

City of Fayetteville

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

Meeting Agenda - Final Zoning Commission

Tuesday, July 9, 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: June 11, 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)
- 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.
- 5.02 P24-30. Rezoning from Agricultural Residential (AR) to Single Family Residential 15 (SF-15) located at 0 Dundle Road (REID 9495269866000) totaling 0.45 acres ± and being the property of L J Bruton Living Trust.
- P24-31. Rezoning of one property from Single-Family Residential 10 (SF-10) to Limited Commercial (LC) located at 0 ? Drive (REID: 9497959572000) totaling 1.35 acres ± and being the property of Judith Knowles Bunce, John O. Bunce, and Homeplace Holdings LLC, represented by Ashley Ballard of Deaco Group.
- P24-32. Rezoning from Single Family Residential 10 (SF-10), Office & Institutional (OI), and Community Commercial (CC) to Community Commercial (CC) located at 2620 Bragg Blvd (REID 0428216810000) totaling 16.30 acres ± and being the property of Eutaw Village Shopping LLC.
- 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: 24-4114

Agenda Date: 7/9/2024 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: July 9, 2024

RE: Approval of Meeting Minutes: June 11, 2024

COUNCIL DISTRICT(S):

ΑII

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: June 11, 2024

MINUTES CITY OF FAYETTEVILLE ZONING COMMISSION MEETING FAST TRANSIT CENTER COMMUNITY ROOM JUNE 11, 2024 @ 6:00 P.M.

MEMBERS PRESENT

STAFF PRESENT

Pavan Patel, Chair Stephen McCorquodale Tyrone Simon Clabon Lowe, Alternate Craig Harmon, Senior Planner Heather Eckhardt, Planner II Demetrios Moutos, Planner I Lisa Harper, Assistant Attorney Catina Evans, Office Assistant II

MEMBERS ABSENT

Alex Keith, Vice-Chair Kevin Hight

The Zoning Commission Meeting on Tuesday, June 11, 2024, was called to order by Chair Pavan Patel at 6 p.m. The members introduced themselves.

I. APPROVAL OF THE AGENDA

MOTION: Tyrone Simon made a motion to approve the agenda with the exception of postponing case A24-25

until the meeting on July 9, 2024.

SECOND: Stephen McCorquodale

VOTE: Unanimous (4-0)

II. APPROVAL OF THE CONSENT AGENDA TO INCLUDE THE MINUTES FROM THE MAY 14, 2024, MEETING

MOTION: Clabon Lowe SECOND: Tyrone Simon VOTE: Unanimous (4-0)

I. LEGISLATIVE HEARING

Mr. Patel discussed the aspects of the legislative hearing, and he asked if any of the Board members had any partiality (conflicts of interest) to disclose regarding the cases 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 cases on the agenda for the evening. The members did not have any exparte communications to disclose.

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.

Heather Eckhardt presented case P24-27 for a rezoning of a property located at 0 Carvers Falls Road from Mixed Residential 5 Conditional Zoning (MR-5/CZ) to Single-Family Residential 10 (SF-10). The applicant had previously presented this property to the Zoning Commission in a request to change the zoning to Mixed Residential 5 Conditional Zoning so they could build duplexes, but currently the owner wants to rezone the property back to Single-Family Residential 10 to accommodate single-family housing. The Future Land Use Plan designates the land as a community center. The area is vacant and surrounded by residential properties. The applicant wants to return the land to SF-10 zoning and the City Staff recommends approval of the rezoning.

Mr. Patel opened the hearing for case P24-27.

Speaker in favor:

Greg Caulder, 9820 US Hwy 301 N, Lumberton, NC 28360

- Mr. Caulder is a member of TG Ventures LLC.
- Mr. Caulder reiterated Ms. Eckhardt's notation that the owners had rezoned the property MR-5 so they could build duplexes on the land, but they want to rezone the property Single-Family because of the rising rent costs.
- Mr. Caulder advised the board that he was available to answer any questions.

Mr. Simon referred to a previous case and asked Mr. Caulder to clarify if that was the case in question (when the applicant requested the MR-5 zoning). Mr. Caulder assured Mr. Simon that the case he referenced was not related to the applicant's previous request to the have the property zoned MR-5. Mr. Patel asked for any questions and for a vote.

MOTION: Pavan Patel made a motion to approve case P24-27 based on the Consistency and Reasonableness

Statement provided by City Staff.

SECOND: Tyrone Simon **VOTE:** Unanimous (4-0)

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

Demetrios Moutos presented case P24-28, a request to rezone a property on Nexus Court owned by MCNL Enterprises to Limited Commercial. He informed the Board that the property, located in west Fayetteville, is currently zoned Office Institutional (OI), consistent with the surrounding area. However, the Future Land Use Plan designates the land as Office Institutional, which differs from OI zoning. Mr. Moutos showed the Board pictures of the area and highlighted nearby improvement projects, including the First Impression Academy and doctors' offices.

Mr. Moutos emphasized that the proposed rezoning aligns with the Future Land Use Plan. He noted that the area's constant influx of traffic makes it an ideal location for office and retail spaces. Changing the zoning to Limited Commercial would permit activities that conform with the Future Land Use Plan. Mr. Moutos informed the Board that City Staff recommends approval of the rezoning and outlined the voting options available to the Board.

Mr. Patel opened the hearing for case P24-28.

The applicant was not present, so Mr. Patel closed the hearing for case P24-28.

Mr. Patel asked Mr. Moutos about the difference between the Future Land Use designation and the Office Institutional Zoning District. Mr. Moutos explained that the Future Land Use Plan designation is more general, while the zoning district specifies particular types of businesses. Mr. McCorquodale inquired about the applicant's absence, and Mr. Moutos explained that he had notified the applicant about the hearing.

MOTION: Clabon Lowe made a motion to continue case P24-28 during the Zoning Commission Meeting on

July 9, 2024.

SECOND: Tyrone Simon **VOTE:** Unanimous (4-0)

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.

Demetrios Moutos presented case P24-29, explaining to the Board that the property, located on Clinton Road, is undergoing rezoning in conjunction with an annexation to be presented to the City Council in August. The applicants seek to rezone their land, currently zoned Planned Commercial, to Community Commercial (CC) within the city limits following annexation. The surrounding area is residential, with an outdoor storage area on the adjacent commercial property.

Mr. Moutos emphasized that this is a straightforward rezoning, allowing a variety of uses under the requested CC zoning. The applicant intends to maintain the commercial use of the area, and City Staff recommends approval of the rezoning. Mr. Moutos outlined the voting options for the Board.

Mr. Patel opened the hearing for case P24-29.

Speaker in favor:

Bart McClaine, project engineer for the applicant, stated that their address is 1150 SE Maynard Road, Suite 260, Cary, NC 27511.

Mr. McClaine explained that the applicant plans to annex the property into the City and seeks the Community Commercial (CC) zoning designation. The owners intend to develop a self-storage facility on the property.

He also offered to answer any questions from the Board.

Mr. Patel closed the hearing for case P24-29.

MOTION: Pavan Patel made motion to approve case P24-29 based on the Consistency and Reasonableness

Statement presented by City Staff.

SECOND: Clabon Lowe **VOTE:** Unanimous (4-0)

III. OTHER BUSINESS

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

IV. ADJOURNMENT

MOTION: Clabon Lowe made a motion to adjourn the June 11, 2024, meeting.

SECOND: Tyrone Simon Unanimous (4-0)

The meeting adjourned at 6:21 p.m. Respectfully submitted by Catina Evans





City of Fayetteville

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

City Council Action Memo

File Number: 24-4109

Agenda Date: 7/9/2024 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: July 9, 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.

This item was originally scheduled for the June 11, 2024 Zoning Commission however, a quorum was not available and the item was moved to the July 9, 2024 meeting.

30.2.C.14 Variance:

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

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

Background:

Owner: 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;
- 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:

 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.	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:
Fir	tion to deny the variance as requested. Idings of Fact Statements Required to Deny this Request: 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



Planning & Zoning

433 Hay Street Fayetteville, NC 28301 910-433-1612

www.fayettevillenc.gov

Project Overview #1310670

Project Title: Chick-Fil-A #00875 - SKIBO SQUARE FSU

Application Type: 5.4) Variance

Workflow: Staff Review

Jurisdiction: City of Fayetteville

State: NC

County: Cumberland

Project Location

Project Address or PIN: 1921 SKIBO RD (0417090398000) **Zip Code:** 28314 Is 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

Zoning District: Zoning District

• 1921 SKIBO RD: CC

Fire District:

Hospital Overlay District:

Cape Fear District:

Haymount Historic District:

100 Year Flood: <100YearFlood>

Watershed:

Acreage: Parcel

• 1921 SKIBO RD: 1.19

Subdivision Name:

Airport Overlay District:
Coliseum Tourism District:
Downtown Historic District:

Floodway:

500 Year Flood: <500YearFlood>

Variance Request Information

Requested Variances: Minimum yard/setback

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

Request for the building/buffer setback to be reduced to 0' to conform to the surrounding parcels

Section of the City Code from which the variance is being requested.: Specific Lot Requirement - Not City Code Related 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 <u>finding that **all** of the following standards are</u> 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 surrouding 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 Height of Sign Face: 0

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

Created with <u>idtPlans Review</u> Chick-Fil-A Page 2 of 3

Primary Contact Information

Contractor's NC ID#:

Project Owner

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

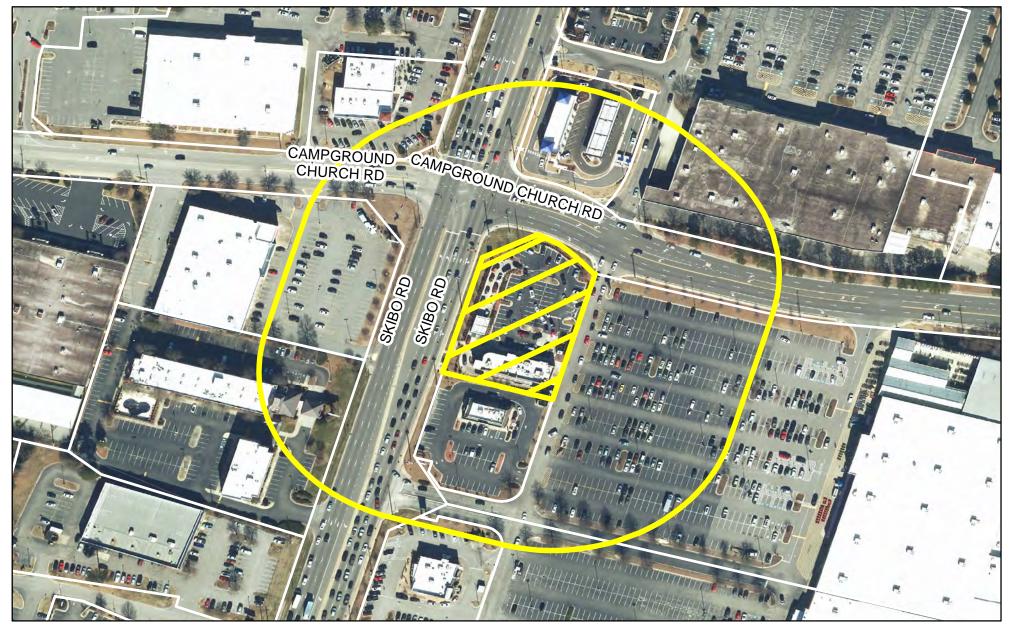
NC State Mechanical Contractor's #2 License Number:

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

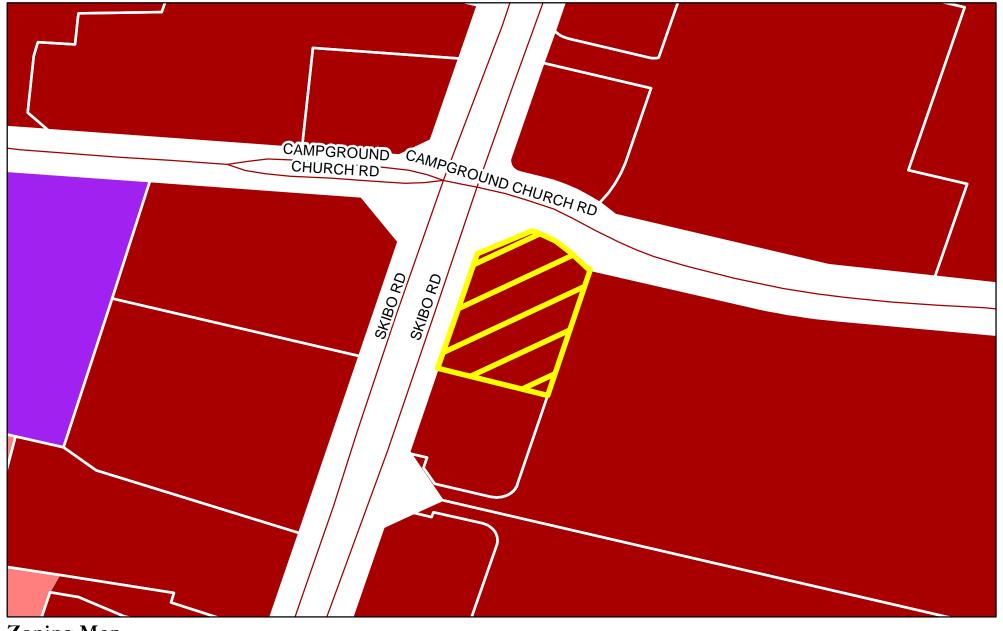




A24-25 A24-25 Notification Buffer

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





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



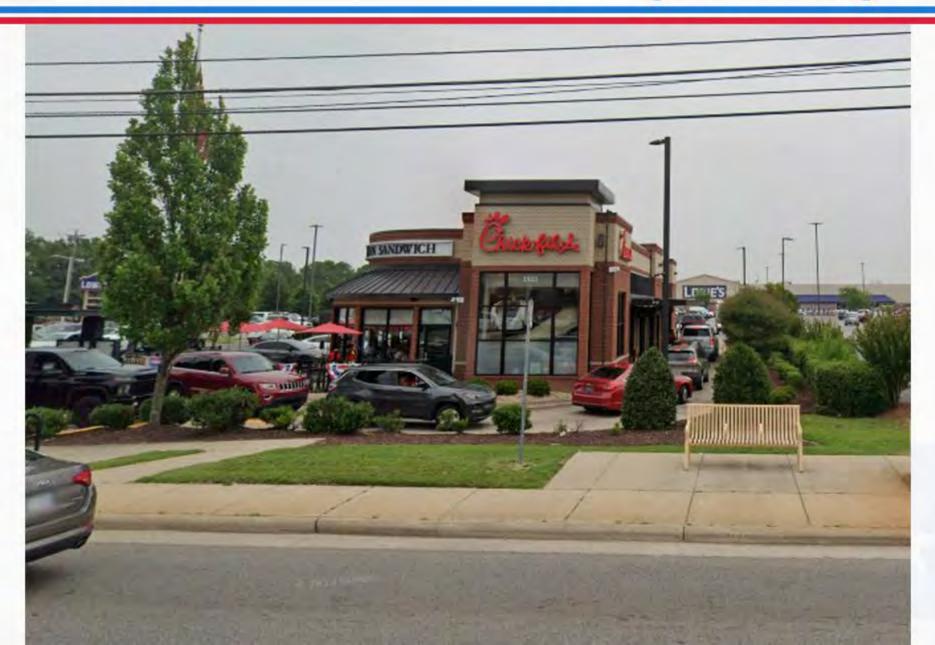
RC - REGIONAL CENTER

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





Subject Property





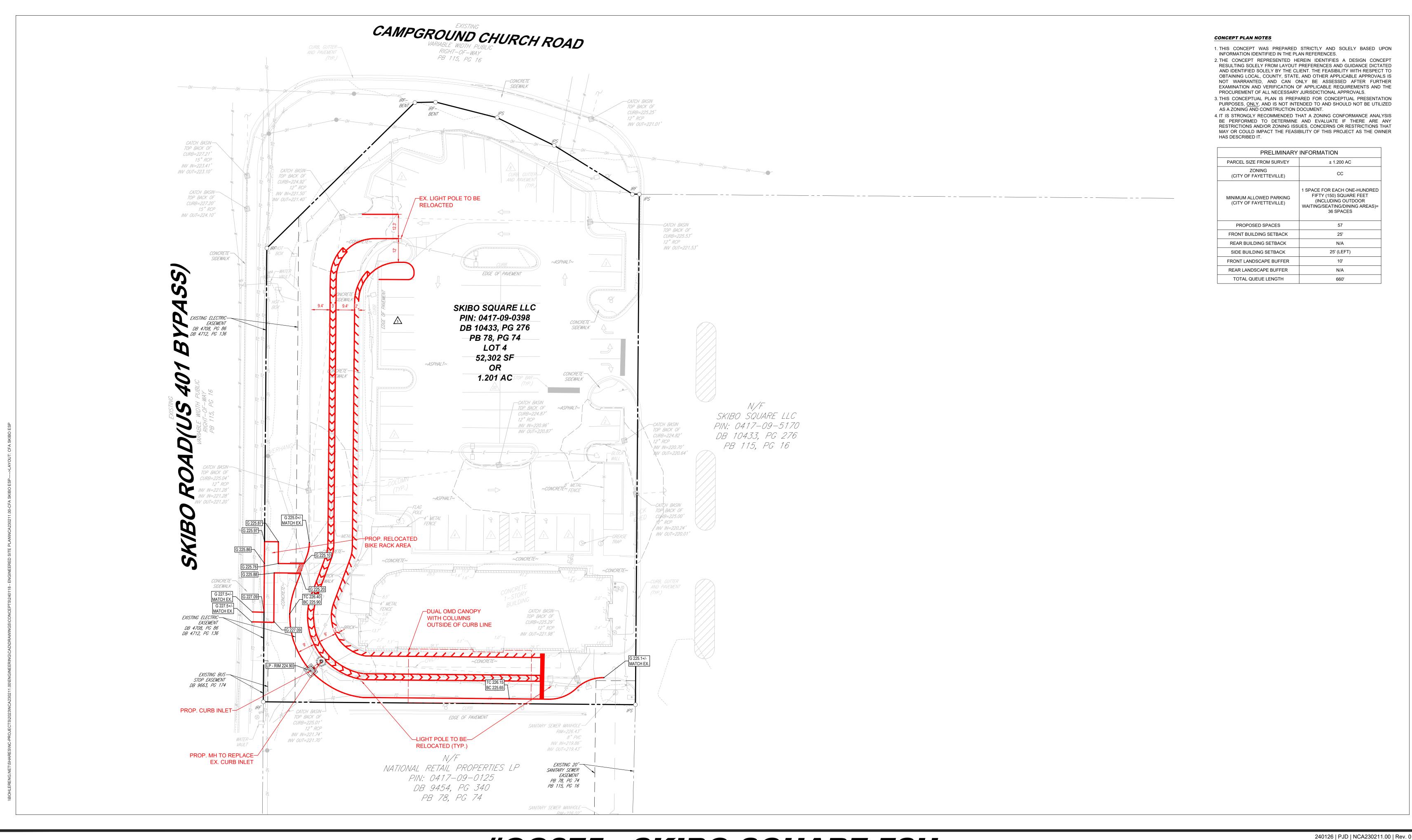
Surrounding Properties













NC@BohlerEng.com

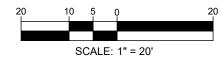
#00875 - SKIBO SQUARE FSU



FAYETTEVILLE, NC 28314 | REV. 0









Agenda Number: 5.01

City of Fayetteville

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

City Council Action Memo

File Number: 24-4103

Agenda Date: 7/9/2024 Version: 1 Status: Agenda Ready

In Control: Zoning Commission

File Type: Public Hearing

(Public & Legislative)

City of Fayetteville Page 1 Printed on 7/1/2024

TO: Mayor and Members of City Council

THRU: Zoning Commission

FROM: Demetrios Moutos - Planner I

DATE: July 9, 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.

