



City of Fayetteville

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

Meeting Agenda - Final Zoning Commission

Tuesday, October 8, 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: September 10, 2024

4.0 EVIDENTIARY HEARINGS

4.01 A24-40. Variance request for a large multi-building development identification sign in the MR-5 Zoning District, located at 5649 Bragg Blvd (REID #: 0419117547000), owned by MACPHERSON LLC.

4.02 A24-42. Variance Request for Church Sign at 7763 Cliffdale Road (REID #: 9487879970000), Cliffdale Community Church, INC.

5.0 PUBLIC HEARINGS (Public & Legislative)

5.01 P24-39. Rezoning from Single-Family Residential 10 (SF-10) to Mixed Residential 5 (MR-5) located at 411 Jefferson Dr(0406880746000) totaling 0.32 acres ± and being the property of Sophia Rickard .

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: 24-4257

Agenda Date: 10/8/2024

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: October 8, 2024

RE: Approval of Meeting Minutes: September 10, 2024

COUNCIL DISTRICT(S):
All

Relationship to Strategic Plan:

Strategic Operating Plan FY 2022
Goals 2026

Goal VI: Collaborative Citizen & Business Engagement

- Objective 6.2 - Ensure trust and confidence in City government through transparency & high-quality customer service.

Executive Summary:

The City of Fayetteville Zoning Commission conducted a meeting on the referenced date, which they considered items of business as presented in the draft.

Background:

NA

Issues/Analysis:

NA

Budget Impact:

NA

Options:

1. Approve draft minutes;
2. Amend draft minutes and approve draft minutes as amended; or
3. Do not approve the draft minutes and provide direction to Staff.

Recommended Action:

Option 1: Approve draft minutes.

Attachments:

Draft Meeting Minutes: September 10, 2024

**MINUTES
CITY OF FAYETTEVILLE
ZONING COMMISSION MEETING
FAST TRANSIT CENTER COMMUNITY ROOM
SEPTEMBER 10, 2024 @ 6:00 P.M.**

STAFF PRESENT

Pavan Patel, Chair
Stephen McCorquodale
Tyrone Simon

Clayton Deaton, Planning and Zoning Division Manager
Craig Harmon, Senior Planner
Heather Eckhardt, Planner II
Demetrios Moutos, Planner I
La-Deidre Matthews, Attorney at Law, Fox Rothchild
Catina Evans, Office Assistant II

MEMBERS ABSENT

Alex Keith, Vice-Chair
Kevin Hight

The Zoning Commission Meeting on Tuesday, September 10, 2024, was called to order by Chair Pavan Patel at 6 p.m. The members introduced themselves.

I. APPROVAL OF THE AGENDA

MOTION: Patel Pavan made a motion to approve the agenda for the meeting with the amendment to table cases A24-40 and P24-39 until the meeting on Tuesday, October 8, 2024.

SECOND: Tyrone Simon

VOTE: Unanimous (3-0)

II. APPROVAL OF THE CONSENT AGENDA TO INCLUDE THE MINUTES FROM THE AUGUST 13, 2024, MEETING

MOTION: Stephen McCorquodale made a motion to approve the minutes from the August 13, 2024, meeting.

SECOND: Tyrone Simon

VOTE: Unanimous (3-0)

III. LEGISLATIVE HEARING

Mr. Patel discussed the aspects of the legislative hearing. Legal counsel, Ms. Matthews, swore in all Staff and witnesses who were participating in the hearings. Mr. Patel inquired if any board members had conflicts of interest or ex parte communication related to the evening's agenda items, and none were reported.

P24-36. Rezoning from Downtown 2 (DT-2) to Downtown 2 Conditional (DT-2/CZ) located at 450 W Russell Street (REID #0437443242000) totaling 0.47 acres \pm and being the property of Franklin Russell, LLC.

Craig Harmon presented case P24-36. He stated that the property is located at 450 W. Russell Street at nearly .5 acres with the owner being Franklin Russell, LLC and Jefferey Perez representing the owner. Mr. Harmon showed the board the yellow area on the site map where the property is located. He said City Hall is south of the property. The applicant wants to convert the property's zoning to Downtown 2 Conditional Zoning (DT-2/CZ), which aligns with the Future Land Use Plan that calls for this area to be designated for downtown use. Mr.

