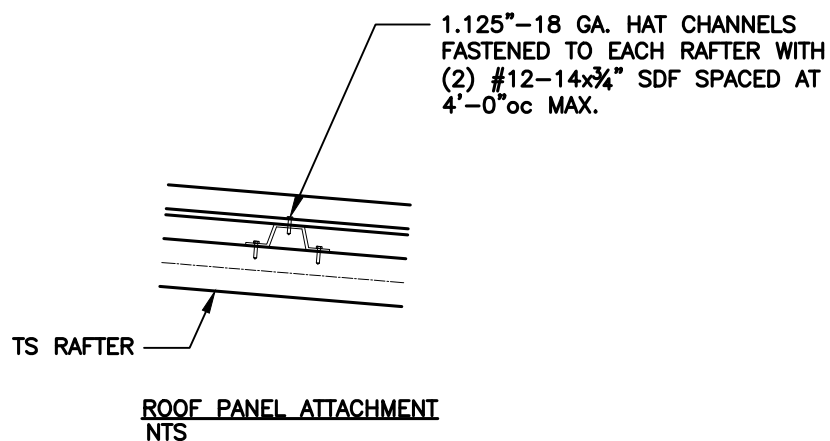
VERTICAL ROOF / SIDING OPTION

SEE NOTES
(SHEET S3)
FOR MAXIMUM
SPACING

1.125"-18 GA. HAT CHANNELS
FASTENED TO EACH RAFTER
WITH (2) #12-14x $\frac{3}{4}$ " S.D.F.
SPACED AT 4'-0"oc MAX.



TYPICAL SIDE FRAMING SECTION VERTICAL ROOF / SIDING OPTION



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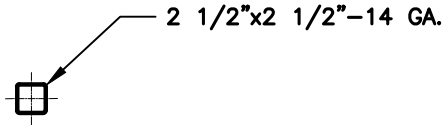
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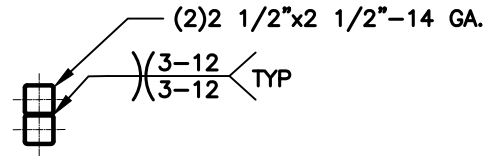
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SHEET NO:
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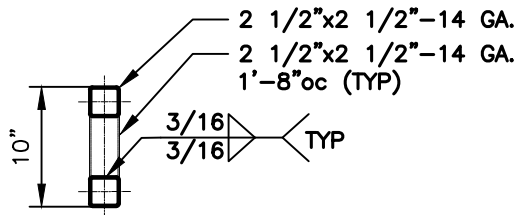
SIDE WALL HEADER OPTIONS



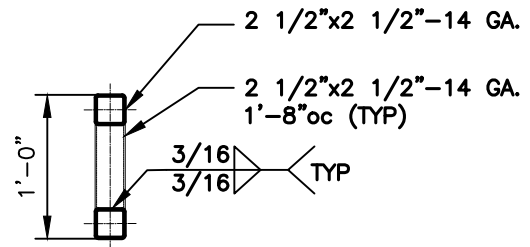
HEADER DETAIL FOR DOOR
OPENINGS < 4'-0"
NTS



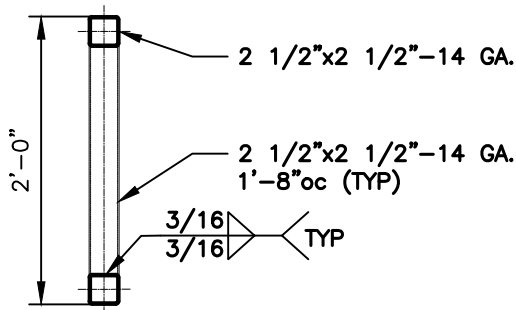
HEADER DETAIL FOR DOOR
OPENINGS 4'-1" < TO < 6'-0"
NTS



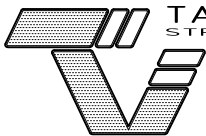
LACED HEADER DETAIL FOR DOOR
OPENINGS 6'-1" < TO < 11'-0"
NTS



LACED HEADER DETAIL FOR DOOR
OPENINGS 11'-1" < TO < 15'-0"



LACED HEADER DETAIL FOR DOOR
OPENINGS 15'-1" < TO < 20'-0"



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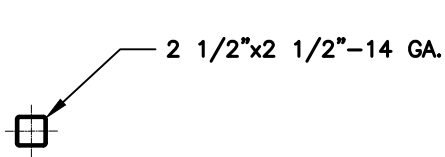
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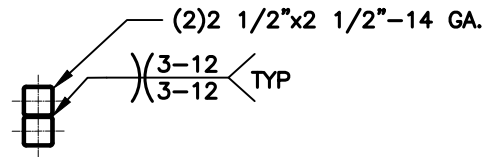
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2022.06.24

SHEET NO:
S17

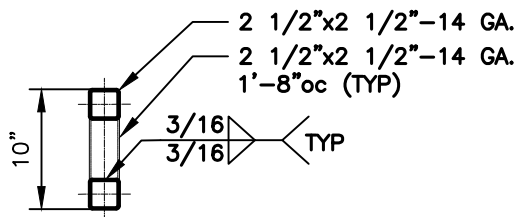
END WALL HEADER OPTIONS



HEADER DETAIL FOR DOOR
OPENINGS < 7'-0"
 NTS



HEADER DETAIL FOR DOOR
OPENINGS 7'-1" < TO < 13'-0"
 NTS



LACED HEADER DETAIL FOR DOOR
OPENINGS 13'-1" < TO < 20'-0"
 NTS



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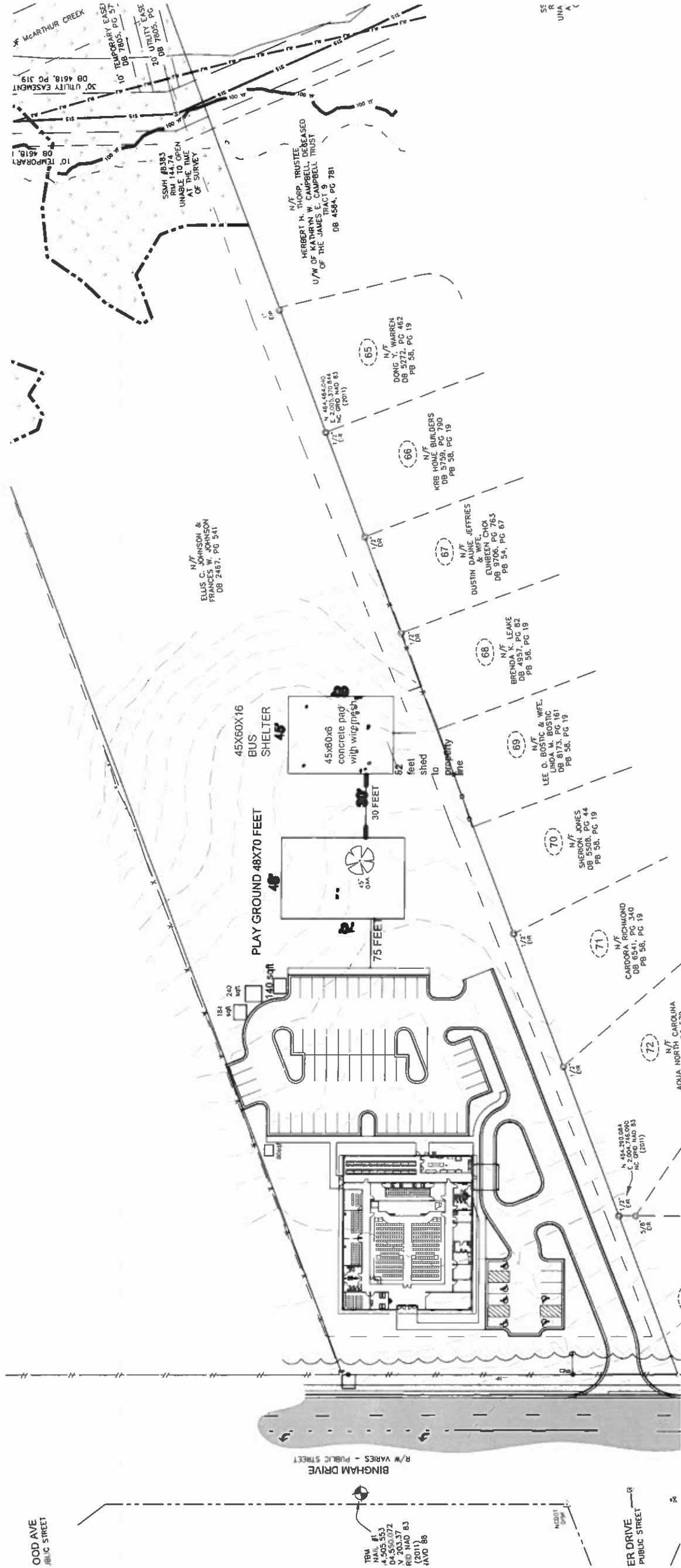
116 EAST MARKET STREET
 ELKIN, NORTH CAROLINA 28621

DRAWN BY:
BKS

PROJECT NO:
21014

DATE:
2022.06.24

SHEET NO:
S17A



OOD AVE
PUBLIC STREET

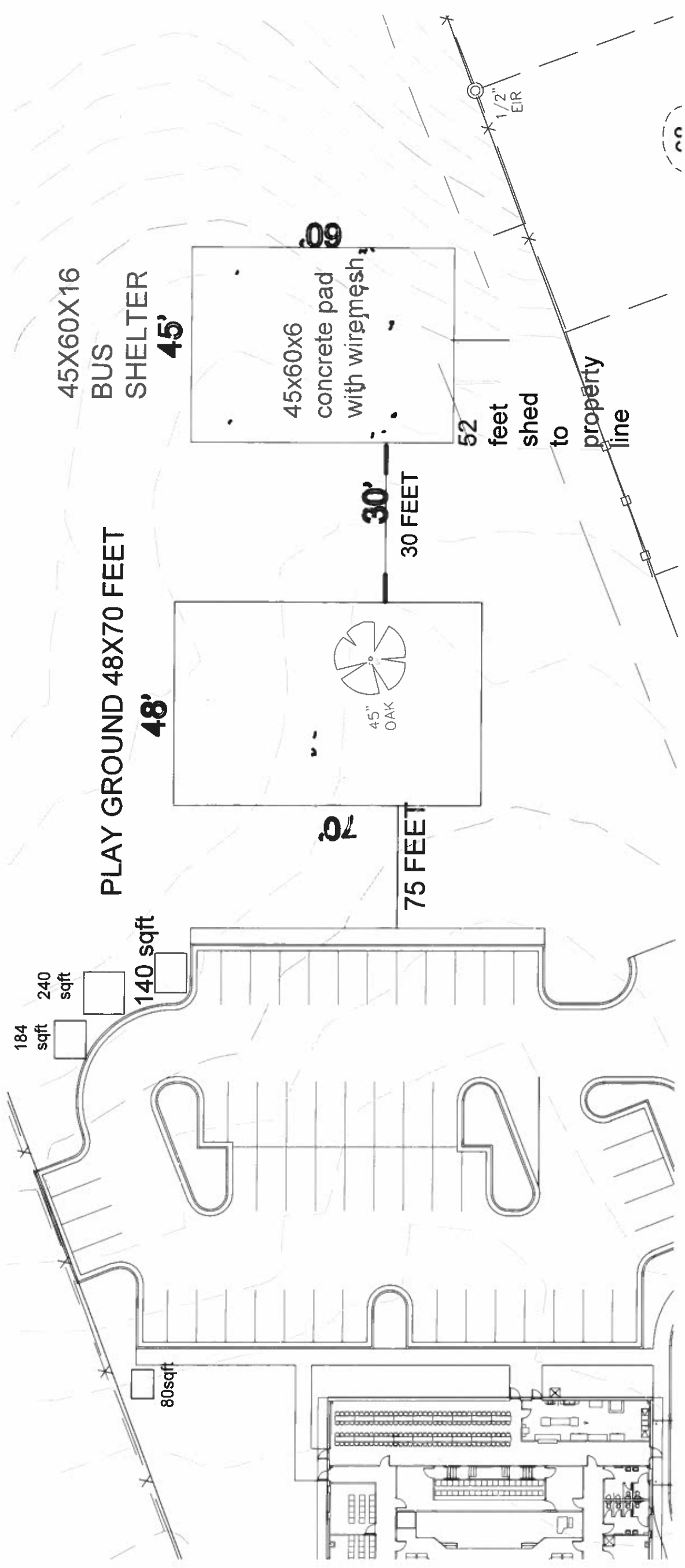
BINGHAM DRIVE
R/W VARIES - PUBLIC STREET