This item was presented to the Zoning Commission on June 11, 2024. However, due to the applicant's absence and inability to answer questions, the board decided to postpone the decision until the July 9, 2024 meeting.

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:

- 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



Planning & Zoning

433 Hay Street Fayetteville, NC 28301 910-433-1612

www.fayettevillenc.gov

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 Acreage: Parcel

6966 NEXUS CT: MCNL ENTERPRISES, LLC
 6962 NEXUS CT: MCNL ENTERPRISES, LLC
 6962 NEXUS CT: 0.39

Zoning District: Zoning District

6966 NEXUS CT: OI6962 NEXUS CT: OI

Fire District: Airport Overlay District:

Hospital Overlay District:

Cape Fear District:

Downtown Historic District:

Haymount Historic District: Floodway:

100 Year Flood: <100YearFlood> **500 Year Flood**: <500YearFlood>

Watershed:

General Project Information

application in the last five years?: No

Previous Amendment Case #:

Acreage to be Rezoned: 1

Water Service: Public

A) Please describe all existing uses of the land and existing

74 Floado documbo an oxioning document and aria oxioning

structures on the site, if any:

vacant land

Proposed Zoning District: Limited Commercial Is this application related to an annexation?: No

Sewer Service: Public

B) Please describe the zoning district designation and existing uses of lands adjacent to and across the street

from the subject site.:

Subdivision Name:

professional office building, school building

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

Created with idtPlans Review 5/14/24 Office Building Page 1 of 3

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:

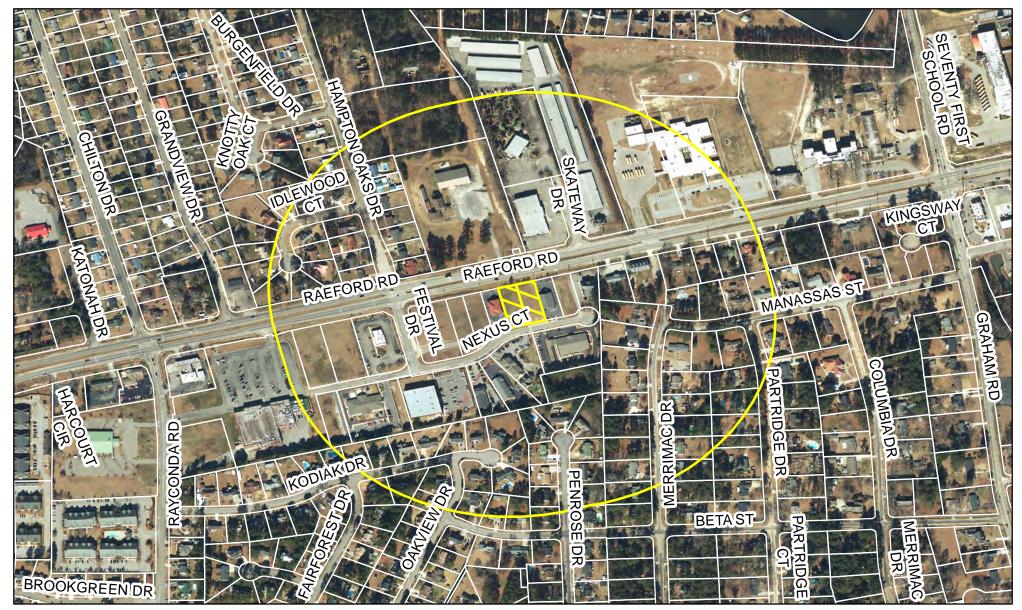
NC State Mechanical Contractor's #2 License Number:

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



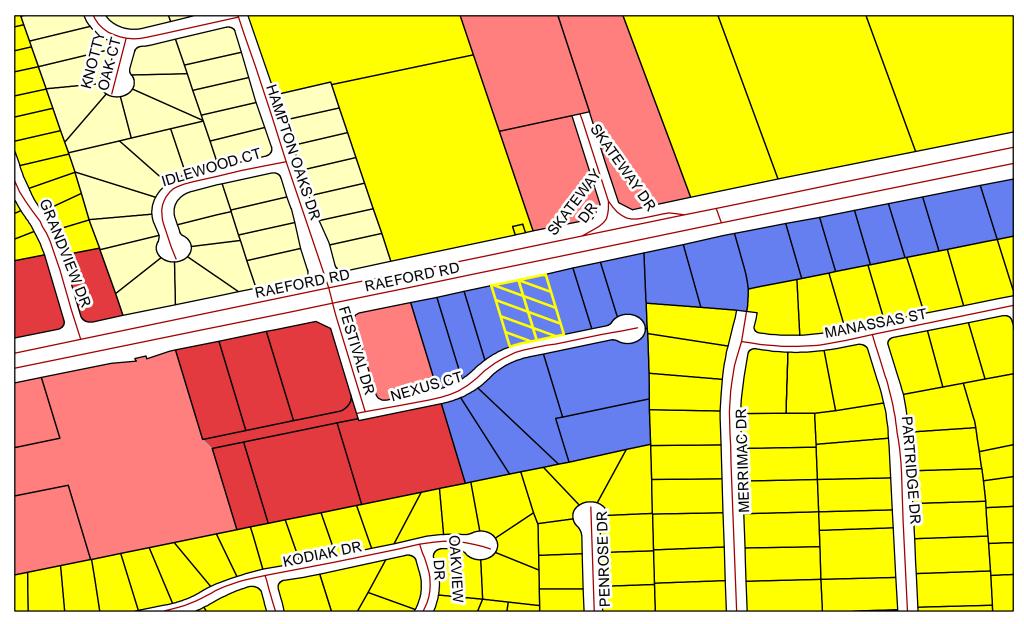
P24-28 Buffer



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

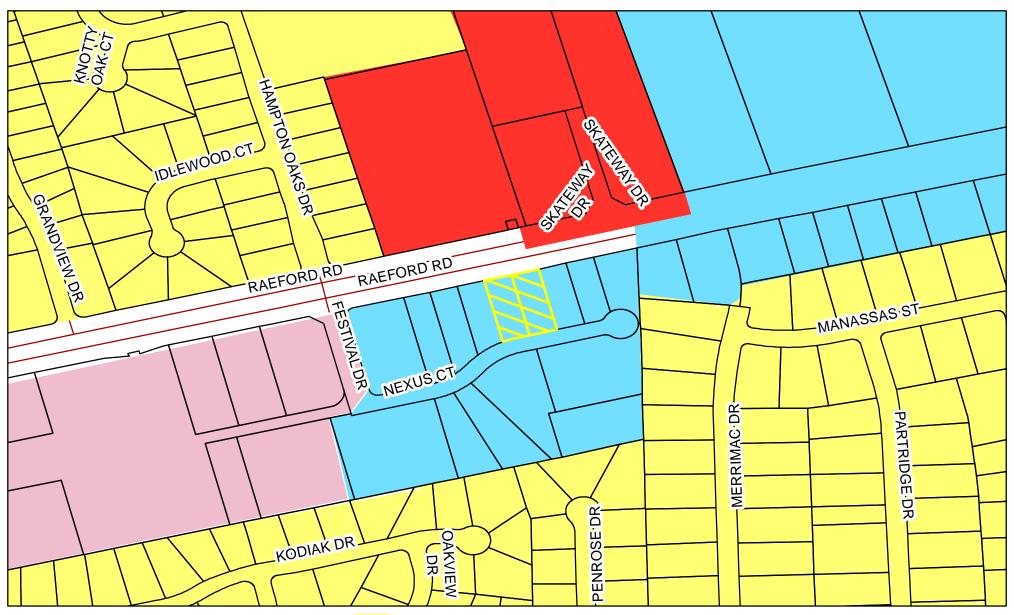
NC - Neighborhood Commercial

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

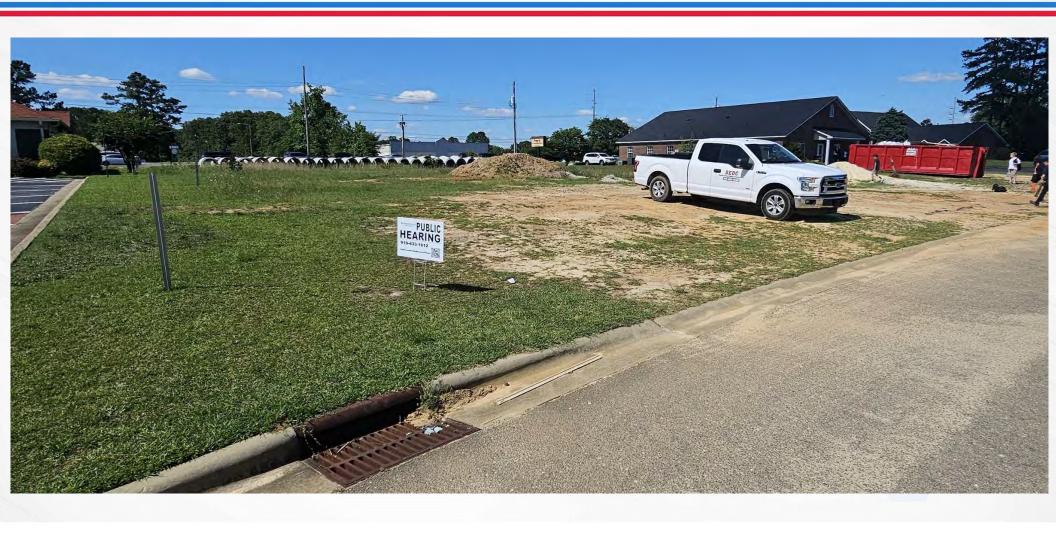
OI - OFFICE / INSTITUTIONAL

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





Subject Properties





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 landuse 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	Х	
GOAL #4: Foster safe, stable, and attractive neighborhoods	Х	

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	Х	
2.1: Encourage economic development in designated areas.	X	
LUP 4: Create a well-designed and walkable commercial and mixed-use districts	х	
4.1: Ensure new development meets basic site design standards	Х	

Standards should include:		
 4.2: Encourage context-sensitive site design Design commercial and mixed-use areas to be walkable areas with pedestrian connections between uses and buildings. Encourage buildings to be located close to the street, especially near key intersections, with parking located to the side or behind the buildings. Require short block lengths (max. 400 to 600 feet) and connections to adjacent development (crosswalks, etc.). Ensure development standards specify: Transition in building scale between new buildings and 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.	Х	
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.	х	
LUP 8: Require the Preservation of Open Space and Unique Natural Features in New Developments	Х	
8.2: Preserve unique natural features through site design.	X	

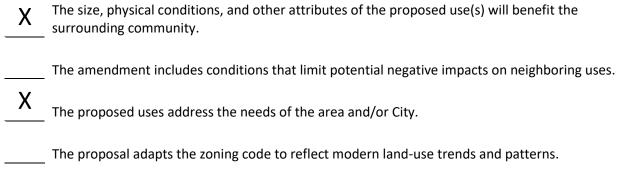
LUP 10: Support land use, site design, and capital improvement initiatives that increase resiliency and reduce impacts from flooding and natural disasters	X	
10.1: Encourage on-site stormwater control measures that reduce the impacts of new development		
Stormwater requirements should seek to mimic pre- 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]



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.	
	onal comments, if any (write-in): July 9, 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: 24-4111

Agenda Date: 7/9/2024 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: Will Deaton, MPA, AICP, CFM, CZO - Planning & Zoning Manager

Heather Eckhardt, CZO - Planner II

DATE: July 9, 2024

RE:

P24-30. Rezoning from Agricultural Residential (AR) to Single Family Residential 15 (SF-15) located at 0 Dundle Road (REID 9495269866000) totaling 0.45 acres ± and being the property of L J Bruton Living Trust.

COUNCIL DISTRICT(S):

6 - Derrick Thompson

Relationship To Strategic Plan:

Strategic Operating Plan FY 2022 Goals 2027

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

• Objective 2.1 - To ensure a diverse City tax base

Goal III: City invested in Today and Tomorrow

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

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

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

Executive Summary:

The applicant is seeking to rezone two lots from Single Family Residential 15 (SF-15) and Agricultural Residential (AR) to Single Family Residential 15 (SF-15).

Note: At the time of submittal, the request involved a single parcel "tied" across Summerlin Drive with a single parcel number. While the application was under review, the parcel was "untied" and recombined with separate parcels resulting in two split zoned parcels.

Background:

Owner: LJ Burton Living Trust

Applicant: Scott Brown of 4D Site Solutions, Inc.

Requested Action: SF-15 & AR to SF-15

REID #: 9495275037000 & 9495264951000 (originally 9495269866000)

Council District: 6 - Derrick Thompson

Status of Property: Vacant

Size: 0.45 acres

Adjoining Land Use & Zoning:

North: AR - Vacant land and single family houses

• South: AR - Single family houses

• East: AR - Cell tower and mobile home park

• West: SF-15 - Single family houses and vacant land

Annual Average Daily Traffic: Dundle Road: 5,400

Letters Mailed: 130

Land Use Plans:

With the adoption of the 2040 Comprehensive Plan: Future Land Use Map & Plan on May 26, 2020, all properties within the city limits as well as properties identified as being in the Municipal Influence Area (MIA) are subject to this plan. According to the Plan, it is recommended that this portion of the city should be developed as Low Density Residential. Low Density Residential calls for mainly single family residential with some accessory dwellings; occasionally with duplexes and townhouses interspersed.

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.

Surrounding Area:

The surrounding area has a variety of residential uses - primarily single family houses and mobile home parks. The areas to the north and south are zoned Agricultural Residential and are mostly large parcels with single family houses. The area to the west is the Tarleton Plantation subdivision which is zoned Single Family Residential 15 (SF-15). A cell tower is located on the property to the east.

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 a rezoning from Agricultural Residential (AR) to Single Family Residential 15 (SF-15).

The Single-Family Residential 15 (SF-15) District is established principally single-family detached residential development at low densities.

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 Low Density Residential. Low Density Residential calls for mainly single

family residential with some accessory dwellings; occasionally with duplexes and townhouses interspersed.

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.

- 1.6: Require adequate infrastructure to be in place prior to or in tandem with new development
- 1.7: Encourage a logical progression of housing development and discourage "leapfrog" development.

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.

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 has requested to rezone two lots to match the neighboring subdivision, Tarleton Plantation. This rezoning would allow for the two vacant lots to be developed in a manner that in keeping with the surrounding area.

Budget Impact:

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

Options:

- Recommends approval of the map amendment to SF-15 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)
- 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-15 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



Planning & Zoning

433 Hay Street Fayetteville, NC 28301 910-433-1612

www.fayettevillenc.gov

#1352604 **Project Overview**

Project Title: Summerlin Drive Lots 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 DUNDLE RD (9495269866000) **Zip Code: 28306** Is it in Fayetteville? Click this link to the Cumberland County Tax Office GIS system

GIS Verified Data

Property Owner: Parcel Zoning District: Zoning District

• 0 DUNDLE RD: L J BRUTON LIVING TRUST • 0 DUNDLE RD: AR

Fire District:

Hospital Overlay District: Coliseum Tourism District:

Downtown Historic District: Cape Fear District:

Havmount 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 Case #:

Acreage to be Rezoned: 0.45

Water Service: Public

A) Please describe all existing uses of the land and existing

structures on the site, if any:

The land is vacant. There are no existing structures. It appears the

land has never been developed.

Previous Amendment Approval Date:

Proposed Zoning District: SF15

Is this application related to an annexation?: No

Sewer Service: Public

Airport Overlay District:

B) Please describe the zoning district designation and existing uses of lands adjacent to and across the street

from the subject site.:

The adjacent property to the west is SR15. The adjacent property to the north and south is AR. The property across Dundle Road is

AR.

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 amendment is consistent with the long range planning. The lot is split by Summerlin Drive and is adjacent to existing SF15

Summerlin Drive Lots Page 1 of 3 zoning.

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

No

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

The lot is too small to be developed at AR zoning with the property being split by Summerlin Drive. More residential lots are needed in the area. Rezoning will allow the trend for the subdivision lots to be extended to Dundle Road and complete what was started years ago.

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

The property is adjacent to SF15 zoning. The property to the west is an existing residential development. The proposed SF15 zoning is compatible with the existing zoning and surrounding land use.

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

it is logical to complete the existing neighborhood to Summerlin Drive. The rezoning will allow this to be complete by recombing the property with the parcels to the west to be developed as single family homes.

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

Development to the west has already occurred and the proposed rezoning will close the loop. The rezoning is not anticipated to impact the property across Dundle Road.

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

N/A

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 isolated zoning district will be created. The property is adjacent to existing SF15 zoned property.

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

No significant adverse impacts to the surrounding property values are anticipated based on the rezoning request.

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

No adverse impacts expected. The adjacent property is already a developed residential community.