Harmon informed the board that they may be familiar with the area because Bright Light Brewing is located on this property. The applicant is requesting conditions of use that would allow for an auto detailing business (with some car washing) on the property. The Staff recommends approval of the rezoning to a DT-2 Conditional Zoning.

Mr. Patel asked Mr. Harmon if there were any speakers for this case, and Mr. Harmon said the applicant was present. Mr. Patel opened the hearing for case P24-36. The owner was not present, but the tenant Stanley Jacobs spoke on his behalf.

Speaker in favor:

Stanley Jacobs, 450 W Russell St, Fayetteville, NC 28301

- Mr. Jacobs explained that his business is high end detailing by appointment only.
- Mr. Jacobs said his business will not create traffic and he has cleaned up the area.

Mr. Simon asked for clarification if the business was a car wash and Mr. Jacobs reiterated that it was not a car wash business. Mr. Simon asked Mr. Jacobs how long he has been in business, and Mr. Jacobs said he has been in business since 2019.

Mr. McCorquodale inquired if they were providing all auto services inside, and Mr. Jacobs confirmed this was correct.

Mr. Patel closed the hearing for case P24-36.

MOTION: Tyrone Simon made a motion to approve the rezoning request for case P24-36 based on the testimony that was given and the fact that the rezoning is consistent with the Future Land Use Plan.

SECOND: Pavan Patel

VOTE: Unanimous (3-0)

P24-37. Rezoning from Residential 6 (R6A) to Heavy Industrial (HI) located at 3424 Cumberland Road (REID #0426015026000) totaling 2.47 acres ± and being the property of Kodjo Sam Kouassi.

Demetrios Moutos presented the case for rezoning the property at 3424 Cumberland Road from R6A to Heavy Industrial (HI), owned by Kodjo Sam Kouassi. He explained that the area is currently zoned R6A in Cumberland County, as are the surrounding areas. However, portions of the area have already been annexed and rezoned as Community Commercial (CC). The Future Land Use Plan designates this area as Employment Center and Medium-Density Residential.

The property in question is approximately 200 feet deep and contains overflow towed car storage. The surrounding area includes a single-family subdivision to the rear, single-family homes to the south, residential trailers across Cumberland Road, Kings Fresh Seafood Store to the east, and a large mixed-use heavy industrial property with an auto body and tire shop to the west. The area also includes other intense commercial uses.

Mr. Moutos stated that the rezoning request aligns with the city's goals of maximizing the use of underutilized areas to establish stable neighborhoods. He emphasized that the development will be subject to City standards and noted that the adjacent heavy industrial use to the west includes the aforementioned auto shop.

The proposed zoning supports the City's objectives of creating a diverse tax base, promoting strategic development, and encouraging economic growth. Staff recommends approval of the rezoning request. Mr. Moutos also presented the board with their voting options.

Mr. Patel opened the hearing for case P24-37.

Speakers in favor:

David Holmes, 3404 Cumberland Road, Fayetteville, NC 28306

- Mr. Holmes wants to expand to have more storage for Sam's Towing.

Mr. Patel asked if the primary use is for storage. Mr. Holmes said they need more room to store cars.

Kodjo Kouassi, 3404 Cumberland Road, Fayetteville, NC 28306

- Mr. Kouassi said they are a wrecker service. They needed a place to park their trucks, and they were trying to expand the business, following the city ordinances.

Herbert Townes, 8226 English Saddle Drive, Fayetteville, NC 28314

- Mr. Towns said he is a Nationwide insurance representative, and he supports the owner following the City regulations for the establishment of his business.
- He stated they bought the property ten years ago and the plan was always to expand the business.

Daniel Barron, 5218 Hornbeam Road, Fayetteville, NC 28304

- Mr. Barron has been with the business for twenty years and they are cleaning up the area, giving people jobs, and helping out the community.

Speakers in opposition:

Hernandez Carlos, 2709 King Street, Fayetteville, NC 28306

- Mr. Carlos said his property tax has gone up 17% this year, and he inquired how this development would benefit the residents.
- He said more business will lead to more people being poor because others want to get rich.