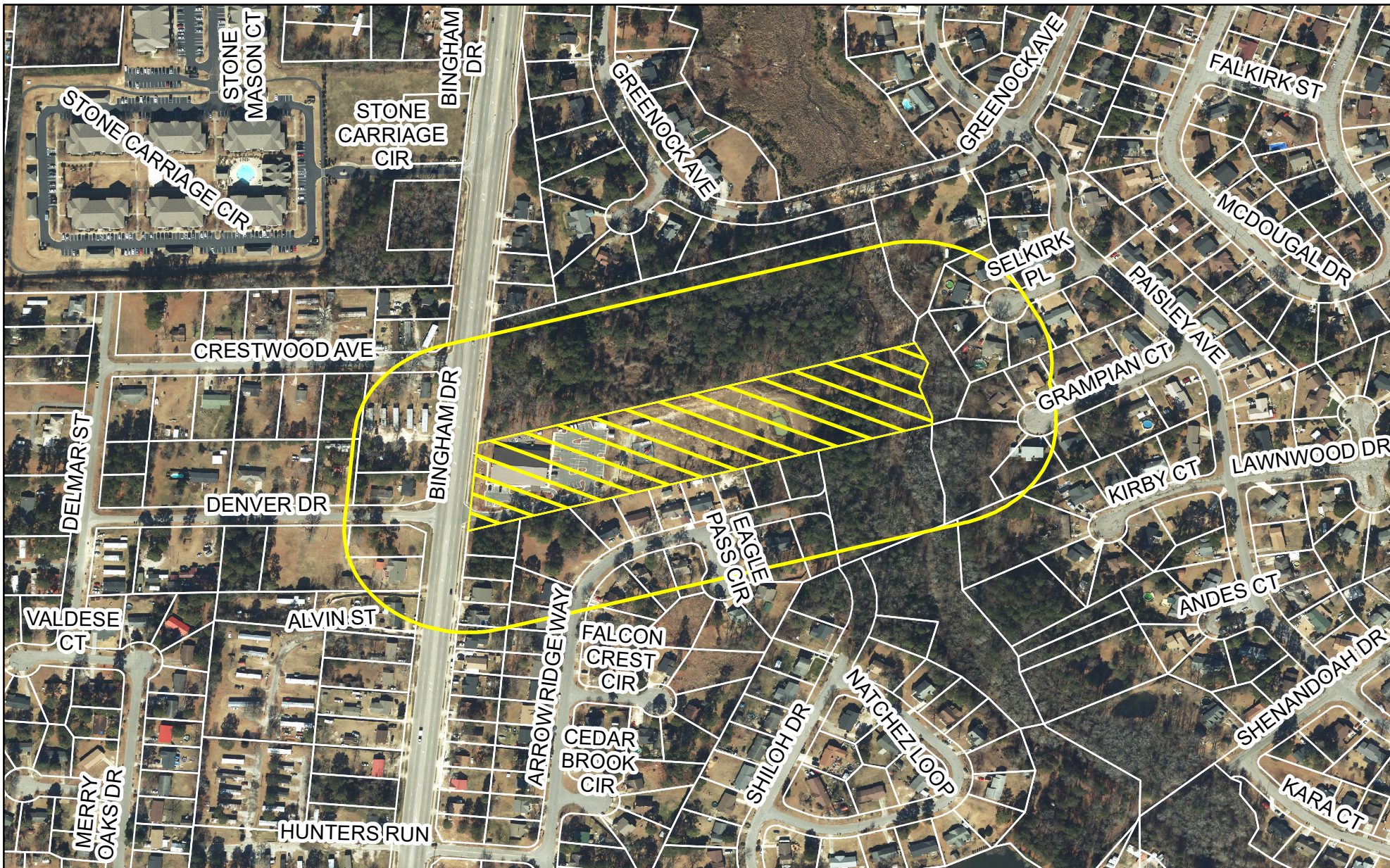
ER DRIVE
PUBLIC STREET

TBM
NAIL
N 55.5
S 55.5
V 203.37
R 0.0 NAD 83
(2011)
JAVO 88

N 0.001
S 0.001

SE
R
UNA
C







Aerial Notification Map

Case #: A24-16

Request: Variance to increase the maximum size for an accessory structure in the SF-10 Zoning District, located at 1495 Bingham Drive, totaling 6.31 acres \pm , and being the property of Miracle Temple Holy Deliverance Church of God Inc.

Location: 1495 Bingham Drive

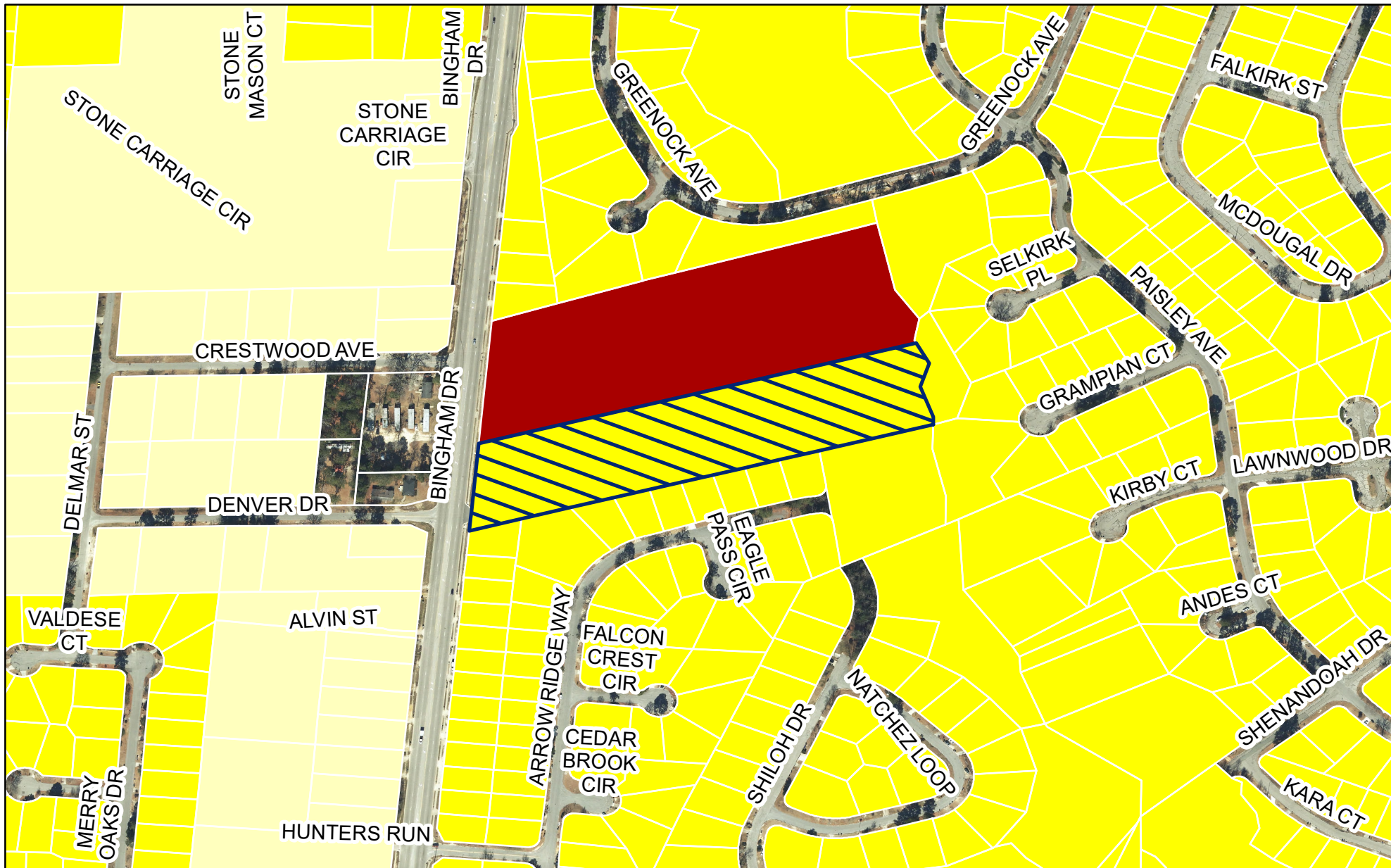
Legend

-  A24-16 Buffer
-  A24-16



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





Zoning Map

Case #: A24-16

Request: Variance to increase the maximum size for an accessory structure in the SF-10 Zoning District, located at 1495 Bingham Drive, totaling 6.31 acres \pm , and being the property of Miracle Temple Holy Deliverance Church of God Inc.

