



City of Fayetteville

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

Meeting Agenda - Final Zoning Commission

Tuesday, June 11, 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: May 14, 2024

4.0 EVIDENTIARY HEARINGS

4.01 A24-25. Variance to reduce the minimum side yard setback at 1921 Skibo Road (REID 0417090398000) and being the property of Skibo Square LLC.

5.0 PUBLIC HEARINGS (Public & Legislative)

5.01 P24-27. Rezoning from Mixed Residential 5 Conditional Zoning (MR-5/CZ) to Single Family Residential 10 (SF-10) located at 0 Carvers Falls Road (REID 0530996236000) totaling 3.32 acres ± and being the property of TG Ventures LLC.

5.02 P24-28. Rezoning of two properties from Office and Institutional (OI) to Limited Commercial (LC) located at 6966 and 6962 Nexus Court (REID #'s: 9496579924000 and 9496579996000) totaling 0.79 acres ± and being the properties of MCNL Enterprises LLC represented by Tejwant Chandi.

5.03 P24-29. Rezoning of one property from Planned Commercial (C(P)) to Community Commercial (CC), located at 3895 Clinton Road (REID: 0466379825000), totaling 2.97 acres ± and being the property of 3 Happy Campers LLC, represented by Bart McClain of William G. Daniel & Associates, PA.

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: 24-4076

Agenda Date: 6/11/2024

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: June 11, 2024

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

**MINUTES
CITY OF FAYETTEVILLE
ZONING COMMISSION MEETING
FAST TRANSIT CENTER COMMUNITY ROOM
MAY 14, 2024 @ 6:00 P.M.**

MEMBERS PRESENT

Pavan Patel, Chair
Alex Keith, Vice-Chair
Tyrone Simon
Justin Herbe, Alternate
Kevin Hight
Stephen McCorquodale
Clabon Lowe, Alternate

STAFF PRESENT

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

The Zoning Commission Meeting on Tuesday, May 14, 2024, was called to order by Chair Pavan Patel at 6 p.m. The members introduced themselves.

I. APPROVAL OF THE AGENDA

MOTION: Alex Keith made a motion to approve the agenda except amending it to move 4.03 after 4.05.

SECOND: Patel Pavan

VOTE: Unanimous (5-0)

**II. APPROVAL OF THE CONSENT AGENDA TO INCLUDE THE MINUTES FROM THE
APRIL 9, 2024, MEETING**

MOTION: Stephen McCorquodale

SECOND: Tyrone Simon

VOTE: Unanimous (5-0)

I. LEGISLATIVE HEARING

Mr. Patel discussed the aspects of the evidentiary hearing. Mr. Patel asked if any of the Board members had any partiality (conflicts of interest) to disclose regarding the case on the agenda for the evening. The commissioners did not have any partiality with the cases. Mr. Patel asked if any of the Board members had 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. Alex Keith, Justin Herbe, and Kevin Hight mentioned that they traveled to the neighborhood for case P24-22.

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

Demetrios Moutos presented case P24-07, which involves the initial zoning of approximately 3.5 acres from Planned Institutional (PI) in Cumberland County to Light Industrial (LI) in the City of Fayetteville. The property in question belongs to Bobcat of Fayetteville, an equipment dealer located on Highway 24. Mr. Moutos provided the board members with an aerial view of the subject property and noted that the current zoning for the area is

Planned Institutional (PI). The applicant seeks to rezone the property to Light Industrial (LI) upon annexation into the City of Fayetteville. The Future Land Use Plan designates the area as an employment center, which includes LI zoning uses.

Mr. Moutos showed pictures of the front and rear of the subject property and described the surrounding area as a mix of different uses. He mentioned that across from the subject property is a landscaping contracting office and a residential property located farther back at the intersection of Whitehead Road and Angelia M Street. An industrial facility is situated at 2239 Angelia M Street, behind Bobcat of Fayetteville to the north, and a maintenance facility is adjacent to the property to the west.

The property has been used for industrial and storage purposes since 1982, with the primary steel structure constructed in 1981. The current owner acquired the property in December 2020. The applicant will need to present plans for the subject property to the Technical Review Committee (TRC) and comply with all City regulations. Mr. Moutos informed the Board that the proposed rezoning is compatible with the surrounding area, aligns with the Future Land Use Plan, and is consistent with the 2040 Comprehensive Plan. He noted that the staff recommends approval of the rezoning and provided the Board with their voting options.

Mr. Patel opened the hearing for case P24-07.

Speakers in favor:

Gordon Rose, 230 Donaldson Street, # 500a, Fayetteville, NC 28301

- Mr. Rose said he is available to answer any questions.

Wilton Whitmore, 1015 NFC Hwy 66 S, Kernersville, NC 27285

- Mr. Whitmore said he represents the applicant and has been a part of the parent organization affiliated with the owners. He is anticipating the impact the developments will have on the community.
- Mr. Whitmore said they purchased the land in 2022.
- Mr. Whitmore said he is here to answer any questions.

Mr. Patel closed the hearing for case P24-07.

MOTION: Kevin Hight made a motion to approve case P24-07 based on consistency and reasonableness statements.

SECOND: Alex Keith

VOTE: Unanimous (5-0)

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

Heather Eckhardt presented case P24-21. The rezoning request was entered by George Rose for 1202 Irving Drive. The request is to rezone the property from Single-Family Residential 6 (SF-6) to Limited Commercial (LC). The area is located off of Ramsey Street to the north of the Cumberland County Public Health Department. The area is currently zoned SF-6 on a block that is almost entirely zoned Limited Commercial (LC) except for two parcels to the north and one to the south of the property that is zoned SF-6. The two parcels to the north are vacant, and the one to the south has a duplex. The Future Land Use Plan designated this area as a commercial strip redevelopment. The property is currently vacant and undeveloped. The area will be developed in conjunction with the property located to the east. To the north of the vacant property is a car wash, to the south is a duplex, and to the west is a residential subdivision. The redevelopments will allow for compliance with the Future Land

Use Plan which will allow for mixed uses in redevelopment through private investors. The Staff recommends approval of the rezoning to Limited Commercial (LC). Ms. Eckhardt informed the board about their voting options.

Mr. Patel opened the legislative hearing for case P24-21.

Speaker in favor:

George Rose, P.O. Box 53441, Fayetteville, NC 28305

- Mr. Rose said the Future Land Use plan supports the requested rezoning.
- The site will be redeveloped and the subject property will be used as an access point for the larger parcel on Ramsey St to the east.

Mr. Patel closed the hearing for case P24-21.

MOTION: Stephen McCorquodale made a motion to approve case P24-21 rezoning based on the presentation and the packet provided by City Staff. The rezoning is consistent with the Future Land Use Plan goals 1 and 2 to include 3, 4, and 5.

SECOND: Kevin Hight

VOTE: Unanimous (5-0)

Mr. Patel opened the hearing for case P24-23.

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

Demetrios Moutos presented case P24-23, which involves a petition to rezone multiple properties on Village Drive and Roxie Avenue from Single-Family Residential 10 (SF-10) and Limited Commercial (LC) to Office Institutional (OI) on 7.54 acres of land. Mr. Moutos showed the Board the location of the subject properties and highlighted that the surrounding properties are zoned Limited Commercial (LC), while the land north of the property is zoned Office Institutional (OI). The Future Land Use Plan designates the area north of Village Drive for Office Institutional use.

Mr. Moutos provided a brief history, noting that construction on the hospital began in 1954, and the 200-bed facility opened in 1956. Initially, the hospital had low admissions, but these increased by the late 1960s. Today, the Cape Fear Valley Health System is the 8th largest hospital, serving a wide variety of patients. The surrounding area, which originally had single-family homes, has seen significant changes due to medical office expansions. The hospital overlay area now includes medical and retail offices, the Cape Fear Valley Medical Center, and single-family homes. Nearby, the Bordeaux Shopping Center and a physical therapy office are located.

Mr. Moutos explained that the Hospital Overlay Plan designates the area for office use, aiming to consolidate lots, develop buildings, and transition to office use to buffer residential homes from direct office exposure. He pointed out where single-family residential areas are located and emphasized that the proposed rezoning supports public safety and welfare by promoting high-density development.

Mr. Moutos reiterated the recommendations, noting that the applicants are requesting rezoning for the north side of the property to support the goals of the overlay plan. He highlighted that Village Drive experiences fast-moving traffic, which is a consideration in the planning process. Finally, he provided the board members with their voting options.

Mr. Patel opened the legislative hearing for case P24-23.

Speakers in favor:

Brian Pearce, Cape Fear Valley Health System, 1638 Owen Drive, Fayetteville, NC 28304

- Mr. Pearce said they are glad about the expansion of the area.
- He said they have transformed the healthcare in the area. He said they are adding the sixth and seventh floors along with IC unit beds.
- Mr. Pearce said additional jobs and healthcare for the community. He said they are adding helipads on the roof to serve people outside of the area.
- Mr. Pearce has a partnership with Methodist University to have a medical center. The hospital wants to add education to healthcare.
- The medical school would be on the back of Village Drive. The property around this would serve as entrance to the school. In the fall of 2026, they will begin to accept students, starting with 80 students and eventually accepting 120 students.

Macklyn Sellers, Cape Fear Valley Health System, 1638 Owen Drive, Fayetteville, NC 28304

- Mr. Sellers leads the planning and project management and construction for the Cape Fear Health System and previously led project management at Atrium Health in Charlotte, North Carolina.
- He oversees an estimated 60-million-dollar project. He said they will be upgrading staff parking and the entrance off of Village Drive.
- Mr. Sellers said they will expand the daycare and the proverbial expansion to include the area on the corner of Owen and Village Drive. This area is typical of the growth from a community-based and regional-based hospital to a tertiary care center.
- He said Charlotte Medical was changed due to residency programs. Mr. Sellers said he could answer questions. He said there nice to have multiple ones.

Mr. Lowe asked about the daycare and Mr. Sellers said it is an employee daycare. Mr. Sellers said that they are recruiting nurses as well.

David Summer, Cape Fear Valley Health System, 1638 Owen Drive, Fayetteville, NC 28304

- David Summer said he was the project manager for the hospital project, and he is delighted to be a part of the project.
- Mr. Summer said he could answer questions.

Speaker in opposition:

James Davis, 3406 Village Drive, Fayetteville, NC 28304

- Mr. Davis has lived at his home for 62 years. He is opposed to the rezoning of his property because he has not sought to have it changed.

- He has no problem with the traffic in his neighborhood. He said decades ago there was an issue before changes to the entrance route to the hospital and he has not problem traveling to and from his home. Mr. Davis
- said speeding has always been an issue in the neighborhood since they paved the road.
- He reiterated that he does not want his property rezoned and he does not desire to relocate.
- Mr. Davis does not know where he would relocate, and he said the hospital system wouldn't provide him enough money to move. He noted as well that cost of housing is currently high.
- Mr. Davis said he hears noise from the hospital, and they are no problem to him. In reference to the hospital building another helipad, Mr. Davis said the building of the helipad is no problem for him as long as they do not drop anything on his roof.
- Mr. Davis does not want to move or have his property rezoned because he did not request the rezoning.
- Mr. Davis showed the Board where his property is located, noting that his backyard is right up against the hospital property.

Mr. Moutos explained that the hospital owns most of the land in the area except for Mr. Davis' property and a few other businesses. The hospital sent Mr. Davis and the other business owners a letter regarding the rezoning. In response to a question by Mr. Patel about the rezoning process, Mr. Moutos clarified that the City can petition to rezone properties. The hospital plans to rezone the properties as part of their proposed development.

Mr. Moutos explained that he could not address tax issues since he is not a tax professional. Mr. Hight expressed concern about potential unsolicited tax increases for residents and inquired about the four white parcels visible on the aerial map, which Mr. Moutos confirmed are owned by the hospital. Mr. Hight asked Mr. Davis how a tax increase would affect him, and Mr. Davis responded that it would make his taxes unaffordable. He added that due to his age, financial institutions would be unwilling to lend him money to relocate, potentially leaving him without housing.

Mr. McCorquodale asked if the address in question was Mr. Davis' primary residence, to which Mr. Davis confirmed it was. Mr. Lowe inquired about any programs to assist Mr. Davis with relocation. Mr. Pearce mentioned he had discussed with Mr. Davis the possibility of Mr. Davis selling his home, and Mr. Davis declined the offer. The hospital is not opposed to Mr. Davis staying in his home, but they want him to be aware that the hospital will build around him. Mr. Davis confirmed that traffic in the area was not an issue for him. Mr. Patel indicated that there are no plans for Mr. Davis' land to be involved in the project. Mr. Hight asked if other properties would be affected by the rezoning. Mr. Moutos listed three properties not owned by the hospital.

Mr. Hight asked about the location of new construction properties, and Mr. Moutos pointed out their locations, noting some dilapidated buildings in the area. Mr. Pearce stated that the property in question is owned by the hospital. Mr. Moutos showed the areas zoned Limited Commercial (LC). Mr. Keith mentioned that Mr. Davis could legally maintain a single-family home in the area, but securing a loan might be difficult if the house is in an office area. Mr. Harmon clarified that single-family housing is allowed in the Office Institutional (OI) zoning district and that Mr. Davis would be in legal conforming use even if not grandfathered in.

Mr. Hight asked again about the tax implications for Mr. Davis if the property is rezoned. Mr. Moutos said he sought information from the Cumberland County Tax Office, but they could not provide exact numbers as they are reevaluating. Mr. McCorquodale inquired whether properties owned by the hospital would need to comply with new standards if they had to rebuild. Mr. Harmon confirmed that Mr. Davis would need to meet current standards to rebuild on his property and noted that under voting option #2, the Board does not have to approve rezoning for all parcels in the request. Mr. Moutos explained that Mr. Davis could rebuild on his property under the OI zoning district.

Mr. Hight expressed surprise that the hospital was building on properties not yet rezoned, and Mr. Pearce clarified that they are not building on any properties before the rezoning request. Mr. Hight was uncomfortable with changing the zoning of a property without the owner's request and was surprised the City could do this. He indicated he was leaning towards voting option #2. Mr. Moutos pointed out the properties not owned by the hospital in response to Mr. Patel's question about the addresses. Mr. Keith asked about legal nonconforming areas, and Mr. Moutos explained that other businesses became legal nonconforming between 2000 and 2010. Property owners were notified about the rezoning request by the hospital. Mr. Moutos advised the board on how to state their motion if choosing option #2.

Mr. Patel closed the hearing for case P24-23.

MOTION: Kevin Hight made a motion to recommend approval of the map amendment to LC 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, but exempting those properties not owned by the Cape Fear Valley Health Hospital.

SECOND: Tyrone Simon

VOTE: Unanimous (5-0)

Mr. Patel opened the legislative hearing for case P24-24.

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

Craig Harmon presented case P24-22. Mr. Harmon said the applicant is the Charleston Group and the request is for a rezoning to Limited Commercial (LC) for two properties located at 7376 & 7376 Stoney Pointe Road. The smaller property has a house on it and the other property contains a horse pasture. This property is located at the intersection of Stoney Pointe Road and Dundle Road. Currently, the land is zoned Limited Commercial/Conditional. There are commercial-zoned properties across the street from the property. The Future Land Use Plan calls for mixed neighborhood use. This property came before the City 4-5 years ago with an initial rezoning and later a conditional rezoning. A condition placed on the property prohibits the owner from having a gas station and a grocery store on the property at the same time. Therefore, the property has been on the market for several years and the owners want the condition removed. Staff recommends approval of the rezoning request.

Mr. Pavan opened the hearing for case P24-24.

Speaker in favor:

Jonathan Charleston, The Charleston Group, 201 Hay Street, 2000, Fayetteville, NC 28306

- Mr. Charleston said he represents the property owner. The property was rezoned in 2018 to Limited Commercial (LC) due to the emerging commercial uses in the area. He said the property has been marketed for redevelopment since that period.
- The property would be developed better without the conditions.
- He asked that the property be rezoned Limited Commercial.

Mr. Keith asked Mr. Charleston about restrictions on the property and Mr. Charleston said there were no restrictions on this property.

Mr. Patel closed the hearing for case P24-24.

MOTION: Tyrone Simon made a motion to approve case P24-24 for rezoning from Limited Commercial Conditional Zoning (LC/CZ) to Limited Commercial (LC) of the property located at 7376 & 7376 Stoney Point Road in accordance with the consistency and reasonableness statement and the land use and strategies and the proposed zoning amendments and is reasonably in the public interests and because it supports the policies and compliments the plan.

SECOND: Alex Keith

VOTE: Unanimous (5-0)

P24-22. Zoning map amendment from Rural Residential (RR) (County) and Single-Family Residential 15 (SF-15) to Mixed Residential 5 Conditional Zoning (MR-5/CZ) located at 1666, 1674 & unaddressed Cedar Creek Road and 1678 & unaddressed Fields Road (REID #s 0446803573000, 0446804658000, 0446709250000, 0445892478000, and 0445894268000) totaling 28.67 acres ± and being the property of Cedar Creek Road, LLC.