Mr. McCorquodale reviewed the map and sought clarification on the specific parcels involved. Mr. Moutos confirmed that there are two distinct parcels and highlighted that additional stipulations would apply under the Heavy Industrial (HI) zoning classification. He further explained that rezoning the land to HI would prevent the property from being designated as nonconforming.

Mr. Patel inquired about potential tax implications related to the rezoning. While Mr. Moutos clarified that he is not a tax expert, he mentioned that he had consulted with tax professionals on other cases who have indicated that there could be tax implications associated with the rezoning.

Mr. Simon asked whether the previous property had been zoned as Heavy Industrial (HI). Mr. Moutos clarified that the area is currently zoned Community Commercial (CC). He added that if the developers intend to expand on the portion of the land zoned CC, they will require a special use permit.

MOTION: Pavan Patel made a motion to approve case P24-37 based on the consistency and reasonableness statement provided by the Staff.

SECOND: Tyrone Simon

VOTE: Unanimous (3-0)

P24-38. Rezoning from Single-Family Residential 10 (SF-10) to Mixed Residential 5 (MR-5) located at 770 Ocarina Circle (REID #0530203374000) totaling 7.10 acres ± and being the property of James E. & Jane L. Wood.

Heather Eckhardt presented the rezoning request for a property located on 770 Ocarina Circle to be rezoned from Single-Family Residential 10 (SF-10) to Mixed Residential 5 (MR-5). The property is zoned Single-Family Residential 10 (SF-10), properties to the east and west are zoned Mixed Residential 5 (MR-5). The Future Land Use Plan calls for the area to be designated as medium-density residential. The subject property is currently vacant and undeveloped. Single-family homes surround the area, and multiple apartment complexes are located to the east and northeast with two quadplexes on Deadwyler Drive. Ms. Eckhardt noted that multi-family zoning allows a wide range of residential uses such as single and multi-family dwellings, which would address the need for more housing stock in the Fayetteville area. Multi-family dwellings have the advantage of larger quantities of units with less impact on land acreage, 100 apartments would only require five acres in multi-family dwellings, but the same number of units would require 23 acres of land for single-family dwellings. The potential rezoning would be in alignment with developments located to the east. Ms. Eckhardt reiterated that this is a straight rezoning without conditions and added that the applicant has submitted plans for the proposed apartments. Ms. Eckhardt informed the board that the Staff recommends the rezoning to MR-5.

Pavan Patel opened the hearing for case P24-38.

Speakers in favor:

George Rose, 1206 Longleaf Drive, Fayetteville, NC 28305

- Mr. Rose is the site engineer. There are properties adjacent to the property that are zoned MR-5. The owner wants to develop approximately 120 units.
- Mr. Rose stated that the development would generate less traffic than other uses. He noted that current apartments located on Deadwyler Drive rent for \$1,100 per month. The proposed apartment units would rent at \$1,300 - \$1,450 per month.
- Mr. Rose cited that nine property owners and 12 rental properties reside on Deadwyler Drive. He said the property would be built on a lower elevation, creating a sound barrier. The sewer connection for this property would coincide with the Crystal Lake Apartments.
- Mr. Rose acknowledged the opposition's traffic concerns, but he noted that the project is small and would not substantially impact the traffic on Sussex Drive.

Mr. Simon inquired of Mr. Rose about how many apartments would be built, and Mr. Rose said 120 units would be built. He stated that the property would include a club house with a pool.

Mr. Patel inquired if the project had come before the Technical Review Committee, and Mr. Rose replied no. Mr. McCorquodale asked Mr. Rose if the site plan had not been developed because they are in the early stages of the project, and Mr. Rose confirmed this. They have developed a preliminary site plan. Attorney Matthews noted to the board that due to the fact that this is a straight rezoning, the board must consider all of the uses for the land and their impact when determining if to approve the rezoning. Mr. Rose added that they may not be able to fit the allowable units associated with a zoning district.