Location: 1495 Bingham Drive

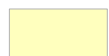
Legend



A24-16



CC - Community Commercial



SF-6 - Single-Family Residential 6

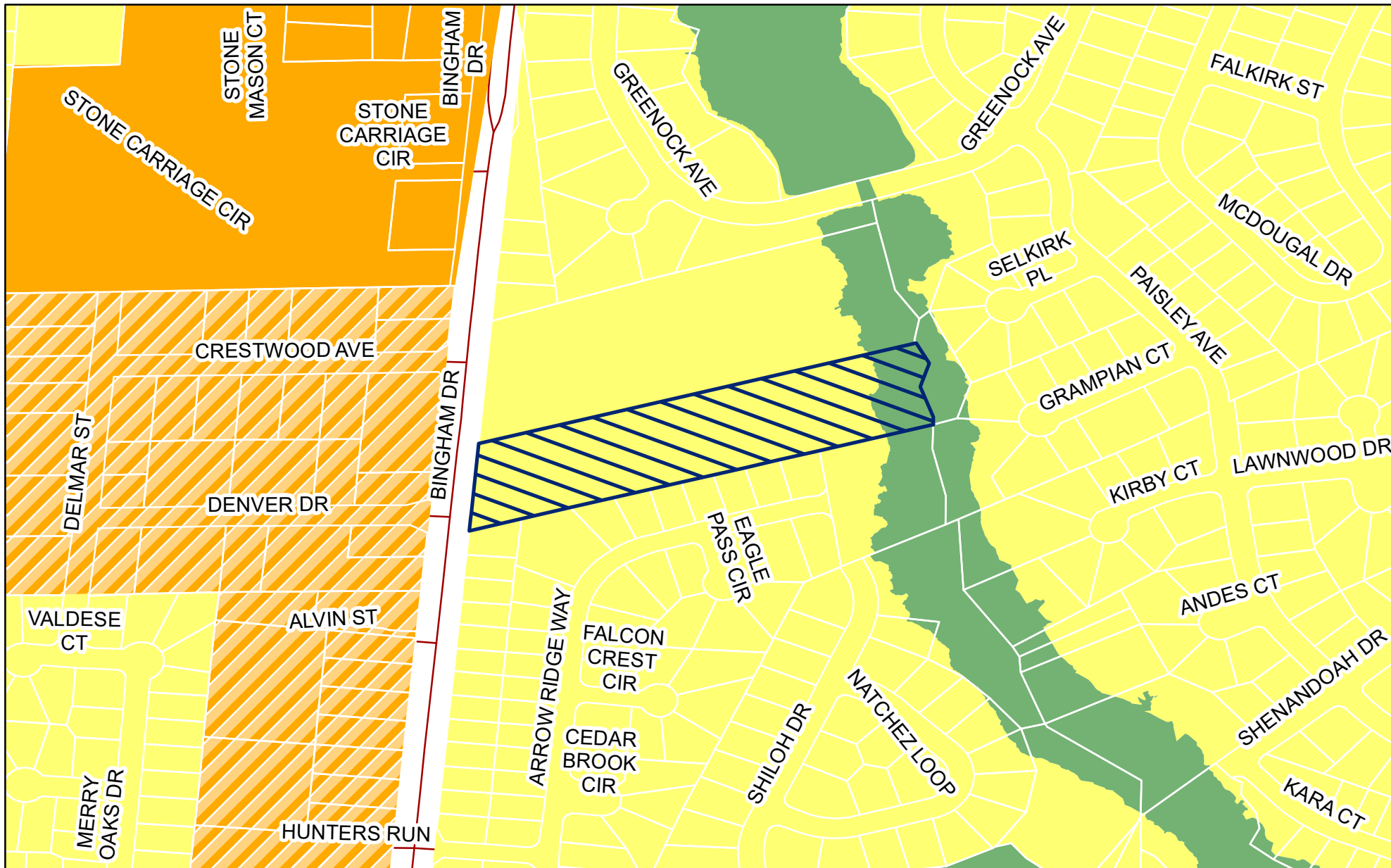


SF-10 - Single-Family Residential 10



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





Future Land Use Map

Case #: A24-16

Request: Variance to increase the maximum size for an accessory structure in the SF-10 Zoning District, located at 1495 Bingham Drive, totaling 6.31 acres \pm , and being the property of Miracle Temple Holy Deliverance Church of God Inc.

Location: 1495 Bingham Drive





Legend



A24-16

Land Use Plan 2040

Character Areas

-  PARKOS - PARK / OPEN SPACE
-  LDR - LOW DENSITY
-  NIR - NEIGHBORHOOD IMPROVEMENT
-  HDR - HIGH DENSITY RESIDENTIAL

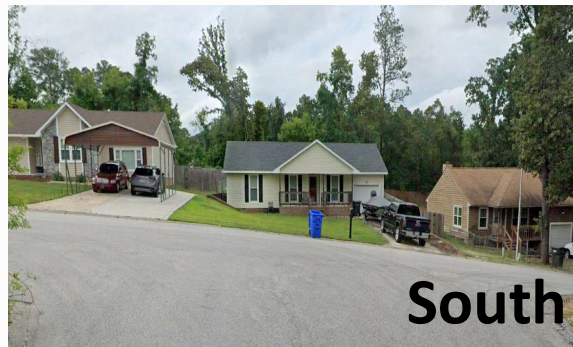
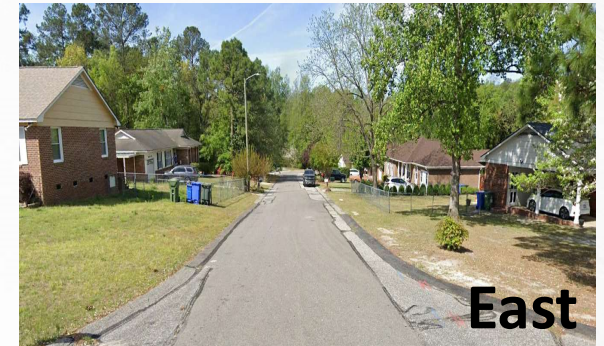


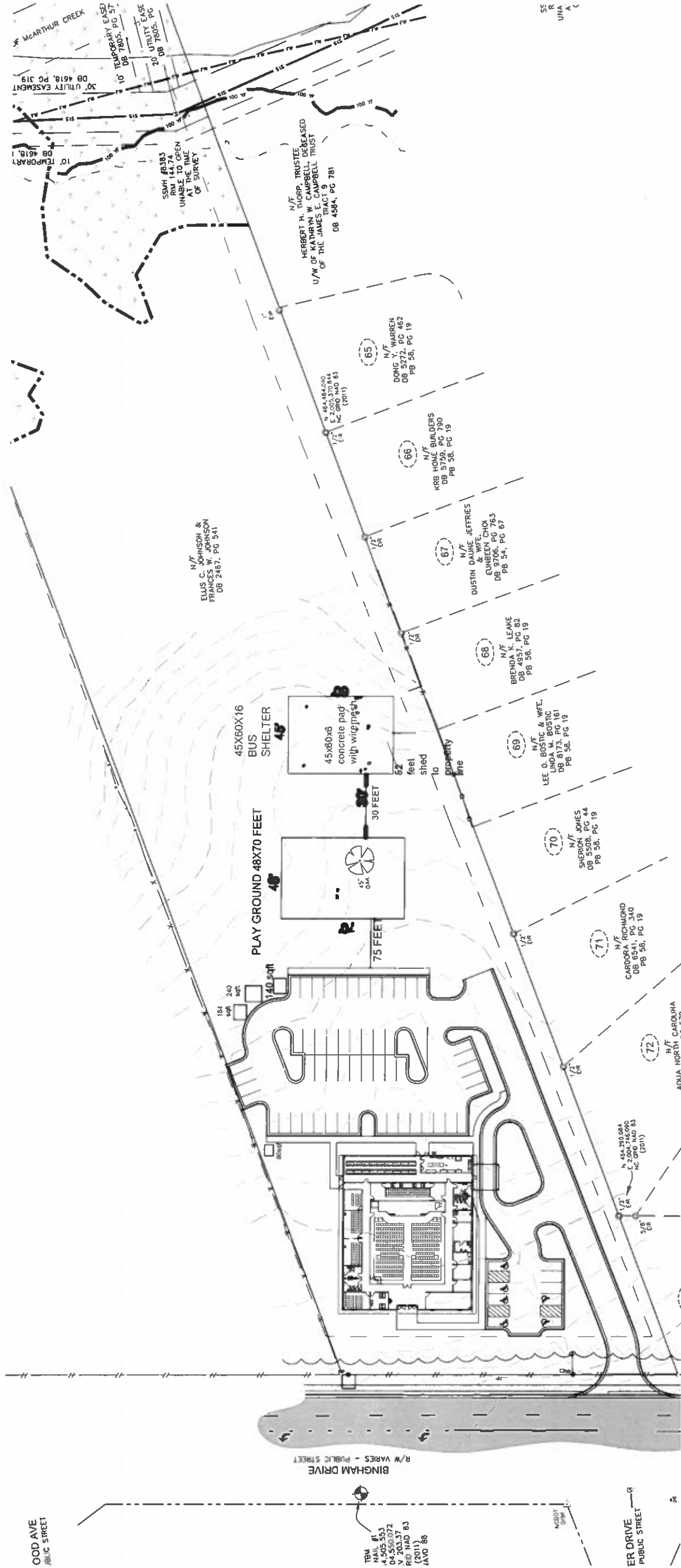
Letters are being sent to all property owners within the 300' buffer. Subject property is shown in the hatched pattern.

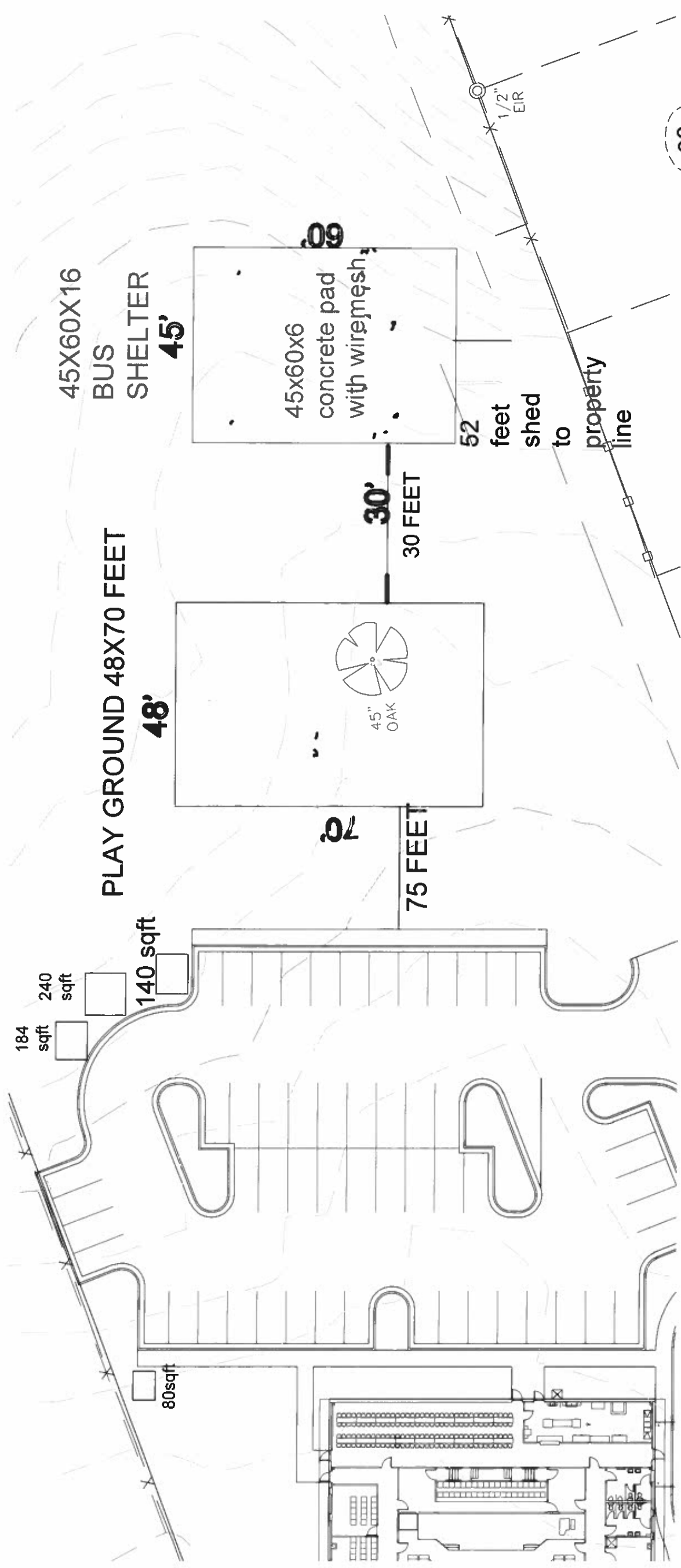




Surrounding Properties









City of Fayetteville

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

City Council Action Memo

File Number: 24-3888

Agenda Date: 3/12/2024

Version: 1

Status: Agenda Ready

In Control: Zoning Commission

File Type: Public Hearing
(Public & Legislative)

Agenda Number: 5.01

TO: Mayor and Members of City Council

THRU: Zoning Commission

FROM: Heather Eckhardt, CZO - Planner II

DATE: March 12, 2024

RE:

P24-17. Rezoning from Single Family Residential 10 (SF-10) to Limited Commercial (LC) located at 458 Lansdowne Rd (REID 0407661937000) totaling .96 acres ± and being the property of Timothy & April Gant.

COUNCIL DISTRICT(S):

9 - Deno Hondros

Relationship To Strategic Plan:

Strategic Operating Plan FY 2022

Goals 2027

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

- Objective 2.1 - To ensure a diverse City tax base

Goal III: City invested in Today and Tomorrow

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

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

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

Executive Summary:

The applicant is requesting to rezone one parcel from Single Family Residential 10 (SF-10) to Limited Commercial (LC) to allow for the redevelopment of the site which was previously home to the De La Fayette Restaurant.