Craig Harmon presented case P24-22. He said the owner is Charleston Group and it is part of an annexation. The properties in question are over 27 acres, and the land is located along Cedar Creek Road and in the Lots Creek subdivision. The property is zoned Single-Family Residential 10 (SF-10). Commercial zoning in front of the property across Cedar Creek Road. The Land Use Plan calls for OI zoning and he showed a photo of the property and surrounding properties (undeveloped). He said the site plan is not part of the conditional zoning, but it has gone before the Technical Review Committee for comments. Currently, there is a condition on the property that they would only be able to put 300 residential units on the property. Under MR-5 zoning the owners would be able to put 640 units on the property. Mr. Harmon showed pictures of the elevations of what the owners plan to do in the area. Mr. Harmon reiterated that their condition is no more than 300 residential districts that would fit for this area's needs. He said the area is appropriate for residential density. Staff recommends approval of this to MR zoning.

Mr. Patel opened the hearing for case P24-22.

Speakers in favor:

Jonathan Charleston, The Charleston Group, 201 Hay Street, 2000, Fayetteville, NC 28306

- Mr. Charleston said he would not repeat items previously discussed. He handed the board members copies of the restrictive covenants. Mr. Charleston said the people who sold the property to the current owners put restrictions on the property. He read the restrictions.
- He pointed out that there were questions about the type of housing, and he said there would be market-rate units. Mr. Charleston said the minutes from the previous meeting and folks against had issues with flooding. He points out the staff report notes that pumps would be installed to minimize flooding.
- Mr. Charleston said in the minutes that there was funding available to deal with flooding and it was Cumberland County's responsibility. He pointed out that there was discussion about wildlife protection, but there are no federal rules governing wildlife protection and there was no evidence of crime that was mentioned in the minutes of the previous meeting.

- Mr. Charleston said in Cumberland County, we are 20,000 units short in the housing market. He points out that there was no data or evidence presented in the past meeting.
- Mr. Charleston said the City has put things in place to deal with the flooding issue. He noted that the City stormwater management would have to approve any plans before a permit was issued.
- Mr. Charleston reminded the Board that the Land Use Plan is just a guide, and it is not binding on the City. This project meets all of the requirements for use on this land. He said there are already commercial uses in the area including a hotel. The area is suited for commercial development.
- Mr. Charleston mentioned the limit IC of 300 units and noted that the owners should be able to develop on land to its highest use. He said that other counties had 30% growth and Cumberland County had 4% growth. Mr. Charleston said the opposition asked the Board to look at the staff findings and he agrees that the Future Land Use Plans are simply a guide. He said the plans were developed over 20 years ago and they are five years outdated and the city would have to approve any changes. Mr. Charleston noted the restrictive covenants that were applied to the property.

Mr. Hight asked Mr. Charleston why low-income families were added to the deed. Mr. Charleston said the owners would not sell without this.

Speakers in opposition:

David Cameron, 1614 Cedar Creek Road, Fayetteville, NC 28312

- Mr. Cameron said his family lived on his property since 1910.
- He brought pictures of the 2018 flood that flooded the area. It flooded Lots Creek after Hurricane Matthew.
- Mr. Cameron said the original plan for Lots Creek was only 30 houses and now there are more houses in the area. He said houses were built on stilts.
- He showed pictures of land on Water Oak Drive. Mr. Cameron said that in the area twelve acres are dry land.
- He said the water is going to go back into the area where his property is located. Mr. Cameron said in the past the area could not be built on because the area was considered wetland.
- He said Pickle Ball bought land in the area. They cleared land up to a coffee shop and the water will not be able to drain past Lots Creek. Mr. Cameron said when storm systems have come through the area, they had to rescue people. He. Wants to know how to alleviate the problems of flooding.

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

- Mr. Naylor said the property can be divided. He showed the board pictures of the area where the swamp land is located.
- Mr. Naylor had a picture of the area during a dry spell. He said that single-family homes could be built in the area. The areas are storm prone.
- Mr. Naylor said the property is located within a mile of the hospital. He said previous builders have passed on this area. It has been available for sale for 10 years.
- Mr. Naylor wants the zoning kept as is for the betterment of the community. He mentioned a neighbor who wrote a letter to the board and said she had not been contacted at all about the development.

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

- Mr. Purdue has a 10-acre farm on his property. He said his points are based on the submission to the zoning board. He noted that home ownership is not a choice for -.
- Mr. Purdue said the highest and best use does not mean higher revenue.
- He said he has farmland that could be used for apartments, but it would not be the best use.
- Mr. Purdue said the Land Use plan was updated in 2022 and no one is doing anything with this plan.

MOTION: Pavan Patel made a motion to add 10 minutes to the time for speakers in opposition to case P24-22.

SECOND: Alex Keith

VOTE: Unanimous (5-0)

- Mr. Perdue talked about the covenant and said the Technical Review Committee did to address the issues, but they discussed general ideas. He addressed issues in the Future Land Use Plan.
- He talked about the areas mentioned in the FLUP and the Comprehensive Land Use Plan.
- Mr. Purdue showed the board members pictures of properties revealing the selling cost of a property that did not sell.

MOTION: Kevin Hight made a motion to add another 5 minutes for speakers in opposition.

SECOND: Stephen McCorquodale

VOTE: Unanimous (5-0)

Channing Perdue, 1531 Cedar Creek Road, Fayetteville, NC 28301

- Ms. Perdue noted that utilities were not contacted in the TRC Review.
- Storm water retention said the water would have to be pumped out into Lots Creek.
- Ms. Perdue showed that the area is highly saturated.
- She said the surrounding tributaries flow into Lots Creek.
- Ms. Perdue read information from the UDO guidelines.
- She said to accept this rezoning is a reckless endangerment to the community.

Jeremy Stanley, 2313 Cleveland Avenue, Fayetteville, NC 28312

- Mr. Stanley said he is familiar with the flooding in the area and the schools are full.
- Cape Fear and MacWilliams need to build sheds.
- Buses are not getting in the area until 6 p.m.

There was a vote for a 10-minute break at 8 p.m. The meeting resumed at 8:09.

Mr. Patel asked for a motion for more time for the speaker. Hight asked about how the time would work.

MOTION: Stephen McCorquodale made a motion to add 5 minutes for speakers in opposition.

SECOND: Alex Keith

VOTE: Unanimous (4-1) (Kevin Hight Opposed)

- Jeremy Stanley said wildlife is not in the area but there is a crawfish in the area that are protected, and his neighbor has a bald eagle.

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

- Ms. Ackles wants to address the Future Land Use Plan.
- She asked what you would have the Future Land Use Plan if you were not going to use it.
- Ms. Ackles makes references to the Future Land Use Plan and shows maps of the area in question.
- She notes that they want to put them to mixed-use. This would kill the aforementioned 300 units. The Cape Fear area does not allow for intense development due to the hydric soils. The vast floodplain in the area to has a footprint on areas to include east of downtown. New developers should respect these constraints.
- The changing climate will lead to stronger rainstorms that will affect the food plain's ability to absorb and retain water. Minimizing or eliminating development in the flood plain should be pursued to protect existing investment on the fringe and allow these lands to serve their highest and best functions, storing floodwaters.
- Ms. Ackles said some of what Mr. Charleston was saying goes against what is in the plan.
- Ms. Ackles reiterated the need for stormwater control requirements to reduce the impact of new developments on surrounding areas to include the impact on adjacent properties such as her home.
- She said everyone in her neighborhood would be underwater. Ms. Ackles advised the Board not to pass the rezoning.

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

- Mr. Lowe has lived in the Fayetteville for 20 years and served 30 years in law enforcement in the Fort Bragg/Cumberland County Sheriffs Department. He noted that crime is on the rise as noted on the City website.
- Mr. Lowe said crime will be on the rise with development of apartments. He mentioned that he has served his community and worked in the school system and added that there is a shortage of law enforcement officers. Mr. Lowe said soldiers are not the source of crime, but they are the victims.
- Mr. Lowe said he is a retired soldier, like many who have moved to Fayetteville from other cities. He moved here from Missouri, and he knows about crime and that it is on the rise.

Jonathan Charleston Rebuttal

- Mr. Charleston said that he understands that people have concerns about how the development will affect their property. He said the property owner (who requested the rezoning) has the right to develop their land to the highest use. Mr. Charleston referenced the Lots Creek improvement plan, noting as stated by Mr. Purdue that the plan had not been updated. He advised the Board to review the Lots Creek improvement plan which involves the installation of approximately 2300 linear feet of new storm pipes. Most importantly it refers to the estimated construction cost and the bid for those costs which will be released in May of 2024 and addressing the stormwater issues by August of 2024. Mr. Charleston points out that the zoning commission is aware that the stormwater management requirements are dictated by the North Carolina Department of Environmental Quality and determine what can be developed on that site as well as the City of Fayetteville.
- Mr. Charleston referred to the Technical Review Committee comments that note that the site is subject to the requirements of the North Carolina Department of Environmental Quality in respect to the

management of stormwater and the City of Fayetteville stormwater requirements. Mr. Charleston added that the City has not arrived at the point of addressing the stormwater issue yet. Once the rezoning is approved, he said the next step is for the applicant to get further approval from the State and City. Mr. Charleston addressed the issue of neighbors not being aware of the restrictive covenant, when in fact they signed the restrictive covenant. He pointed out the signatures on the restrictive covenant, urging the Board to make note of this.

- Mr. Charleston addressed the issue of the extensive period in which the property had been on the market. He said the property has been on the market a while due to demand. Now the demand is here for multi-family development. He discussed the gradual increase in demand for multi-family units in the Fayetteville/Fort Bragg area. Currently the City is 22,000 housing units short according to City records, and the City does not have enough multi-family units available to meet the growing demand. He noted that people need housing, referring to soldiers that prefer rental properties due to sudden deployment as mentioned by Mr. Perdue. Mr. Charleston added that if the City does not meet this demand, people will move to surrounding counties where multi-family housing is on the rise.
- Mr. Charleston said the reality is the way this project will be developed will not create an unreasonable burden on those involved. The developer will have to meet all of the standards prescribed by the City and the State. He added that the developer assumes all of the risk in this endeavor. All the Board is asked to do is approve this rezoning so that the developer can build on the property in accordance with the 300 units, which are subject to development standards to include Stormwater management. Otherwise, this development cannot not be built. Mr. Charleston asked the Board to look at the City Staff report, which talks about the specifics of this conditional rezoning.
- Referring to the City Staff report, Mr. Charleston noted the rating and type of zoning of the area for development. He informed the Board that a property that is rezoned for a certain type of development may not develop unless they meet all of the requirements of the City and State. He pointed out in the report that there is a well documented housing shortage in Fayetteville. He said that statutes and the land use plan are a guide and can evolve. North Carolina general statutes determine the conditions. The staff notes in their report that the project does meet the state requirements and it follows the Future Land Use Plan based on the consistency and reasonableness statements.
- Mr. Charleston noted that there was mention by the opposition of wildlife in the area, but there is no evidence that there is wildlife in that area. Mr. Charleston said the developer has to take into effect what is in the environment. He explained that the property owner, Mr. Collins, is here to answer questions. Mr. Charleston said according to the Staff report, there are no traffic issues. In relation to the effects on schools, Mr. Charleston said the school board has to deal with their issues and not the city or state.
- Mr. Charleston said there is no evidence that multi-family housing brings crime to an area. There was no evidence of crime in the aforementioned area. It is an indictment on the servicemen and women who live in the area to say that they usher in crime when they move into apartments. Mr. Charleston understands the residents' concerns, but the applicant has done everything right and should be able to develop on his land.

Mr. McCorquodale asked Mr. Charleston if the delay in determining the stormwater issue is due to the need to receive approval from the Board for the rezoning. Then, the developer can give the green light to the engineer to determine the stormwater issues. Mr. Charleston referred the question to the developer for a response.

Mr. Collins answered in agreement by stating that they have to go to the engineer so he can determine those stormwater issues. Mr. McCorquodale clarified that the project is located in an area with watershed problems. Therefore, modifications will be made such as doubling the size of the pond on the property so that the developer loses buildable area for housing units. Mr. Collins agreed and noted that he just wants to build housing and all he is asking for is the rezoning to do so. He added that the water issue has to be handled properly or the City can shut their project down. All he is asking is for the rezoning, so he can have enough room to build housing units. Mr. McCorquodale explained he just wanted clarification on this issue. Mr. Charleston clarified that the process involves obtaining approval from the board for the rezoning and then soliciting an engineer.

Mr. Patel closed the hearing. Mr. Hight said these are the best presentations by opposition he has seen in eight years and his veto stands from last time (referring to the previous hearing on this development). Mr. Patel said he is concerned with the stormwater issue. Mr. Patel has witnessed the effects of storms, and he understands the economics of such a project. He noted that the stormwater division will point out the modifications necessary for this project. Mr. Patel explained that there are permits that the applicant must apply for. He points out that there is still a lot of work to do on the stormwater side. Mr. Hight mentioned his concern that the evidence presented provides the Board with an understanding the negative impacts of moving forward and approving this zoning request. He said it could result in an environmental disaster. Mr. Patel asked the Staff if the stormwater recommendations would have to benefit the rest of the community. Mr. McCorquodale informed the board that the engineers would make determinations with this property as they would any development. Mr. Hight emphatically emphasized that the residents within that community brought concerns to the Board about this project.

Mr. Patel inquired if the owners could get City services without annexation. Ms. Harper said the owner could receive City utility services even if they request and are denied annexation in the City. Mr. Simon asked the Staff if the board approved the rezoning, the stormwater issue would have to be addressed before the developer could build on the property. Therefore, the Board is just charged to approve the rezoning request at this time, nothing else. Mr. Simon stated that the Board is not voting on the drainage issue now. The Staff agreed. Mr. Keith mentioned that the Board has heard conflicting views on issues about the density of the area, and Mr. Harmon said it was medium to medium-high density. Mr. Hight asked to see the voting options.

MOTION: Kevin Hight made a motion to deny the rezoning request for case P24-22 because it does not meet all of the consistency and reasonableness statements presented to the Board. The amendment does not include conditions that would limit potential negative impacts on neighbor uses. Mr. Hight said he did not believe the size and conditions of this project would benefit the surrounding communities, and the purposed land use is inconsistent with the land designation on the Future Land Use Map.

SECOND:

VOTE:

There was not a second, so the motion was not before the Board at that time.

MOTION: Stephen McCorquodale made a motion to approve the map amendment to MR-5/CZ based on the evidence submitted and presented by Staff-based on the evidence by Staff and the documentation from the Technical Review Committee.

SECOND: Tyrone Simon

VOTE: 4-1 (Kevin Hight Opposed)

III. OTHER BUSINESS

Mr. Harmon said there were no additional items for the Board to discuss during the meeting.

IV. ADJOURNMENT

MOTION: Tyrone Simon made a motion to adjourn the May 12, 2024, meeting.

SECOND: Stephen McCorquodale

VOTE: Unanimous (5-0)

The meeting adjourned at 8:56 p.m.

Respectfully submitted by Catina Evans

DRAFT



City of Fayetteville

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

City Council Action Memo

File Number: 24-4059

Agenda Date: 6/11/2024

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: June 11, 2024

RE:

A24-25. Variance to reduce the minimum side yard setback at 1921 Skibo Road (REID 0417090398000) and being the property of Skibo Square LLC.

COUNCIL DISTRICT(S):

9 - Deno Hondros

Relationship To Strategic Plan:

Strategic Operating Plan FY 2022

Goals 2027

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

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

Executive Summary:

The applicant is requesting a variance to reduce the minimum side yard setback from 3 feet to 0 feet to accommodate a new drive through canopy.

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: Skibo Square LLC

Applicant: Bohler Engineering

Requested Action: Reduce minimum side yard setback from 3 feet to 0 feet

Zoning District: Community Commercial (CC)

Property Address: 1921 Skibo Road

Size: 1.19 acres ±

Existing Land Use: Drive through restaurant

Surrounding Zoning and Land Uses

- North: CC - Car wash (USA Express)
- South: CC - Drive through restaurant (Taco Bell)
- East: CC - Large retail establishment (Lowe's)
- West: CC - Retail (David's Bridal, 2nd & Charles)

Letters Mailed: 15

Issues/Analysis:

The subject property is the location of a freestanding Chick-Fil-A restaurant. The original Chick-Fil-A was constructed between 1994 and 1995. The site was redeveloped in 2014. The current building was built next to the original to allow the business to remain open and serve customers. This resulted in the current building being located closer to the side yard setback than the original. The original structure was located closer to Campground Church Road.

The surrounding area is an existing retail shopping center located along one of Fayetteville's major corridors, Skibo Road. The property immediately adjacent to the proposed canopy is an existing Taco Bell restaurant.

Due to an increased demand for drive through service, many Chick-Fil-A sites are being updated to accommodate a double drive through with a canopy. The subject property currently has a double drive through that converges into a single drive through under a single canopy. A variance to reduce the side yard setback to 0 feet is needed to accommodate the double drive through and larger canopy that has become standard for Chick-Fil-A.

The requested variance would only reduce the required setback and would not change any landscaping or buffering requirements outlined by the Unified Development Ordinance.

Insufficient Justification for Variance

The following does not constitute grounds for a Variance:

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

Subsequent Development

The applicant is requesting to reduce the side yard setback to 0 feet to allow a larger double canopy to be constructed. This larger canopy will cover the planned drive through expansion.