Primary Contact Information

Contractor's NC ID#:

Project Owner

LB Bruton LJ Burton Living Trust 2830 Dundle Road Fayetteville, NC 28306 P:910-303-1507

lorrainemohler@mohlerinvestments.com

Project Contact - Agent/Representative

Lorraine Mohler
Mohler Investments
2148 Rim Road
Fayetteville, NC 28314
P:910-221-9901
lorrainemohler@mohlerinvestments.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:

Project Contact - Primary Point of Contact for the Surveyor

Scott Brown

4D Site Solutions, Inc 409 Chicago Drive, Suite 112 Fayetteville, NC 28306 P:(910) 4266777

sbrown@4dsitesolutions.com

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

AFFIDAVIT OF OWNERSHIP

I, Mohler Investments, being duly sworn, deposes and says:
1. That I am the owner of the property/properties located at
intersection of Dundle Rd & Summerlin Drive in the City of Fayetteville, a political
subdivision of the State of North Carolina.
2. I do hereby give permission to Mohler Investments, LLC to submit a
Conditional Rezoning/Variance/Special Use (circle one) application to the City of
Fayetteville on my behalf for the above referenced property/properties.
3. This authority is only granted for the application to be submitted on
Signature of Affiant
Signature of Affiant
Cumberland County, North Carolina
Sworn to and subscribed before me this day on the 21 day of May ,2024
Signature of Notary Public Zachary Fields Printed Name of Notary Public Printed Name of Notary Public My Commission Expires: 9-18-2027

BKI 1954 PG0803

FILE	ΞD
CUMBERLAND	COUNTY NC
J. LEE WAF	REN, JR.
REGISTER	OF DEEDS
FILED	Apr 23, 2024
AT	04:29:25 pm
BOOK	11954
START PAGE	0803
END PAGE	0804
INSTRUMEN ^T	Γ# 11622
RECORDING	\$26.00
EXCISE TAX	\$26.00
CI	

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$26.00	
Parcel Identifier No Verified By:	by County on the day of, 20
Return: Mail/Bex to: Cooney Law Firm 1926 Fort Bragg Rd, Fay	vetteville, NC 28303
This instrument was prepared by: Law Office Miranda I	R. McCoy, 3620 Legion Road, Hope Mills, NC 28348
Brief description for the Index: LOT A & B Tarleton P	lantation, Sec 1,
THIS DEED made this 22nd day of	February , 2024, by and between
GRANTOR	GRANTEE
Janet B. Wing and Robert L. Bruton,	Mohler Investments, LLC
Trustees of the L.J. Bruton Living Trust,	Summerline Dr
dated September 2, 1999	Fayetteville, NC 28306
2609 Dundle Rd	
Fayetteville, NC 28306	Mailing Address:
	2148 Rim Road Suite 104
	Fayetteville, NC 28314-6590
Enter in appropriate block for each Grantor and Grante corporation or partnership.	ee: name, mailing address, and, if appropriate, character of entity, e.g.
The designation Grantor and Grantee as used herein shall plural, masculine, feminine or neuter as required by containing the state of t	Il include said parties, their heirs, successors, and assigns, and shall include singular, ntext.
these presents does grant, bargain, sell and convey unto	eration paid by the Grantee, the receipt of which is hereby acknowledged, has and by the Grantee in fee simple, all that certain lot, parcel of land or condominium unit Seventy First Township, Cumberland County, ows:
	pap of Tarleton Plantation Section One duly recorded in Plat Book 92, Page 117, bear parcel ID numbers of 9495-27-5008, and 9495-26-4913, and
DELINQUENT TAXES, IF ANY, TO BE PAID FROM	THE CLOSING ATTORNEY OUT OF THE CLOSING PROCEEDS.
	Frantor by instrument recorded in Book $\underline{\underline{400}}$ page $\underline{\underline{317}}$ cludes or $\underline{\underline{X}}$ does not include the primary residence of a Grantor.
A map showing the above described property is recorded	ed in Plat Book <u>92</u> page <u>17</u> and Book 4077, Page
	Page 1 of 2

BK11954 PG0804

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that tule is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims; of all persons whomsoever, other than the following exceptions: SUBJECT TO ALL VALID AND SUBSISTING RESTRICTIONS, RESERVATIONS, COVENANTS, CONDITIONS, RIGHTS OF WAYS, AND EASEMENTS PROPERLY OF RECORD, IF ANY, AND AD VALOREM TAXES DUE FOR THE CURRENT YEAR. 4.55 - Sept. IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written. Bring ale et .. The L. J. Bruton Living Trust ર્દે પ્રાપ્ત હોંગે હાનો A485 56 861 (Entity Name) Print/Type Name: Print/Type Name & Title: Janet B. Wing Print/Type Name: as Trustee Name & Title: Robert L. Bruton Print/Type Name: as Trustee Print/Type Name & Title: Print/Type Name: ____ - County or City of <u>Cumberland</u> and State aforesaid, certify that Agriculture undersigned Notary Fublic of the Country of City of Charles and State and State and State and Robert L. Bruton Trustee personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes the energy witness my hand and Notarial stamp or seal this 22 day of NoTARY

My; Commission Expires: 7/24/2027

Penny M. Bernach - Hurpy

Notary Public

Notary s Printed or Typed Name State of ______ - County or City of ______ - County or City of _______ . I, the undersigned Notary Public of the County or City of _______ and State aforesaid, certify that Robert L. Bruton as Trustee personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this _____ day of 正文颐宝 exect ion of the Notary Public My Commission Expires: ___ Notary's Printed or Typed Name - County or City of The include signed Notary Public of the County or City of _____ and State aforesaid, certify that personally came before me this day and acknowledged that she is the _____, a North Carolina or __ corporation/limited liability company/general partnership/limited partnership (strike through the ____ inapplicable), and that by authority duly given and as the act of such entity, _he signed the foregoing instrument in its name on its such entity, _he signed the foregoing instrument in its name on its such entity, _he signed the foregoing instrument in its name on its such entity. My Conimission Expires: _ Notary Public

ì

Notary's Printed or Typed Name

(Affix Seal)



Aerial Notification Map Case #: P24-30

Request: Rezoning

Agricultural Residential (AR) to Single Family Residential 15 (SF-15)

Location: 0 Dundle Road 9495269866000

Legend

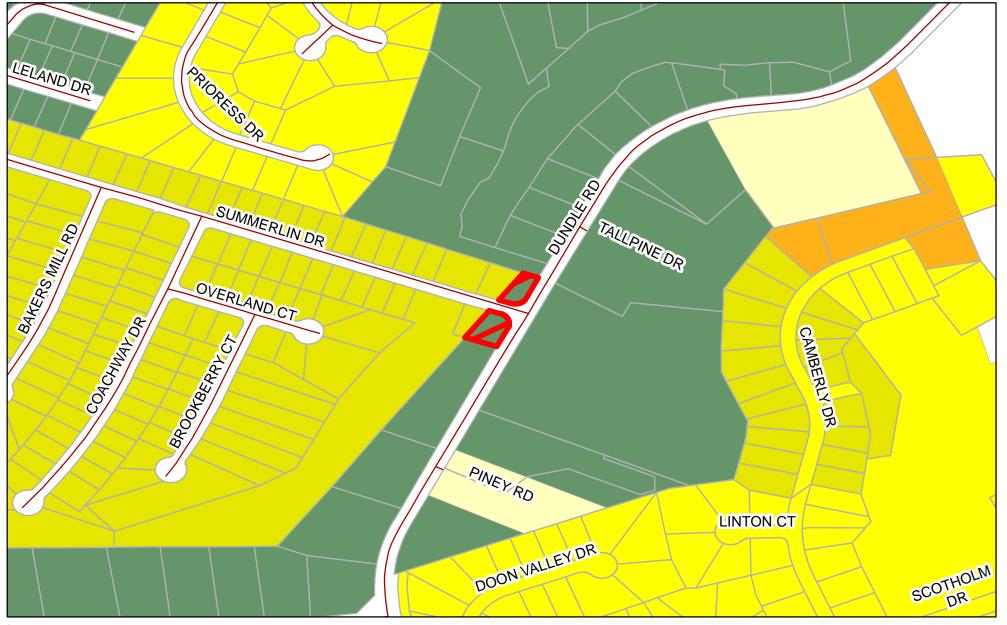
P24-30

P24-30 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 #: P24-30

Request: Rezoning

Agricultural Residential (AR) to Single Family Residential 15 (SF-15)

Location: 0 Dundle Road

9495269866000

Legend

P24-30

AR - Agricultural-Residential

MR-5 - Mixed Residential 5

SF-6 - Single-Family Residential 6

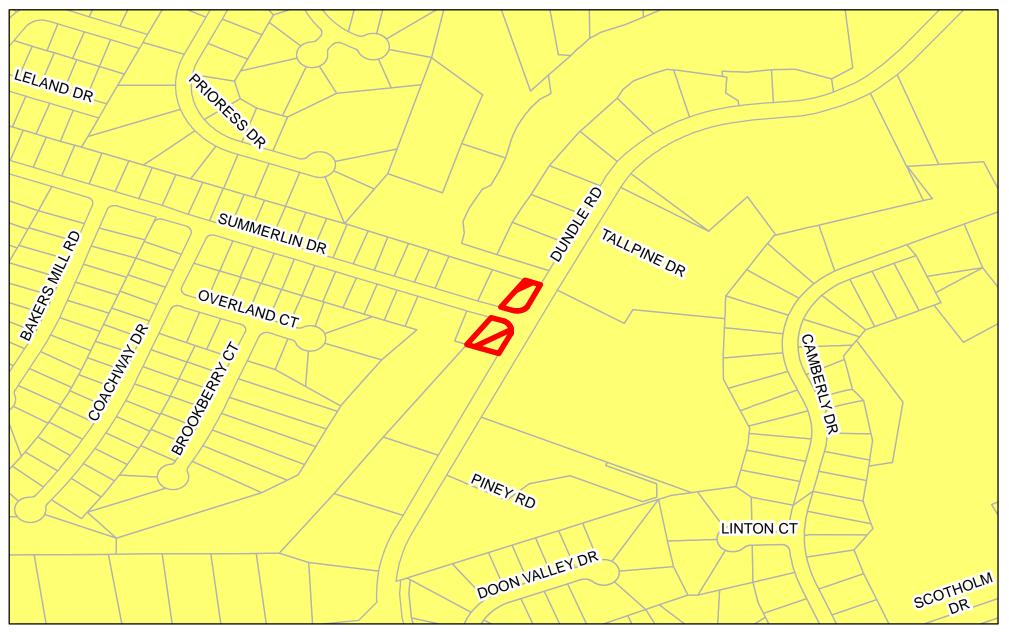
SF-10 - Single-Family Residential 10

SF-15 - Single-Family Residential 15



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





Land Use Map Case #: P24-30

Request: Rezoning

Agricultural Residential (AR) to Single Family Residential 15 (SF-15)

Location: 0 Dundle Road

9495269866000

Legend



P24-30

Land Use Plan 2040

Character Areas



LDR - LOW DENSITY

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





Subject Property







Surrounding Properties



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 P24-30 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 landuse 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	×	
Goal # 4: Foster safe, stable, and attractive neighborhoods	х	

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.	х	
1.6: Require adequate infrastructure to be in place prior to or in tandem with new development	х	
1.7: Encourage a logical progression of housing development and discourage "leapfrog" development.	x	
LUP 3: Encourage redevelopment along underutilized commercial strip corridors and reinvestment in distressed residential neighborhoods.	x	
3.1: Examine and identify targeted redevelopment and infill areas throughout the city.	х	

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

х	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 am	endment is also in the public interest because it: [select all that apply]	
X	improves consistency with the long-range plan.	
	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):		
Jul	y 9, 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: 24-4118

Agenda Date: 7/9/2024 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: July 9, 2024

RE:

P24-31: Rezoning of one property from Single-Family Residential 10 (SF-10) to Limited Commercial (LC) located at 0 ? Drive (REID: 9497959572000) totaling 1.35 acres ± and being the property of Judith Knowles Bunce, John O. Bunce, and Homeplace Holdings LLC, represented by Ashley Ballard of Deaco Group.

COUNCIL DISTRICT(S):

7 - Brenda McNair

Relationship To Strategic Plan:

Strategic Operating Plan FY 2022

Goals 2027

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

Executive Summary:

The property owners seek to rezone a 1.35 acre ± parcel on the corner of Cliffdale Road and Bunce Road from Single-Family Residential 10 (SF-10) to Limited Commercial (LC) to allow for the development of a new convenience store with fuel sales.

Background:

• Owners: Judith Knowles Bunce, John O. Bunce, and Homeplace Holdings LLC

• Applicant: Larae Tucker

Requested Action: SF-10 to LC

REID #: 9497959572000

Council District: 7 - Brenda McNair

• Status of Properties: Vacant

• **Size**: 1.35 acres ±

Adjoining Land Use and Zoning:

North: SF-10 and OI/CZ - Single Family

• South: LC and SF-10 - Diamond Outdoor Products

• East: SF-10 - Vacant

• West: LC and MR-5 - 365 Fast Mart and Hidden Creek Village Apartments

Annual Average Daily Traffic 2022

Cliffdale Road: 28,000Bunce Road: 13,000

Postcards Mailed: 115

2040 Comprehensive Land Use Plan and Map:

Future Land Use Maps and Comprehensive Plans are essential tools for local governments to guide staff, appointed, and elected officials in making long-term land use decisions, such as rezonings and special use permits. Updating Fayetteville's future land map allowed the community, staff, stakeholders, and others to engage in city-wide discussions about development pressures within Fayetteville's municipal limits and its municipal influence area (MIA). Alongside the map, character area descriptions and policy recommendations are included to aid implementation. This plan communicates the desired future land use and the preferred type and form of development to the public and the development community.

The recently adopted 2040 Comprehensive Plan exemplifies this approach.

The 2040 Comprehensive Plan, adopted on May 26, 2020, designates the subject property for Neighborhood Mixed Use development. This designation allows for a combination of residential and commercial uses within the same zone, creating a vibrant and walkable environment. The plan outlines a mix of building heights, ranging from one to three stories, with a variety of housing options including smaller-scale multi-family units, attached housing, and single-family homes on smaller lots. Lower-density development is suggested for the periphery of the area.

Issues/Analysis:

Historical Narrative Based on Deed Records: Deed records meticulously document the history of this property, spanning over a century. These records reveal a series of transactions and boundary definitions, tracing the property's journey from early 20th-century acquisitions to present-day ownership.

The documented history begins in 1914 with a significant survey by J.K. Strange. This comprehensive survey subdivided multiple parcels within Cumberland County, laying the groundwork for future land transactions. A key transaction occurred in 1918 when a portion of the property was conveyed from John Salem Jones and his wife to W.F. Yarborough and W. Leighton Bunce.

The mid-20th century saw continued activity. New property divisions were documented by

surveyor E. L. Sales in 1937. Land transfers continued, with a conveyance from Duncan B. Currie and Margaret H. Bruton in 1963. Notably, the early 1940s were a period of increased activity, reflected in property acquisitions documented by Franklin B. Clark in 1942 and various land transactions throughout 1943, including one involving R. H. Owen. Property transactions continued to shape the area's landscape in the late 20th and early 21st centuries. The period from 1950 to 1957 saw multiple deeds recorded. These transactions included those involving Swanna Paschall White and conveyances from Mary Dockey Smith and John A. Gates. The most recent documented transfer occurred on November 8, 2022, when Brian Paul Burkhard and Martha Nichols Johnson conveyed the property to Homeplace Holdings, LLC. This deed incorporates historical land details and adheres to modern legal requirements.

Throughout this period, meticulous attention to boundary definitions and legal descriptions played a crucial role in shaping the property. Detailed surveys established clear property boundaries, referencing geographical landmarks like Chicken Road and Hope Mills Road. Easements, rights-of-way, and municipal zoning ordinances have also been documented, ensuring compliance with land use regulations.

The property's history showcases its dynamic journey through a century of transactions, boundary definitions, and evolving land use. The records highlight the intricate details and legal complexities involved in the property's development, serving as a testament to the ongoing transformation of Cumberland County's landscape.

History Based on Aerial Imagery: According to the Cumberland County GIS, from 1968 the property was unoccupied with minimal vegetation. Over the following decades, the land remained undeveloped. The most recent imagery shows a predominantly forested area with thick undergrowth.

Rezoning Request: This project seeks to rezone a 1.35-acre vacant property from Single-Family Residential 10 (SF-10) to Limited Commercial (LC). The property has not been subject to a map amendment application in the last five years and is serviced by public water and sewer systems. It is not part of any recent annexation.

The proposed development is a new convenience store with fuel sales, encompassing two parcels (REID: 9497953806000 and 9497959572000). One parcel is currently zoned LC, allowing the proposed use. The rezoning request applies to the other parcel, currently zoned SF-10.

The LC district accommodates a variety of moderate-intensity commercial uses serving multiple neighborhoods. Examples include grocery stores, gas stations, restaurants, and specialty stores. It prioritizes compatibility with surrounding residential areas and discourages intensive commercial uses. Residential uses above nonresidential establishments are encouraged.

Project Justification According to the Applicant:

- **Alignment with Planning Documents:** This rezoning aligns with the city's comprehensive plan and long-range planning goals.
- **Community Need:** The convenience store addresses a demonstrated need for additional services in the area.
- Compatibility with Surrounding Uses: The rezoning ensures compatibility with the existing LC-zoned parcel to the south, creating a more cohesive development pattern.
- Logical Development: This project promotes a logical and orderly development

- pattern by expanding existing commercial uses in a designated area.
- **Service Provision:** The development enhances service provision to nearby residents without encouraging premature development.
- Minimal Impact: The project is not expected to negatively impact property values or the environment. It also avoids creating strip commercial development or an isolated zoning district.

Straight Zoning: This request proposes a "straight rezoning" of the property. This means changing its zoning from Single-Family Residential 10 (SF-10) to Limited Commercial (LC) with no conditions.

Rezoning reclassifies the land to a new zoning category, allowing for the uses permitted in that category. These permitted uses are listed in the "Use Table" of the Unified Development Ordinance (UDO).

In a straight rezoning, the Zoning Commission cannot add restrictions or requirements beyond those already established in the LC zoning category. This means they can't limit the types of businesses allowed, building size regulations, or other development standards.

Land Use Plan Analysis:

Site Overview: The subject property, encompassing 1.35 acres ±, is currently vacant and densely wooded. Historical aerial imagery reveals a clear-cut area in 1968, allowing for natural regrowth since then. The property borders on:

- North: Single-Family Residential 10 (SF-10) and OI/CZ districts present both
 opportunities and challenges. The presence of single-family homes necessitates
 careful planning to minimize disruption and ensure compatibility with the proposed
 development. However, the OI/CZ district might allow for some limited commercial
 uses in the area, potentially creating a more receptive environment for the
 proposed LC zoning.
- South: The mix of Limited Commercial (LC) and Single-Family Residential (SF-10) creates a context where the proposed rezoning aligns well with existing commercial uses like Diamond Outdoor Products. This aligns with the FLUP's vision for neighborhood-serving commercial activities. However, the presence of remaining SF-10 zoned areas suggests the potential for single-family homes nearby. Mitigating potential impacts like increased traffic and noise on these potential future residents will be crucial.
- **East:** The vacant land zoned SF-10 to the east presents an opportunity for future residential development that could benefit from the proposed convenience store's proximity. However, careful planning during construction is necessary to minimize disruption to any future development on this vacant land.
- **West:** The presence of a 365 Fast Mart convenience store in the LC zone suggests some existing demand for similar services in the area. The presence of Hidden Creek Village Apartments (MR-5 zone) necessitates measures to mitigate potential negative impacts like increased traffic and noise on these residents.

Compatibility Analysis with FLUP: The proposed rezoning aligns with some aspects of the FLUP's Neighborhood Mixed Use designation:

- **Mixed-Use Development:** Aligns with the visions for integrating commercial and potentially residential uses, promoting a vibrant and flexible environment.
- Walkability: Increases the potential for walkability by providing additional retail

options closer to residential areas. Walkability could be greatly improved with street design changes to Bunce Road and Cliffdale Road that focus more on pedestrian movement and safety, such as adding enhanced sidewalks, crosswalks, and traffic calming measures. Future development of the subject property will provide moderate enhancements in these areas.

Potential Discrepancies with FLUP:

- **Residential Integration:** The LC district's focus on commercial activities might require careful planning to include sufficient residential components to reflect the FLUP's mixed-use intent fully.
- **Density:** The FLUP recommends lower-density development at the periphery, while the LC district supports moderate-intensity commercial uses. Careful planning is necessary to ensure that higher-intensity commercial activities do not overwhelm the surrounding residentially zoned areas.

Soil and Traffic Considerations:

- **Soil Type:** The property sits on faceville loamy sand with a moderate slope (2-6%). This soil is generally suitable for construction but requires proper erosion and drainage management, especially on slopes.
- Traffic Analysis:
 - Cliffdale Road carries a high traffic volume (AADT of 28,000), indicating the road's capacity for commercial development but also necessitating careful traffic planning to manage potential congestion and ensure safety.
 - Bunce Road's traffic volume (AADT of 13,000) must also be considered during the review of future development.

Alignment with Modern Urban Planning:

Modern Urban Planning emphasizes:

- Mixed-Use Development: The proposal aligns with this principle by promoting moderate-intensity commercial uses serving multiple neighborhoods and encouraging potential residential components above non-residential establishments.
- Walkability: The proposal enhances the potential for increased access to additional retail options for nearby residents, aligning with Urban Planning goals for walkable communities.
- Sustainability and Compatibility: Ensuring compatibility with surrounding areas
 and incorporating environmental safeguards aligns with sustainable urban planning
 practices. Proper erosion control, drainage management, and traffic impact
 assessments are crucial for minimizing environmental impacts and enhancing
 community well-being.