Background:

Owner: Timothy & April Gant

Applicant: Kyle Holmes, H2 Contracting LLC

Requested Action: SF-10 to LC

REID #: 0407661937000

Council District: 9 - Deno Hondros

Status of Property: Vacant with remnants of parking lot and driveway

Size: .96 acres

Adjoining Land Use & Zoning:

- North: SF-10 - vacant land
- South: SF-10 & LC - Two single-family houses & vacant land
- East: SF-10 - Single family house & office
- West: SF-10 & LC - Vacant land & McFayden Lake

Annual Average Daily Traffic: Cliffdale Road: 31,500

Letters Mailed: 105

Land Use Plans:

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

According to the Plan, it is recommended that this portion of the city should be developed as Low Density Residential. Low Density Residential is described as mainly single family residential with occasional duplexes or townhomes.

Issues/Analysis:

History:

The subject property was previously used in conjunction with the parcels to the west as the home of the De La Fayette Restaurant. The restaurant site was originally a grist mill which was then converted into the Chestnut Mill restaurant before ultimately becoming the De La Fayette Restaurant. The site of the restaurant, 6110 Cliffdale Road, was rezoned to Limited Commercial (LC) from Planned Neighborhood Development (PND) in 1991. However, the site was in use as a restaurant in at least 1978. The subject property and the parcels to the east were annexed into the city limits of Fayetteville in 1988.

Surrounding Area:

McFayden Lake is located to the north of the subject property and was once a focal point of the De La Fayette Restaurant. The Landing at Beaver Creek Apartments to the south was developed in 2022. The Water's Edge subdivision is located to the west and the Hermitage Place subdivision is located to the east. At the entrance of Hermitage Place there is a house that has been converted into an insurance office. Both subdivisions were under development during the time at which the Chestnut Mill Restaurant was in business.

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 10 (SF-10) 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 Low Density Residential. Low Density Residential is described as mainly single family residential with occasional duplexes or townhomes.

Consistency and Reasonableness Statements:

The Future Land Use Plan also sets forth written goals, policies, and strategies. This application does follow the City's strategic, compatible growth strategies and does meet the goals of the Land Use Plan found on the attached Consistency and Reasonableness form.

Conclusion:

The Future Land Use Plan indicates that the subject property as well as the parcels to the west be developed as Low Density Residential. However, this does not consider that the parcels to the west of the subject property are currently zoned Limited Commercial and were previously used as the site of a restaurant. The subject property will be developed in conjunction with the parcels to the west which front on Cliffdale Road which will serve as the primary access point for the proposed development. Additionally, the proposed development of the site as a medical office would be a use type which should have limited impact on the surrounding area. As a new development, the site would be required to meet any and all pertinent standards of the Unified Development Ordinance including those standards regarding buffering. Furthermore, there is a significant grade change between the majority of the subject property and the single family houses located on Lansdowne Road. Based on topography maps, the subject property is roughly 20 feet lower than the single family houses located on Lansdowne Road. The combination of the proposed use, existing topography, and the UDO development standards should mitigate many concerns regarding a commercial development adjacent to residential.

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 apply to such uses are appropriate in the immediate area of the land to be reclassified due to the existing zoning, historic commercial use 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**#1228356****Project Title:** 458 Lansdowne Rd**Jurisdiction:** City of Fayetteville**Application Type:** 5.1) Rezoning (Map Amendment)**State:** NC**Workflow:** Staff Review**County:** Cumberland**Project Location****Project Address or PIN:** 458 LANSDOWNE RD
(0407661937000)**Zip Code:** 28314**GIS Verified Data****Property Owner: Parcel**

- 458 LANSDOWNE RD: GANT, TIMOTHY;GANT, APRIL

Acreage: Parcel

- 458 LANSDOWNE RD: 0.96

Zoning District: Zoning District

- 458 LANSDOWNE RD: SF-10

Subdivision Name:**Fire District:****Airport Overlay District:****Hospital Overlay District:****Coliseum Tourism District:****Cape Fear District:****Downtown Historic District:****Haymount Historic District:****Floodway:****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:** 0.96**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:**

Most of the property contains a concrete parking area that was used by a restaurant before it closed down. There is an existing driveway that connects the property to Lansdowne Road.

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

The property is currently zoned SF-10. The adjoining property to the southwest is zoned LC. The adjoining property to the northwest is zoned SF-10 and is a lake. All other adjoining property is zoning SF-10 and contains single family houses.

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 comprehensive plan shows the subject parcels to be Low Density Residential, however, the property is approximately 1/4 mile east of land designed to be Office/Institutional.

Office/Institutional designated land is anticipated to be medium intensity nonresidential such as offices, schools/institutions, and light industrial. Buildings are meant to be grouped on the parcel.

While not specifically designed for Office/Institutional, the subject parcels are in close proximity to that designated land use and are along a major thoroughfare which would lend itself to the stated nonresidential uses.

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 subject parcels contain the remnants of an abandoned restaurant. The land has sat idle for many years and is currently overgrown with a partially demolished building. Re-development of this parcel is key to improve the aesthetics of the corridor and to provide office/institutional services for the surrounding residential neighborhoods.

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 property to the southwest is owned by the same owners and is zoned LC. That property contains the remnants of an old restaurant and its parking lot. The parking lot is partially on the subject property and the rear driveway for the restaurant is actually on the subject property too. Eventhough these are two different parcels with two different zoning districts they have functionally operated as one common development for many years. Aerials show that this condition was created at some point between 1982 and 1995 and has remained the same ever since.

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

This amendment would clean up what is essentially a split zoning designation since the existing development is functionally contained on two different parcels.

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

No premature development is anticipated since the property is currently developed.

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

The list of permitted uses in the LC zoning district does allow for a mix of uses that would traditionally be located in a strip-style commercial. However, the UDO contains specific setback and buffering requirements that take in to account the surrounding single-family uses.

As stated in the UDO "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 e.g., grocery stores, drugstores, large restaurants, gas stations, and higher order retail uses like specialty stores. The district is not intended to accommodate intensive commercial or other business uses. Residential uses are encouraged on the upper floors of nonresidential establishments. The district is subject to standards intended to ensure development is compatible with surrounding residential neighborhoods."

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 adjacent parcel is currently zoned LC, so an isolated zoning district will not be created since it currently exists.

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

Since this property currently contains a parking lot and driveway that serves a restaurant on an adjacent parcel it is not anticipated that a change in zoning designation will impact property values.

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

Since this property currently contains a parking lot and driveway that serves a restaurant on an adjacent parcel it is not anticipated that a change in zoning designation will impact the natural environment.

Primary Contact Information

Contractor's NC ID#:

Project Owner

Timothy Gant

225 Forest Creek

Fayetteville, NC 28303

P:910-527-5553

h2contractingkbh@gmail.com

Project Contact - Agent/Representative

Kyle Holmes

H2 Contracting LLC

731 McGilvary St.

Fayetteville, NC 28301

P:910-484-0524

h2contractingkbh@gmail.com

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

NC State General Contractor's License Number:

NC State Electrical Contractor #1 License Number:

NC State Electrical Contractor #2 License Number:

NC State Mechanical Contractor's #1 License Number:

NC State Mechanical Contractor's #2 License Number:

NC State Mechanical Contractor:

NC State Plumbing Contractor #1 License Number:

NC State Plumbing Contractor #2 License Number:

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

FILED	Jun 14, 2022
AT	10:04:30 AM
BOOK	11497
START PAGE	0143
END PAGE	0148
INSTRUMENT #	24199
RECORDING	\$26.00
EXCISE TAX	\$1,400.00

NORTH CAROLINA GENERAL WARRANTY DEED**R-13905-22**

Excise Tax:	\$1,400.00
Parcel ID:	
Mail/Box to:	Jennifer Kirby Fincher, PLLC, 324 N. McPherson Church Rd, Fayetteville, NC 28303
Prepared by:	Jennifer Kirby Fincher, PLLC, 324 N. McPherson Church Rd, Fayetteville, NC 28303
Brief description for the index:	6 Tracts Cliffdale Rd

THIS GENERAL WARRANTY DEED ("Deed") is made on the _____ day of _____, 20____, by and between:

GRANTOR	GRANTEE
Chan Ho and wife, Suk Hee Ho 300 Black Belt World Dr Knightdale, NC 27545	Timothy Gant and wife, April Gant 225 Forest Creek Fayetteville, NC 28303

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

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

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

All or a portion of the Property was acquired by Grantor by instrument recorded in Book 9407 Page 59.

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

A map showing the Property is recorded in Book _____ Page _____.

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

restrictions, easements and rights-of-way of record; ad valorem property taxes for the current year.

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

Chan Ho
Name: Chan Ho

Entity Name

Suk Hee Ho
Name: Suk Hee Ho
Suk Hee Ho
Name:

By: _____
Name: _____
Title: _____

Name: _____

By: _____
Name: _____
Title: _____

STATE OF NORTH CAROLINA, COUNTY OF CUMBERLAND

I, Jennifer K. Fincher, a Notary of the above state and county, certify that the following person(s) personally appeared before me on the 13 day of June, 20 22 each acknowledging to me that he/she/they signed the foregoing document, in the capacity represented and identified therein (if any):
Chan Ho and Suk Hee Ho

Affix Notary Seal/Stamp

JENNIFER K. FINCHER
NOTARY PUBLIC
Cumberland County
North Carolina

Jennifer K. Fincher
Notary Public (Official Signature)
My commission expires: 4/17/26
4/17/26

Tract 1: PIN # 0407-66-1937

BEING all of Lot 4 as shown on a map entitled "Recombination for Constantin Saliba Heirs" a plat of the same duly recorded in Book 129, Page 110, Cumberland County Registry, North Carolina.

Tract 2: PIN # 0407-56-8853

Lying and being in the City of Fayetteville, Cumberland County, North Carolina, about 200 feet west of the intersection of Cliffdale Road and Lansdowne Road, and being more particularly described as follows:

BEGINNING at the northeast corner of the tract of which this is a part, and runs thence as the east line of said tract of which this is a part S 41 degrees 53' 00" E 77.44 feet to a point in said east line; thence as a new line S 89 degrees 40' 15" W 479.08 feet to a point in the west line of the tract of which this is a part; thence as said west line N 00 degrees 51' 00" W 50.25 feet to the northwest corner of the tract of which this is a part; thence as the north lines of the said tract N 89 degrees 42' 00" E 240.36 feet to a point; thence continuing as the north lines N 87 degrees 17' 00" E 187.97 feet to the BEGINNING, containing 0.54 acres, and being a portion of the lands conveyed to Constantin Saliba by deed recorded in Deed Book 3048, Page 311, Cumberland County Registry. Bearings herein are to Plat Book 46, page 75 meridian.

Tract 3: PIN # 0407-56-2870

Lying and being in Seventy-First Township, Cumberland County, North Carolina about 450 feet east of the intersection of Cliffdale Road and Waters Edge Drive, and being more particularly described as follows:

BEGINNING at the most northern corner of the tract of which this is a part, said corner also being the most northern corner of lot 9 of The Cloisters subdivision recorded in Plat Book 46, Page 75, and runs thence as the northern line of the tract of which this is a part S 43 degrees 09' 00" E 145.23 feet to a point; thence S 58 degrees 20' 00" E 66.12 feet to a point; thence S 87 degrees 08' 00" E 143.74 feet to a point; thence N 89 degrees 42' 00" E 326.77 feet to the northeast corner of the tract of which this is a part; thence as the east line of the tract of which this is a part S 00 degrees 51' 00" E 50.25 feet to a point in said east line; thence a new line S 89 degrees 40' 15" W 544.65 feet to an existing iron pipe in the west line of the tract of which this is a part, said iron also being the most northern corner of lot 11 of The Cloisters subdivision; thence as the west line of the tract of which this is a part, and the east lines of lots 10 and 9 N 22 degrees 21' 00" W 215.72 feet to the BEGINNING, containing 0.80 acres, and being a portion of the lands conveyed to Constantin Saliba by deed recorded in Deed Book 3048, Page 309, Cumberland County Registry. Bearings herein are to Plat Book 46, Page 75 meridian.