Greg Spears, 434 Landsdowne Road, Fayetteville, NC 28314

- Mr. Spears is a commercial real estate broker with Grant-Murray Real Estate. He is representing the owners.
- He is familiar with this project and with the 20,000 affordable housing shortage in the Fayetteville area, there is a need for affordable housing, and they need to work to resolve this issue.
- Mr. Spears said this will be a professionally landscaped and buffered project.
- He said the traffic will not be an issue with this development.

An audience member proceeded to interrupt Mr. Spears, and Mr. Patel asked the audience to allow the speaker to speak. Mr. Spears noted that there would be traffic concerns in any area where development occurred, and it is hard to hinder progress. When you have this low number of available affordable housing, everyone has to be able to give and take when developing housing in the area.

Speakers in opposition:

Rodney Moyer, 4203 Sussex Drive, Fayetteville, NC 28311

- Mr. Moyer said Deadwyler Drive is a narrow, dead-end road that can only allow for a minimum traffic flow and Deadwyler Drive would be the only access road that connects to McArthur Road and the proposed development of 120 units.
- Mr. Moyer noted that the proposed development of 120 units would alter the lives of the residents who are already fighting traffic from McArthur Road. Now they will have to fight traffic on Deadwyler Drive.
- He stated that no one can predict how crime will impact the area, but Mr. Moyer does not want the community to suffer from the rising population in a crowded area.
- Future residents who will reside in the proposed apartments should not have to travel through the Deadwyler Drive area as an entrance and exit point. This will only lead to backed-up traffic that will utilize Sussex Drive.
- Five apartment communities reside in the area, which has direct access to major roads. The proposed apartments off Deadwyler Drive would not have this access, and the area could not sustain the increased traffic flow.
- Mr. Moyer said McArthur Road and Rosehill Road need to be widened with a center turning lane and sidewalks. He cited the units of the surrounding apartments.
- All the other apartments have access roads and infrastructure in place to sustain the traffic flow in that area.

Christine Main, 4236 Deadwyler Drive, Fayetteville, NC 28311

- Ms. Main said the rezoning for this neighborhood is wrong because the definition is too broad.
- The proposed development of 120 units is not line with the current area zoning. Although she appreciates that the 2040 Future Land Use Plan identifies the areas for medium-density growth, the area in question (Deadwyler, Kent and Sussex) is a distinct location.

- Ms. Main has identified undeveloped areas in Hope Mills, which would serve as adequate locations for this proposed project.
- Even if a development should occur in their area, it does not mean that the developers should build 120 units in this area.
- The rezoning is not in harmony with the neighborhood. It fails to show proper integration into the neighborhood.
- Ms. Main noted that no one associated with the project has approached them about the development and the developers could choose to build other things on the property since the plans are not finalized yet. Ms. Main is concerned that the area population would triple which will impact public safety.
- She noted that she currently deals with the trash that is thrown over the fence into her yard from the residents of the other apartments.
- As a result of this development, traffic would increase, and the development would not be appropriate for the roads. Ms. Main argued that widening the road could not occur, and even if it could be done it would triple the volume of traffic on roads where children play, and people walk.
- Ms. Main said she is directly impacted by this project, and it would reduce her home's property value.
- Ms. Main said she would not have purchased her home in this neighborhood if it had been near an apartment complex.
- She is concerned about possible noise pollution, which would affect her due to her home's proximity to the development. Ms. Main receives well water and septic and is concerned what the repercussions would be on the quality of her well water because of the construction from this project.
- Ms. Main noted that when she heard about this hearing, she notified as many people as she could in the surrounding area. Ms. Main noted that some residents wanted to attend the meeting but were unable due to work commitments.

Jessica Buntley, 4197 Sussex Drive, Fayetteville, NC 28311

- Ms. Buntley provided photographs for the board and mentioned that she has lived in the area her entire life.
- Ms. Buntley stated that the strain on the water and utilities would be a problem.
- Deadwyler Drive is only 19 feet wide which is the width of a standard parking spot for two cars.
- The North Carolina Department of Transportation (NCDOT) designates the road as a local road, and Ocarina Circle is a local road leading into Deadwyler Drive.
- Ms. Buntley said it is hard to exit her driveway, especially during high traffic times in the morning and evening. She said a local road provides needed access in and out of the area.
- Ms. Buntley said she is concerned about the potential for an increase in crime.