Conclusion: The proposed rezoning aligns with the FLUP's vision for a Neighborhood Mixed-Use area by allowing moderate-intensity commercial uses with potential residential components. However, careful design considerations are needed to ensure compatibility with surrounding neighborhoods, manage traffic impacts, and potentially incorporate more residential elements to fully reflect the FLUP's mixed-use intent. Successful integration of any development requires proper traffic management, environmental safeguards, and community engagement. This approach aligns with modern Urban Planning principles and can contribute to a sustainable and dynamic community. The Technical Review Committee (TRC) plays a crucial role in ensuring a well-integrated

development. During the approval process, the TRC will thoroughly examine how any development proposal addresses the concerns that were raised in this analysis.

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:

Strategic, Compatible Growth (LU-1, LU-2, LU-3):

- Encourage Growth in Areas Well-Served by Infrastructure (LU-1): The
 subject property is located at the corner of Cliffdale Road and Bunce Road, areas
 well-served by existing infrastructure including roads, utilities, and emergency
 services. This aligns with LU-1, which advocates for growth in areas with
 established infrastructure.
- Encourage Strategic Economic Development (LU-2): The rezoning to LC supports moderate-intensity commercial uses such as convenience stores, which cater to multiple neighborhoods and promote economic development in designated areas. This aligns with LU-2's goal to encourage economic development in identified areas.
- Encourage Redevelopment Along Underutilized Commercial Strip
 Corridors (LU-3): The proposed rezoning and development of a convenience
 store can be seen as a step towards revitalizing and providing services along
 commercial corridors, contributing to the redevelopment of underutilized areas.

Safe, Stable, and Attractive Neighborhoods (LU-6, LU-7):

- Encourage Development Standards that Result in Quality Neighborhoods (LU-6): The LC zoning district's emphasis on compatibility with surrounding residential areas ensures that the development will adhere to high standards, promoting a stable and attractive neighborhood environment.
- Encourage a Mix of Housing Types for All Ages and Incomes (LU-7):

 Although the immediate proposal does not include residential uses, the LC zoning district does encourage residential uses above non-residential establishments, aligning with LU-7's goal of promoting diverse housing options.

Preserve and Enhance Environmental Features (LU-8, LU-9, LU-10):

- Require the Reservation of Open Space and Unique Natural Features (LU-8): The proposal aligns with LU-8's emphasis on preserving open space and unique natural features. While primarily focused on commercial development, the proposal can include reserving portions of the site as open spaces, potentially exceeding the 5-10% requirement to create parks or green areas for public use. The design can also integrate and preserve mature trees, water features, and other natural elements. Additionally, connecting any open spaces to existing or planned greenways and parks would enhance their utility and accessibility.
- Plan for a Connected System of Open Space and Greenways (LU-9): While the proposal primarily focuses on commercial development, it is situated in an area where future planning efforts can incorporate pedestrian pathways and

connectivity, supporting LU-9's vision for a connected system of open spaces.

• Support Land Use, Site Design, and Capital Improvement Initiatives that Increase Resiliency and Reduce Impacts from Flooding and Natural Disasters (LU-10): The proposed development has the potential to align with LU-10 by incorporating measures to increase resilience and reduce the impact of flooding and natural disasters. Advanced stormwater management techniques could mimic pre-development conditions, thereby reducing runoff and erosion, which would align with LU-10.1. Additionally, the use of Low Impact Development (LID) techniques such as permeable pavements, green roofs, and rain gardens could enhance stormwater management and promote groundwater recharge, supporting LU-10.2. Planning for stormwater management at the stream basin level, as emphasized in LU-10.3, is crucial, particularly in areas with limited on-site detention. Even though the site is not within a floodplain, the development could apply LU-10.4 principles by incorporating open spaces and ensuring structures are built with sufficient freeboard.

Budget Impact:

In the long term, the city can expect increased tax revenues from property and sales taxes, economic development benefits through job creation and business growth, and ongoing maintenance and service costs.

Options:

- 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 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 Neighborhood Mixed Use.
- 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
- 8. TRC Comments December 2023

04.1) Map Amendment Submittal Requirements

An application for Map Amendment must address the following issues:

Consistency with adopted plans, changed conditions requiring amendment, community need, compatibility with existing and proposed uses and zoning, logical development pattern, strip development, unneeded development, spot zoning, property value, environmental concerns, compatibility of permissible uses and existing uses.

7	Signed and notarized copy of the Affidavit of Ownership.
	Please download the affidavit of ownership form below, sign and notarize it, then upload a copy during step 2 of the submittal process.
	→ Download Affidavit of Ownership Form
V	Pre-application conference completed. If you have not completed a pre-application conference, please call 910-433-1612.
7	Copy of an approved Certificate of Appropriateness (COA) if located within the Historic Landmark Overlay District (HLO).
	Comments
	Larae Tucker N/A
	Deacogroup 5104104 44 00 AM
	5/21/24 11:20 AM
	A copy of the recorded deed, or a written legal description if the application is for a portion of a larger tract.
7	Scaled drawing showing all existing structures, site features, and setbacks.
V	Elevations required if rezoning involves new construction or changes to an existing building.
	Transportation analysis, if required.

Created with idtRans Review 7-11 42625 Rezone Page 1 of 1

AFFIDAVIT OF OWNERSHIP

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subd	ivisio	n of tl	ne Sta	ite of l	North Ca	arolina.								
2.	I de	o here	by g	ive pe	rmissio	n to Lara	ne Dea	gen					_ to su	bmit a
Conc	lition	al Re	zonin	g/Rez	oning/V	ariance/Sp	ecial 1	Use (c	ircle	one)	applicati	on to	the C	city of
Faye	ttevill	le on r	ny be	half fo	or the ab	ove refere	nced p	roperty	/prop	erties.				
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THIS DRAWING IS FOR REVIEW AND NOT FOR CONSTRUCTION

Consultants:

Submissions:



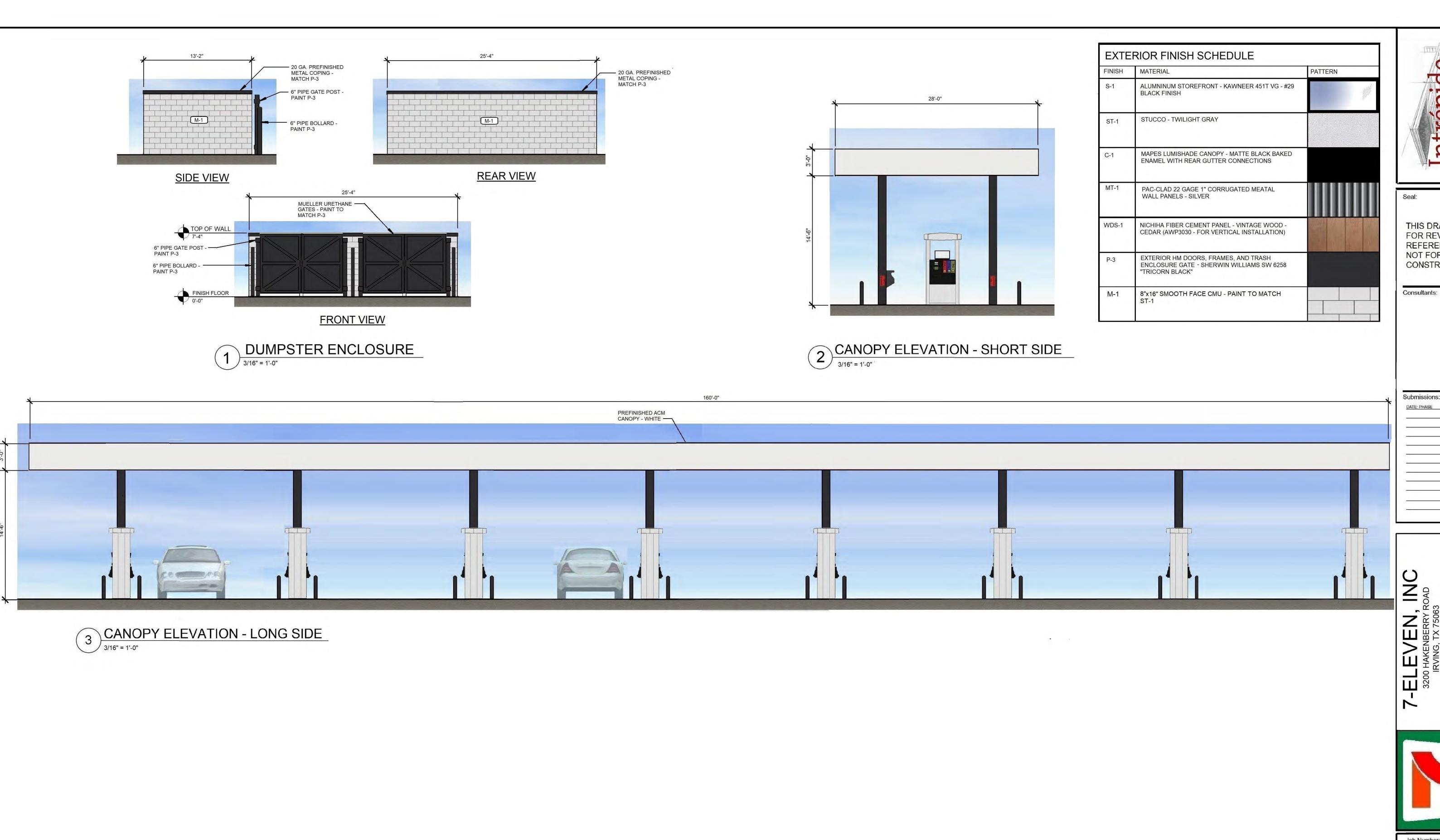
Job Number: Proto Date:

Document Date: 04.05.24

Sheet Name: REVIEW BOARD

ELEVATIONS

Sheet Number: ARB-1



THIS DRAWING IS FOR REVIEW AND REFERENCE ONLY **NOT FOR** CONSTRUCTION

Submissions:

7-ELEVEN STORE #1055610
515 BUNCE ROAD
FAYETTEVILLE, NC

Job Number:	23034
Drawn By:	KAC
Checked By:	KAC
Proto Date:	
Document Date:	04.05.24

REVIEW BOARD ELEVATIONS

RBE - 2

Statement of Fees

Project: 7-11 42625 Rezone

Project Number: 1353257

Application Type: 5.1) Rezoning (Map Amendment)

Workflow: Staff Review

Owner: Deacogroup

Contact: Larae Tucker

Phone: 2146015495

Case Manager: Demetrios Moutos

A/P #: P24-31

Subdivision or Site Plan Case Number:

Remit To: City of Fayetteville

Attn: Craig Harmon

433 Hay St

Fayetteville, NC 28301

Paid Fees: \$1,000.00

Unpaid Fees: \$0.00

Planning & Zoning

Fee Type	Review Fee	OrderID	Assigned By	Entered	Rate	Unit	Qty	Fee Total	Paid	Balance
Map Amendment Fee	Yes	<u>157213</u>	System	5/31/24	\$1,000.00	\$	1.00	\$1,000.00	\$1,000.00	\$0.00

Total: \$1,000.00



Planning & Zoning

433 Hay Street Fayetteville, NC 28301 910-433-1612

www.fayettevillenc.gov

Project Overview #1353257

Project Title: 7-11 42625 Rezone 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 (9497959572000) **Zip Code:** 28314

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

GIS Verified Data

Property Owner: Parcel Acreage: Parcel • 0 ? DR: BUNCE, JUDITH KNOWLES; BUNCE, JOHN • 0 ? DR: 13.5

O:HOMEPLACE HOLDINGS LLC

Zoning District: Zoning District Subdivision Name:

• 0 ? DR: SF-10

Fire District: Airport Overlay District: Coliseum Tourism District:

Hospital Overlay District: Downtown Historic District: Cape Fear 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 **Previous Amendment Approval Date:**

application in the last five years?: No

Previous Amendment Case #: Acreage to be Rezoned: 1.35

Water Service: Public

A) Please describe all existing uses of the land and existing B) Please describe the zoning district designation and

structures on the site, if any:

vacant land

existing uses of lands adjacent to and across the street

Is this application related to an annexation?: No

from the subject site.:

Sewer Service: Public

Proposed Zoning District: LC

The zoning districts abutting the above property are north is SF-10, south is zoning LC, east is SF-10 and west is SF-10.

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

Created with idtPlans Review 7-11 42625 Rezone Page 1 of 3

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

Proposed development of new convenience store with fuel sales to encompass REID: 9497953806000 & 9497959572000. One is currently zoned LC, which allows the proposed use, and City staff recommended rezone of 9497953806000 to allow for this use.

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

No

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

Proposed development of new construction of convenience store with fuel sales to encompass REID: 9497953806000 & 9497959572000.

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.:

REID: 9497953806000 & 9497959572000

Note from City staff: The current zoning of these properties are LC (Limited Commercial) and SF-10 (Single Family 10), per 30-4.A.2 of the Citys Ordinance convenience store with gas sale is allowed use in the LC zoning district. This commercial use is not permitted in SF-10 and this portion will need to be rezoned to allow for this use.

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

The existing parcel south is zoning LC and the rezone of this parcel will tie in with the zoning around.

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

Rezone of REID 9497953806000 will allow for more services to be provided to the nearby residential communities of the City.

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

N/A

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.:

N/A: The zoning districts abutting the above property are north is SF-10, south is zoning LC, east is SF-10 and west is SF-10.

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

N/A

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

N/A

Primary Contact Information

Contractor's NC ID#:

Project Owner

Patrick Budronis

1646 W. Snow Ave, Suite 63 Tampa, FL 33606 P:813.495.6536 pbudronis@encore-re.com

Project Contact - Agent/Representative

Ashley Ballard Deaco Group 402 Burl Moore Rd Ennis, TX 75119 P:8175841911

ashley@deacogroup.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:

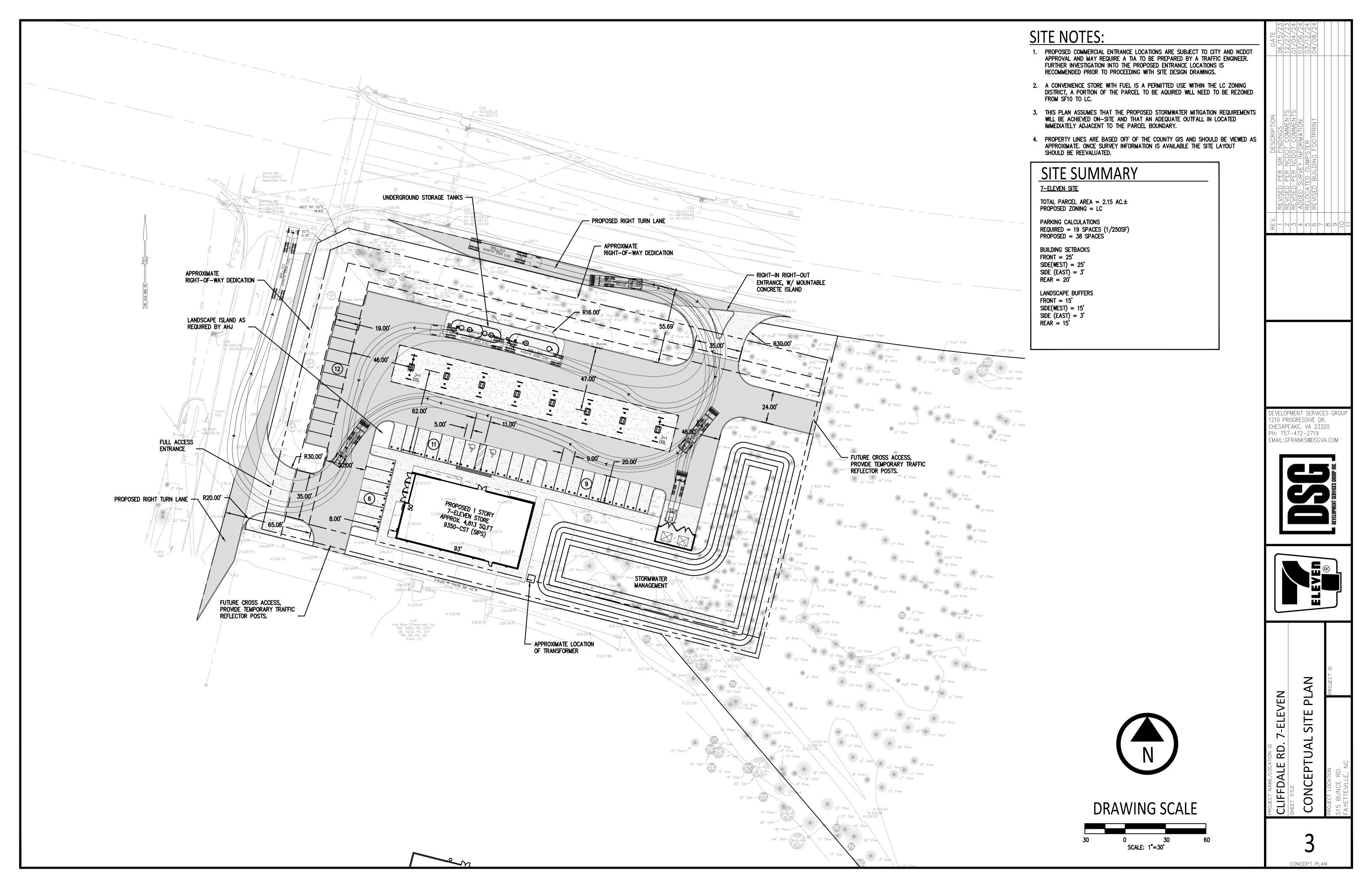
NC State Mechanical Contractor's #2 License Number:

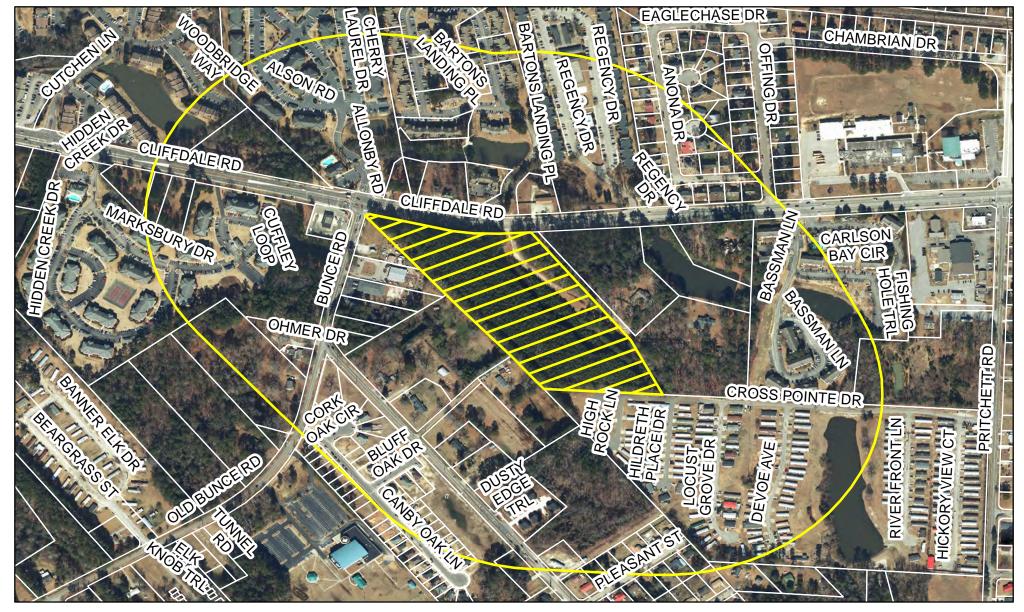
NC State Mechanical Contractor:

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 #: P24-31

Request: Single-Family Residential 10 (SF-10 to Limited Commercial (LC)