Tract 4: PIN # 0407-56-8668

BEGINNING at a concrete monument located about 20 feet East of the high water mark of McFayden Lake and being the northeast corner of a 3.07 Acre tract described in a conveyance from McFayden to Barrett, in Deed Book 2190, page 557; thence South 41 degrees 25 minutes East 296.17 feet to a concrete monument in the northern margin of Cliffdale Road; thence South 41 degrees 25 minutes East, about 32.59 feet to a point in the center of Cliffdale Road (a 60 foot right-of-way); thence with the center of said road, South 70 degrees 52 minutes West, 452.07 feet to a point; thence with the center of said road, South 74 degrees 48 minutes West, 101.03 feet to a point; thence with the center of said road, South 76 degrees 44 minutes West, 100.26 feet to the run of Beaver Creek; thence crossing a portion of Tract #2, a 14.658 conveyance from McFayden to Barrett recorded in Deed Book 2190, Page 589, North 12 degrees 26 minutes West 98.48 feet to a stake; thence North 00 degrees 23 minutes West, 341.38 feet to a stake in the approximate center line of the McFadyen Lake dam; thence with the approximate center line of McFayden Lake dam, South 89 degrees 50 minutes East, 240.36 feet to an iron stake, the northeast corner of the 3.07 Acre tract; thence with the approximate center line of the McFayden Lake dam; North 87 degrees 45 minutes East, 187.97 feet to the point of beginning. Containing 4.113 Acres of land, more or less, excluding that portion of property conveyed to Department of Transportation in Deed Book 3661, Page 57, Cumberland County Registry, North Carolina.

Less and Excepting the following tract:

Lying and being in the City of Fayetteville, Cumberland County, North Carolina, about 200 feet west of the intersection of Cliffdale Road and Lansdowne Road, and being more particularly described as follows:

BEGINNING at the northeast corner of the tract of which this is a part, and runs thence as the east line of said tract of which this is a part S 41 degrees 53' 00" E 77.44 feet to a point in said east line; thence as a new line S 89 degrees 40' 15" W 479.08 feet to a point in the west line of the tract of which this is a part; thence as said west line N 00 degrees 51' 00" W 50.25 feet to the northwest corner of the tract of which this is a part; thence as the north lines of the said tract N 89 degrees 42' 00" E 240.36 feet to a point; thence continuing as the north lines N 87 degrees 17' 00" E 187.97 feet to the BEGINNING, containing 0.54 acres, and being a portion of the lands conveyed to Constantin Saliba by deed recorded in Deed Book 3048, Page 311, Cumberland County Registry. Bearings herein are to Plat Book 46, page 75 meridian.

Tract 5: PIN # 0407-56-4635

To reach the point of BEGINNING, begin at the southwesternmost corner of the property conveyed from American Classic Industries, Inc., to Chestnutt recorded in Book 2562, Page 225, Cumberland County Registry. in the centerline of Cliffdale Road and proceed North 04 degrees 52 minutes West 30.09 feet to the northern right-of-way margin of Cliffdale Road, being the POINT OF BEGINNING; and running thence for a first call with said northern margin South 89 degrees 37 minutes West 190.00 feet to the southeastern corner of the Triangle, formerly Riddle, tract; thence with the Triangle-Riddle eastern line North 00 degrees 23 minutes West, 185.00 feet; thence with the Triangle-Riddle northern line North 72 degrees 23 minutes West 360.00 feet and North 21 degrees 53 minutes West 278 feet, more or less, to a point lying in the high water mark of McFayden's Pond; thence with the high water mark of McFayden's Pond South 42 degrees 41 minutes East 145.23 feet ; thence South 57 degrees 52 minutes East 66.12 feet to a point in the headwall of McFayden's Pond; thence along the dam South 86 degrees 40 minutes East 143.74 feet and South 89 degrees 50 minutes East 326.77 feet to the northwestern corner of the Chestnutt tract recorded in Book 2562, Page 225, Cumberland County Registry; thence with Chestnutt's western line South 00 degrees 23 minutes East 341.38 feet and South 12 degrees 26 minutes East 61.49 feet to the POINT OF BEGINNING, containing 3.1 acres, more or less, excluding that portion of property conveyed to Department of Transportation in Deed Book 3661, Page 57, Cumberland County Registry, North Carolina.

Less and Excepting:

Lying and being in Seventy-First Township, Cumberland County, North Carolina about 450 feet east of the intersection of Cliffdale Road and Waters Edge Drive, and being more particularly described as follows:

BEGINNING at the most northern corner of the tract of which this is a part, said corner also being the most northern corner of lot 9 of The Cloisters subdivision recorded in PB 46, Pg 75, and runs thence as the northern lines of the tract of which this is a part S 43 degrees 09' 00" E 145.23 feet to a point; thence S 58 degrees 20' 00" E 66.12 feet to a point; thence S 87 degrees 08' 00" E 143.74 feet to a point; thence N 89 degrees 42' 00" E 326.77 feet to the northeast corner of the tract of which this is a part; thence as the east line of the tract of which this is a part S 00 degrees 51' 00" E 50.25 feet to a point in said east line; thence a new line S 89 degrees 40' 15" W 544.65 feet to an existing iron pipe in the west line of the tract of which this is a part, said iron also being the most northern corner of lot 11 of The Cloisters subdivision; thence as the west line of the tract of which this is a part, and the east lines of lots 10 and 9 N 22 degrees 21' 00" W 215.72 feet to the BEGINNING, containing 0.80 acres, and being a portion of the lands conveyed to Constantin Saliba by deed recorded in Deed Book 3048, Page 309, Cumberland County Registry. Bearings herein are to Plat Book 46, page 75 meridian.

Tract 6: PIN # 0407-56-2543

BEGINNING at a point in the northern margin of Cliffdale Road (SR 1403) said point being further described as the point of tangency of the radius return from Water's Edge Drive as recorded in Plat Book 43, Page 57, Cumberland County Registry and proceeding thence with the right-of-way of Water's Edge Drive in a northwesterly direction on a curve having a radius of 25 feet, an arc distance of 39.27 feet to a point; thence with a curve to the left having a radius of 124.67 feet, 121.16 feet to a point, the same being the southeast corner of Lot 12, THE CLOISTERS, as recorded in Plat Book 46, Page 76; thence with the eastern margin of Lots 11 and 12 of THE CLOISTERS, as recorded in Book of Plats 46, Page 75, North 38 degrees 56 minutes East 210.75 feet to a point, the same being the northeast corner of said Lot 11; thence South 72 degrees 51 minutes East 360 feet to a point; thence South 00 degrees 50 minutes East 185.00 feet to a point in the northern margin of Cliffdale Road; thence with the northern margin of Cliffdale Road, South 89 degrees 05 minutes West 369.57 feet to the point and place of BEGINNING, and containing approximately 2 acres, more or less, and being a portion of the property described in Deed recorded in Book 2666, Page 343, Cumberland County Registry, North Carolina. Less and Excepting the interest and estate acquired by the Department of Transportation in a certain condemnation action filed against Triangle Building Supply, Inc. in the General Court of Justice, Superior Court Division, as Civil Action No. 91 CVS 1097 and Memorandum of Action filed in Deed Book 3650, Page 290, to which action reference is to be made for a more specific description.

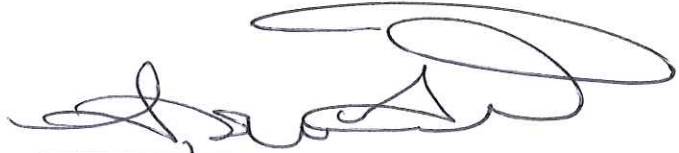
AFFIDAVIT OF OWNERSHIP

I, APRIL GANT + TIMOTHY GANT, being duly sworn, deposes and says:

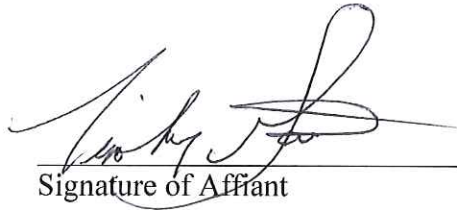
1. That I am the owner of the property/properties located at
458 Landsdowne Rd. Fayetteville, NC 28314 PIN 0407661937000 in the City of
Fayetteville, a political subdivision of the State of North Carolina.

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

3. This authority is only granted for the application to be submitted on
1/23/24.



Signature of Affiant



Signature of Affiant

Cumberland County, North Carolina

Sworn to and subscribed before me this day on the 23 day of January, 2024.



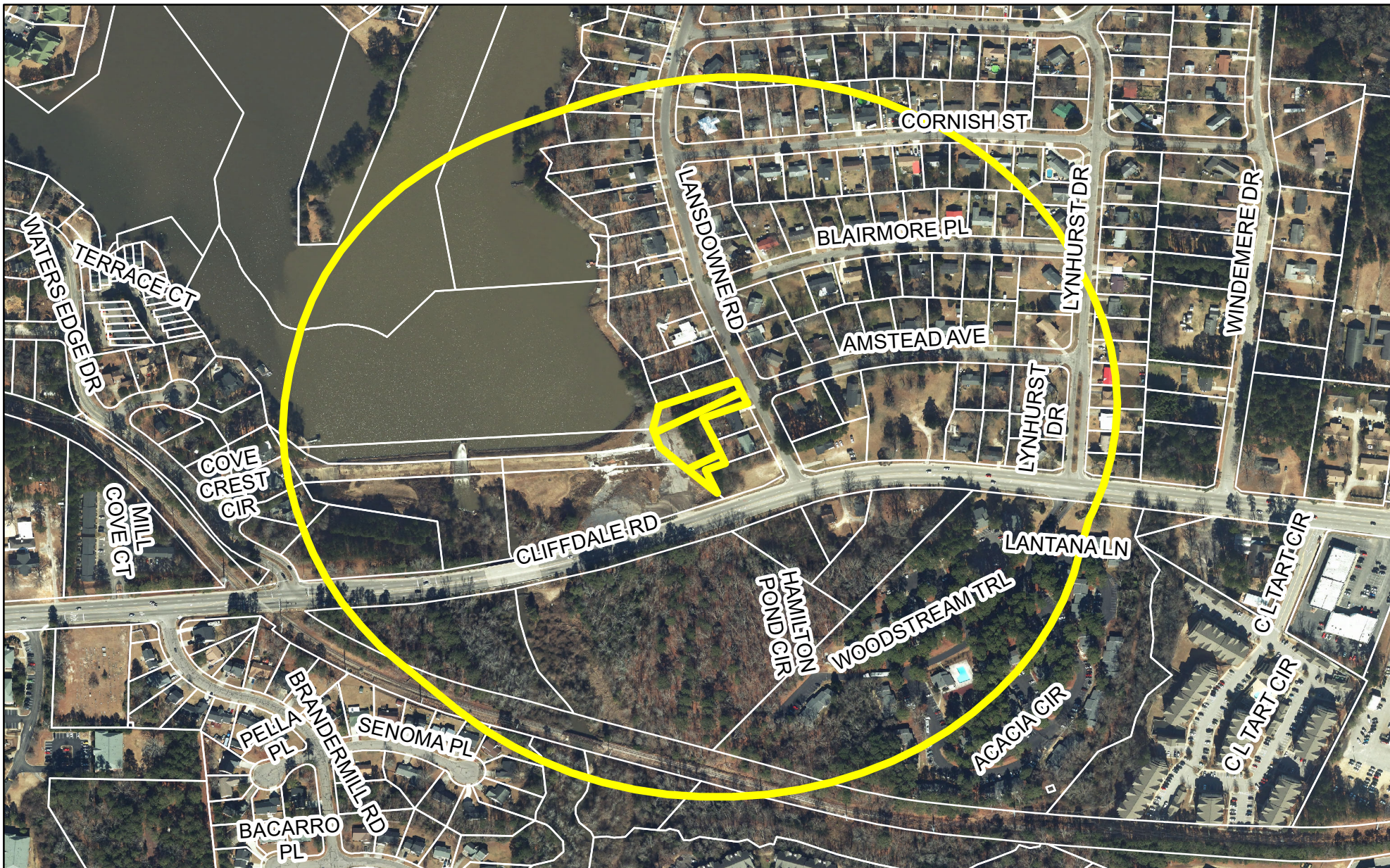
Signature of Notary Public

Nichole C. Holmes, Notary Public
Printed Name of Notary Public

My Commission Expires: May 30, 2028

(Official Seal)