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 "This parcel has a setback restriction that would create an unnecessary hardship as the building canopy would not be able to cover the second drive through lane."

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 "This parcel has a setback restriction that would prohibit the building canopy from covering the proposed second lane. With this variance, the parcel would conform to the design standards of surrounding 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 "Proposed canopy is minimum width that would be required to cover both proposed pick up lanes at the meal delivery window."

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 "Proposed two lane pick up point with dual-lane canopy is proposed to better enhance traffic flow through the site and minimize traffic queuing/back up into adjacent parcels."

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

The applicant states "With reducing queuing in the drive through that will be allowed by the dual lane pick up window, safer traffic flow will occur throughout the shopping center."

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 required side yard setback to 0 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**#1310670****Project Title:** Chick-Fil-A #00875 - SKIBO SQUARE FSU**Jurisdiction:** City of Fayetteville**Application Type:** 5.4) Variance**State:** NC**Workflow:** Staff Review**County:** Cumberland**Project Location****Project Address or PIN:** 1921 SKIBO RD (0417090398000) **Zip Code:** 28314Is it in Fayetteville? [Click this link to the Cumberland County Tax Office GIS system](#)**GIS Verified Data****Property Owner: Parcel**

- 1921 SKIBO RD: SKIBO SQUARE LLC

Acreage: Parcel

- 1921 SKIBO RD: 1.19

Zoning District: Zoning District

- 1921 SKIBO RD: CC

Subdivision Name:**Fire District:****Airport Overlay District:****Hospital Overlay District:****Coliseum Tourism District:****Cape Fear District:****Downtown Historic District:****Haymount Historic District:****Floodway:****100 Year Flood:** <100YearFlood>**500 Year Flood:** <500YearFlood>**Watershed:****Variance Request Information****Requested Variances:** Minimum yard/setback**Section of the City Code from which the variance is being requested.:** Specific Lot Requirement - Not City Code Related**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 for the building/buffer setback to be reduced to 0' to conform to the surrounding parcels

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

Zoning designation is CC, all existing use surrounding the parcel is commercial.

Justification for Variance Request - Use this and the following pages to answer the questions (upload additional sheets if necessary).The Variance Standards states: A variance application shall be approved only upon a finding that all of the following standards are met.

1. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships; it shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;
2. Any practical difficulties or unnecessary hardships result from unique

3. circumstances related to the land, such as location, size, or topography, and are not the result from conditions that are common to the neighborhood or the general public be the basis from granting a variance;
4. The Variance is the minimum action that will make possible a reasonable use of land or structures;
5. The Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit; and
6. In the granting of this Variance, the public safety and welfare have been assured and substantial justice has been done.

Expiration - Variance

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

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

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

1. Unsure how to answer.
2. This parcel has a setback restriction that would create an unnecessary hardship as the building canopy would not be able to cover the second drive through lane.
3. Correct, with the variance, a reasonable use of the canopy structure would be allowed.
4. Correct, the variance is in harmony with the design standards of the surrounding parcels.
5. Correct, the variance will enhance public safety and welfare as the drive through pickup area would be fully covered.

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.:

This parcel has a setback restriction that would prohibit the building canopy from covering the proposed second lane. With this variance, the parcel would conform to the design standards of surrounding lots.

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

Proposed canopy is minimum width that would be required to cover both proposed pick up lanes at the meal delivery window.

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

Proposed two lane pick up point with dual-lane canopy is proposed to better enhance traffic flow through the site and minimize traffic queuing/back up into adjacent parcels.

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

With reducing queuing in the drive through that will be allowed by the dual lane pick up window, safer traffic flow will occur throughout the shopping center.

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

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

Andrew Ber
Skibo Square LLC
5200 Buffington Road
Atlanta, GA 30349
P:7044494530
Andrew.Bernard@jll.com

Project Contact - Agent/Representative

Ryan Gallagher
Bohler
4130 Parklake Ave., Suite 200
Fayetteville, NC 27612
P:9195789000
rgallagher@bohlereng.com

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

NC State General Contractor's License Number:

NC State Electrical Contractor #1 License Number:

NC State Electrical Contractor #2 License Number:

NC State Electrical Contractor #3 License Number:

NC State Mechanical Contractor's #1 License Number:

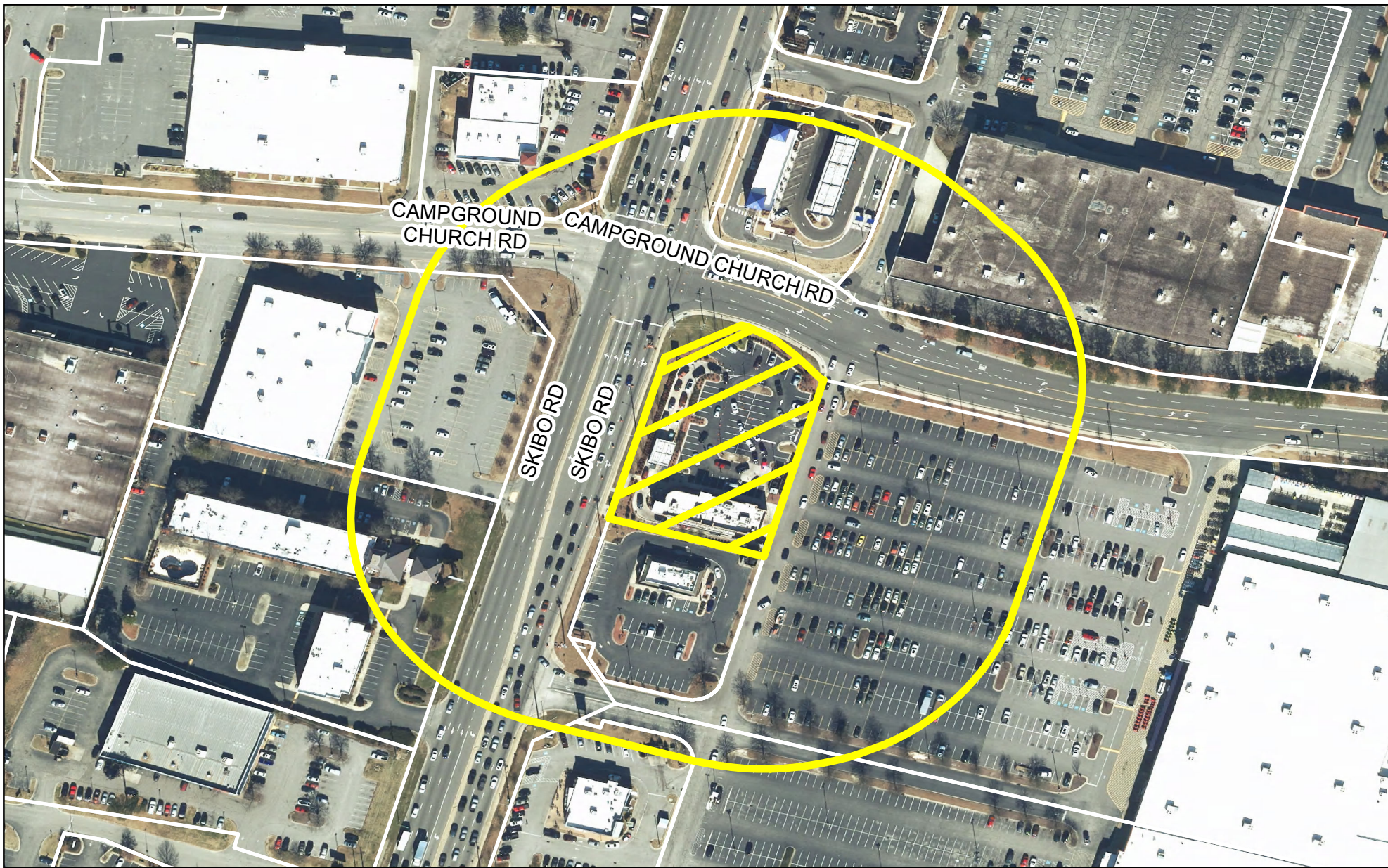
NC State Mechanical Contractor's #2 License Number:

NC State Mechanical Contractor:

NC State Plumbing Contractor #1 License Number:

NC State Plumbing Contractor #2 License Number:

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



Aerial Notification Map

Case #: A24-25

Request: Variance

Location: 1921 Skibo Road

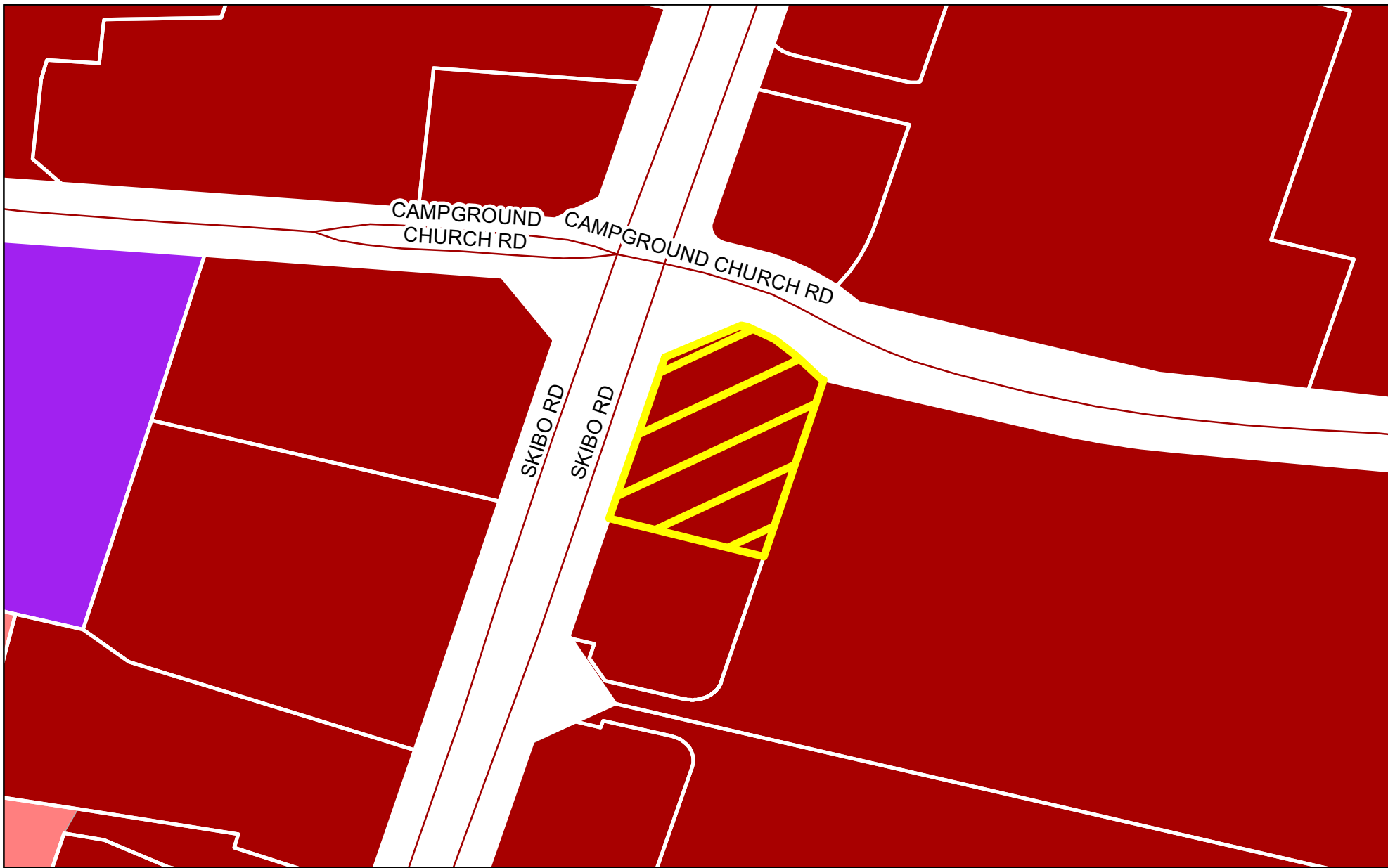
Legend

-  A24-25
-  A24-25 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 #: A24-25

Request: Variance
Location: 1921 Skibo Road

Legend

- | | | | |
|---|--------|---|---------------------------|
|  | A24-25 |  | CC - Community Commercial |
| | |  | HI - Heavy Industrial |
| | |  | LC - Limited Commercial |



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





Land Use Map

Case #: A24-25

Request: Variance

Location: 1921 Skibo Road

Legend



A24-25 Land Use Plan 2040

Character Areas



RC - REGIONAL CENTER

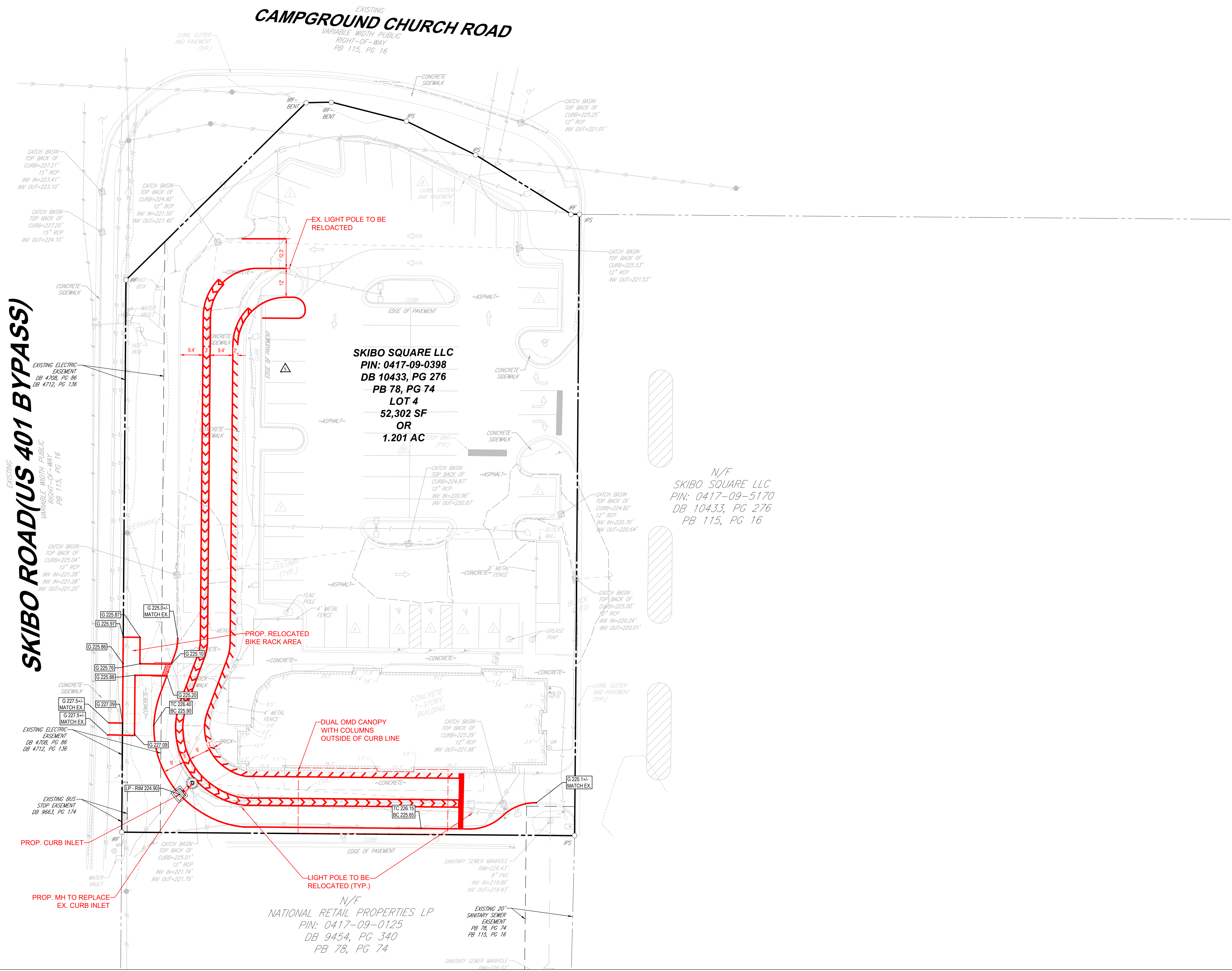


Letters are being sent to all property owners within the 300' buffer. Subject property is shown in the hatched pattern.









- CONCEPT PLAN NOTES**
1. THIS CONCEPT WAS PREPARED STRICTLY AND SOLELY BASED UPON INFORMATION IDENTIFIED IN THE PLAN REFERENCES.
 2. THE CONCEPT REPRESENTED HEREIN IDENTIFIES A DESIGN CONCEPT RESULTING SOLELY FROM LAYOUT PREFERENCES AND GUIDANCE DICTATED AND IDENTIFIED SOLELY BY THE CLIENT. THE FEASIBILITY WITH RESPECT TO OBTAINING LOCAL, COUNTY, STATE, AND OTHER APPLICABLE APPROVALS IS NOT WARRANTED, AND CAN ONLY BE ASSESSED AFTER FURTHER EXAMINATION AND VERIFICATION OF APPLICABLE REQUIREMENTS AND THE PROCUREMENT OF ALL NECESSARY JURISDICTIONAL APPROVALS.
 3. THIS CONCEPTUAL PLAN IS PREPARED FOR CONCEPTUAL PRESENTATION PURPOSES ONLY, AND IS NOT INTENDED TO AND SHOULD NOT BE UTILIZED AS A ZONING AND CONSTRUCTION DOCUMENT.
 4. IT IS STRONGLY RECOMMENDED THAT A ZONING CONFORMANCE ANALYSIS BE PERFORMED TO DETERMINE AND EVALUATE IF THERE ARE ANY RESTRICTIONS AND/OR ZONING ISSUES, CONCERNS OR RESTRICTIONS THAT MAY OR COULD IMPACT THE FEASIBILITY OF THIS PROJECT AS THE OWNER HAS DESCRIBED IT.