Location: 0 ? Drive, REID #: 9497959572000

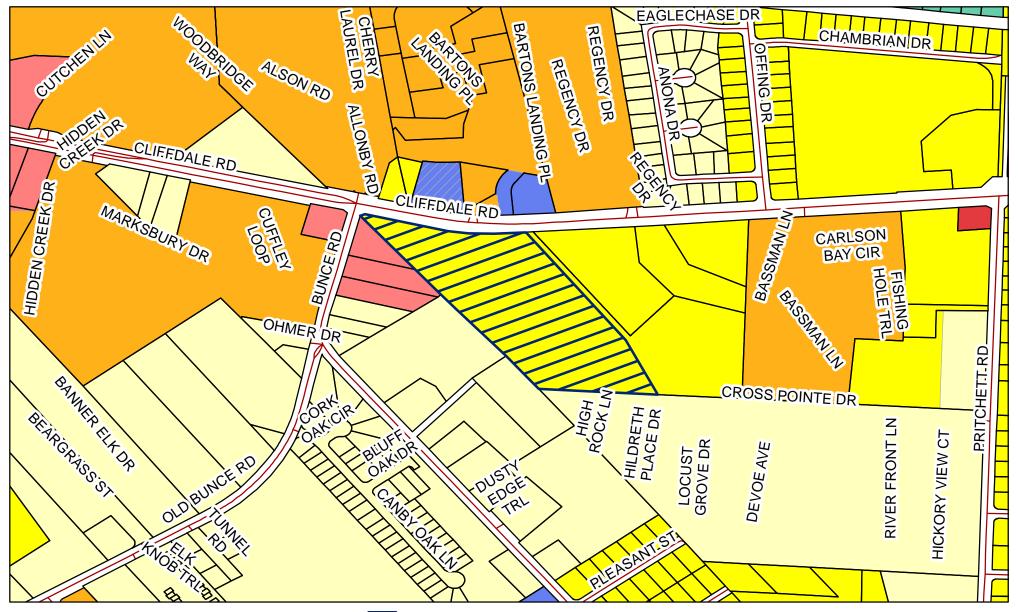


P24-31 Buffer

P24-31

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





Zoning Map Case #: P24-31

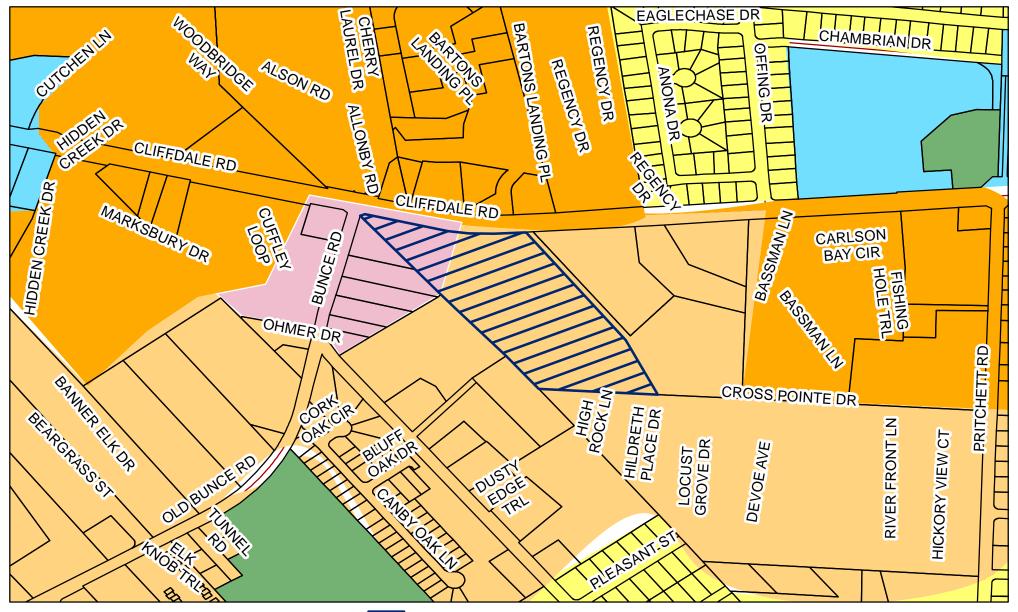
Request: Single-Family Residential 10 (SF-10 to Limited Commercial (LC)

Location: 0 ? Drive, REID #: 9497959572000



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

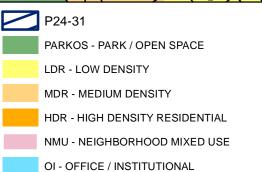




Future Land Use Map Case #: P24-31

Request: Single-Family Residential 10 (SF-10 to Limited Commercial (LC)

Location: 0 ? Drive, REID #: 9497959572000



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



Subject Property

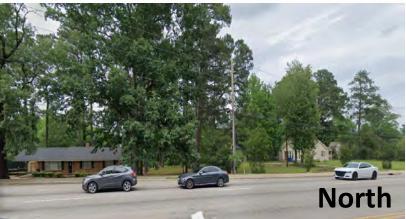






Surrounding Properties









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 P24-31 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 landuse 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
LU-1: ENCOURAGE GROWTH IN AREAS WELL-SERVED BY INFRASTRUCTURE AND URBAN SERVICES, INCLUDING ROADS, UTILITIES, PARKS, SCHOOLS, POLICE, FIRE AND EMERGENCY SERVICES.	х	
 1.2: Encourage more intense uses, a greater mix of uses, and denser residential types in key focal areas Regional Centers & Community Centers Neighborhood Mixed Use Downtown 	х	
1.6: Require adequate infrastructure to be in place before or in tandem with new development. • This includes road infrastructure such as roads, turn lanes, and sidewalks as well as public services such as parks, schools, water/sewer, police, fire, and emergency services.	х	
LU-2: ENCOURAGE STRATEGIC ECONOMIC DEVELOPMENT	X	
2.1: Encourage economic development in designated areas.	X	
LU-3: ENCOURAGE REDEVELOPMENT ALONG UNDERUTILIZED COMMERCIAL STRIP CORRIDORS AND	Х	

REINVESTMENT IN DISTRESSED RESIDENTIAL NEIGHBORHOODS		
3.1: Examine and identify targeted redevelopment and infill areas throughout the city	X	
LU-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.	Х	
LU-7: ENCOURAGE A MIX OF HOUSING TYPES FOR ALL AGES AND INCOMES	X	
7.1: Allow a mix of housing, including attached and multi-family homes, to create diverse neighborhoods, especially within and near Downtown and designated Regional, Community and Neighborhood Centers	Х	
LU-8: REQUIRE THE RESERVATION OF OPEN SPACE AND UNIQUE NATURAL FEATURES IN NEW DEVELOPMENTS	Х	
8.2: Preserve unique natural features through site design.	X	
LU-9: PLAN FOR A CONNECTED SYSTEM OF OPEN SPACE AND GREENWAYS	X	
9.1: Improve access to parks and greenways	Х	
LU-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	Х	
10.2: Incentivize Low Impact Development (LID) techniques in new development	Х	
10.3: Plan for stormwater management at the stream basin level, especially in areas that have been developed with limited on-site detention	х	
10.4: Carefully control development within the floodplain	Х	

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.
Reasonable	<u>ness</u>		
	_	-	blic interest because it supports the policies of the stated in the Staff Report, and because: [select
^	ize, physical conditions, and other attributions community.	utes of t	the proposed use(s) will benefit the
The a	mendment includes conditions that limit	t potent	ial negative impacts on neighboring uses.
X The p	proposed uses address the needs of the a	rea and	/or City.
The p	proposal adapts the zoning code to reflec	t mode	rn land-use trends and patterns.
The amendm	ent is also in the public interest because	it: [sele	ct all that apply]
X impr	oves consistency with the long-range pla	n.	
X impr	oves the tax base.		
	oves the tax base. erves environmental and/or cultural reso	urces.	
prese		urces.	
prese	erves environmental and/or cultural reso	urces.	
X facili	erves environmental and/or cultural reso	urces.	
X facili X provi	erves environmental and/or cultural reso tates a desired kind of development. ides needed housing/commercial area.	urces.	

Print

Open Issues: 15

1. Fire

General Issues

4. Site Specific Comments

City of Fayetteville

Jeff Olund 12/1/23 8:16 AM 1 - Pre-Application - TRC Conference Developments shall comply with the Fire Flow requirements of Appendix B of the N.C. Fire Code; higher standards may be required by the providing utility. A request for a Fire Flow test can be submitted to the Public Works Commission (PWC). Robert.turner@faypwc.com

2a. Chet Planning

General Issues

City of Fayetteville Chester Green 12/5/23 3:33 PM

- 1 Pre-Application TRC Conference
- 1. Rezoning required.
- Street address numbers shall be assigned prior to building permits being issued. The builder shall post the address numbers (minimum 4") in full view of the street immediately upon beginning construction. (Please contact: Cumberland County Address Dept. 678-7666)
- 3. A commercial grade bike rack as required by Article 30-5.A.9 shall be placed on a pad that is connected to the sidewalk system but shall not impede the sidewalk and shall be within 150 feet of an entrance. Indicate on the plan.
- 4. Lateral access shall be provided to the adjacent properties in accordance with **Article 30-5.A.3.f** Stub to the property line for future cross-connection (Commercial property to south).
- 5. A final plat shall be required. The plat shall be recorded in the County Register of Deeds office prior to building permit application for any structure or prior to the sale of any lot in this development. A Plat Activation Form is required by the County to update the parcel coverage. (There is a \$50.00 fee for each final plat approval.)
- The final plat shall indicate all required right-of-way, easements, open space area, tree save area, stormwater pond area, etc. The owner's signature shall be on the final plat.
- 7. The owner(s) shall develop in accordance with the approved site plan, engineering plan, and utility plan. Deviation from the approved plan may result in additional submittals/approvals.
- 8. Revisions to plans shall require resubmission for review/approval).
- 9. Any future development shall be submitted for review/approval.
- 10. The developer shall be aware that subsequent application for zoning and building permits constitutes the developers understanding and acceptance of these Comments.
- 11. Use Specific Standards apply 30-4.C.4.i.7.
- Building orientation and elevation information shall be required <u>for Final Site Plan Approval</u>. See Article 30-5.I: Commercial, Office, and Mixed Use Design Standards.
- Submit colored elevations with dimensions width and depth of features. Identify materials.
- Indicate which 3 of the 6 design options are being met.
- · Flat roofs require a 3D cornice on all sides.
- · Roof equipment shall be screened from view.
- Sloped roofs require an overhang with brackets.
- All street facing and main entrance sides of buildings shall comply.

A sidewalk with approved handicap ramps and striping shall be required from the public sidewalk system to the development per **Article 30-5.F.9.b.8.**

12. General Comments

City of Fayetteville Chester Green 12/5/23 3:33 PM

1 - Pre-Application - TRC Conference

- 1. For Final Site Plan Approval an **Exterior Lighting plan** for all new exterior lighting shall be required. **See Article 30-5.E**
- · All exterior lights shall be full cut off fixtures.
- The Lighting Plan shall indicate the pole height (max. 20 feet in residential districts and OI, NC, MU, and DT districts, and no greater than 30 feet in LC, CC, BP and industrial districts.)
- Maximum illumination measured in foot-candles at ground level at a property line shall not exceed the standards in Table 30-5.E.5
- Light poles shall be located at least 15 feet from canopy and 5 feet away from understory tree trunks.
- Any adjustments in the field need to comply with this standard and be approved by City staff.

13. General Comments

City of Fayetteville Chester Green 12/5/23 3:34 PM

1 - Pre-Application - TRC Conference

- Coordination with PWC for landscaping and lighting plans, to confirm no interference with easements will be required. PWC approval of these plans will be required prior to TRC approval.
- A Landscape Plan prepared by someone knowledgeable of plant material and design is required. See Article 30-5.B
- 3. It is recommended that the landscape plan be included on a separate sheet. The plan shall include all applicable street trees, site and building landscaping, VUA (parking lot and drive aisle) landscaping, screening, property perimeter and/orstreet yard buffers.

Recommended Plant Lists

- 4. A planting legend summarizing quantity, size, type and spacing of plants should be included on plan.
- Existing vegetation may be used to satisfy required buffers.
 Staff will determine if additional plantings are needed to satisfy this requirement.
- 6. Identify easement locations to ensure that there is no conflict between utilities and required landscaping.
- 7. Tree islands must meet minimum soil area requirements.
- 8. Canopy trees require 274 SF of uninterrupted soil area and min. width of 10'.
- 9. Understory trees require 180 SF of uninterrupted soil area and min. width of 7'.
- 10. Shrubbery to be a minimum of 2.5 feet from front end of the parking spaces to prevent damage from car overhang.
- 11. All shrubs installed as vehicular use screening are to be maintained as a continuous hedge at a minimum height of 36 inches.
- 2. Please add the following notes to the plan for the installer:
- 3. Shrubbery is to be planted at least 30" from curbing and from end of parking spaces to prevent damage from car overhang.
- Shrubs installed as vehicular use screening are to be maintained at a min. height of 36"; Min. installation height is 24".
- 5. Site lighting plans require lights to be a min. of 15 feet from trees. Any adjustments in the field need to comply with this standard and be approved by staff.
- Each tree must be planted such that the root flare is visible at the top of the root ball. Trees where the root flare is not visible will be rejected. Do not cover the root flare with mulch.
- 7. Do not place mulch in contact with the tree trunk. Keep mulch a min. of 4" away from the trunk base.
- 8. Any changes to the proposed plant schedule must be approved by the designer of record and staff. In cases where the plant schedule only includes the plant type and does not include the plant species, the contractor shall be required to submit to the City for approval, a detailed plant schedule and associated planting plan prepared by someone knowledgeable

- about plant material and design, prior to proceeding with installation.
- 9. Property Perimeter Buffer In areas where existing vegetation is to be used to satisfy perimeter landscape buffer, the City may determine, after an on-site inspection, that additional planting is required to satisfy the required buffer.
- 3. In accordance with Article 30-5.B.6. Tree Preservation -Trees 30 inches or greater in diameter at breast height (4.5 feet) are considered Specimen Trees. The location of all specimen trees shall be noted on the plan along with their size. Removal of healthy specimen trees is discouraged and a fee-in-lieu of preservation is imposed (\$50 per caliper inch if removed or if the critical root zone is not protected during construction.)
- 4. Article 30-2.C.9 Clear-Cutting Permit: Do not remove any trees prior to final site plan approval. A <u>Clear-Cutting Permit</u> may be required if land clearing is to begin prior to site plan approval. If trees are improperly removed a fine and/or mitigation plan shall be required. A <u>State Soil and Erosion Control Permit</u> shall also be required prior to clearing the site.
- 5. Article 30-5.B.7. Tree Preservation Incentives: Saving existing trees may result in a reduction of open space dedication and/or may count toward required landscaping. A 300 percent credit for the preservation of the critical root zoned is available.
- 6. Tree protection areas based on a tree's critical root zone (one foot radius per one inch of tree diameter) shall be noted and drawn to scale on demolition, grading, erosion control, and landscaping plans. Include the following information:
- 7. PRIOR TO CONSTRUCTION:

The contractor shall install and maintain, for each protected tree or group of trees fencing that encircles the outer limits of the tree(s) critical root zone to protect them from construction activity. All fencing shall be in place prior to any site work and shall remain in place until all exterior work is completed. PROTECTIVE FENCING:

Orange Vinyl construction fencing, chain link fencing, snow fencing or other similar fencing at least four feet high and supported at a maximum of ten-foot intervals, enough to keep the fence upright and in place. The fencing shall have a tree protection sign affixed every twenty feet and be clearly visible to the workers.

Chester Green 12/5/23 3:34 PM 1 - Pre-Application - TRC

City of Fayetteville

- Conference
- 1. Open Space Requirement: Commercial sites (greater than one acre to 10 acres) - Ten percent of the site shall be dedicated as Open Space. A minimum of 5% shall be provided with at least 50% being usable for active or passive amenities and shall be planned and improved with those amenities. Indicate the location, square footage, and details of the area and the amenities on the plan. Payment-in-Lieu is available for the remaining 5% required Open Space, calculated at the rate of \$12,038.96 per acre. See Article 30-5.C
- 2. You may contact the County Tax Dept. regarding tax-exempt status of required open space areas – Michelle Faircloth or Jeff Benenhaley (910-678-7531 - 678-7559).

Open Space: Usable: Bus stop areas and Urban amenity areas count at 200% credit toward usable open space. Usable areas shall have access, shade, seating, and are required to be ADA compliant. Illustrate details of access, shade, seating, enclosures, and commercial-grade furnishings. Non-Usable: Open space areas are to be planted with a minimum of 24 trees per acre. Tree save areas and stormwater ponds may count toward open space. Reference: Bonus and Incentives Section 30-5.C.4. For Final Site Plan approval open space areas with details shall be required. Please include a table with open space calculations summarized for each area.

3. Zoning

General Issues

City of Fayetteville David Winstead 11/30/23 12:58 PM

- 1 Pre-Application TRC Conference
- Property is in zoning district LC (Limited Commercial) and SF-10 (Single Family 10) and will need to rezone the new parcel to commercial zoning district. The project will have to meet all dimensional standards for the new zoning district and a recorded recombination/subdivision plat will be required before approval.
- 2. Parking shall be provided in accordance with the Code; parking counts are based on the type of use; for convenience store with gas sales is based on 1 parking space for every 250 square feet and the site plan shows that the parking meets or exceed the minimum required spaces. All required parking stall shall be a minimum 9 feet by 20 feet. See Article 30-5.A.
- 3. Gas sales shall comply with the following standards;
 - 1. If the gasoline sales use is located on a corner lot, the lot shall have an area of at least 30,000 square feet. In all other cases, the lot shall have an area of at least 15,000 square feet.
 - 2. The gasoline sales use shall have no more than two vehicular access points. Access points shall be located at least 150 feet from each other and from any intersecting street rights-of-way, and at least 15 feet from any other lot line, unless otherwise approved through the City and/or NCDOT access permit review process.
 - 3. Vehicular access points shall be no more than 40 feet wide.
 - 4. The gasoline sales use shall be designed to ensure safe and adequate vehicle stacking, circulation, and turning movements.
 - Drive-through facilities and associated stacking lanes and circulation shall be prohibited in the front of the building or in a side yard abutting a street. See Article 30-4.C.i.7
- 4. This review is not approval of the location of signage, the location of signs shall not conflict with required landscaping. Signage requires the proper permit(s) and shall be obtained prior to the installation of any permanent signs. See Article 30-5.L.
- No Certificate of Occupancy Permit shall be issued until a zoning officer inspects the site and certifies that the site is developed in accordance with the plan and that all comments have been satisfied.

5. Engineering

General Issues

5. General Comments

City of Fayetteville Michael Monge 12/1/23 9:04 AM

1 - Pre-Application - TRC Conference 1. Your project requires an infrastructure permit, which requires a new application to be created. Please visit the link below to begin the application process.

Begin Infrastructure Permit Application Process

- 2. An undeveloped site that adds 20,000 SF+ of impervious area is required to meet the Stormwater Control Ordinance.
- 3. Stormwater management facilities must limit the one-year and tenyear developed peak discharge rates to predeveloped peak discharge rates or to the amount that can be accommodated by the receiving downstream drainage system, whichever is **more** restrictive. (Sec. 23-28 of the Stormwater Control Ordinance)
- 4. This site is greater than an acre and requires an Erosion Control Permit. Please coordinate with NCDEQ and submit an approved permit prior to any land disturbance or issuance of the Infrastructure Permit.