Aerial Notification Map

Case #: P24-17

Request: Rezoning

Single Family Residential 10 (SF-10)
to Community Commercial (CC)

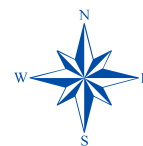
Location: 458 Lansdowne Road
0407661937000

Legend



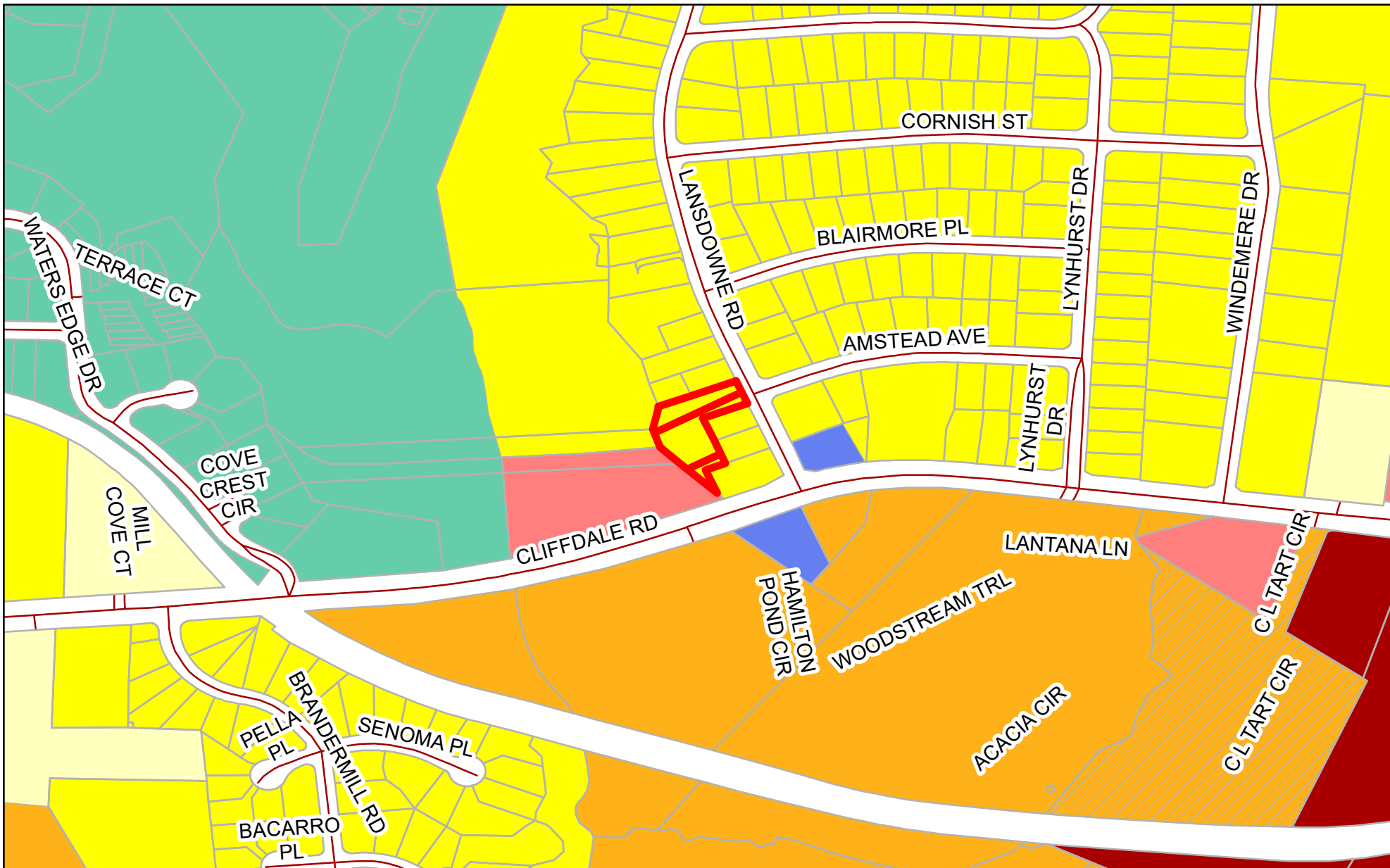
P24-17

P24-17 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 #: P24-17

Request: Rezoning

Single Family Residential 10 (SF-10)
to Community Commercial (CC)

Location: 458 Lansdowne Road
0407661937000

Legend



P24-17

CC - Community Commercial

LC - Limited Commercial

MR-5 - Mixed Residential 5

MR-5/CZ - Conditional Mixed Residential 5

OI - Office & Institutional

PND - Planned Neighborhood Development

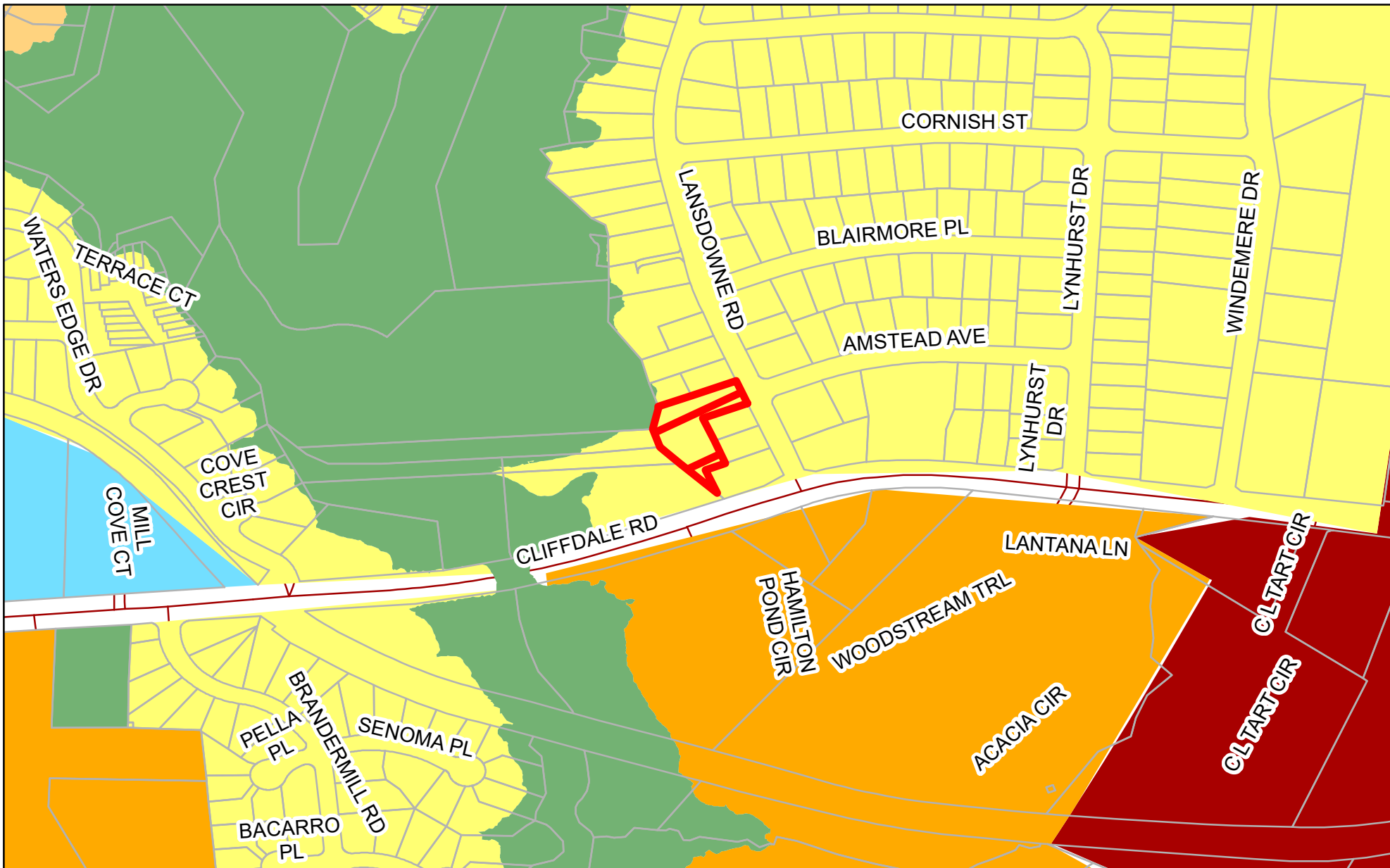
SF-6 - Single-Family Residential 6

SF-10 - Single-Family Residential 10



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





Land Use Map

Case #: P24-17

Request: Rezoning

Single Family Residential 10 (SF-10)
to Community Commercial (CC)

Location: 458 Lansdowne Road
0407661937000

Legend



P24-17

Land Use Plan 2040

Character Areas

- PARKOS - PARK / OPEN SPACE
- LDR - LOW DENSITY

- MDR - MEDIUM DENSITY
- HDR - HIGH DENSITY RESIDENTIAL
- RC - REGIONAL CENTER

- OI - OFFICE / INSTITUTIONAL



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







Consistency and Reasonableness Statement

Map Amendments

Pursuant N.C.G.S. Sections 160D-604 and -605, the Zoning Commission finds that the proposed zoning map amendment in case P24-17 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 #3: Encourage redevelopment of strip commercial areas	X	

2. LAND USE POLICES 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	
1.6: Require adequate infrastructure to be in place prior to or in tandem with new development	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	

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

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

Reasonableness

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

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

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

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

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

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

 improves consistency with the long-range plan.

 X improves the tax base.

 preserves environmental and/or cultural resources.

 X facilitates a desired kind of development.

 provides needed housing/commercial area.

Additional comments, if any (write-in):

 March 12, 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: 24-3891

Agenda Date: 3/12/2024

Version: 1

Status: Agenda Ready

In Control: Zoning Commission

File Type: Public Hearing
(Public & Legislative)

Agenda Number: 5.02

TO: Mayor and Members of City Council

THRU: Zoning Commission

FROM: Heather Eckhardt, CZO - Planner II

DATE: March 12, 2024

RE:

P24-18. Rezoning from Light Industrial (LI) to Community Commercial (CC) located at 2326 Owen Drive (REID 0426419941000) totaling .91 acres ± and being the property of McCauley & McDonald Investments Inc.

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 is requesting to rezone 2326 Owen Drive from Light Industrial (LI) to Community Commercial (CC) to bring a non-conforming use into compliance.

Background:

Owner: McCauley & McDonald Investments Inc

Applicant: Mary Talley

Requested Action: LI to CC

REID #: 0426419941000

Council District: 2 - Malik Davis

Status of Property: Vacant convenience store with gasoline sales

Size: .91 acres

Adjoining Land Use & Zoning:

- North: LI - Power substation
- South: R6 & C3 (County) - Single family house and vacant land
- East: CC - Church
- West: C(P) CZ (County) - Single family house

Annual Average Daily Traffic: Owen Drive: 41,500

Cumberland Road: 21,500

Letters Mailed: 77

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 intended to be a commercial mixed use area that encourages higher density residential redevelopment as part of the land use mix to spur private development. Target areas are clusters of underutilized commercial strip properties.