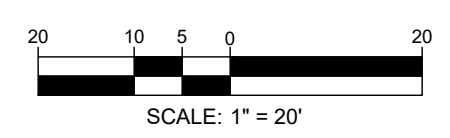
PRELIMINARY INFORMATION	
PARCEL SIZE FROM SURVEY	± 1.200 AC
ZONING (CITY OF FAYETTEVILLE)	CC
MINIMUM ALLOWED PARKING (CITY OF FAYETTEVILLE)	1 SPACE FOR EACH ONE-HUNDRED FIFTY (150) SQUARE FEET (INCLUDING OUTDOOR WAITING/SEATING/DINING AREAS)= 36 SPACES
PROPOSED SPACES	57
FRONT BUILDING SETBACK	25'
REAR BUILDING SETBACK	N/A
SIDE BUILDING SETBACK	25' (LEFT)
FRONT LANDSCAPE BUFFER	10'
REAR LANDSCAPE BUFFER	N/A
TOTAL QUEUE LENGTH	660'

BOHLER 
BOHLER ENGINEERING NC, PLLC
NCBELS P-1132
1927 S. TRYON STREET, SUITE 310
CHARLOTTE, NC 28203
Phone: (980) 272-3400
Fax: (980) 272-3401
NC@BohlerEng.com

#00875 - SKIBO SQUARE FSU



FAYETTEVILLE, NC 28314 | REV. 0





City of Fayetteville

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

City Council Action Memo

File Number: 24-4060

Agenda Date: 6/11/2024

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: June 11, 2024

RE:

P24-27. Rezoning from Mixed Residential 5 Conditional Zoning (MR-5/CZ) to Single Family Residential 10 (SF-10) located at 0 Carvers Falls Road (REID 0530996236000) totaling 3.32 acres ± and being the property of TG Ventures LLC.

COUNCIL DISTRICT(S):

1 - Kathy Jensen

Relationship To Strategic Plan:

Strategic Operating Plan FY 2022

Goals 2027

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

- Objective 2.1 - To ensure a diverse City tax base

Goal III: City invested in Today and Tomorrow

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

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

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

Executive Summary:

The applicant is seeking to rezone an unaddressed parcel on Carvers Falls Road from Mixed Residential 5 Conditional Zoning (MR-5/CZ) to Single Family Residential 10 (SF-10).

Background:

Owner/Applicant: Greg Caulder of TG Ventures LLC

Requested Action: MR-5/CZ to SF-10

REID #: 0530996236000

Council District: 1 - Kathy Jensen

Status of Property: Vacant

Size: 3.32 acres

Adjoining Land Use & Zoning:

- North: MR-5 - Multi-family dwellings
- South: PND (County) - Single family house & undeveloped land
- East: SF-10 - Single family house
- West: SF-6 - Single family house

Annual Average Daily Traffic: Ramsey Street: 29,500 (2021)

Letters Mailed: 44

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 Community Center (CC). Community Center is intended for commercial spaces that are 3-5 stories with high-density residential and multi-family intermixed. The adjacent parcels to the south are intended for Low-Density Residential development.

Issues/Analysis:

History:

The subject property was annexed into the city in 2005 as part of the Phase 5 Annexation project and has been undeveloped since the late 1960's. The subject property is located at the edge of the Cape Fear River Overlay District. The Cape Fear River Overlay District was created in 2016 to celebrate, conserve, promote, and manage those areas on both sides of the Cape Fear River within the corporate limits. The Cape Fear River Overlay district has two primary regulations: prohibition of certain uses and river setback buffers. The standards of the Cape Fear River Overlay District will not affect this rezoning as the proposed use is a permitted use within the district and the river setback buffers only apply to properties that abut the Cape Fear River. The subject property was previously rezoned in 2023 from Single Family Residential 10 (SF-10) to Mixed Residential 5 Conditional Zoning (MR-5/CZ) with the intent of developing a small duplex community. Subsequently, the owner has determined that a duplex community would not be feasible and has requested to return the property to its previous residential zoning district of SF-10.

Surrounding Area:

The surrounding area has a variety of zoning districts ranging from Single Family 6 (SF-6) to Community Commercial (CC). The area to the north of the subject property is currently zoned Mixed Residential 5 (MR-5) and has been developed as three apartment complexes. The area to the west at the intersection of Ramsey Street and Carvers Falls Road is currently zoned Community Commercial and the area has been developed with a variety of commercial uses such as offices and automotive repair. Between the subject property and the commercial area, there are three parcels that are zoned Single Family 6 and there are single-family houses on the properties. The areas to the east and south of the subject property are zoned Planned Neighborhood Development (PND) in the County and Single Family 10 (SF-10). These areas are residential in nature.

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 request is for conditional zoning from Mixed Residential 5 Conditional

Zoning (MR-5/CZ) to Single Family Residential 10 (SF-10).

The Single-Family Residential 10 (SF-10) District is established to accommodate principally single-family detached residential development at low densities, and to accommodate flexibly designed residential development that provides variable housing types and arrangements that respond to environmental and site conditions. The reclassification of land to a base zoning district without conditions allows all of the uses that are shown on the Use Table taken from the UDO. The Zoning Commission may not consider conditions or restrictions on the range of allowable uses, use standards, development intensities, development standards, and other applicable regulations.

Land Use Plan Analysis:

According to the Future Land Use Map & Plan, this general area is recommended to be developed as Community Center (CC). Community Center calls for nonresidential leasable spaces with high-density residential and multi-family intermixed and single-family on the edges.

According to the 2040 Future Land Use Plan, this proposed development falls within Goal #1: Focus value and investment around infrastructure and strategic nodes and Goal #4: Foster safe, stable, and attractive neighborhoods.

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

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

- 1.7: Encourage a logical progression of housing development and discourage "leapfrog" development.

LUP 2: Encourage strategic economic development

- 2.1: Encourage economic development in designated areas

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

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

LUP 6: Encourage development standards that result in quality neighborhoods

- 6.1: Encourage quality neighborhood design through maintaining and improving standards for streets, sidewalks, stormwater, and open space.

Consistency and Reasonableness Statements:

The Future Land Use Plan also sets forth written goals, policies, and strategies. This application follows 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 applicant is requesting to return the property to its original zoning of Single Family Residential 10. This is in keeping with the adjacent parcels to the east and history of the subject property.

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 SF-10 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 SF-10 based on the following:

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

Attachments:

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

Project Overview

#1322349

Project Title: Carvers Falls**Jurisdiction:** City of Fayetteville**Application Type:** 5.1) Rezoning (Map Amendment)**State:** NC**Workflow:** Staff Review**County:** Cumberland**Project Location****Project Address or PIN:** 0 ? DR (0530996236000)**Zip Code:** 28311Is it in Fayetteville? [Click this link to the Cumberland County Tax Office GIS system](#)**GIS Verified Data****Property Owner: Parcel**

- 0 ? DR: TG VENTURES LLC

Acreage: Parcel

- 0 ? DR: 3.32

Zoning District: Zoning District

- 0 ? DR: SF-10

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

- 0 ? DR: 0

Haymount Historic District:**Floodway:****100 Year Flood:** <100YearFlood>**500 Year Flood:** <500YearFlood>**Watershed:****General Project Information****Has the land been the subject of a map amendment application in the last five years?:** Yes**Previous Amendment Approval Date:** 08/14/2023**Previous Amendment Case #:** P23-21**Proposed Zoning District:** Single Family Residential 10**Acreage to be Rezoned:** 3.32**Is this application related to an annexation?:** No**Water Service:** Public**Sewer Service:** Private**A) Please describe all existing uses of the land and existing structures on the site, if any:****B) Please describe the zoning district designation and existing uses of lands adjacent to and across the street from the subject site.:**

There are no current uses of land to include no current structures on land.

The land directly across the street is multi-family housing. The land to the left and right of this parcel is single family housing.

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

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

We are planning to build single family homes.

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

It is currently zoned as multifamily and we are wanting to zone it to single family.

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

The need for more single family housing.

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.:

Due to the land to the right and left of this property also being single family, we plan on extending this land to single family housing to match the surrounding zones.

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

As stated before the other land surrounding the property is single family housing creating uniformity in the area.

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

None

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

None

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

This rezoning would be harmonious to adjacent zonings.

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

The rezoning should have no negative impact on surrounding property values.

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

There will be no negative impacts and all development will be permitted through the proper regulatory agencies.

Primary Contact Information

Contractor's NC ID#:

Project Owner

Greg Caulder
TG Ventures LLC
9820 US Hwy 301 North
Lumberton, NC 28360
P:9108024959
gmcconstruction3@gmail.com

Project Contact - Agent/Representative

Greg Caulder
TG Ventures LLC
9820 US Hwy 301 North
Lumberton, NC 28360
P:9108024959
gmcconstruction3@gmail.com

Project Contact - Primary Point of Contact for the Developer

Greg Caulder
TG Ventures LLC
9820 US Hwy 301 North
Lumberton, NC 28360
P:9108024959
gmcconstruction3@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 Electrical Contractor #3 License Number:

NC State Mechanical Contractor's #1 License Number:

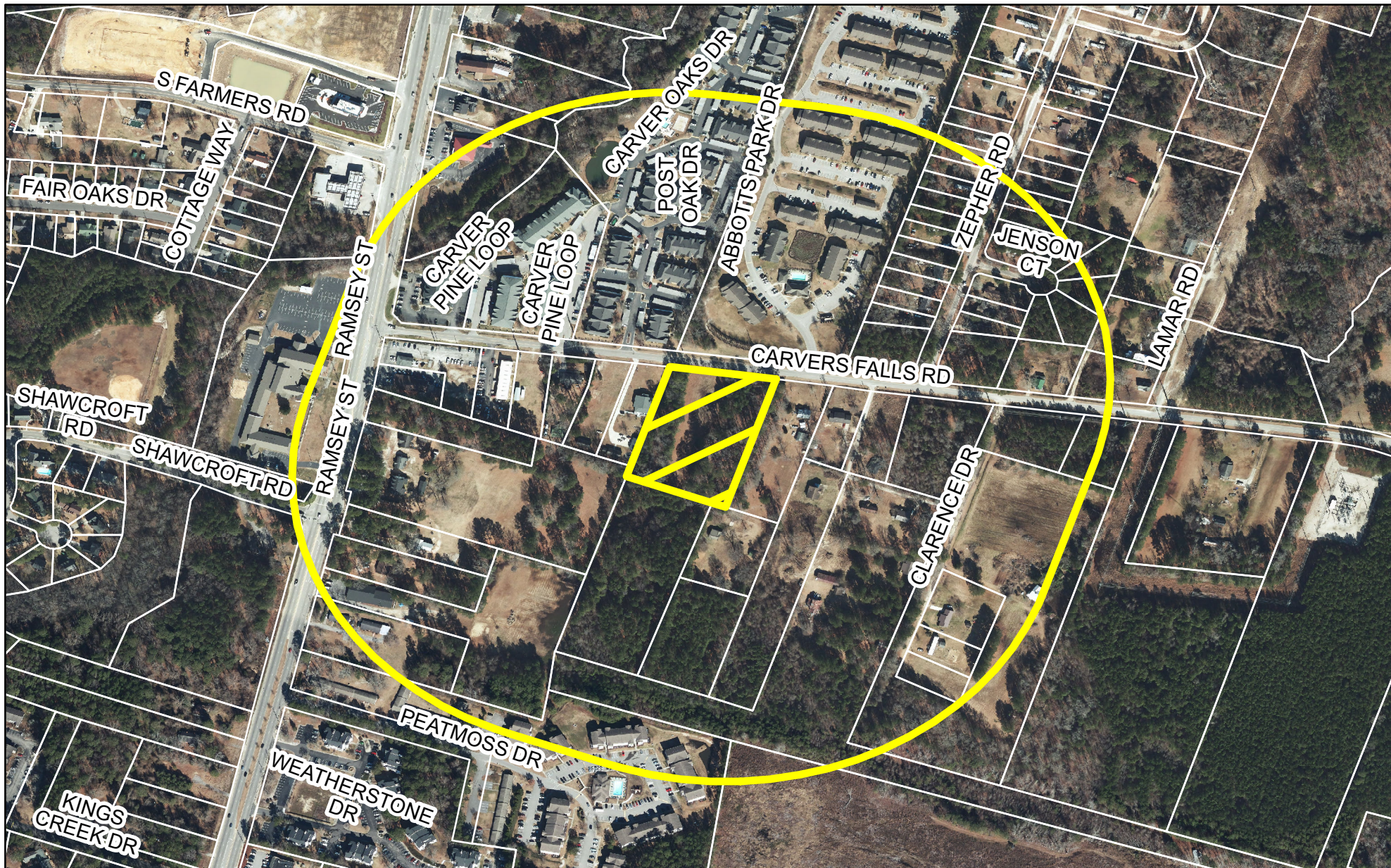
NC State Mechanical Contractor's #2 License Number:

NC State Mechanical Contractor:

NC State Plumbing Contractor #1 License Number:

NC State Plumbing Contractor #2 License Number:

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



Aerial Notification Map

Case #: P24-27

Request: Rezoning

Mixed Residential 5
Conditional Zoning (MR-5/CZ) to
Single Family Residential (SF-10)

Location: 0 Carvers Falls Road

Legend



P24-27

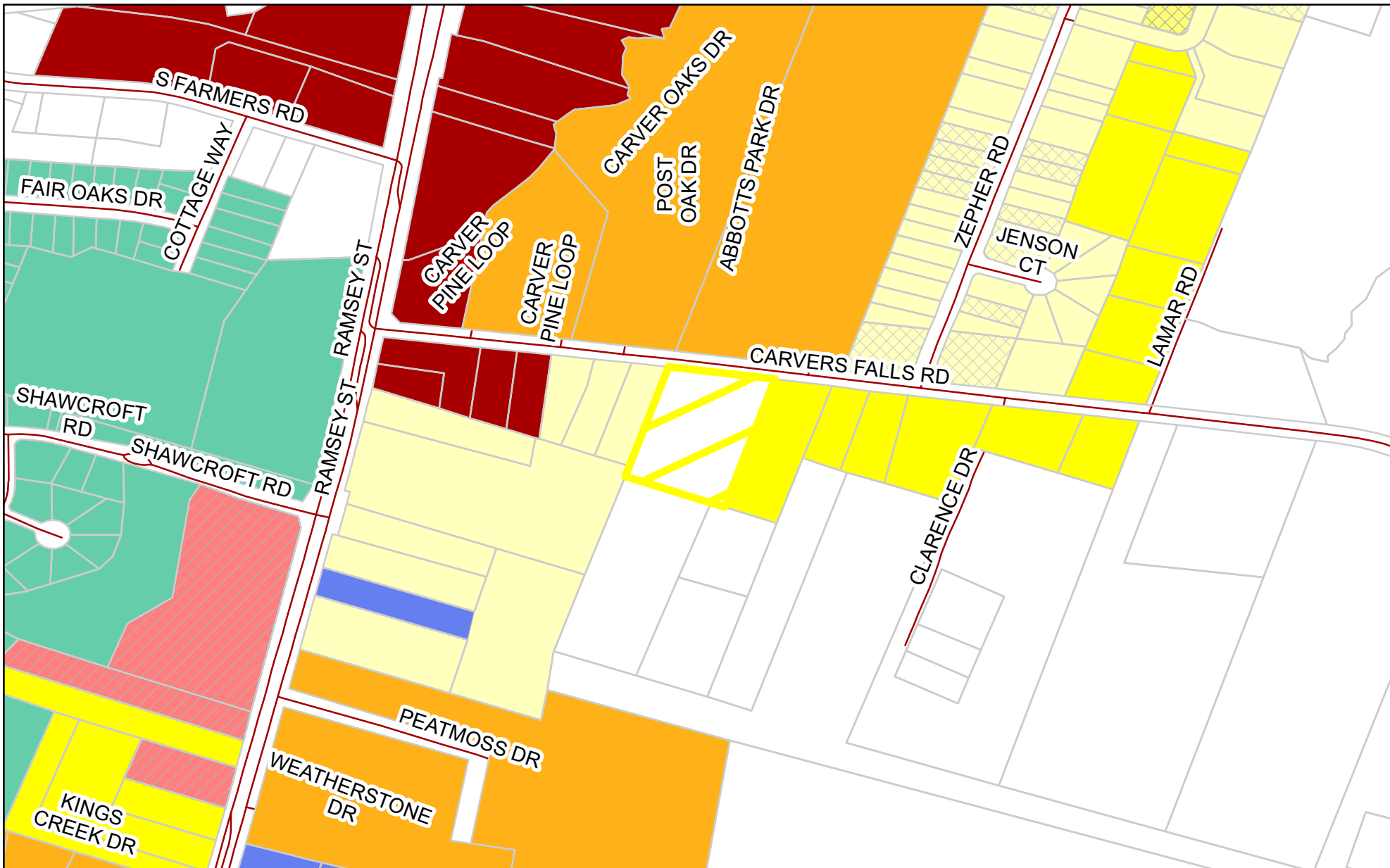


P24-27 Notification Buffer



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





Zoning Map

Case #: P24-27

Request: Rezoning

Mixed Residential 5
Conditional Zoning (MR-5/CZ) to
Single Family Residential (SF-10)