8. PWC Water

General Issues

1. General Comments

Fayetteville Public Works Commission Tiffany Faulk 11/29/23 3:08 PM

- 1 Pre-Application TRC Conference
- All projects are required to submit separately to PWC for review and/or approval. Submit required information through the PWC GeoCivix portal at https://faypwc.geocivix.com/secure/.
- The Submittal Checklist and plans for the project are required to be included with the submittal to PWC. Additional documents that may be required are identified in the Submittal Checklist that is available at https://www.faypwc.com/designstandards/.
- For projects requiring water and/or sewer main extensions, PWC has local delegated permitting authority from the State and may issue your water and sewer permits.
- 4. Water and sewer mains shall be extended in accordance with PWC's policies.
- You may contact PWC for information on obtaining water and sewer services. (PWC – Water Resources Engineering, 910-223-4730)
- No permanent structure(s) shall be permitted within any PWC utility easements.
- 7. Landscaping plan(s) shall be included in the submittal to PWC. No trees are allowed to be planted in PWC water and sewer utility easements. Non-invasive shrubs can be placed in the rear 5 feet of easements (if necessary). Chet Green can provide a list of vegetation allowed within easement areas. Existing and proposed PWC easements must be shown on the landscaping plan in addition to being shown on the utility plan(s).
- Any existing water and/or sewer laterals that are not utilized on the project must be killed out at the main in accordance with PWC requirements.
- 9. A fire hydrant flow test may be required as determined by the fire marshal's office. As of July 1, 2019 the hydrant flow test fee is \$500. Application may be submitted through the PWC GeoCivix portal at https://faypwc.geocivix.com/secure/.
- 10. The application form is available at https://www.faypwc.com/design-standards/. Contact Robert Turner (910-223-4746, robert.turner@faypwc.com) at PWC with any questions.
- 11. A water permit is not required for fire lines of any size for projects submitted to PWC for review after January 01, 2017.
- 12. A hydraulic analysis (i.e. fire hydrant flow calculations) shall be submitted to PWC for review as determined by the fire marshal's office. These calculations shall demonstrate that the required fire flow may be supplied by the approved fire hydrant(s), as determined by the fire marshal's office, while maintaining 20 psi residual pressure on the PWC water system.

13. For projects in PWC's electric service area, a copy of the electrical panel schedule shall be included with the PWC submittal. For additional information, please contact PWC Electrical Engineering at 910-223-4514.

8a. PWC Electric

General Issues

3. Site Specific Comments

Fayetteville Public Works This is a choice area between Duke Energy and PWC Electric.

Commission

Calvin Maykovich

12/1/23 7:14 AM 1 - Pre-Application - TRC

Conference

9a. Traffic

General Issues

6. General Comments

City of Fayetteville Virginia Small 12/1/23 11:23 AM 1 - Pre-Application - TRC Conference

1. Submit the N.C. Department of Transportation Street and Driveway Access Permit Application

(https://connect.ncdot.gov/resources/BusinessForms/TEB-65-04.doc) to the City Traffic Services Division online by visiting https://fayetteville.idtplans.com/secure/. Application will be created as a **separate submission** in IDT from the original TRC submission and will need to include PDFs of both the permit application and site plan. Please note: where signatures are required, NCDOT acceptable signature methods include: Original wet signature (scanned in color), Docusign verified, and Adobe Pro verified. Approval of the permit will be conducted online through IDT from the City of Fayetteville. **Payments** to The City of Fayetteville will also be made online through IDT (*preferred*) or by check (please contact City of Fayetteville Traffic Services staff person prior if you must pay via this method). Please note, paying offline may significantly slow down approval of the driveway permit. The City will approve driveway permits prior to NCDOT's approval. Following the City's approval, the applicant will need to meet all of NCDOT's requirements. The NCDOT driveway permit point of contact is Troy Baker tlbaker@ncdot.gov Driveway permits also will not be approved until TRC has approved the final site plan layout. Reference Article 24-101. Fees are as follows

-\$50.00 PER DRIVEWAY CONNECTION ON SITE payable to NC Department of Transportation (Driveway Permit)

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

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

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

3. **Minimum 20' radii** are required on all city access driveways.

Driveway radii and driveway widths are to be <u>labeled on the site plan</u>.

Reference Article 24-102 + NCDOT Policy on Street & Driveway Access Chapter 7 Section B

- 4. Any existing curb cuts and/or driveway apron(s) that are no longer being used or no longer allowed shall be removed and replaced with curb and gutter. This is to be depicted on the site plan in that manner.
- 5. Where any new driveway is constructed or an existing driveway reconstructed that requires a driveway permit, a city standard sidewalk shall be constructed along the entire length of the property served by such driveway. NOTE: Sidewalk installation may require curb drop(s) and curb ramp(s). Appropriate ramp type detail shall be provided with the driveway permit and labeled on the site plan. Reference Article 24-101
- 6. A **sidewalk** with <u>approved handicap ramps</u>, <u>truncated domes</u>, <u>and a 5 foot landing (except with parallel handicapped ramps)</u> shall be constructed along the property that abuts all public and private streets. Sidewalk must be 5' wide and 4" thick. Sidewalks across driveways shall be 5' wide and 6" thick. **All sidewalk details must be site specific and not a compilation of all the available sidewalk details**.
- 7. Future **sidewalk placement** will depend on pavement end treatment/conditions:
 - a. -If strip pavement is used, sidewalk improvements will require an easement.
 - b. -If rollback curb and gutter is used, sidewalk improvements require a 2' offset.
 - c. -If vertical curb and gutter is used, sidewalk improvements may be placed directly behind.
- 8. A **sidewalk easement** shall be required for sidewalk and ramps within the property lines. Sidewalk easements are to be labeled on the site plan.
- 9. Sidewalks within the right-of-way will be included in the driveway permit approval and a **three-party encroachment** agreement shall be required for all sidewalks within NCDOT maintained right-of-way. Reference:
 - https://connect.ncdot.gov/municipalities/Utilities/Pages/Encroachment-Agreements.aspx
- 10. Should **cross sections** of existing sidewalk at adjacent properties be greater than the minimum width, installation of new sidewalk should

match the existing cross section width.

- 11. Sidewalks shall be constructed or a bond issued **prior to final plat approval** and/or issuance of a Certificate of Occupancy. Reference Article 24/102 + NCDOT Policy on Street & Driveway Access Chapter 2 Section A, Chapter 3 Section E
- 13. Appropriate **stacking distance** is required: (Measured from the edge of the street travel lane to the intersection of the driveway and parking area.) Reference Article 30-5.A.11
 - 1. -1-49 parking spaces requires 35 feet
 - 2. -50-249 parking spaces requires 45 feet
 - 3. -250-499 parking spaces requires 100 feet
 - 4. -500 or more requires 100 feet plus 15 feet for every additional 50 parking spaces
- 17. The City Transit Division may require a **bus stop** at this location. Bus stops can be required for sites on an established or planned transit route. Bus stops are generally placed in the right-of-way but an additional on-site easement may be required. Placement of a 5' x 20' **concrete pad**, 5 inches thick that will accommodate a shelter and bench shall be required. A 5' wide access pad may also be required if applicable. This bus stop area can count at 200% toward the required usable open space area. The developer shall construct the concrete pad and the City will be responsible for placement of the bench and shelter. Reference Article 30-5.J.8

7. General Comments

City of Fayetteville
Virginia Small
12/1/23 11:24 AM
1 - Pre-Application - TRC
Conference

Guide For Submitting A Driveway Permit Online:

Please Note: The City Will Not Approve A Driveway Permit Until The Final Site Plan Has Been Approved By TRC (If Applicable). Also Note: If Submitting An NCDOT Driveway Permit Application, The Applicant Will Be First Required To Get City Approval.

Submittal Process Steps

- Go To The IDT Site (May Need To Register) https://fayetteville.idtplans.com/secure/subscription/
 - a. This Is The City's Electronic Development Review Software Website
- 2. Under The 'Projects' tab, Click 'Submit A Project'.
- 3. Click 'Submit A New Project'.
- 4. Complete The 'Project Overview' Section.
 - a. Application Category = 'Engineering Review'
 - b. Application Type = 2.2) Driveway Permit
 - c. **Project Name** = Preferably Same Name Used For TRC (If Applicable)
- 5. Click 'Save And Continue'
- 6. Check Boxes To Acknowledge Requirements Of Submittal
- 7. Click 'Save and Continue'
- 8. Select Location (Please Make This An Address If Possible)
- 9. Enter 'Primary Contact Information'
- 10. Click 'Save and Continue'
- 11. Enter 'Project Information'
 - a. Please Note: The 'Proposed Building Square Footage'
 Entered In This Section Will Affect The Fees Paid At The
 End Of The Application Submittal
 - 1. 'Less Than Or Equal To 75,000 SF' = \$200
 - 2. 'Greater Than 75,000 SF' = \$400
- 12. Enter 'Full Name' To Acknowledge Terms
- 13. Click 'Save And Continue'
- 14. Review Application Submittal
- Check Box At Bottom Of Page And Click 'Confirm' If Information Is Correct
- 16. Upload Files And Click 'Save And Continue'
 - a. Need To Submit At Least A PDF Of The Site Plan To
 Be Able To Begin Review Of The Application
- 17. Complete 'Fees' Section By Selecting:
 - a. 'Pay Online' (*Preferred*)
 - b. Or 'Pay Offline' (Please Contact Brian McGill BrianMcGill@FayettevilleNC.Gov If You Must Pay Via This Method
 - Please Note: Paying Offline May Significantly Slow Down The Approval Of The Driveway Permit.

What Happens Now?

- Appropriate Parties Will Receive Notifications That A Permit Application Was Submitted
- 2. **Project Administrator** Will Evaluate The Submitted Materials To Ensure All Requirements For The Submittal Are Met
 - a. If All Requirements Are Met, The Project Administrator Will Accept The Submittal Package. An Email Will Be Sent Out To Inform The Applicant That The Submitted Project is 'Under Review'. Also, The Permit Application Document Will Be Generated And Emailed To The Applicant If Not Submitted Initially With The Application (CITY PERMITS ONLY). At This Point, The Applicant Will Be Required To: Download The Permit Application Document, Finish Filling It Out, Obtain All Appropriate Signatures, And Upload The Document Back Into IDT. Where Signatures Are Required, Acceptable Signature Methods Include: Original Wet Signature (Scanned In Color), Docusign Verified, And AdobePro Verified.
 - b. If All Requirements Are Not Met, The Project Administrator Will Decline The Submittal Package. An Email Will Be Sent Out To Inform The Applicant That The Submitted Project Was Declined And The Applicant Will Need To Resubmit With The Proper Requirements.
 - Please Note: If Paying Offline, No Action Will Happen Until Payment Has Been Received
- At This Time, Appropriate Parties Are Assigned To Review The Project
 - a. Assigned Reviewers Will Make Comments In The Form of 'Issues'
 - 'Open Issues' Are Comments That Require Revisions
 - 2. A Issue Becomes a 'Closed Issue' When The Issue Has Been Addressed
 - 3. If Open Issues Require Resubmittal, The Project Administrator Will Decline The Review And An Email And/Or Letter Will Be Generated To Inform The Applicant The Reasons Why The Review Was Declined
 - The Applicant Will Then Need To Resubmit To Address The Issues

Once All Issues Have Been Addressed:

 An Email Notification With Attached Letter Will Be Sent Out Stating That The Permit Has Been Approved.

- The Applicant Will Be Able To Access The City Approved Documents By Simply Clicking The Links In The Letter (No IDT Login Required) Or Through IDT.
 - a. The Site Plan Will Typically Be Named 'City Stamped Site Plan'
 - b. The Permit Application Document Will Typically Be Named 'City Signed Permit'
- 3. At This Point If The Applicant Is Submitting A City Permit, The Process Is Complete.
 - a. The Applicant Will Need To Contact Jeffrey Riddle At jriddle@ci.fay.nc.us To Schedule A Pre-Construction Meeting As The Project Will Be Transferred Over To The City Of Fayetteville Construction Management Department.
- However, If Submitting An NCDOT Permit, The Applicant Must Coordinate With NCDOT For Final Approval And Issuing Of The Permit Following City Approval.
 - a. The NCDOT Driveway Permit Point Of Contact Is Troy Baker tlbaker@ncdot.gov
 - b. A Payment Of \$50 PER DRIVEWAY CONNECTION ON SITE (Payable By Check) Will Need To Be Sent Directly To NCDOT (The City Cannot Accept Any Payments Made To NCDOT)
 - c. Lastly, The Applicant Will Need To Send Both The City Stamped Site Plan And City Signed Permit To NCDOT
 - d. IMPORTANT UPDATE: As of 10/18/2021, following NCDOT approval, the applicant will now be required to upload the NCDOT driveway permit approval package back into the City's IDT portal under the previously submitted driveway permit project application. Thank you for understanding as this new requirement will significantly enhance coordination & may also help significantly expedite the approval process for your project.

8. Site Specific Comments

City of Fayetteville Virginia Small 12/1/23 11:24 AM Site Specific Comments Include:

1 - Pre-Application - TRC Conference Need **NCDOT** driveway permit. The driveway permit is to be submitted as a new separate project in IDT. It is to be initially submitted to the City of Fayetteville for approval, and once signed off on by the City, it is to be uploaded to NCDOT's online portal. Guidelines have been included in a separate comment on this case. Please be sure to attach a PDF of both the site plan and signed permit application document to your submittal.

Need to build sidewalk with appropriate wheelchair ramps and truncated domes.

Please label driveway width and radii on site plan.

9b. FAMPO

General Issues

9. Transportation Project Comments

FAMPO Bunce Road—

Luther Langley

12/4/23 10:06 AM No Comment

1 - Pre-Application - TRC

Conference Cliffdale Road—

Cliffdale Road is identified as a minor arterial in the Metropolitan Transportation Plan. It is planned in the Transportation Improvement Plan as U-6209, an access management project from Bunce Road to McPherson Church Road. It is funded for preliminary engineering only..

9c. Transit

General Issues

10. General Comments

City of Fayetteville Jaimie Walters 12/5/23 11:02 AM FAST Route 18 serves this area with an active stop along Cliffdale at this location. Would like to talk to developer about the potential for upgrading existing stop. Please contact Jaimie Walters at (910) 433-1626.

1 - Pre-Application - TRC Conference

RLUAC

General Issues

15. RLUAC Review Comments

Regional Land Use Advisory Commission (RLUAC) Vagn Hansen 12/6/23 1:20 PM

December 4, 2023

Following a review of the above referenced application by the RLUAC Land Use Committee, it has been determined that:

1 - Pre-Application - TRC Conference

 The property is identified as Important to Protect in the Compatible Use Rating System due to its location within an area that is periodically exposed to individual instances of noise in the range of 115 dB – 130 dB associated with large caliber weapons training on Fort Liberty.

The proposed development of the site for use as a convenience store is generally compatible with periodic exposure to high noise levels associated with large caliber weapons training on Fort Liberty. Therefore, the development of this compatible use provides protection to Fort Liberty's training mission.

While RLUAC's findings and recommendations are non-binding on the City of Fayetteville, their consideration and incorporation into your review of this case will help to improve compatibility outcomes for our region as a whole by protecting Fort Liberty's military training and operational missions.

Thank you for allowing RLUAC to review this case.

Jeff Sanborn, Chairman Vagn K. Hansen II, AICP, Executive Director



City of Fayetteville

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

City Council Action Memo

File Number: 24-4110

Agenda Date: 7/9/2024 Version: 1 Status: Agenda Ready

In Control: Zoning Commission File Type: Public Hearing

(Public & Legislative)

Agenda Number: 5.04

TO: Mayor and Members of City Council

THRU: Zoning Commission

FROM: Will Deaton, AICP - Planning & Zoning Division Manager

Heather Eckhardt, CZO - Planner II

DATE: July 9, 2024

RE:

P24-32. Rezoning from Single Family Residential 10 (SF-10), Office & Institutional (OI), and Community Commercial (CC) to Community Commercial (CC) located at 2620 Bragg Blvd (REID 0428216810000) totaling 16.30 acres ± and being the property of Eutaw Village Shopping LLC.

COUNCIL DISTRICT(S):

2 - Malik Davis

Relationship To Strategic Plan:

Strategic Operating Plan FY 2022 Goals 2027

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

• Objective 2.1 - To ensure a diverse City tax base

Goal III: City invested in Today and Tomorrow

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

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

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

Executive Summary:

The applicant is seeking to rezone 2620 Bragg Boulevard, known as the Eutaw Village Shopping Center, from a split zoning of Single Family Residential 10 (SF-10), Office and Institutional (OI), and Community Commercial (CC) to a single zoning district of Community Commercial (CC). The intent of the rezoning is to clean up the multiple zoning districts on this single parcel.

Background:

Owner/Applicant: Zachary Fisher of Eutaw Village Shopping LLC

Requested Action: SF-10, OI, and CC to CC

Address: 2620 Bragg Boulevard

REID #: 0428216810000 Council District: 2 - Malik Davis

Status of Property: Retail shopping center

Size: 16.30 acres

Adjoining Land Use & Zoning:

North: CC - Retail shopping center

• South: CC - Commercial strip centers, restaurants, veterinary office

• East: SF-6, SF-10, & OI - Office building, single family houses, vacant land

• West: CC - Retail shopping center

Annual Average Daily Traffic: Bragg Boulevard: 22,000

Letters Mailed: 140

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 a 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 1951 and the Eutaw Village Shopping Center was built in 1955. At the time of construction, Eutaw Village Shopping Center was one of few commercial centers in Fayetteville and served as an important shopping area. This has changed over time due to the construction of the Cross Creek Mall and other large retail centers.

Over the years, the site has been modified and additional freestanding buildings have been added to the property including one freestanding building to the rear of the main building and a small office building at the corner of Bragg Boulevard and Stamper Road. While the property may not be a primary shopping center as it once was, it is still a very active shopping center and maintains a high occupancy rate.

Surrounding Area:

The surrounding area is primarily commercial in nature with some residential areas to the north and east. To the immediate north, there is small commercial strip center which houses a skating rink and a gym/spa as well as a separate event venue, Vizcaya Villa. Beyond this commercial area, there is a residential area consisting of the Cottages on Elm duplex development and the Greenwood Homes subdivision. To the west is Eutaw Village North, Burger King restaurant, and two hotels. To the east is a small office building at the northeast corner of Bragg Boulevard and Stamper Road. Additionally, to the east, there are single family residential homes, a small apartment complex, and a nursing home. Finally, to the south, there is a variety of commercial establishments ranging from vacant and occupied financial institutions, a restaurant, and a commercial strip center.

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 straight zoning from Single Family Residential 10 (SF-10), Office & Institutional (OI), and Community Commercial (CC) to Community Commercial (CC).

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

The reclassification of land to a base zoning district without conditions allows all of the uses that are shown on the 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, Goal #2: Promote compatible economic and commercial development in key identified areas and Goal #3: Encourage redevelopment of strip commercial areas.

Under the plan's Land Use Policies and 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.

- 1.2: Encourage more intense uses, greater mix of uses and denser residential in key focal areas.
- 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 4: Create well-designed and walkable commercial and mixed-use districts

4.2: Encourage context-sensitive site design

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 have a split zoned property rezoned to a single zoning district of Community Commercial (CC). This clean up of zoning lines will allow for any future development/redevelopment of the property to go through a much simpler process.