Issues/Analysis:

History:

The subject property has been used in a commercial nature since at least 1982 based on aerial photography. The now vacant convenience store with gasoline sales was built in 1983 per Cumberland County Tax records. At the time of development, the subject property was zoned M1 which allowed for the use as well as many more intense and industrial uses. The M1 zoning district was converted to the Light Industrial (LI) zoning district with the adoption of the Unified Development Ordinance. The use of convenience store with gasoline sales is not a permitted use in the current LI zoning district.

Surrounding Area:

The subject property is located at the edge of the city limits at the corner of Owen Drive and Cumberland Road. The areas to the south and east of the subject property are located in the County and have a combination of residential and commercial zoning districts and uses ranging from single family houses to office buildings. The areas to the north and east are in the city limits of Fayetteville. The area to the north is zoned LI and houses a Duke Energy power station. The area to the east is zoned Community Commercial and currently occupied by a church.

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 Light Industrial (LI) to Community Commercial (CC).

The Community Commercial (CC) District is established and intended to accommodate a diverse range of medium- to high-intensity retail, service, and office uses that provide goods and services serving the residents and businesses in the community at large

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 intended to be a commercial mixed use area that encourages higher density residential redevelopment as part of the land use mix to spur private development. 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.

Conclusion:

The use of the subject property as a convenience store with gasoline sales was permitted use in the M1 zoning district. While the M1 zoning district was a district intended for industrial development, the city's ordinance at the time was based on hierarchical Euclidean zoning. With hierarchical Euclidean zoning, the uses permitted in a zoning district build on the uses permitted in the previous (less intense) zoning district. For example, convenience stores with gas would've been a permitted use in the C3 zoning district therefore, it was also permitted in the more intense M1 zoning district. With the adopt of the UDO, the zoning ordinance shifted away from a hierarchical model. The UDO has designated uses for each zoning district with limited overlap. With the adoption of the UDO, the use of the subject property as a convenience store with gasoline sales became a non-conforming use. The convenience store has been vacant since the second half of 2022 and the rezoning is needed in order to bring the use into compliance with the UDO and allow the structure to be occupied again. The proposed rezoning would address a non-conformity and allow for the redevelopment of a site that has been vacant for many years.

Budget Impact:

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

Options:

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

Recommended Action:

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

- The proposed zoning map amendment implements the policies adopted in the Future Land Use Plan (FLUP), and those policies found in the Unified Development Ordinance (UDO). The Future Land Use Plan calls for the subject property to be developed as 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

#1242625

Project Title: 2326 Owen Drive**Jurisdiction:** City of Fayetteville**Application Type:** 5.1) Rezoning (Map Amendment)**State:** NC**Workflow:** Staff Review**County:** Cumberland**Project Location****Project Address or PIN:** 2326 OWEN DR (0426419941000)**Zip Code:** 28306**GIS Verified Data****Property Owner: Parcel**

- 2326 OWEN DR: MCCAULEY & MCDONALD INVESTMENTS INC

Acreage: Parcel

- 2326 OWEN DR: 0.91

Zoning District: Zoning District

- 2326 OWEN DR: cnty

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

- 2326 OWEN DR: 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:** Community Commercial**Acreage to be Rezoned:** .91**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:**

Convenience store, gas pumps, car wash

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

Vacant land, zoned CZ

Auto Parts Store, zoned C3

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.:

Site has been used for commercial purposes in excess of 30 years. It is a corner lot, less than 1 acre, at the intersection of two major local thoroughfares. At some point in the past, the property was rezoned without our knowledge, despite the fact that we have had a recorded real estate interest in the property for more than 30 years.

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 location has been successfully operated as a convenience store for decades, where community members have been purchasing fuel and household items. We would like to continue to offer those goods.

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

This property, and the property surrounding it, have been designated as commercial properties.

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

The proposal would not change the existing development pattern. And is entirely consistent with historical uses.

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

It would not.

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

It would not. The existing building would remain as its current use.

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 would not. Adjacent parcels are zoned commercial.

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

The value of the property to the rear would be enhanced by this property remaining in commercial use.

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

It does not. It would be used for the purposes it has always been used.

Primary Contact Information

Contractor's NC ID#:

Project Owner

Mary Talley
McCauley & McDonald Investments Inc
PO Box 361
Fayetteville, NC 28302
P:9104831861
mcmcinvestment@aol.com

Project Contact - Agent/Representative

Mary Talley
McCauley & McDonald Investments Inc
PO Box 361
Fayetteville, NC 28302
P:9104831861
mcmcinvestment@aol.com

As an unlicensed contractor, I am aware that I cannot enter

into a contract that the total amount of the project exceeds \$40,000. :

NC State General Contractor's License Number:

NC State Electrical Contractor #1 License Number:

NC State Electrical Contractor #2 License Number:

NC State Mechanical Contractor's #1 License Number:

NC State Mechanical Contractor's #2 License Number:

NC State Mechanical Contractor:

NC State Plumbing Contractor #1 License Number:

NC State Plumbing Contractor #2 License Number:

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

AFFIDAVIT OF OWNERSHIP

I, JOHN McCauley, being duly sworn, deposes and says:

1. That I am the owner of the property/properties located at 2326 OWEN DR in the City of Fayetteville, a political subdivision of the State of North Carolina.

2. I do hereby give permission to MARY TAUEY 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 FEB 8, 2024.

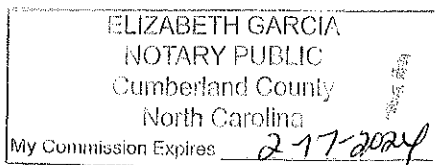
[Signature], President
Signature of Affiant
FOR McCauley McJOWALD INVESTMENTS INC

Signature of Affiant

Cumberland County, North Carolina

Sworn to and subscribed before me this day on the 8th day of FEBRUARY, 2024

(Official Seal)



[Signature]
Signature of Notary Public

ELIZABETH GARCIA, Notary Public
Printed Name of Notary Public

My Commission Expires: 2-17-2028

FILED
CUMBERLAND COUNTY NC
J. LEE WARREN, JR.
REGISTER OF DEEDS
FILED Aug 01, 2019
AT 12:38:25 pm
BOOK 10556
START PAGE 0523
END PAGE 0526
INSTRUMENT # 23799
RECORDING \$51.00
EXCISE TAX \$1,040.00
JR

NORTH CAROLINA SPECIAL WARRANTY DEED

Excise Tax: \$1,040.00

Parcel Identifier No. 0426-41-9941 Verified by _____ County on the _____ day of _____, 20____
By: _____

Return:
Mail/Email to: Rebecca F. Person PLLC

This instrument was prepared by: Robert L. Laney, Esq.

Brief description for the Index: 2 trs. Owen Dr. O Cumberland Rd.

THIS DEED made this 30th day of July, 2019, by and between

GRANTOR	GRANTEE
Nelson Family Investments, L.L.C. Mailing Address: P.O. 10513 Greensboro, NC 27404	McCauley and McDonald Investments, Inc. Mailing Address: P.O. Box 361 Fayetteville, NC 28302

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

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

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

See Exhibit "A"

The property hereinabove described was acquired by Grantor by instrument recorded in Book 8097 page 10.

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

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

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

And the Grantor covenants with the Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, other than the following exceptions: See Exhibit "B"

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

Nelson Family Investments, L.L.C.

(Entity Name)

By: Frank Nelson

Print/Type Name & Title: Frank Nelson, Manager

STATE OF:

COUNTY OF:

I certify that the following person(s) personally appeared before me this day and acknowledged to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Name of Principal:

Frank Nelson

Date: 07/30/2019

Cole M. Nero

Notary Public

Cole M. Nero

Printed or Typed Name of Notary Public

My commission expires: 01/18/2023

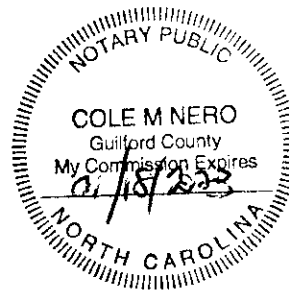


Exhibit "A"

The Land is described as follows:

TRACT ONE:

BEGINNING at a terra cotta insulator placed in the ground in the northern margin of the public road leading from Fayetteville to Cumberland Mills in the western line of the land belonging to Carolina Power and Light Company, and running thence with the northern margin of said public road, South 76 degrees 10 minutes West 114.84 feet to an iron pipe in the northern margin of said road; thence North 15 degrees 59 minutes West 356.4 feet to a point in the eastern line of the tract of which this is a part, and running thence South 33 degrees 40 minutes East 378.8 feet to the beginning.

TRACT TWO:

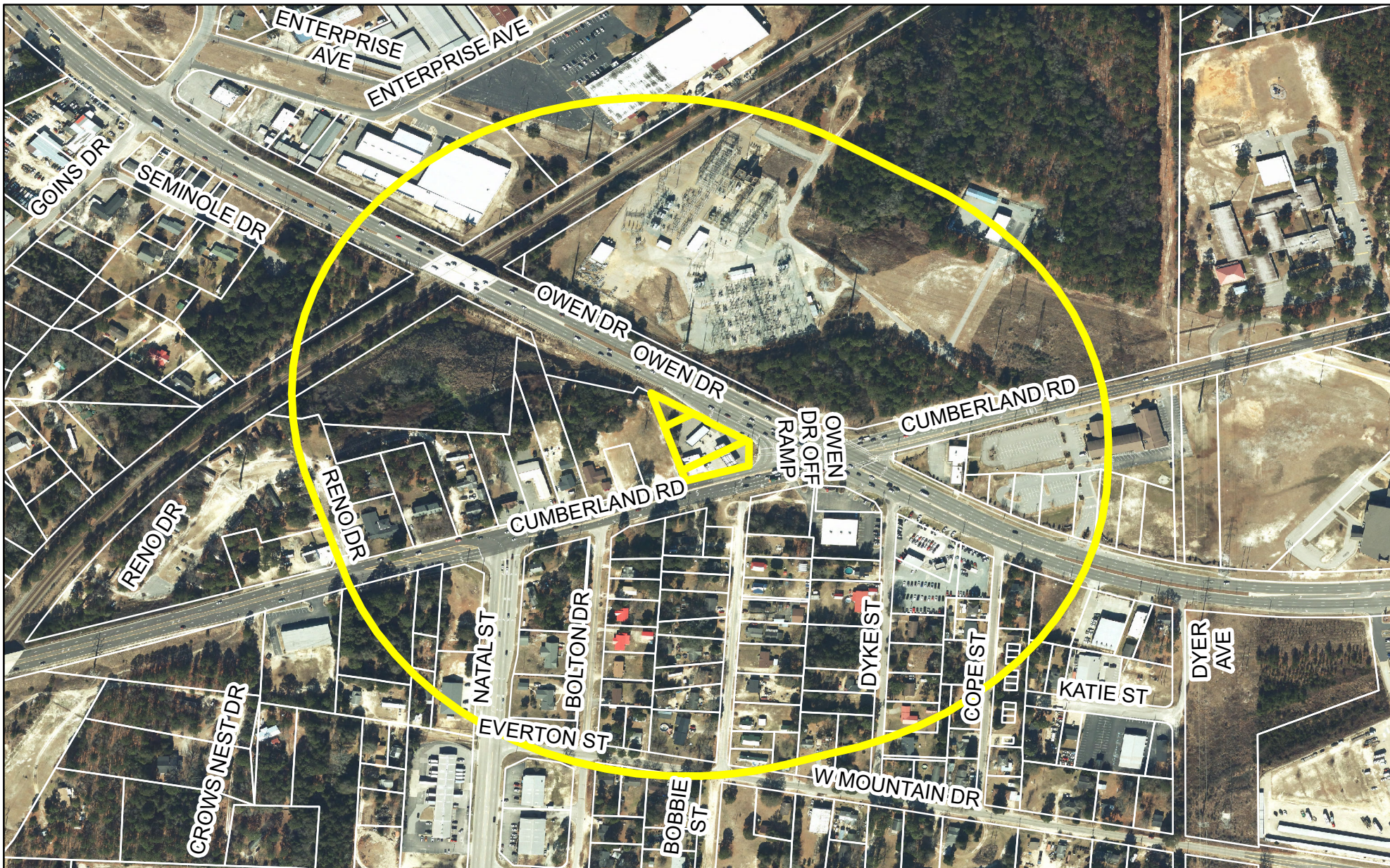
BEGINNING at the point where the southwestern edge of the right of way of Owen Drive intersects the northern edge of the right of way of Cumberland Road; and runs thence along and with the northern edge of the right of way of Cumberland Road South 76 degrees 10 minutes West 177.73 feet to a terra cotta pipe; thence North 33 degrees 40 minutes West 343.28 feet to a point in the southwestern edge of the right of way of Owen Drive; and thence along and with the southwestern edge of the right of way of Owen Drive South 56 degrees 10 minutes East 436.83 feet to the point of **BEGINNING**, containing 0.68 acre, more or less, and being a small portion of the land conveyed to Carolina Power & Light Company by deed from S. W. Tillinghast, et al, dated February 5, 1923, and recorded in Book 294, page 410, Cumberland County Registry.