Location: 0 Carvers Falls Road

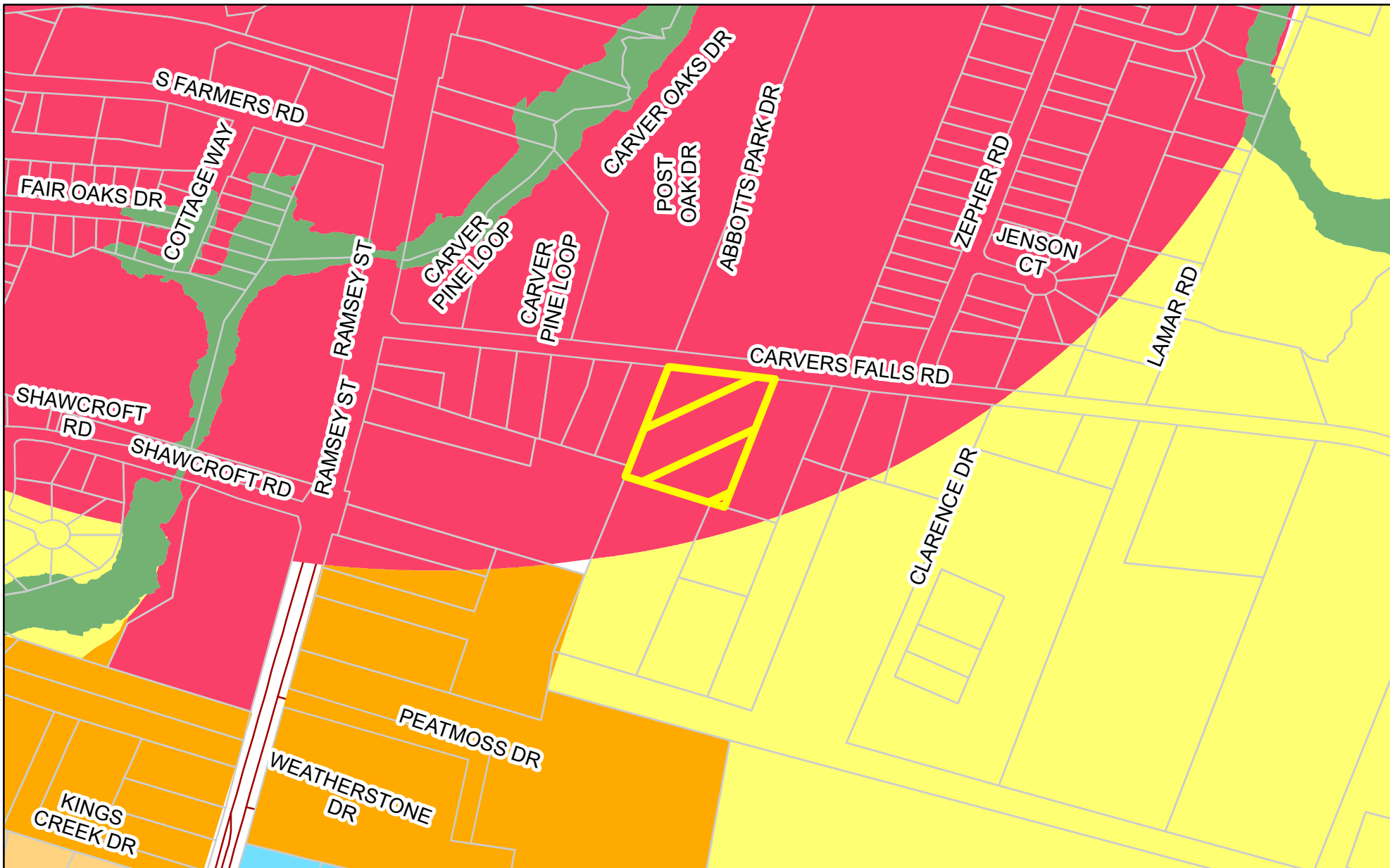
Legend

- P24-27
- CC - Community Commercial
- LC/CZ - Conditional Limited Commercial
- MR-5 - Mixed Residential 5
- OI - Office & Institutional
- PND - Planned Neighborhood Development
- SF-6 - Single-Family Residential 6
- SF-6/MHO - Single-Family Residential 6 Manufactured Home Overlay
- SF-10 - Single-Family Residential 10
- SF-10/MHO - Single-Family Residential 10 Manufactured Home Overlay



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 #: P24-27

Request: Rezoning

Mixed Residential 5
Conditional Zoning (MR-5/CZ) to
Single Family Residential (SF-10)







Location: 0 Carvers Falls Road

Legend

 P24-27

Land Use Plan 2040

Character Areas

-  PARKOS - PARK / OPEN SPACE
-  LDR - LOW DENSITY
-  MDR - MEDIUM DENSITY
-  HDR - HIGH DENSITY RESIDENTIAL
-  CC - COMMUNITY 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.







North



West



East

Consistency and Reasonableness Statement

Map Amendments

Pursuant N.C.G.S. Sections 160D-604 and -605, the Zoning Commission finds that the proposed zoning map amendment in case P24-27 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 Investment around infrastructure and strategic nodes	X	
Goal # 4: Foster safe, stable, and attractive neighborhoods	X	

2. LAND USE POLICIES AND STRATEGIES:

LAND USE POLICIES AND STRATEGIES	CONSISTENT	INCONSISTENT
LUP 1: Encourage growth in areas well-served by infrastructure and urban services, including roads, utilities, parks, schools, police, fire, and emergency services.	X	
1.7: Encourage a logical progression of housing development and discourage "leapfrog" development.	X	
LUP 2: Encourage strategic economic development	X	
2.1: Encourage economic development in designated areas	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 6: Encourage development standards that result in quality neighborhoods	X	
6.1: Encourage quality neighborhood design through maintaining and improving standards for streets, sidewalks, stormwater, and open space.	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.

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

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

 X improves consistency with the long-range plan.

 X improves the tax base.

 preserves environmental and/or cultural resources.

 X facilitates a desired kind of development.

 X provides needed housing/commercial area.

Additional comments, if any (write-in):

June 11, 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: 24-4071

Agenda Date: 6/11/2024

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: Demetrios Moutos - Planner I

DATE: June 11, 2024

RE:

P24-28. Rezoning of two properties from Office and Institutional (OI) to Limited Commercial (LC) located at 6966 and 6962 Nexus Court (REID #'s: 9496579924000 and 9496579996000) totaling 0.79 acres ± and being the properties of MCNL Enterprises LLC represented by Tejwant Chandi

COUNCIL DISTRICT(S):

6 - Derrick Thompson

Relationship To Strategic Plan:
Strategic Operating Plan FY 2022

Goals 2027

- **Goal II: Responsive City Government Supporting a Diverse and Viable Economy**
 - **Objective 2.1:** To ensure a diverse City tax base.
 - **Objective 2.4:** To sustain a favorable development climate to encourage business growth.
- **Goal III: City Invested in Today and Tomorrow**
 - **Objective 3.2:** To manage the City's future growth and strategic land use.

Executive Summary:

MCNL Enterprises LLC's proposed rezoning of the vacant land at 6966 and 6962 Nexus Court aims to support the development of an office building in a manner consistent with community needs and existing land use patterns, ensuring orderly and sustainable growth for the City of Fayetteville.

Background:

- **Owner:** MCNL Enterprises LLC
- **Applicant:** Tejwant Chandi
- **Requested Action:** Rezoning from Office and Institutional (OI) to Limited Commercial (LC)
- **REID #s:** 9496579924000 and 9496579996000

- **Council District:** 6 - Derrick Thompson
- **Status of Properties:** Vacant
- **Size:** 0.79 acres ±
- **Adjoining Land Use and Zoning:**
 - **North:** SF-10 and LC - Trinity United Methodist Church and Round-A-Bout Skating Center
 - **South:** OI - First Impressions Academy and Fresenius Kidney Care West Fayetteville
 - **East:** OI - School Building used by First Impressions Academy
 - **West:** OI - Eye Medics Adult and Pediatric Eye Care

Annual Average Daily Traffic 2022

- **Raeford Road:** 30,500 (No NCDOT data on Nexus Court)

Postcards Mailed: 108

Land Use Maps and Plans:

The 2040 Comprehensive Plan, adopted on May 26, 2020, designates this area for Office/Institutional development, encompassing light industrial sites, offices, flex spaces, and large institutions.

Issues/Analysis:

History: The subject properties are part of the Rayconda Plaza Office Park subdivision within Seventy-First Township. Phillip R. Taylor and Katrin D. Taylor sold the properties to MCNL Enterprises LLC, with the sale officially recorded on July 29, 2021. The properties, totaling about 0.79 acres, are described as Lots 4 and 5 in Rayconda Office Park. An excise tax of \$400 was paid for this transaction. The deed paperwork was prepared by Rebecca F. Person, PLLC, and submitted electronically by Thorp and Clarke, P.A. According to aerial imagery, a road connected these properties to Raeford Road between 1968 and 1995. The area was extensively cleared and developed between 1995 and 2001 and has continued to grow, although the specific properties in question have remained vacant.

Surrounding Area: The subject properties border Raeford Road, but all nearby businesses front and access Nexus Court. Recently, improvements have been completed on the westbound lanes of Raeford Road, with similar upgrades planned for the eastbound lanes according to NCDOT's 2024-2033 STIP Map. The area is characterized by low-density single-family residential, institutional, and office uses, with some light strip commercial development scattered throughout. Adjoining land uses and zoning include SF-10 and LC to the north (Trinity United Methodist Church and Round-A-Bout Skating Center), OI to the south (First Impressions Academy and Fresenius Kidney Care West Fayetteville), OI to the east (school building used by First Impressions Academy), and OI to the west (Eye Medics Adult and Pediatric Eye Care).

Rezoning Request: MCNL Enterprises LLC is seeking to rezone two parcels from Office and Institutional (OI) to Limited Commercial (LC). The LC District is designed to accommodate a broader range of moderate-intensity general retail, business, and

service uses that serve multiple neighborhoods rather than just one. Examples of such uses include grocery stores, drugstores, large restaurants, gas stations, and specialty retail stores. The district is not intended for intensive commercial or high-impact business activities. Residential uses are encouraged on the upper floors of non-residential buildings. Additionally, the district is governed by standards to ensure that new developments are compatible with the surrounding residential neighborhoods.

Straight Rezoning: The request is for a straight rezoning from Office and Institutional (OI) to Limited Commercial (LC). The reclassification of land to a base zoning district without conditions allows all uses permitted in that district as shown in the Use Table in the UDO. The Zoning Commission cannot impose conditions or restrictions on the range of allowable uses, use standards, development intensities, or other development standards.

Land Use Plan Analysis

Strategic Plan Alignment:

- **Goal II: Responsive City Government Supporting a Diverse and Viable Economy**
 - **Objective 2.1:** Rezoning to Limited Commercial (LC) diversifies the tax base by providing an opportunity for the introduction of more retail and service uses.
 - **Objective 2.4:** Supports a favorable development climate, encouraging business growth through moderate-intensity commercial activities.
- **Goal III: City Invested in Today and Tomorrow**
 - **Objective 3.2:** Manages future growth with strategic land use, ensuring orderly and sustainable development.

Context and Compatibility: The subject properties, currently vacant and zoned Office and Institutional (OI), are proposed to be rezoned to Limited Commercial (LC). This change is well-suited to the surrounding mix of residential, institutional, and office uses. The LC zoning introduces the opportunity for a broader range of commercial activities, such as grocery stores, drugstores, large restaurants, and specialty retail stores, which could serve the needs of multiple neighborhoods. These diverse commercial options have the potential to attract more businesses and customers to the area, thereby enhancing the local economy by increasing commercial activity and providing more services and amenities to residents. Additionally, the inclusion of residential uses on the upper floors of non-residential buildings offers the possibility of creating a vibrant, mixed-use environment, promoting walkability and potentially reducing the need for car travel within the community. This strategic rezoning aligns with the city's goals of fostering a diverse and viable economy and managing future growth through strategic land use.

Traffic and Accessibility: Raeford Road improvements enhance area accessibility, providing the potential to make it more attractive for commercial development. The recent upgrades to the westbound lanes, with similar improvements planned for the eastbound lanes, improve traffic flow and ease of access to the area. Although businesses currently access Nexus Court, the proximity to Raeford Road offers significant advantages in terms of visibility and connectivity. This main thoroughfare's

high traffic volume increases exposure for businesses, potentially drawing more customers and making it a desirable location for retailers and service providers. The improved road infrastructure also supports easier and more efficient transportation for both customers and suppliers, further contributing to the area's commercial appeal.

Comprehensive Plan and Development Patterns: The 2040 Comprehensive Plan designates this area for Office/Institutional development, which includes uses such as offices, light industrial sites, flex spaces, and large institutions. Rezoning to Limited Commercial (LC) aligns with this designation by permitting moderate-intensity commercial uses that complement the existing office and institutional environment. This includes businesses like grocery stores, drugstores, large restaurants, and specialty retail stores, which can provide essential services and amenities to the surrounding institutional and office developments. This rezoning supports logical and orderly growth by creating a more integrated and functional mixed-use area. It offers opportunities for employees and visitors of the office and institutional establishments to access a variety of retail and service options within proximity, reducing the need for travel and fostering a more self-contained community. Additionally, the allowance for residential units above commercial establishments encourages a live-work-play environment, enhancing the overall appeal and utility of the area. This strategic approach to land use ensures that development remains consistent with the comprehensive plan's vision while meeting the evolving needs of the community.

Environmental and Community Impact: Rezoning to Limited Commercial (LC) is not expected to adversely impact property values or the natural environment. The standards governing the LC district are designed to ensure that new developments are compatible with surrounding residential neighborhoods. This compatibility is achieved through specific zoning regulations that control building height, setbacks, and landscaping requirements, which help to maintain the aesthetic and functional harmony between commercial and residential areas. For example, buffer zones and green spaces may be required to separate commercial properties from residential ones, reducing noise and visual impact. Additionally, regulations often include guidelines for managing traffic flow and parking, minimizing disruption to nearby residents. From an environmental perspective, the Unified Development Ordinance (UDO) includes measures to protect natural resources and manage stormwater runoff, ensuring that new developments do not contribute to flooding or pollution. These measures might involve the use of permeable surfaces, retention ponds, and other green infrastructure solutions. By adhering to these standards, the rezoning to LC promotes balanced and sustainable urban growth. It allows for the introduction of essential commercial services and amenities that support the local community while preserving the character and quality of the residential neighborhoods. This thoughtful approach to development helps maintain property values by enhancing the overall attractiveness and functionality of the area, making it a desirable place to live and work.

Conclusion

The rezoning from Office and Institutional (OI) to Limited Commercial (LC) by MCNL Enterprises LLC aligns with Fayetteville's strategic goals and comprehensive plan in several key ways. First, it supports the goal of diversifying the city's tax base. By allowing a broader range of commercial activities such as grocery stores, drugstores, large restaurants, and specialty retail stores, the LC zoning attracts a variety of businesses that contribute to the local economy. This diversification helps stabilize the

city's revenue by reducing dependence on any single type of business or industry. Second, the rezoning encourages business growth by creating an environment that is attractive to moderate-intensity commercial enterprises. The LC district is designed to accommodate businesses that serve multiple neighborhoods, increasing the potential customer base for new enterprises. This can lead to more job opportunities, higher employment rates, and overall economic vitality in the area. Additionally, the proximity to Raeford Road, with its recent infrastructure improvements, makes the area more accessible and appealing to potential businesses. Third, the rezoning ensures orderly development that is compatible with surrounding uses. The LC district standards require developments to be compatible with nearby residential and institutional uses. This includes specific guidelines on building heights, setbacks, landscaping, and traffic management to ensure that new commercial developments integrate smoothly with the existing community fabric. The presence of buffer zones, green spaces, and thoughtful design elements helps maintain the character of residential neighborhoods while introducing new commercial opportunities. Finally, this rezoning fosters a vibrant and sustainable community. By promoting mixed-use developments where residential units can be included above commercial establishments, the LC zoning encourages a live-work-play environment. This reduces the need for long commutes, enhances walkability, and contributes to a more active and engaged community. The strategic placement of diverse commercial services within easy reach of residents supports daily needs and enhances the quality of life. The rezoning is a strategic move that aligns with Fayetteville's long-term planning objectives. It promotes economic diversity, encourages business growth, ensures harmonious development, and supports the creation of a vibrant, sustainable community.