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:

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

Recommended Action:

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

- The proposed zoning map amendment 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



Planning & Zoning

433 Hay Street Fayetteville, NC 28301 910-433-1612

www.fayettevillenc.gov

Project Overview #1369642

Project Title: Eutaw Village Shopping LLC

Application Type: 5.1) Rezoning (Map Amendment)

Workflow: Staff Review

Jurisdiction: City of Fayetteville

State: NC

County: Cumberland

Project Location

Project Address or PIN: 2620 BRAGG BLVD Zip Code: 28303

(0428216821000)

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

GIS Verified Data

Property Owner: Parcel

• 2620 BRAGG BLVD: EUTAW SHOPPING CENTER INC

Fire District:

Hospital Overlay District:

Cape Fear District:

Haymount Historic District:

100 Year Flood: <100 Year Flood>

Watershed:

Zoning District: Zoning District

• 2620 BRAGG BLVD: CC

Airport Overlay District:

Coliseum Tourism District:

Downtown Historic District:

Floodway:

500 Year Flood: <500YearFlood>

General Project Information

Has the land been the subject of a map amendment

application in the last five years?: No

Previous Amendment Case #:

Acreage to be Rezoned: 1.73

structures on the site, if any:

Water Service: Public

Previous Amendment Approval Date:

Proposed Zoning District: CC

Is this application related to an annexation?: No

Sewer Service: Public

B) Please describe the zoning district designation and existing uses of lands adjacent to and across the street

from the subject site.:

The rest of the parcel is where the building and parking lot are located are already zoned CC. Across Bragg Blvd is CC (2507 Bragg Blvd). The opposite corner is zoned CC (2505 Bragg Blvd). Across stamper road the corner is OI (804 Stamper) and further along stamper there is some SF6 and SF10 zoning

shopping center and the parcel is zoned CC but the old bank building and a portion of the parking lot do not match the zoning. The bank building is zoned OI and the parking lot is zoned SF10 (see attached survey). We would like the entire parcel to be a single zoning of CC (we have a coffee shop prepared to occupy

A) Please describe all existing uses of the land and existing

This is a lingering zoning from an old annexation we believe. The

the old bank building by the end of the year)

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.:

This fixes the mixed zoning issue inside the parcel and allows for the CC use in the corner building for a more appropriate occupancy (coffeehouse)

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

No, I don't believe so.

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

Having this building zoned CC will allow for better occupancy options for the 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 rest of the parcel is already CC. It makes sense that all of the area inside the parcel would be zoned the same thing.

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

It makes sense to keep the parcel uniform in its zoning, which is a commercial shopping center, not an office complex.

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

I'm not sure I understand this question, but this would allow for better occupancy at this location.

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

This is already a commercial shopping complex.

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 allow the land to match the rest of the parcel and the surrounding areas.

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

I don't believe there would be any adverse impact on the surrounding property values. It would likely increase the values.

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

I don't believe this would have an adverse impact on the natural environment.

Primary Contact Information

Contractor's NC ID#:

Project Owner

Zachary Fisher
Eutaw Village Shopping LLC
11010 Lake Grove Blvd, Ste 100-313
Morrisville, NC 27560
P:9192802901
zack@palisadesone.com

Project Contact - Agent/Representative

Zachary Fisher
Eutaw Village Shopping LLC
11010 Lake Grove Blvd, Ste 100-313
Morrisville, NC 27560
P:9192802901

zack@palisadesone.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:

AFFIDAVIT OF OWNERSHIP

I. Zachary K fisher, being duly sworn, deposes and says:
1. That I am the owner of the property/properties located at 2620 Brazz Blod Extra Village Shopping LLC in the City of Fayetteville, a political
subdivision of the State of North Carolina.
2. I do hereby give permission to Zachary (Fisher to submit a
Conditional Rezoning/Rezoning/Variance/Special Use (circle one) application to the City of
Fayetteville on my behalf for the above referenced property/properties.
3. This authority is only granted for the application to be submitted on
June 2024.
2 Mh
Signature of Affiant
Signature of Affiant
Cumberland County, North Carolina
Sworn to and subscribed before me this day on the Say of June , 2024 Signature of Notary Public Wathleen M. Founds , Notary Public Printed Name of Notary Public My Commission Expires: 2/12029

i) Cumberland County Tax PIN: 0428-22-0491 Street Address (Tax): 815 1/2 Elm St ii) Cumberland County Tax PIN: 0428-22-0618

TRACT ONE

Street Address (Tax): 2101 Beech St

BEING all of Lot 3 according to the plat entitled "Composite Map of Eutaw Shopping Center" duly recorded in Plat Book 47, Page 25, Cumberland County Registry. LESS AND EXCEPT the land described in the deed recorded in Deed Book 1019, Page 607, Cumberland County

And as more particularly shown and described on that certain ALTA/NSPS Land Title Survey having a Project Name of Eutaw Village Fayetteville and a CDS Project Number of 22-01-0345, prepared by Commercial Due

Diligence Services and being certified by David B. Jordan NCPLS #3940 of David B. Jordan & Associates, PLLC, dated March 9, 2022, as revised, as follows:

Beginning at a rebar set on the Northerly R/W of Sigmon Street (a 50' R/W P.B. 47, Pg. 25) and being the southeasterly corner of Stout Properties, Inc. (D.B. 2045, Pg. 468 & Lot 5 of P.B. 108, Pg. 178); thence with Stout Properties' line 4 calls: 1) N 28°30'49" E a distance of 313.49' to a mark found at reading; 2) N 28°28'22" E a distance of 88.17' to a mark found at reading; 3) N 29°13'49" E a distance of 50.89' to a mag nail found; 4) N 69°30'55" W a distance of 121.52' to a mark found at reading in the line of Stout Properties, Inc. (D.B. 2052, Pg. 006); thence with said D.B. 2052, Pg. 006 easterly line N 20°32'32" E a distance of 125.18' to a flat iron pin found on the southerly R/W of Beech Street (50' Public R/W P.B. 47, Pg. 25); thence with said southerly R/W 2 calls: 1) S 69°24'57" E a distance of 349.65' to an iron pin found; 2) with a curve turning to the right with an arc length of 42.61', with a radius of 25.00', with a chord bearing of S 20°07'01" E, with a chord length of 37.63' to a computed point on the westerly R/W of Elm Street (P.B. 47, Pg. 25); thence with said westerly R/W 2 calls: 1) S 28°42'13" W a distance of 547.40' to a computed point; 2) with a curve turning to the right with an arc length of 37.82', with a radius of 25.00', with a chord bearing of S 72°30'30" W, with a chord length of 34.32' to a mag nail found on the northerly R/W of said Sigmon Street; thence with said northerly R/W N 64°24'44" W a distance of 212.06' to the Point of Beginning having an area of 155,243 square feet or 3.564 acres,

TRACT TWO: Cumberland County Tax PIN: 0428-22-4414

Street Address (Tax): 894 Elm St

BEGINNING at the northwest corner of Tract Number One, Eutaw Shopping Center, Inc., recorded in Plat Book

16, Page 64, Cumberland County, North Carolina Registry, and running thence with the eastern boundary of Elm

Street, North 32 degrees 07 minutes East, 339.05 feet to an iron pipe; thence South 58 degrees 52 minutes East, 169.83 feet to a point; thence a new line South 31 degrees 08 minutes West, 331.38 feet to a point; thence North 61 degrees 21 minutes West, 175.81 feet to the beginning, Containing 1.329

And as more particularly shown and described on that certain ALTA/NSPS Land Title Survey having a Project Name of Eutaw Village Fayetteville and a CDS Project Number of 22-01-0345, prepared by Commercial Due Diligence Services and being certified by David B. Jordan NCPLS #3940 of David B. Jordan & Associates, PLLC, dated March 9, 2022, as revised, as follows:

Beginning at a computed point on the easterly R/W of Elm Street the northwesterly corner of the below described Tract 3; thence with the easterly R/W of Elm Street N 28°08'54" E a distance of 339.05' to a mag nail set the southwesterly corner of Frank P. Stout (D.B. 9713, Pg. 727); thence with Stout's line S 62°15'08" E a distance of 169.83' to a mag nail set the northwesterly corner of Murray E. Hodges, Jr. (D.B. 2558, Pg. 491); thence S 27°09'10" W a distance of 331.38' to a mark found Hodges southwesterly corner in the line of the below described Tract 3; thence N 64°45'21" W a distance of 175.81' to the Point of Beginning having an area of 57,904 square feet or 1.329 acres, more or less. TRACT THREE:

- i) Cumberland County Tax PIN: 0428-21-6821
- Street Address (Tax): 2620 Bragg Boulevard ii) Cumberland County Tax PIN: 0428-21-0842
- Street Address (Tax): 2810 Bragg Blvd
- iii) Cumberland County Tax PIN: 0428-21-9377 Street Address (Tax): 2606 Bragg Blvd

Approved CDS Surveyor

David B. Jordan

Asscociates, PLLC

592 Bowles Farm Road

Statesville, N.C. 28625

704-876-6898

Firm# P-2397

BEGINNING at an iron stake located where the northern right-of-way margin of Bragg Boulevard (Highway 24) intersects the western right-of-way margin of Stamper Road and running thence with the northern right-of-way margin of Bragg Blvd., North 60 degrees 58 minutes 30 seconds West, 1,158.70 feet to an iron stake located in the eastern right-of-way margin of Elm Street; thence with the eastern right-of-way margin of Elm Street, North 32 degrees 06 minutes 40 seconds East 615.24 feet to a corner, said corner being a painted "X" in the edge of a concrete sidewalk; thence leaving the eastern right-of-way margin of Elm Street, South 61 degrees 27 minutes 31 seconds East, 732.53 feet to an iron stake; thence South 58 degrees 58 minutes 00 seconds East, 269.33 feet to an iron stake; thence South 23 degrees 17 minutes 21 seconds West, 64.18 feet to an iron stake; thence South 54 degrees 53 minutes 00 seconds East, 175.04 feet to an iron stake located in the western right-of-way margin of Stamper Road; thence with the western right-of-way margin of Stamper Rd., South 35 degrees 07 minutes 53 seconds West, 531.68 feet to the point of BEGINNING, containing 16.31 acres, more or less. Also being all of Lot 1 according to the plat entitled "Composite Map of Eutaw Shopping Center" duly recorded in Plat Book 47, Page 25, Cumberland County Registry, less and except the land described in Tract Two above.

And as more particularly shown and described on that certain ALTA/NSPS Land Title Survey having a Project Name of Eutaw Village Fayetteville and a CDS Project Number of 22-01-0345, prepared by Commercial Due Diligence Services and being certified by David B. Jordan NCPLS #3940 of David B. Jordan & Associates, PLLC, dated March 9, 2022, as revised, as follows:

Beginning at a computed point on the easterly R/W of Elm Street (a 60' Public R/W) the southwesterly corner of the above described Tract 2; thence with Tract 2' southerly line S 64°45'21" E a distance of 175.81' to a mark found the southwesterly corner of Murray E. Hodges, Jr. (D.B. 2558, Pg. 491): thence with Hodges' southerly line S 64°45'21" E a distance of 556.72' to a pipe found the southwesterly corner of Justin D. Pearson (D.B. 8779, Pg. 180); thence with Pearson's line S 62°13'51" E a distance of 269.17' to a nail found in the line of Frank P. Stout (D.B. 4286, Pg. 82); thence with Stout's line 2 calls: 1) S 19°53'00" W a distance of 64.20' to a nail found; 2) S 58°36'11" E a distance of 175.03' to a rebar set the southeasterly corner of said Stout (being located S 31°54'00" W a distance of 80.00' from Stout's northeasterly corner) and being located on the westerly R/W of Stamper Road (60' Public R/W P.B. 47, Pg. 25); thence with said westerly R/W; S 31°54'00" W a distance of 532.10' to iron pin found on the northerly R/W of Bragg Boulevard (120' PublicR/W P.B. 47, Pg. 25) (said iron pin found having NC Grid Coordinates of N: 481,289.46' & E: 2,002,996.44' NAD 83/2011); thence with the northerly R/W of said Bragg Boulevard N 64°18'37" W a distance of 1158.13' to a mark in the easterly R/W of Elm Street; thence with said easterly R/W N 28°48'50" E a distance of 615.24' to the Point of Beginning, having an area of 710,029 square feet or 16.300 acres, more or less.

TOGETHER WITH those easements set forth in that certain Joint Easement recorded in Deed Book 2218 at Page 523, Cumberland County, North Carolina, Registry

The land shown hereon is the same as that described in Old Republic National Title Insurance Company, commitment #202240021CAO, Dated January 23, 2022.

TITLE INFORMATION

The Title Description and Schedule B items hereon are from Old Republic National Title Insurance Company, commitment #202240021CAO, Dated January 23, 2022.

SCHEDULE 'B' ITEMS

NOTES CORRESPONDING TO SCHEDULE "B"

Intentionally deleted, 4/6/2022 - Restrictions appearing of record in Book 584 at Page 51, Cumberland County, North Carolina, Registry, but this policy insures that a violation thereof will not cause a forfeiture or reversion of Title. Amended, 4/6/2022 - Matters shown on plats recorded in Plat Book 47 at Page 25 (R/Ws as noted), Plat Book 31 at Page 65 (No Plottable items noted) and Plat Book 17 at Page 58, (No Plottable items noted), Cumberland County, North

5. Amended, 4/6/2022 - Utility Easements to City of Fayetteville recorded in Cumberland County, North Carolina, Registry as

a) Deed Book 706 at Page 121, Deed Book 2229 at Page 139, and Deed Book 3712 at Page 155 are blanket in nature;

b) Deed Book 702 at Page 306, Deed Book 891 at Page 187, Deed Book 2893 at Page 335, are shown on the Survey 6. Intentionally deleted, 4/12/2022 - Access and Parking Agreement recorded in Deed Book 707 at Page 369 (Blanket in nature), Cumberland County, North Carolina, Registry. Intentionally deleted, 4/6/2022 - Agreements with City of Fayetteville re Florence Street recorded in Deed Book 706 at

Page 355, Deed Book 892 at Page 368 and Deed Book 2019 at Page 219, Cumberland County, North Carolina, Registry. Intentionally deleted, 4/6/2022 - Judgment recorded in Deed Book 2125 at Page 257, Cumberland County, North Carolina, Registry, regarding restrictive covenants and road name changes. . Amended, 4/6/2022 - Joint Easement between Florence Rogers Charitable Trust and Eutaw Shopping Center, Inc.

recorded in Deed Book 2218 at Page 523, Cumberland County, North Carolina, Registry, as shown on the Survey. 0. Amended, 4/6/2022 - Easement(s) to State Highway Commission recorded in Book 2287 at Pages 365 and 367, Cumberland County, North Carolina, Registry.

Amended, 4/6/2022 - Easement(s) to North Carolina Natural Gas recorded in Book 2897 at Page 273 (Affects property as shown), Cumberland County, North Carolina, Registry, as shown on the Survey. 2. Intentionally deleted, 4/6/2022 - Release of Restrictions recorded in Book 2020 at Page 55, Cumberland County, North

Intentionally deleted, 4/6/2022 - Judgment declaring certain property free from restrictions recorded in Book 584 at Page 51

recorded in Deed Book 2890 at Page 590, Cumberland County, North Carolina, Registry. 14. Amended, 4/6/2022 - Assignment of Lease Rights from Carolina Telephone and Telegraph Company recorded in Book 2151 at Page 175 (Not a plottable item), Cumberland County, North Carolina, Registry.

🔍 18. Amended, 4/6/2022 - Memorandum of Lease to State of North Carolina recorded in <u>Deed Book 8170 at Page 90</u> (Not a s) survey item), Cumberland County, North Carolina, Registry.

9. Intentionally deleted, 4/6/2022 - Short Form Lease Agreement (with option to purchase) recorded in Deed Book 3185 at Page 59, Cumberland County, North Carolina, Registry.

20. Amended, 4/6/2022 - Electric Easement to City of Fayetteville recorded in Deed Book 1195 at Page 49 (Blanket in

21. Intentionally deleted, 4/6/2022 - Easement recorded in Deed Book 471 at Page 604 and restated in Deed Book 1132 at Page 553 and Deed Book 827 at Page 89, Cumberland County, North Carolina, Registry.

22. Intentionally deleted, 4/6/2022 - Easement(s) to Heart of Fayetteville Motel, Inc. recorded in Book 1159 at Page 281, Cumberland County, North Carolina, Registry. 23. Intentionally deleted, 4/6/2022 - Short Form Lease (with option to buy) Agreement recorded in Deed Book 3185 at Page

3) 56, Cumberland County, North Carolina, Registry. 24. Amended, 4/6/2022 - Memorandum of Lease to PPG Architectural Finishes, Inc. recorded in Deed Book 9635 at Page 4) 465 (Not a survey item), Cumberland County, North Carolina, Registry. (NOTE: Upon receipt of Subordination Non-Disturbance and Attornment Agreement, this exception will be listed as a subordinate matter under Schedule B, Part II of

As to Tract Three 、25. Amended, 4/6/2022 - Amended and Restated Memorandum of Lease to Dollar Tree Stores, Inc. recorded in Deed Book 1) 11309 at Page 315 (Not a survey item), Cumberland County, North Carolina, Registry. (NOTE: Upon receipt of Subordinatio

Non-Disturbance and Attornment Agreement, this exception will be listed as a subordinate matter under Schedule B, Part II of 26. Amended, 4/6/2022 - Memorandum of Lease to Foot Locker Retail, Inc. recorded in Deed Book 10582 at Page 216 (Not a survey item), Cumberland County, North Carolina, Registry. (NOTE: Upon receipt of Subordination, Non-Disturbance and Attornment Agreement, this exception will be listed as a subordinate matter under Schedule B. Part II of the Loan Policy.) 27. Amended, 4/6/2022 - Short Form Lease to Carlie C's of Fayetteville, Inc. recorded in Deed Book 3471 at Page 815 (Not a

survey item), Cumberland County, North Carolina, Registry. (NOTE: Upon receipt of Subordination, Non-Disturbance and Attornment Agreement, this exception will be listed as a subordinate matter under Schedule B, Part II of the Loan Policy.) 28. Amended, 4/6/2022 - Customer Parking Lots Joint Utilization Agreement recorded in <u>Deed Book 2558 at</u>

(28) Page **526** (Blanket in nature), Cumberland County, North Carolina, Registry.

Cumberland County, North Carolina, Registry. $\stackrel{<}{_{\sim}}$ 30. Intentionally deleted, 4/6/2022 - Memorandum of Lease recorded in Deed Book 2838 at Page 68, Cumberland County,

31. Amended, 4/6/2022 - Short Form Lease recorded in Deed Book 2160 at Page 119 (Not a survey item), Cumberland County, North Carolina, Registry

32. Intentionally deleted, 4/6/2022 - Restrictions appearing of record in Book 2890 at Page 581, Cumberland County, North 2) Carolina, Registry, but this policy insures that a violation thereof will not cause a forfeiture or reversion of Title.

PARKING INFORMATION

Tract 1 Parking Totals 202 Regular Spaces +9 Handicap Spaces

211 Total Spaces

Tract 2 & 3 Parking Totals

874 Regular Spaces +43 Handicap Spaces 917 Total Spaces

Survey Parking Totals 1076 Regular Spaces + 52 Handicap Spaces

1128 Total Spaces

5 FLOOD INFORMATION

By graphic plotting only, this property is located in Zone "X" o

3720042800J, which bears an effective date of 01/05/2007 and

is NOT in a special flood hazard area. No field surveying was

performed to determine this Zone and an elevation certificate

variance from the Federal Emergency Management Agency.

CEMETERY

There is no visible evidence of cemeteries on the subject property

POSSIBLE ENCROACHMENTS

-Building encroaches into 50' Access Ease. 8.91'

ZONING INFORMATION

may be needed to verify this determination or apply for a

Zone "X" denotes areas of minimal flood hazard.

(A) —Building encroaches 2.17' into adjoiner.

B —Building encroaches 3.19' into adjoiner.