MOTION: Stephen McCorquodale made a motion to add 15 more minutes for both sides to include the 12 speakers in opposition.

SECOND: Pavan Patel

VOTE: Unanimous (3-0)

Timothy Elicker, 3708 Maranatha Drive, Hope Mills, NC 28348

- Mr. Elicker is a real estate broker who brought property in the area and noted the traffic in the area.

Andrew Lane, 4219 Deadwyler Drive, Fayetteville, NC 28311

- Mr. Lane lives across from the proposed property.

- He said the City ordinance 30-5 states that a traffic analysis is recommended, which means that the area developers should provide a traffic impact assessment before this project is approved.

Michael Young, 4208 Sussex Drive, Fayetteville, NC 28311

- Mr. Young had concerns regarding traffic, wildlife, and the potential cost to the current homeowners.

Fermin Rodriguez, 4212 Deadwyler Drive, Fayetteville, NC 28311

- Mr. Rodriguez had concerns about traffic from a safety standpoint.

Teresa Tatro, 4233 Sussex Drive, Fayetteville, NC 28311

- Ms. Tatro is for affordable housing but stated that the proposed development would be better suited for a different area of Fayetteville.

Claude Scott, 4055 Deadwyler Drive, Fayetteville, NC 28311

- Mr. Scott has lived in the area since the 1980s and that the proposed development would not be affordable housing.

Darren Bill, 4240 Deadwyler Drive, Fayetteville, NC 28311

- Mr. Bill grew up in the area and has three generations of family members who have farmed the property he lives on and feels that the area is currently zoned residential because that is the best use for the area. his property. He said everyone who previously spoke has discussed his concerns.
- Mr. Bill felt that comparing the proposed development to existing apartments was not an appropriate comparison because those existing developments have direct access to McArthur Road.

Dalton Gale, 520 Kent Street, Fayetteville, NC 28311

- Mr. Gale noted that he has lived in the neighborhood for a long time. Originally Kent Street was a dirt road when he moved into the neighborhood.
- Apartment complexes exist nearby and two businesses (that are a part of the neighborhood) that do not impede on their property.
- Although the community predicted eventual growth in the area, the residents never thought they would have to consider an increase overnight.
- Mr. Gale said there are no sidewalks in the neighborhood.

Rebuttal:

Mr. Rose reiterated that there would always be traffic opposition when you talk about apartment developments. He said that there are roads 19 feet wide in the County with 55 miles per hour speed limits. Mr. Rose noted that the development would be connected to the public sewer system, and due to the slope of the property any water runoff would be directed towards an approved storm water management system.

Robert Miller, 3117 Cope Street, Fayetteville, NC 28306

- Mr. Miller stated that the owner's of the proposed development own other properties in Fayetteville and that they take pride in their developments.

Mr. Rose agrees that there needs to be major improvements on McArthur Road. He stated that the City of Fayetteville and NCDOT are constantly upgrading and improving roadways throughout Fayetteville.

An audience member attempted to interrupt Mr. Rose and Mr. Patel told him to allow the audience member to speak. The audience member made a complaint that he could not hear during a hearing where the point is for people to be able to hear. Mr. Patel sympathized with the man's concerns, but he said this is where the board was assigned to meet.

Mr. McCorquodale said that the developer is not at a point to have the North Carolina Department of Transportation (NCDOT) review things until the plans are created. He noted that the widening of the road will be addressed during that time. The owner agreed with this. The NCDOT would look at the traffic impact and the owner would have to meet the NCDOT requirements. All of the plans would have to be looked at by the Department of Transportation before the owners would receive permits.

An audience member mentioned other properties in areas of Fayetteville, and the owner said there was no sewer or water in those areas.

There was a question about the access being from Crystal Lake and the owner said this is a different area. He said they would have to look at this.

Mr. Patel closed the hearing for case P24-38.

Mr. Simon asked the Staff if they were reviewing the use of the land. Ms. Eckhardt reiterated that the request was solely for a rezoning and that the Zoning Commission does not have purview over the site plan because the request was not a conditional rezoning.