Future Land Use Plan

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

- **Goal #1:** Focus value and investments around infrastructure and strategic nodes.
- **Goal #2:** Promote compatible economic and commercial development in key identified areas.
- **Goal #4:** Foster safe, stable, and attractive neighborhoods.

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

- **LU-1:** Encourage growth in areas well-served by infrastructure and urban services including roads, utilities, parks, schools, police, fire, and emergency services.
 - **1.6:** Require adequate infrastructure to be in place before or in tandem with new development, including roads, turn lanes, and sidewalks as well as public services such as parks, schools, water/sewer, police, fire, and emergency services.
- **LU-2:** Encourage strategic economic development.
 - **2.1:** Encourage economic development in designated areas, including Downtown, Office/Institutional Areas, Industrial/Employment Areas, Regional and Community Centers, and Highway Commercial Areas.
- **LU-4:** Create well-designed and walkable commercial and mixed-use districts.
 - **4.1:** Ensure new development meets basic site design standards, including connected streets, entrances and parking lots, sidewalks and

pedestrian pathways on both sides of all public rights-of-way, high-quality building materials, landscaping, shade and street trees, perimeter buffers, low-level parking lot screening, and stormwater retention and infiltration.

- **4.2:** Encourage context-sensitive site design, ensuring commercial and mixed-use areas are walkable with pedestrian connections between uses and buildings, short block lengths (max. 400 to 600 feet), and connections to adjacent development (crosswalks, etc.).
- **LU-5:** Improve Gateways.
 - **5.1:** Continue to require perimeter landscaping and planting islands in significant renovations and redevelopment along commercial corridors.
- **LU-6:** Encourage development standards that result in quality neighborhoods.
 - **6.1:** Encourage quality neighborhood design through maintaining and improving standards for streets, sidewalks, stormwater, and open space.
- **LU-8:** Require the preservation of open space and unique natural features in new developments.
 - **8.2:** Preserve unique natural features through site design.
- **LU-10:** Support land use site design and capital improvement initiatives that increase resiliency and reduce impacts from flooding and natural disasters.
 - **10.1:** Encourage on-site stormwater control measures that reduce the impacts of new development, seeking to mimic pre-development conditions, limit impacts on adjacent properties, and reduce stormwater runoff to avoid erosion of stream banks and encourage groundwater recharge.

Budget Impact:

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

Options:

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

Recommended Action:

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

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

Attachments:

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

Project Overview

#1345353

Project Title: Office Building**Jurisdiction:** City of Fayetteville**Application Type:** 5.1) Rezoning (Map Amendment)**State:** NC**Workflow:** Staff Review**County:** Cumberland**Project Location****Project Address or PIN:****Zip Code:** 28314

- 6966 NEXUS CT (9496579924000)
- 6962 NEXUS CT (9496579996000)

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

- 6966 NEXUS CT: MCNL ENTERPRISES, LLC
- 6962 NEXUS CT: MCNL ENTERPRISES, LLC

Acreage: Parcel

- 6966 NEXUS CT: 0.4
- 6962 NEXUS CT: 0.39

Zoning District: Zoning District

- 6966 NEXUS CT: OI
- 6962 NEXUS CT: OI

Subdivision Name:**Fire District:****Airport Overlay District:****Hospital Overlay District:****Coliseum Tourism District:****Cape Fear District:****Downtown Historic District:****Haymount Historic District:****Floodway:****100 Year Flood:** <100YearFlood>**500 Year Flood:** <500YearFlood>**Watershed:****General Project Information****Has the land been the subject of a map amendment application in the last five years?:** No**Previous Amendment Approval Date:****Previous Amendment Case #:****Proposed Zoning District:** Limited Commercial**Acreage to be Rezoned:** 1**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:**
vacant land**B) Please describe the zoning district designation and existing uses of lands adjacent to and across the street from the subject site.:**
professional office building, school building**Amendment Justification - Answer all questions on this and all pages in this section (upload additional sheets as**

needed).

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

It should be fully consistent with our planned building

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

No

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

Building will be built according to the community need

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

Proposed amendment is fully compatible with the existing surrounding land uses

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

Yes

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

No

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

No

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.:

No

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

No

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

No

Primary Contact Information

Contractor's NC ID#:

Project Owner

Tejwant Chandi
MCNL Enterprise, LLC
148 Golf Club Drive
Elizabeth City, NC 27909
P:2523391633
tejwantchandi@gmail.com

Project Contact - Agent/Representative

Tejwant Chandi
MCNL Enterprise, LLC
148 Golf Club Drive
Elizabeth City, NC 27909
P:2523391633
tejwantchandi@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 Electrical Contractor #3 License Number:

NC State Mechanical Contractor's #1 License Number:

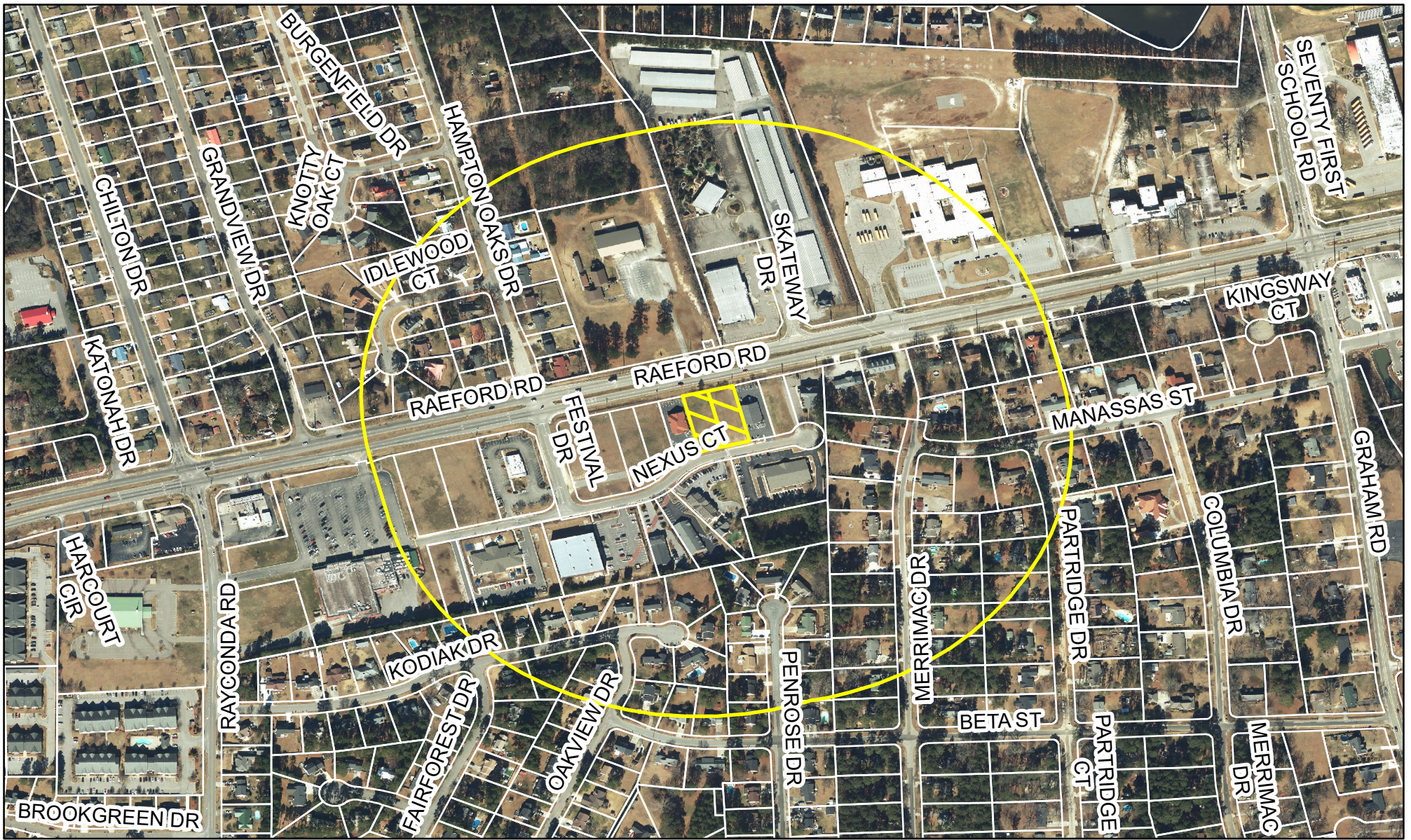
NC State Mechanical Contractor's #2 License Number:

NC State Mechanical Contractor:

NC State Plumbing Contractor #1 License Number:

NC State Plumbing Contractor #2 License Number:

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



Aerial Notification Map

Case #: P24-28

Request: Rezoning from Office and Institutional (OI) to Limited Commercial (LC).

Location: South side of Raeford Road on Nexus Court



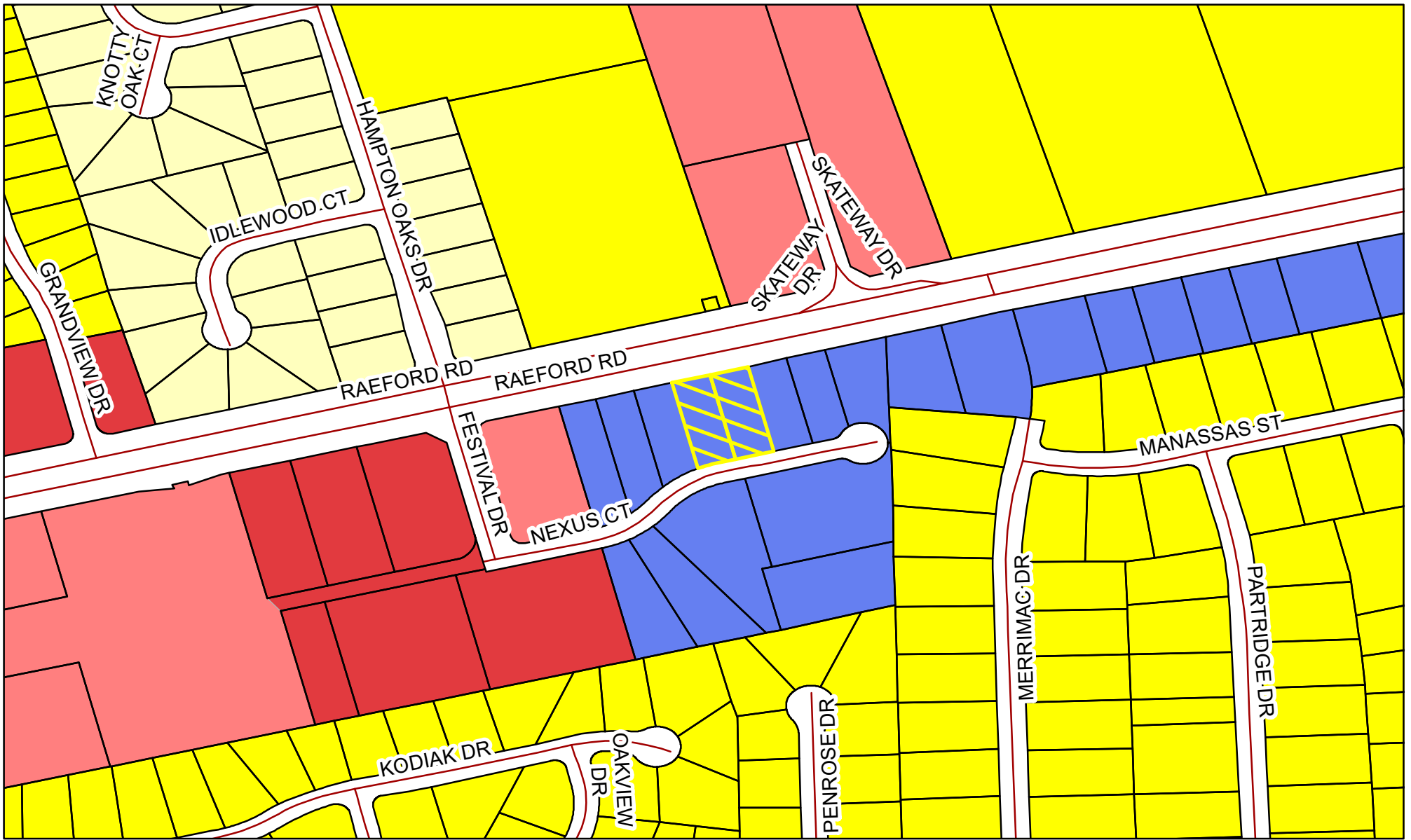
P24-28 Buffer



P24-28

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





Zoning Map

Case #: P24-28

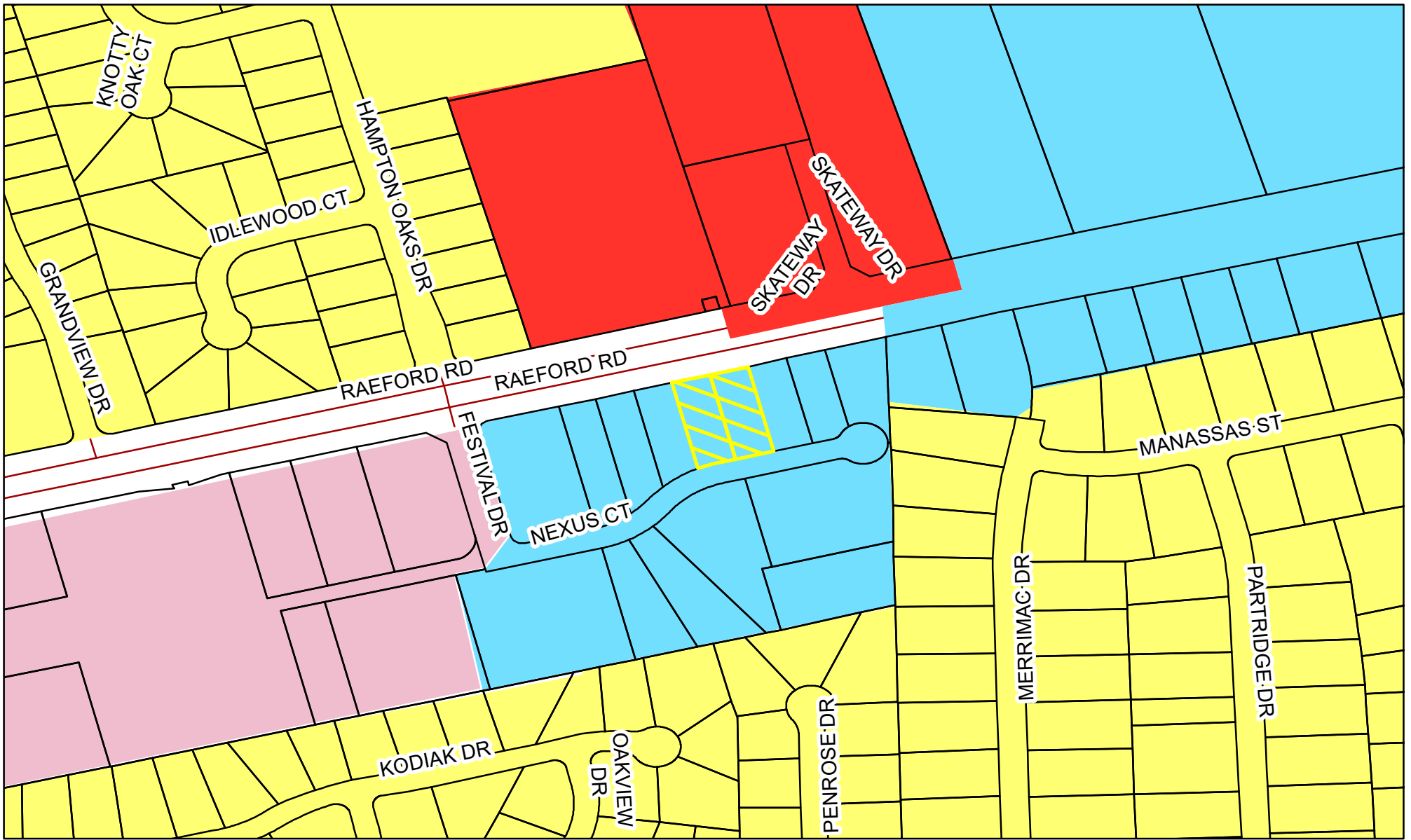
Request: Rezoning from Office and Institutional (OI) to Limited Commercial (LC).

Location: South side of Raeford Road on Nexus Court

-  P24-28
-  LC - Limited Commercial
-  NC - Neighborhood 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 1000' buffer. Subject property is shown in the hatched pattern.





Future Land Use Map

Case #: P24-28

Request: Rezoning from Office and Institutional (OI) to Limited Commercial (LC).