Building violates 3' setback 2.09'

at the time of survey.

SITE RESTRICTION:

HEIGHT - 75' or 6 stories

Zoning information obtained from:

3550 W. Robinson Street, Third Floor

SETBACKS

FRONT - 25'

SIDE - 3'

REAR - 3'

BULK - 65%

Norman, OK 73072

Job # 22-01-0345

Dated: 03-03-2022

405-253-2444

ZONE - CC (Community Comercial)

PARKING - 1 spaces for every 300 sq.ft. floor area

FA Commercial Due Diligence Services, Inc.

the Flood Insurance Rate Map, Community Panel No.

LAND AREA

Tract 1

Tract 2 1.329 Acres or 57,904 sq.ft.

Tract 3

3.564 Acres or 155,243 sq.ft

16.300 Acres or 710.029 sq.ft.

Total Area Surveyed 21.193 Acres or 923,176 sq.ft.

BUILDING AREA

Bldg 1: 160,938 square feet Bldg 2: 2,144 square feet Bldg 3: 2,281 square feet

Bldg 4: 2,595 square feet Bldg 5: 12,014 square feet Bldg 6: 40,258 square feet Bldg 7: 5,469 square feet

Bldg 8: 2,708 square feet

BUILDING HEIGHT

Bldg 1: 27.4 feet or 1 story @ roof line Bldg 2: 13.3 feet or 1 story @ roof line Bldg 3: 12.2 feet or 1story @ roof line

Bldg 4: 10.5 feet or 1story @ roof line Bldg 5: 19.0 feet or 1 story @ roof line Bldg 6: 23.3 feet or 2 stories @ roof line Bldg 7: 10.6 feet or 1 story @ roof line

Bldg 8: 20.2 feet or 2 stories @ roof line

Key to CDS ALTA Survey

1 TITLE DESCRIPTION 2 TITLE INFORMATION

3 SCHEDULE 'B' ITEMS

4 SURVEYOR CERTIFICATION

5 FLOOD INFORMATION

CEMETERY

7 | POSSIBLE ENCROACHMENTS

LEGEND

8 ZONING INFORMATION

10 BASIS OF BEARING

12 PARKING INFORMATION

11 SURVEYOR'S NOTES

LAND AREA **BUILDING AREA**

BUILDING HEIGHT

VICINITY MAP 17 NORTH ARROW / SCALE

18 CLIENT INFORMATION BOX

19 SURVEY DRAWING

06-05-24

ALTA/NSPS Land Title Survey

SURVEYOR'S NOTES

No observable evidence of earth moving work, building

construction or building additions within recent months.

2. No observable evidence of changes in street right of

way lines completed, and available from the controlling

jurisdiction and no observable evidence of recent street

3. Property has physical access to Elm Street, Sigmon

Street, Beech Street, Stamper Road, and Bragg

4. All statements within the certification, and other

solely on above ground, visible evidence, unless

references located elsewhere hereon, related to: utilities,

improvements, structures, buildings, party walls, parking,

easements, servitudes, and encroachments; are based

another source of information is specifically referenced

5. No markers indicating a delineation of wetlands have

been observed during the completion of this survey. Nor

has the surveyor been instructed that there has any

wetland marked on this site by a qualified specialist.

dump, sump or sanitary landfill.

contiguous without gaps or gores.

6. No observed evidence of site use as a solid waste

7. Tract 1 and the rights-of-way lines of Sigmon Street,

Elm Street and Beech Street are contiguous without gaps

8. Tract 2 and the right-of-way lines of Elm Street are

9. Tract 3 and the rights-of-way lines of Elm Street and

Bragg Boulevard are contiguous without gaps or gores.

or sidewalk construction or repairs.

Boulevard all of which are public R/W's.

This survey prepared in accordance with the "2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys (Effective February 23, 2021)

This Work Coordinated By: FA Commercial Due Diligence Services Co.

3350 W. Robinson Street, Third Floor

Norman, Oklahoma 73072 Office: 405.253.2444 Toll Free: 888.322.7371

Drwn By: Ref.No: (Aprvd By: D.B.J. Field Date:

(Scale:

client comments 04-08-22 client comments Date: 04-13-22 Revision: client comments

PROJECT ADDRESS

Project Name:

Eutaw Village Fayetteville CDS Project Number:

22-01-0345

Sheet _1_ of _2_

CUMBERLAND COUNTY GIS ---- EASEMENT LINE

LEGEND

PROPERTY LINE

CONCRETE

—× FENCE

MORE OR LESS

SIDE SETBACK LINE

REAR SETBACK LINE

MEASURED CALL

RECORD CALL

MAG NAIL SET

MAG NAIL FOUND

ZONING LINE SCALED FROM

FRONT SETBACK LINE

POINT OF BEGINNING

POINT OF COMMENCEMENT

P.O.B.

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without prior all rights are reserved. Any use of this format and style is strictly prohibited without prior writ

This survey coordinated, but not performed, by Commercial Due Diligence Services. Survey obtained from and certified to by a land surveyor licensed in the state property is located.

This survey coordinated, but not performed, by Commercial Due Diligence Services. Survey obtained from and certified to by a land surveyor licensed in the state property is located.

IRON PIN FOUND UNLESS NOTED

REBAR SET UNLESS NOTED

PIPE FOUND UNLESS NOTED

COMPUTED POINT

HANDICAP PARKING

CLEAN OUT SAANITARY SEWER

S SEWER MANHOLE

WATER VALVE

POWER POLE

LIGHT POLE

W WATER METER

TELEPHONE PEDESTAL

— P — P — OVERHEAD ELECTRIC LINES

BUILDING SETBACK LINE

E ELECTRIC TRANSFORMER

DRAINAGE INLET

UNKNOWN MANHOLE

© ELECTRIC MANHOLE

03-23-22 Date: D.A.J. client comments 04-07-22 Date: 02-17-22 1" = 80'

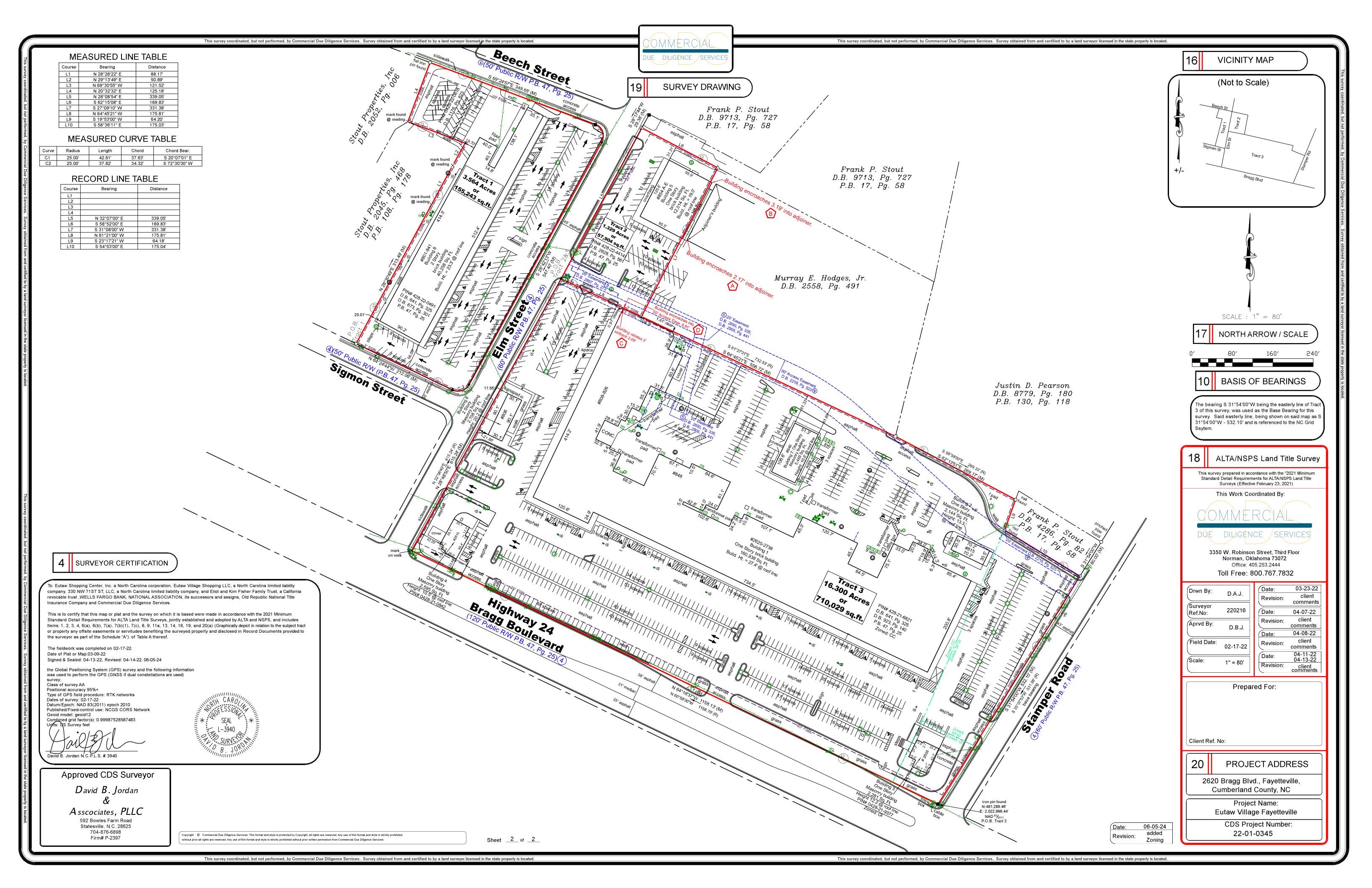
Prepared For:

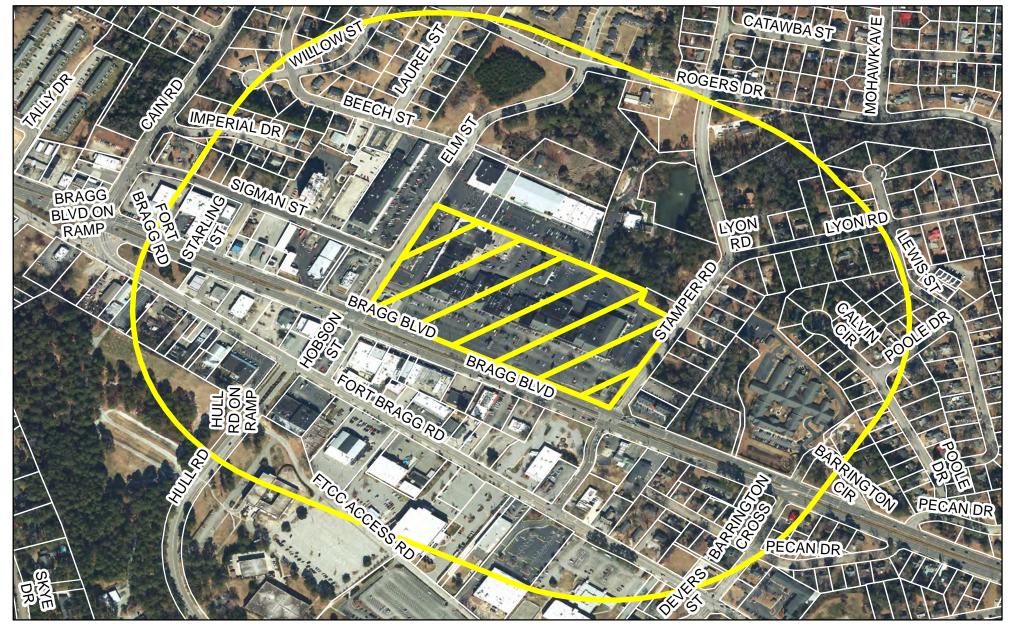
Client Ref. No:

2620 Bragg Blvd., Fayetteville, Cumberland County, NC

20 PROJECT ADDRESS

Revision:





Aerial Notification Map

Case #: P24-32

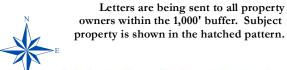
Request: Rezoning

Single Family Residential 10 (SF-10), Office & Institutional (OI), and Community Commercial (CC) to Community Commercial (CC)

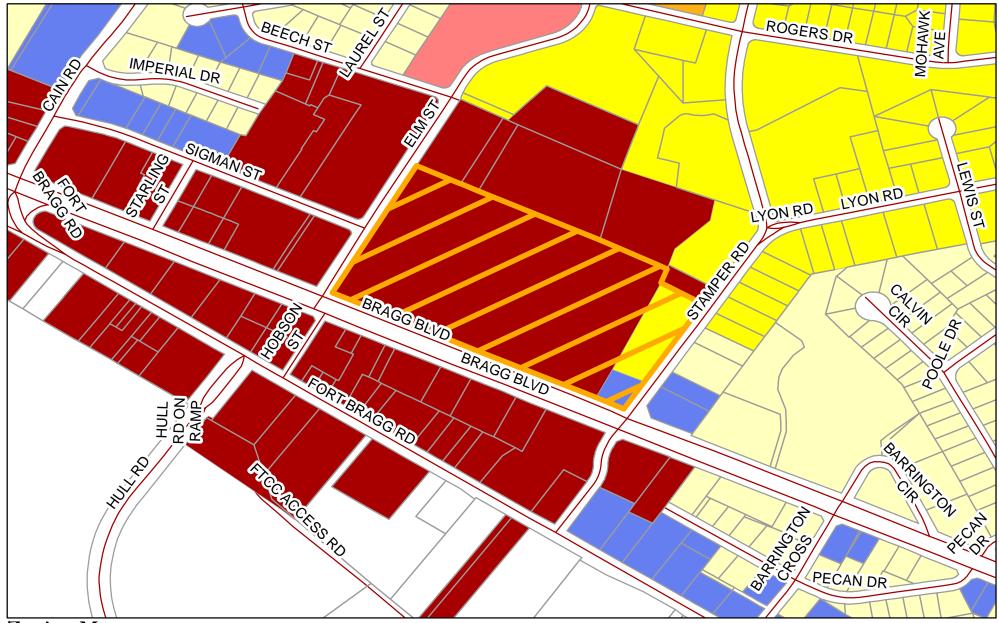
Location: 2620 Bragg Blvd 0428216810000

Legend









Zoning Map

Case #: P24-32

Request: Rezoning

Single Family Residential 10 (SF-10), Office & Institutional (OI), and Community Commercial (CC) to Community Commercial (CC)

Location: 2620 Bragg Blvd

0428216810000

Legend

P24-32 CC - Community Commercial LC - Limited Commercial MR-5 - Mixed Residential 5

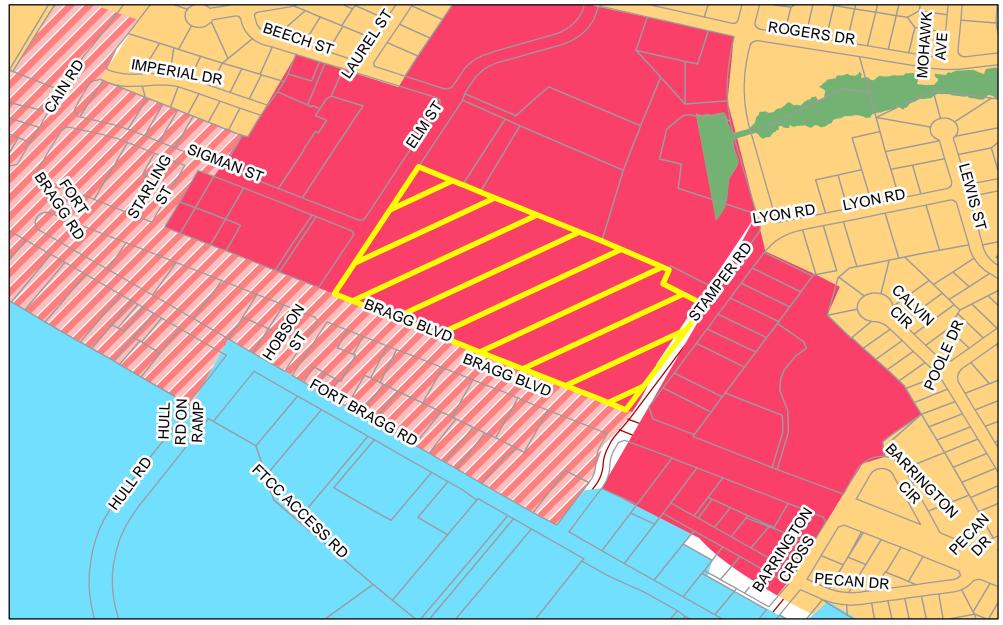
OI - Office & Institutional

SF-6 - Single-Family Residential 6 SF-10 - Single-Family Residential 10



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





Land Use Map

Case #: P24-32

Request: Rezoning

Single Family Residential 10 (SF-10), Office & Institutional (OI), and Community Commercial (CC) to Community Commercial (CC)

Location: 2620 Bragg Blvd

0428216810000

Legend

P24-32

Land Use Plan 2040

Character Areas

PARKOS - PARK / OPEN SPACE

MDR - MEDIUM DENSITY

CSR - COMMERCIAL STRIP REDEVELOPMENT

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.





Subject Property







Surrounding Properties









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 P24-32 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 landuse policies and strategies of the Comprehensive Plan:

Consistency

1. GOALS

GOAL(S)	CONSISTENT	INCONSISTENT
Goal # 1: Focus value and investment around infrastructure and strategic		
nodes	X	
Goal # 2: Promote compatible economic and commercial development in key		
identified areas	X	
Goal #3: Encourage redevelopment of strip commercial areas	х	

2. LAND USE POLICIES AND STRATEGIES:

LAND USE POLICIES AND STRATEGIES	CONSISTENT	INCONSISTENT
LUP 1: Encourage growth in areas well-served by infrastructure and urban services, including roads, utilities, parks, schools, police, fire, and emergency services.	X	
1.2: Encourage more intense uses, greater mix of uses and denser residential in key focal areas	x	
1.7: Encourage a logical progression of housing development and discourage "leapfrog" development.	х	
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.	х	
3.1: Examine and identify targeted redevelopment and infill areas throughout the city.	х	
LUP 4: Create well-designed and walkable commercial and mixed-use districts	х	

4.2	: Encourag	ge context-sensitive site design	x						
3	3. The proposed amendment is consistent with the Future Land Use Map as follows:								
	х	The proposed land use is consistent and aligns with the area's designation on the FLU Map.	OR	inconsiste	The proposed land use is inconsistent and does not align with the area's designation on the FLU Map.			inconsistent and does not align with the area's designation on the FLU	
	X	The proposed designation, as requested, would permit uses that are complimentary to those existing on adjacent tracts.	OR	requested	osed designation d, would permit u gruous to those o tracts.	uses that			
	onablene								
Com	-	zoning amendment is reasonable and in the Plan as stated above and the Strategi	-			-			
X	The size, physical conditions, and other attributes of the proposed use(s) will benefit the surrounding community.								
	The an	nendment includes conditions that limit	t potent	ial negative impact	s on neighboring	uses.			
X	The proposed uses address the needs of the area and/or City.								
	The pr	oposal adapts the zoning code to reflec	t moder	n land-use trends a	and patterns.				
The a	amendme	nt is also in the public interest because	it: [sele	ct all that apply]					
X	impro	ves consistency with the long-range pla	n.						
X	impro	ves the tax base.							
-	preser	ves environmental and/or cultural resc	urces.						
X	facilita	ates a desired kind of development.							
X	X provides needed housing/commercial area.								
Addi	tional con	nments, if any (write-in):							
	July 9, 202	24							
Date				Chair Signature					
				Print					