Mr. Patel asked the board about the current zoning and the total density of the area. Staff explained that the current zoning would allow for 40 townhome units. Mr. Patel asked the owner if it would be feasible for him to build with that number of units, and Mr. Miller said he could not answer that question, prompting Ms. Eckhardt to reiterate that this is straight rezoning with no conditions.

MOTION: Stephen McCorquodale made a motion to approve the recommendation for the rezoning to MR-5 based on the consistency and reasonableness statement provided by the Staff.

SECOND: Tyrone Simon

VOTE: 2-1 (Pavan Patel opposes)

IV. OTHER BUSINESS

Mr. Patel asked the Staff if there were any additional items to discuss on the agenda, and Mr. Harmon said there were none.

V. ADJOURNMENT

MOTION:

SECOND:

VOTE:

The meeting adjourned at 7:49 p.m.
Respectfully submitted by Catina Evans



City of Fayetteville

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City Council Action Memo

File Number: 24-4259

Agenda Date: 10/8/2024

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: Demetrios Moutos - Planner I

DATE: October 8, 2024 (tabled from September 10)

RE:

A24-40. Variance request for a large multi-building development identification sign in the MR-5 Zoning District, located at 5649 Bragg Blvd (REID #: 0419117547000), owned by MACPHERSON LLC.

COUNCIL DISTRICT(S):

4 - D.J. Haire

Relationship To Strategic Plan:

Strategic Operating Plan FY 2022

Goals 2027

Goal 2: The City of Fayetteville will have a Responsive City Government supporting a diverse and viable economy.

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

Goal 3: The City of Fayetteville will be a City invested in Today and Tomorrow.

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

Goal 4: The City of Fayetteville will be a highly desirable place to live, work, and recreate.

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

Executive Summary:

The applicant is requesting a variance to increase the maximum allowable size for a large multi-building development identification sign. A variance is a special exception to zoning regulations, granted only when unique property conditions create extreme hardship. The property owner must demonstrate that this hardship exists and that granting the variance will not negatively impact the neighborhood. Importantly, variances do not alter what can be built on the property; they only affect the size and placement of structures.

Background:

Applicant: Mark Gardner

Owner: MACPHERSON LLC

Requested Action: Increase the maximum size of an identification sign

Zoning District: Mixed Residential 5 (MR-5)

Property Address: 5649 Bragg Blvd (0419117547000)

Size: 30.38 acres ±

Existing Land Use: Largely vacant/wooded with commercial use lining Bragg Blvd

Surrounding Zoning and Land Uses

- North: CC and MR-5 - Strip Commercial
- South: SF-6 and CC - Residential with commercial lining Bragg Blvd
- East: CC - Circle K and EPCO
- West: SF-6 and CC - Single Family and American Flag Storage

Postcards Mailed: 43

Issues/Analysis:

Property History

North Carolina General Warranty Deed dated June 25, 2010, records the transfer of a 51.07-acre tract of land located in Fayetteville, North Carolina, from several members of the Shaw family to MacPherson, LLC, a North Carolina limited liability company.

The grantors include Marie Shaw Dee, John G. Shaw, Frank S. Shaw and his wife, Rollin W. Shaw, Sally Shaw Frankenburg and her husband Eben Frankenburg, Gilbert W. Shaw and his wife Mirjam Shaw, Phoebe Winship Dee and her husband Brent Blunden, and Alexander MacPherson Shaw. The property in question lies on the west side of Fort Bragg Boulevard and is divided by Santa Fe Drive and Bragg Boulevard.

The deed conveys the land to the grantee in fee simple, with the grantors guaranteeing that the title is marketable and free of all encumbrances except for 2010 Cumberland County ad valorem taxes and any easements or restrictions of record. The document was duly signed by all the grantors and notarized by Cynthia W. Burris, a Notary Public in Cumberland County, North Carolina, before being filed and recorded with the Cumberland County Register of Deeds.

The deed references a plat entitled "Lot 1, Headstart-Bridges Fairlane Project" prepared by Harvey H. Allen, RLS L-3717. This plat is recorded in Plat Book 95, Page 167 in the Cumberland County, North Carolina, Public Registry. The purpose of the deed is to convey all of Lot 1 as shown on this plat.