Location: South side of Raeford Road on Nexus Court



P24-28

Land Use Plan 2040

Character Areas



LDR - LOW DENSITY



NMU - NEIGHBORHOOD MIXED USE



HC - HIGHWAY COMMERCIAL



OI - OFFICE / INSTITUTIONAL

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





Surrounding Properties



Consistency and Reasonableness Statement

Map Amendments

Pursuant to N.C.G.S. Sections 160D-604 and -605, the Zoning Commission finds that the proposed zoning map amendment in case P24-28 is/is not consistent with the City of Fayetteville's Future Land Use Map and Plan (Comprehensive Plan). The following analysis examines the proposed amendment relative to the goals and land-use policies and strategies of the Comprehensive Plan:

Consistency

1. GOALS

GOAL(S)	CONSISTENT	INCONSISTENT
GOAL #1: Focus value and investments around infrastructure and strategic nodes	X	
GOAL #2: Promote compatible economic and commercial development in key identified areas	X	
GOAL #4: Foster safe, stable, and attractive neighborhoods	X	

2. LAND USE POLICIES AND STRATEGIES:

LAND USE POLICIES AND STRATEGIES	CONSISTENT	INCONSISTENT
LUP 1: Encourage growth in areas well-served by infrastructure and urban services, including roads, utilities, parks, schools, police, fire, and emergency services.	X	
1.6: Require adequate infrastructure to be in place before or in tandem with new development. o This includes road infrastructure such as roads, turn lanes, and sidewalks as well as public services such as parks, schools, water/sewer, police, fire, and emergency services.	X	
LUP 2: Encourage Strategic Economic Development	X	
2.1: Encourage economic development in designated areas. • Encourage economic development in key areas including Downtown, Office/Institutional Areas, Industrial/Employment Areas, Regional and Community Centers, and Highway Commercial Areas.	X	
LUP 4: Create a well-designed and walkable commercial and mixed-use districts	X	
4.1: Ensure new development meets basic site design standards	X	

<ul style="list-style-type: none"> Standards should include: <ul style="list-style-type: none"> Connected streets, entrances, and parking lots Sidewalks and pedestrian pathways on both sides of all public rights-of-way (at the minimum) High-quality building materials Landscaping, shade, and street trees Perimeter buffers Low-level parking lot screening Storm water retention and infiltration 		
<p>4.2: Encourage context-sensitive site design</p> <ul style="list-style-type: none"> Design commercial and mixed-use areas to be walkable areas with pedestrian connections between uses and buildings. <ul style="list-style-type: none"> Encourage buildings to be located close to the street, especially near key intersections, with parking located to the side or behind the buildings. Require short block lengths (max. 400 to 600 feet) and connections to adjacent development (crosswalks, etc.). Ensure development standards specify: <ul style="list-style-type: none"> Transition in building scale between new buildings and surrounding neighborhoods. Building and parking orientation and design. Landscaped buffers, tree save areas, and site design that provides transitions between more and less intense uses. 	X	
LUP 5: Improve Gateways	X	
5.1: Continue to require perimeter landscaping and planting islands in significant renovations and redevelopment along commercial corridors.	X	
LUP 6: Encourage Development Standards That Result in Quality Neighborhoods	X	
6.1: Encourage quality neighborhood design by maintaining and improving standards for streets, sidewalks, stormwater, and open space.	X	
LUP 8: Require the Preservation of Open Space and Unique Natural Features in New Developments	X	
8.2: Preserve unique natural features through site design.	X	

LUP 10: Support land use, site design, and capital improvement initiatives that increase resiliency and reduce impacts from flooding and natural disasters	X	
10.1: Encourage on-site stormwater control measures that reduce the impacts of new development <ul style="list-style-type: none"> Stormwater requirements should seek to mimic pre-development conditions, limit impacts from new development on adjacent properties, and reduce the rate of stormwater runoff to avoid erosion of stream banks and encourage groundwater recharge. 	X	

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.

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

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

 X improves consistency with the long-range plan.

 X improves the tax base.

_____ preserves environmental and/or cultural resources.

 X facilitates a desired kind of development.

 X provides needed housing/commercial area.

Additional comments, if any (write-in):

June 11, 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: 24-4075

Agenda Date: 6/11/2024

Version: 1

Status: Agenda Ready

In Control: Zoning Commission

File Type: Public Hearing
(Public & Legislative)

Agenda Number: 5.03

TO: Mayor and Members of City Council

THRU: Zoning Commission

FROM: Demetrios Moutos - Planner I

DATE: June 11, 2024

RE:

P24-29. Rezoning of one property from County Planned Commercial (C(P)) to Community Commercial (CC), located at 3895 Clinton Road (REID: 0466379825000), totaling 2.97 acres ± and being the property of 3 Happy Campers LLC, represented by Bart McClain of William G. Daniel & Associates, PA.

COUNCIL DISTRICT(S):

2 - Malik Davis

Relationship To Strategic Plan:

Strategic Operating Plan FY 2022

Goals 2027

- **Goal II: Responsive City Government Supporting a Diverse and Viable Economy**
 - **Objective 2.1:** To ensure a diverse City tax base.
 - **Objective 2.4:** To sustain a favorable development climate to encourage business growth.
- **Goal III: City Invested in Today and Tomorrow**
 - **Objective 3.2:** To manage the City's future growth and strategic land use.

Executive Summary:

3 Happy Campers LLC seeks to rezone a 2.97-acre ± parcel at 3895 Clinton Road from county zoning to Community Commercial (CC) to support the development of an indoor climate-controlled self-storage facility. The land is currently cleared and vacant, with surrounding areas primarily zoned for residential and commercial uses. According to the applicant, the rezoning aligns with the comprehensive plan, addresses community needs, and ensures orderly development without significant environmental or property value impacts. This rezoning is in conjunction with an annexation request.

Background:

- **Owner:** 3 Happy Campers LLC

- **Applicant:** William Daniel
- **Requested Action:** C(P) to CC
- **REID #:** 0466379825000
- **Council District:** 2 - Malik Davis
- **Status of Properties:** Vacant
- **Size:** 2.97 acres ±
- **Adjoining Land Use and Zoning:**
 - **North:** RR - Single Family
 - **South:** RR - Single Family
 - **East:** C3 - Equipment storage and workshop
 - **West:** RR - Single Family

Annual Average Daily Traffic 2022

- **Clinton Road:** 6300

Postcards Mailed: 77

Land Use Maps and Plans:

The 2040 Comprehensive Plan, adopted on May 26, 2020, designates this area for Highway Commercial development, which includes high-intensity nonresidential uses such as hotels, gas stations, big-box retail stores, and fast food establishments, typically located near major intersections and highway interchanges. Redevelopment in this area is unlikely to include residential uses and appropriate buffers will be required for adjacent properties.

Issues/Analysis:

History: A Quitclaim Deed was recorded on August 29, 2023, that transferred three tracts of land in Eastover Township, Cumberland County from RK3, LLC to 3 Happy Campers, LLC. The property located at 3895 Clinton Road encompasses approximately 2.97 acres. The transaction was completed for a nominal sum of one dollar. The deed includes specific descriptions of the three tracts and references previous acquisitions by general and non-warranty deeds.

Based on aerial imagery, several small structures were present on the parcel between 1968 and 2008. However, between 2010 and 2013, the property was clear-cut, and all buildings were demolished. It has remained vacant to this day.

Rezoning Request: 3 Happy Campers LLC is seeking to rezone a parcel from Planned Commercial (C(P)) to Community Commercial (CC). The Community Commercial (CC) District is designed to accommodate a diverse range of medium- to high-intensity retail, service, and office uses that serve the broader community.

Examples of such uses include shopping centers, convenience stores, retail sales establishments, and heavier commercial activities, which may require a Special Use Permit. This district is typically located along major arterials, at arterial intersections, and in growth corridors identified in City plans. The CC District encourages higher-density residential uses on the upper floors of nonresidential establishments and as stand-alone buildings within larger horizontal mixed-use developments. It is subject to standards ensuring compatibility with surrounding uses and adherence to the design standards outlined in Article 30-5: Development Standards.

Straight Zoning: The request is for a straight rezoning from Planned Commercial

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

Land Use Plan Analysis:

Strategic Plan Alignment:

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

- **Objective 2.1:** To ensure a diverse City tax base: Rezoning to Community Commercial (CC) encourages a variety of commercial uses, enhancing the tax base with diverse business operations.
- **Objective 2.4:** To sustain a favorable development climate to encourage business growth: The rezoning supports the development of an indoor climate-controlled self-storage facility, which is a low-impact commercial use compatible with surrounding areas, fostering a favorable environment for business growth.

Goal III: City Invested in Today and Tomorrow

- **Objective 3.2:** To manage the City's future growth and strategic land use: This rezoning proposal aligns with the 2040 Comprehensive Plan's designation for Highway Commercial development, supporting strategic land use and managing future growth by allowing appropriate commercial development along major corridors.

Surrounding Area: The subject property, located on the north side of Clinton Road just before Burlington Drive, is surrounded by various land uses. To the west, the area is characterized by single-family residential homes, providing a rural/suburban neighborhood environment. To the north, the property is separated by a 60-foot private street, beyond which lies another single-family residential area.

On the eastern side, the property is adjacent to a commercial zone currently used for equipment storage and workshops, indicating a mix of light industrial and commercial activity. To the south, across the public right-of-way of Clinton Road, the land is also used for single-family residences. This diverse mix of residential and light commercial uses reflects the transitional nature of the area, with a blend of housing and small-scale commercial operations contributing to the local community fabric.

Traffic and Accessibility: Clinton Road, a significant arterial road, experiences an Annual Average Daily Traffic of 6,300 vehicles as of 2022. The proposed rezoning to Community Commercial (CC) aligns with the location's accessibility to major roadways, ensuring that the increased traffic generated by commercial activities can be accommodated. The site's proximity to arterial roads enhances its suitability for commercial development, facilitating easy access for customers and businesses.

Comprehensive Plan and Development Patterns: The 2040 Comprehensive Plan designates this area for Highway Commercial development, characterized by high-intensity nonresidential uses such as hotels, gas stations, big-box retail stores, and fast food establishments. The proposed Community Commercial (CC) zoning fits within this designation, promoting diverse commercial activities that serve the broader community. The CC district also encourages higher-density residential uses on the upper floors of nonresidential establishments, aligning with the city's strategic goals for mixed-use development and efficient land use.

Environmental and Community Impact: Rezoning to Community Commercial (CC)

is expected to have minimal environmental impact, as the property has been vacant since being cleared between 2010 and 2013. The proposed indoor climate-controlled self-storage facility is a low-impact use that supports the surrounding residential community by providing essential services without significant environmental disruption. Additionally, the development will be required to undergo a thorough site plan review process. This review will ensure that all landscaping, stormwater management, and other environmental requirements are in place. This process includes evaluating the site's drainage and runoff patterns, implementing necessary erosion control measures, and ensuring that landscaping plans meet city standards for aesthetic and environmental benefits. By adhering to these regulations, the development will minimize its environmental footprint and enhance the overall community.

Conclusion

The proposed rezoning and annexation of 3895 Clinton Road from Planned Commercial (C(P)) to Community Commercial (CC) aligns with the Strategic Operating Plan goals, supports a diverse city tax base, encourages business growth, and manages future land use effectively. The rezoning promotes a logical development pattern compatible with surrounding uses, enhances accessibility, and adheres to the comprehensive plan's vision for the area. By facilitating strategic commercial development, the rezoning ensures that the City of Fayetteville remains responsive to community needs and invests in sustainable growth.

Future Land Use Plan

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

- **Goal #1:** Focus value and investments around infrastructure and strategic nodes.
- **Goal #2:** Promote compatible economic and commercial development in key identified areas.

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

- **LU-1:** Encourage growth in areas well-served by infrastructure and urban services including roads, utilities, parks, schools, police, fire, and emergency services.
 - **1.4:** Require annexation and adherence to development standards for any development proposal within the City's Municipal Influence Area (MIA) if City services are to be provided.
 - **1.6:** Require adequate infrastructure to be in place before or in tandem with new development, including roads, turn lanes, and sidewalks as well as public services such as parks, schools, water/sewer, police, fire, and emergency services.
- **LU-2:** Encourage strategic economic development.
 - **2.1:** Encourage economic development in designated areas, including Downtown, Office/Institutional Areas, Industrial/Employment Areas, Regional and Community Centers, and **Highway Commercial Areas**.
- **LU-4:** Create well-designed and walkable commercial and mixed-use districts.
 - **4.1:** Ensure new development meets basic site design standards, including connected streets, entrances and parking lots, sidewalks and pedestrian pathways on both sides of all public rights-of-way, high-quality building materials, landscaping, shade and street trees, perimeter

buffers, low-level parking lot screening, and stormwater retention and infiltration.

- **4.2:** Encourage context-sensitive site design, ensuring commercial and mixed-use areas are walkable with pedestrian connections between uses and buildings, short block lengths (max. 400 to 600 feet), and connections to adjacent development (crosswalks, etc.).
- **LU-6:** Encourage development standards that result in quality neighborhoods.
 - **6.1:** Encourage quality neighborhood design through maintaining and improving standards for streets, sidewalks, stormwater, and open space.
- **LU-8:** Require the preservation of open space and unique natural features in new developments.
 - **8.2:** Preserve unique natural features through site design.
- **LU-10:** Support land use site design and capital improvement initiatives that increase resiliency and reduce impacts from flooding and natural disasters.

10.1: Encourage on-site stormwater control measures that reduce the impacts of new development, seeking to mimic pre-development conditions, limit impacts on adjacent properties, and reduce stormwater runoff to avoid erosion of stream banks and encourage groundwater recharge.

Budget Impact:

There will be no immediate impact on the budget; however, the annexation and subsequent development of this property are expected to increase tax revenue over time.

Options:

1. Recommend approval of the map amendment to CC as presented based on the evidence submitted and find that the rezoning is consistent with the Future Land Use Plan as demonstrated by the attached consistency and reasonableness statement (recommended);
2. Recommend approval of the map amendment to a more restrictive zoning district based on the evidence submitted and find that the map amendment would be consistent with the Future Land Use Plan and an amended consistency statement;
3. Deny the map amendment request based on the evidence submitted and find 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 aligns with the policies in the Future Land Use Plan (FLUP) and the Unified Development Ordinance (UDO). The Future Land Use Plan designates the subject property for Highway Commercial Development.

- The uses permitted by the proposed zoning change and the applicable standards are appropriate for the immediate area, considering the existing zoning and surrounding land uses.
- There are no other factors expected to substantially affect public health, safety, morals, or general welfare.

Attachments:

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

Project Overview**#1342446****Project Title:** Colt Closet**Jurisdiction:** City of Fayetteville**Application Type:** 5.1) Rezoning (Map Amendment)**State:** NC**Workflow:** Staff Review**County:** Cumberland**Project Location****Project Address or PIN:** 3895 CLINTON RD (0466379825000) **Zip Code:** 28312Is it in Fayetteville? [Click this link to the Cumberland County Tax Office GIS system](#)**GIS Verified Data****Property Owner: Parcel**

- 3895 CLINTON RD: 3 HAPPY CAMPERS LLC

Acreage: Parcel

- 3895 CLINTON RD: 2.97

Zoning District: Zoning District

- 3895 CLINTON RD: cnty

Subdivision Name:**Fire District:****Airport Overlay District:****Hospital Overlay District:****Coliseum Tourism District:****Cape Fear District:****Downtown Historic District:****Haymount Historic District:****Floodway:****100 Year Flood:** <100YearFlood>**500 Year Flood:** <500YearFlood>**Watershed:****General Project Information****Has the land been the subject of a map amendment application in the last five years?:** No**Previous Amendment Approval Date:****Previous Amendment Case #:****Proposed Zoning District:** CC**Acreage to be Rezoned:** 2.97**Is this application related to an annexation?:** Yes**Water Service:** Public**Sewer Service:** Public**A) Please describe all existing uses of the land and existing structures on the site, if any:**

Land is cleared and vacant.

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

Property to the west is zoned RR and use is single family.

Property to the north is separated from subject site by a 60' Private Street R/W and zoned RR and use is single family

Property to the east is zoned C3 and current use is equipment storage and workshop

Property to the south separated by the public R/W of Clinton Road

is zoned RR and use is single family.

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

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

The proposed use is a very low impact use in support of surrounding residential

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

Annexation into the City of Fayetteville will require a Map Amendment

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

The proposed use is indoor climate controlled self storage that will support the surrounding community.

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

The subject property is currently zoned C(P) similar to the property to the east. CC zoning is Community Commercial which will support the surrounding community.

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

This proposed rezoning would accommodate a range of land uses compatible with the abutting existing residential uses while achieving appropriate transitions between 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 does not.

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 does not.

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

Negligible. Proposed zoning is comparable to existing zoning.

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

No adverse impacts.