LESS AND EXCEPT from the above-described tracts of land that portion of same taken by or conveyed to the North Carolina Department of Transportation in Consent Judgment recorded in Book 4567, Page 487 and Deed recorded in Book 9759, Page 516, of the aforesaid Registry.

For history of title see deed recorded in Book 8097, Page 10 of the Cumberland County Registry.

Exhibit "B"

1. Taxes for the year 2019 and subsequent years, not yet due and payable.
2. Contract with the City of Fayetteville regarding annexation recorded in Book 2418, page 35, Cumberland County, Registry.
3. Memorandum of Lease with McCauley and McDonald Investments, Inc., recorded in Book 2933, page 497, aforesaid records.
4. Easement to the City of Fayetteville recorded in Book 2958, page 162, aforesaid records.
5. Easement to Carolina Power and Light Company, recorded in Book 2320, page 123, aforesaid records.





Aerial Notification Map

Case #: P24-18

Request: Rezoning
Light Industrial (LI) to
Community Commercial (CC)

Location: 2326 Owen Drive
0426419941000

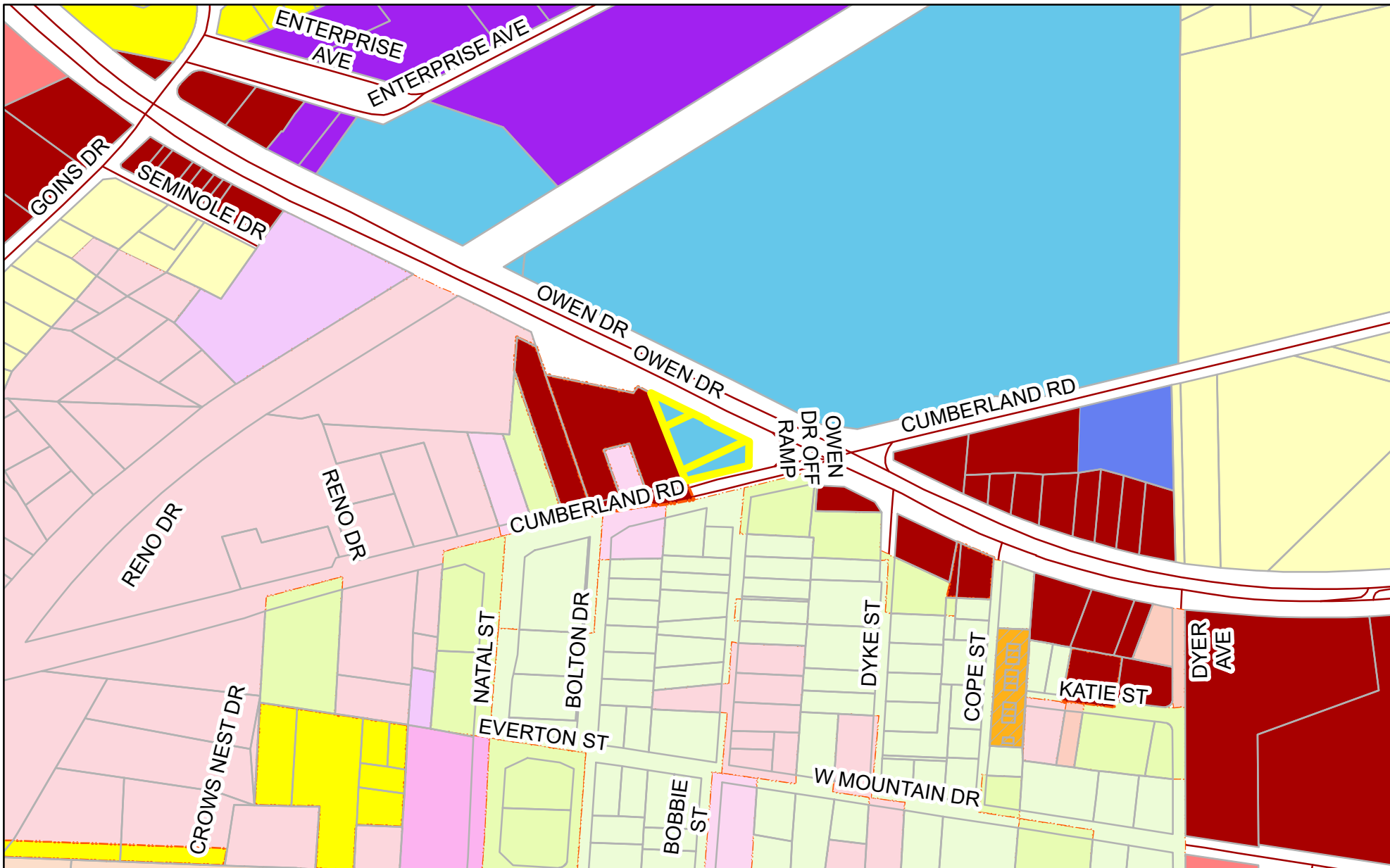
Legend

-  P24-18
-  P24-18 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 #: P24-18

Request: Rezoning
Light Industrial (LI) to
Community Commercial (CC)

Location: 2326 Owen Drive
0426419941000

Legend

P24-18

CC - Community Commercial

HI - Heavy Industrial

LC - Limited Commercial

LI - Light Industrial

MR-5/CZ - Conditional Mixed Residential 5

OI - Office & Institutional

SF-6 - Single-Family Residential 6

SF-10 - Single-Family Residential 10

CCZoning

C(P)

C1(P)

C3

M(P)

M1(P)

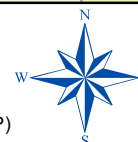
M2

O&I(P)

R10

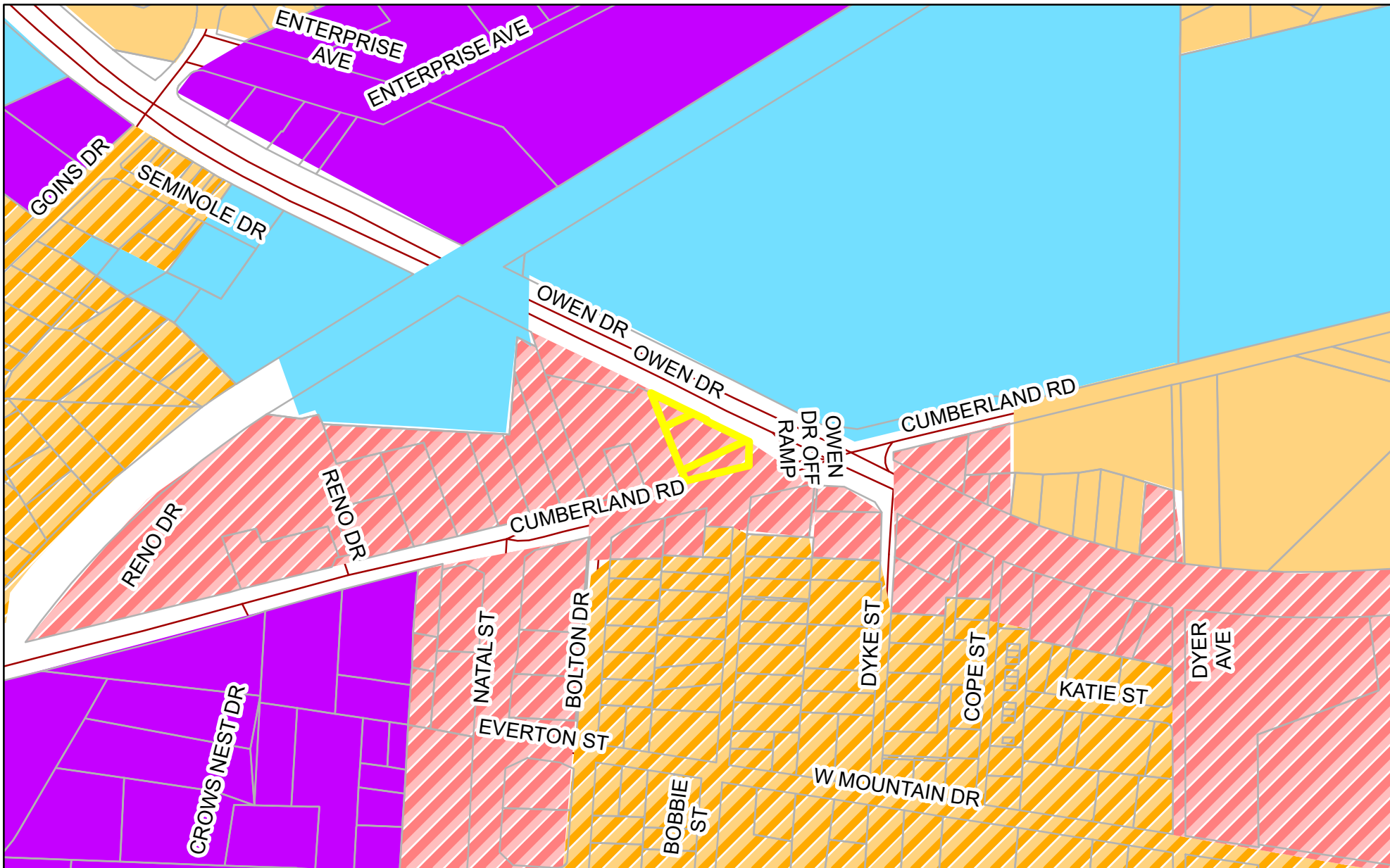
R6

R6A



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 #: P24-18

Request: Rezoning
Light Industrial (LI) to
Community Commercial (CC)

Location: 2326 Owens Drive
0426419941000

Legend

 P24-18

Land Use Plan 2040

Character Areas

 MDR - MEDIUM DENSITY

 NIR - NEIGHBORHOOD IMPROVEMENT

 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 P24-18 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 #3: Encourage redevelopment of strip commercial areas	X	

2. LAND USE POLICES 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	
1.6: Require adequate infrastructure to be in place prior to or in tandem with new development	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 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 policies of the Comprehensive Plan as stated above and the Strategic Plan as stated in the Staff Report, and because: [select all that apply]

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

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

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

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

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

 X improves consistency with the long-range plan.

 X improves the tax base.

 preserves environmental and/or cultural resources.

 facilitates a desired kind of development.

 provides needed housing/commercial area.

Additional comments, if any (write-in):

 March 12, 2024
Date

Chair Signature

Print