Primary Contact Information

Contractor's NC ID#:

Project Owner

Kevin Paul
3 Happy Campers
1409 Clinton Road
Fayetteville, NC 28312
P:910-678-8327
paulk@faytechcc.edu

Project Contact - Agent/Representative

Bart McClain
William G. Daniel & Associates, PA
1150 SE Maynard Rd, Suite 260

Cary, NC 27511
P:9194679708
bmcclain@wmgda.com

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

NC State General Contractor's License Number:

NC State Electrical Contractor #1 License Number:

NC State Electrical Contractor #2 License Number:

NC State Electrical Contractor #3 License Number:

NC State Mechanical Contractor's #1 License Number:

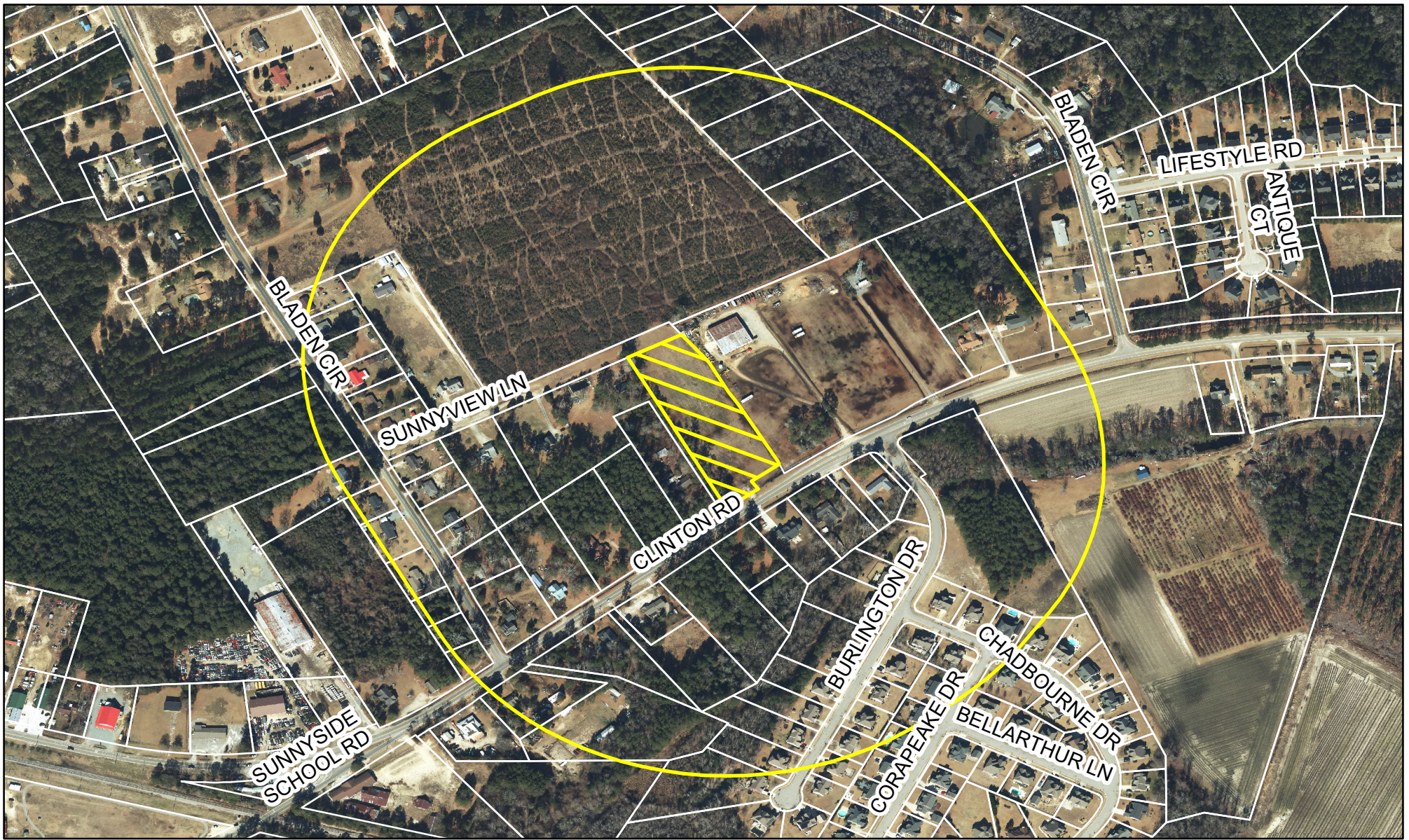
NC State Mechanical Contractor's #2 License Number:

NC State Mechanical Contractor:

NC State Plumbing Contractor #1 License Number:

NC State Plumbing Contractor #2 License Number:

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



Aerial Notification Map

Case #: P24-29

Request: Planned Commercial (C(P)) to
Community Commercial (CC)

Location: North side of Clinton Road
just before Burlington Drive



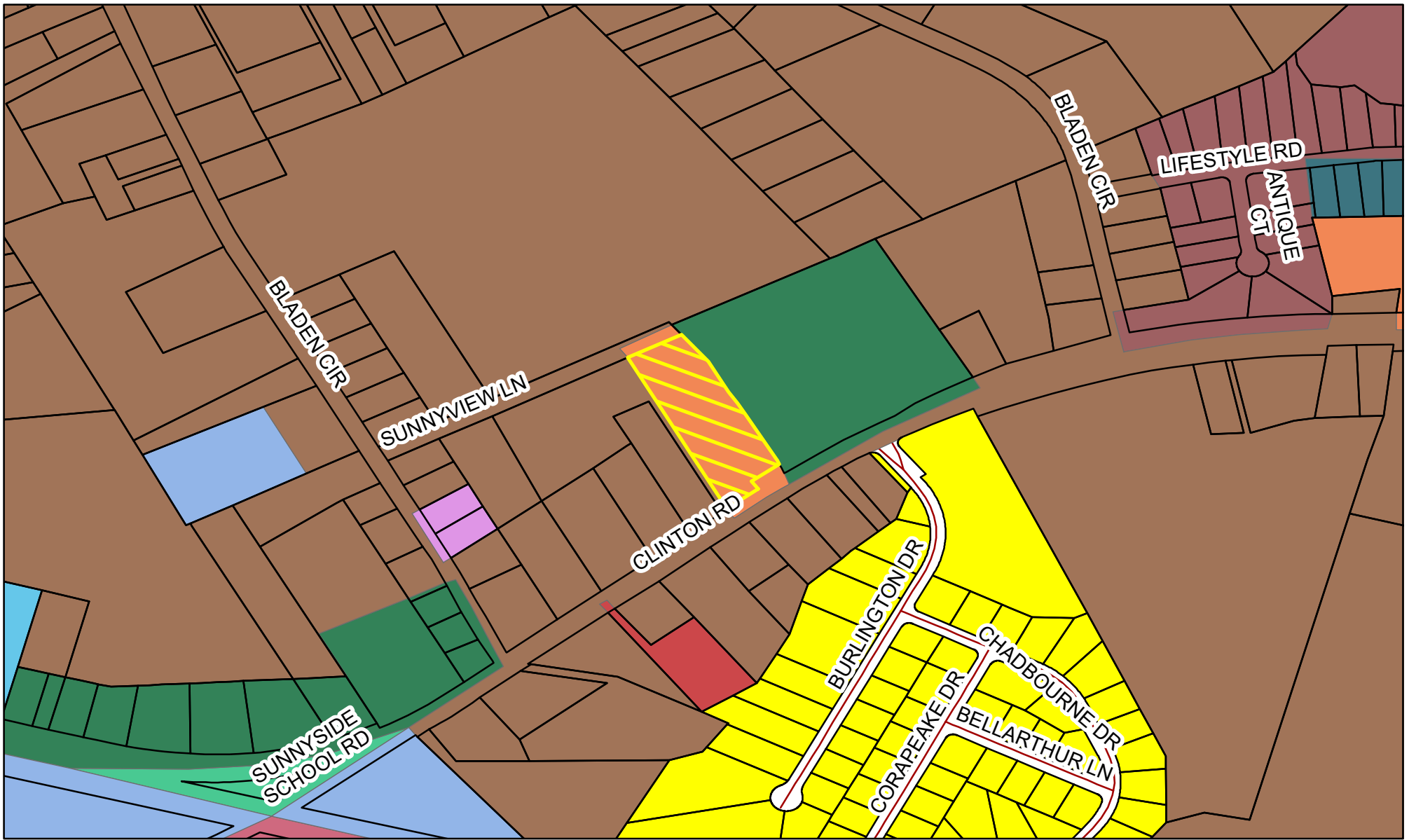
P24-29 Buffer



P24-29

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



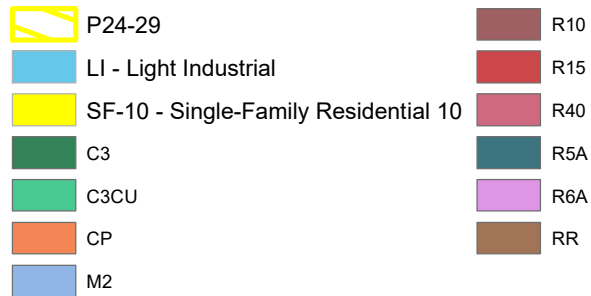


Zoning Map

Case #: P24-29

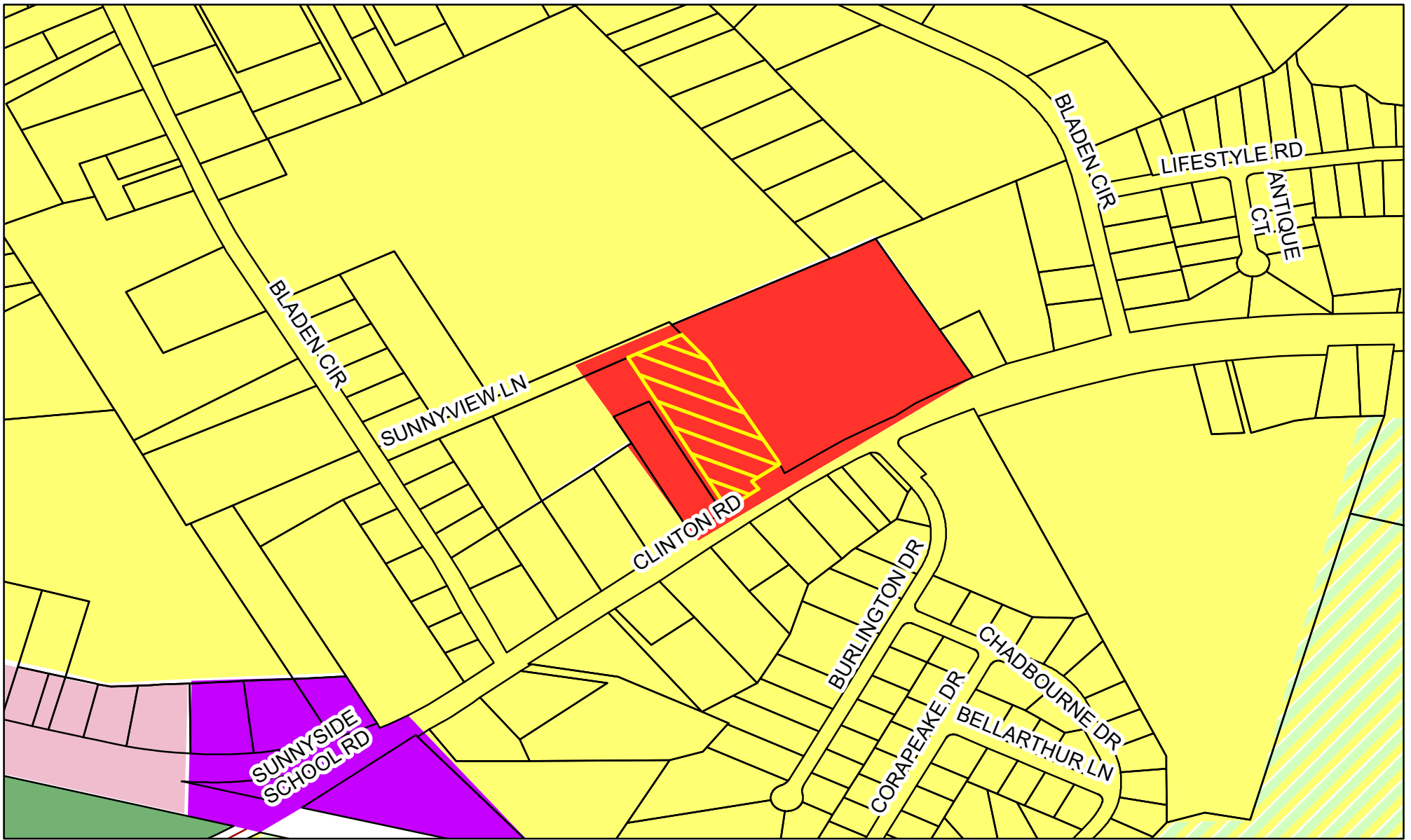
**Request: Planned Commercial (C(P)) to
Community Commercial (CC)**

**Location: North side of Clinton Road
just before Burlington Drive**



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



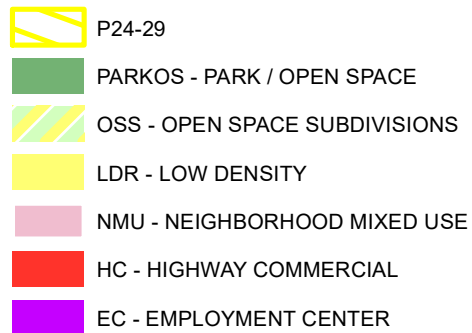


Future Land Use Map

Case #: P24-29

Request: Planned Commercial (C(P)) to
Community Commercial (CC)

Location: North side of Clinton Road
just before Burlington Drive



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





Surrounding Properties

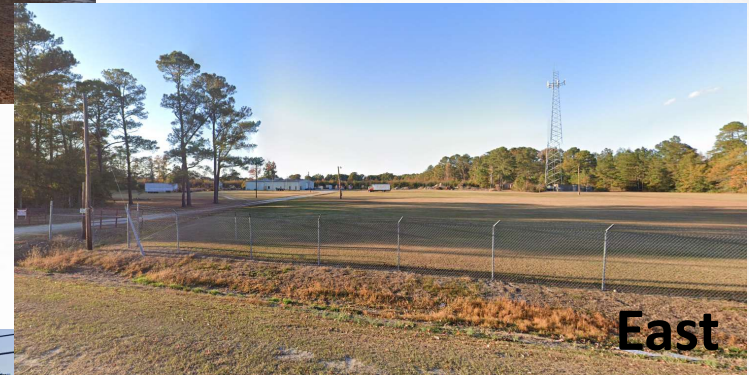
North



West



East



South



Consistency and Reasonableness Statement

Map Amendments

Pursuant to N.C.G.S. Sections 160D-604 and -605, the Zoning Commission finds that the proposed zoning map amendment in case P24-29 is/is not consistent with the City of Fayetteville's Future Land Use Map and Plan (Comprehensive Plan). The following analysis examines the proposed amendment relative to the goals and land-use policies and strategies of the Comprehensive Plan:

Consistency

1. GOALS

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

2. LAND USE POLICIES AND STRATEGIES:

LAND USE POLICIES AND STRATEGIES	CONSISTENT	INCONSISTENT
LUP 1: Encourage growth in areas well-served by infrastructure and urban services, including roads, utilities, parks, schools, police, fire, and emergency services.	X	
1.4: Require annexation and adherence to development standards for any development proposal within the City's Municipal Influence Area (MIA) if City services are to be provided.	X	
1.6: Require adequate infrastructure to be in place before or in tandem with new development. o This includes road infrastructure such as roads, turn lanes, and sidewalks as well as public services such as parks, schools, water/sewer, police, fire, and emergency services.	X	
LUP 2: Encourage Strategic Economic Development	X	
2.1: Encourage economic development in designated areas. <ul style="list-style-type: none">Encourage economic development in key areas including Downtown, Office/Institutional Areas, Industrial/Employment Areas, Regional and Community Centers, and Highway Commercial Areas.	X	

LUP 4: Create a well-designed and walkable commercial and mixed-use districts	X	
<p>4.1: Ensure new development meets basic site design standards</p> <ul style="list-style-type: none"> Standards should include: <ul style="list-style-type: none"> Connected streets, entrances, and parking lots Sidewalks and pedestrian pathways on both sides of all public rights-of-way (at the minimum) High-quality building materials Landscaping, shade, and street trees Perimeter buffers Low-level parking lot screening Storm water retention and infiltration 	X	
<p>4.2: Encourage context-sensitive site design</p> <ul style="list-style-type: none"> Design commercial and mixed-use areas to be walkable areas with pedestrian connections between uses and buildings. <ul style="list-style-type: none"> Encourage buildings to be located close to the street, especially near key intersections, with parking located to the side or behind the buildings. Require short block lengths (max. 400 to 600 feet) and connections to adjacent development (crosswalks, etc.). Ensure development standards specify: <ul style="list-style-type: none"> Transition in building scale between new buildings and surrounding neighborhoods. Building and parking orientation and design. Landscaped buffers, tree save areas, and site design that provides transitions between more and less intense uses. 	X	
LUP 6: Encourage Development Standards That Result in Quality Neighborhoods	X	
6.1: Encourage quality neighborhood design by maintaining and improving standards for streets, sidewalks, stormwater, and open space.	X	
LUP 8: Require the Preservation of Open Space and Unique Natural Features in New Developments	X	
8.2: Preserve unique natural features through site design.	X	
LUP 10: Support land use, site design, and capital improvement initiatives that increase resiliency and reduce impacts from flooding and natural disasters	X	

10.1: Encourage on-site stormwater control measures that reduce the impacts of new development <ul style="list-style-type: none"> Stormwater requirements should seek to mimic pre-development conditions, limit impacts from new development on adjacent properties, and reduce the rate of stormwater runoff to avoid erosion of stream banks and encourage groundwater recharge. 	X	
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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.
- The proposal adapts the zoning code to reflect modern land-use trends and patterns.

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

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

X

Additional comments, if any (write-in):

June 11, 2024

Chair Signature

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