Zoning Standards and Variance Requests

Section 30-5.L.7.b.1 of the Unified Development Ordinance outlines specific standards for identification signs in Residential and Large Multi-building Developments. The relevant portion of this section states: "On-premises ground signs identifying a single-family residential subdivision; apartment, townhouse, condominium, or other multifamily residential complexes; recreational facility or mobile home park, must not exceed 32 square feet in area, with a maximum overall height of 6 feet." The applicant is requesting a modification to increase the maximum allowable sign area from 32 square feet to 41.25 square feet.

Insufficient Justification for Variance

The following reasons do not qualify as valid grounds for granting a variance:

1. The presence of other nonconforming or conforming land uses or structures within the same or different zoning districts.
2. A request for a land use that is explicitly or implicitly prohibited by the zoning district regulations.

3. Economic hardship or the prospect of increased property value or profitability resulting from the variance.

Subsequent Development

The applicant intends to construct an apartment complex on the subject property in the future.

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

Findings of Fact Statements as reviewed by the Planning Staff:

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

The applicant states “This sign is consistent with all other ordinance requirements other than size. This sign is intended to be large enough to allow for folks to easily identify the apartment community and not inhibit the security of public safety. This requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.”

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 is a large multi-family apartment community and the sign needs to be seen by folks driving down Santa Fe Drive. This larger size would help negotiate and locate the community.”

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

The applicant states “This is a minimal variation from 32sf to 41.25 sf., a reasonable increase to assist the public navigating Santa Fe Drive and looking for an apartment community.”

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

The applicant states “This community architecture and sign package is designed by professionals. A great deal of time and money was spent to develop a brand and incorporate this into the sign package and the design of the signs and entry monument.”

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

The applicant states "With this variance the citizens of Fayetteville can be proud to have a Class "A" community to be proud of."

Budget Impact:

There are no anticipated budgetary implications at this time.

Options:

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

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

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

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

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

Possible Motions and Factual Findings:

Motion to approve the variance as requested

Findings of Fact Required to Approve this Request:

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

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

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

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

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

—
Motion to approve the variance as requested but with added conditions

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

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

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

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

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

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

Motion to deny the variance as requested.

Findings of Fact Statements Required to Deny this Request:

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

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

3. There is not sufficient evidence that the Variance is the minimum action that will

make possible a reasonable use of land or structures as shown by the following evidence:

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

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

Recommended Action:

N/A

Attachments:

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

Project Overview

#1437056

Project Title: Annondale on Santa Fe**Jurisdiction:** City of Fayetteville**Application Type:** 5.4) Variance**State:** NC**Workflow:** Staff Review**County:** Cumberland**Project Location****Project Address or PIN:** 994 SANTA FE DR (0419132000000) **Zip Code:** 28303**Is it in Fayetteville? If you're not sure, click this link:** [Cumberland County Tax Office GIS system](#)**GIS Verified Data****Business Name:****Project Address:** 994 SANTA FE DR**Variance Request Information****Requested Variances:** Signage**Section of the City Code from which the variance is being requested.:** 30-5.L.7.b**Describe the nature of your request for a variance and identify the standard(s)/requirement(s) of the City Code proposed to be varied.:****Identify the zoning district designation and existing use of land for all adjacent properties, including those across the street.:**

In your response to our original sign permit application, requesting re-submittal to reduce the sign to 32sf.,

MR5

Annondale on Santa Fe is a new class A apartment community and would like to install a sign in front of the community.

We understand the current size requirement is 32 sf. and we would like to increase to 41.25sf.

b.

Specific Standards

1.

Residential and Large Multi-building Developments - Identification Sign

On-premises ground signs identifying a single-family residential subdivision; apartment, town house, condominium or other multifamily residential complex; recreational facility or mobile home park, and not exceeding 32 square feet in area, with a maximum overall height of 6 feet.

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

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

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

Expiration - Variance

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

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

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

This sign is consistent with all ordinance requirements other than the size.

This sign is intended to be large enough to allow for folks to easily identify the apartment community and not inhibit the security of public safety.

This requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

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 is a large multi-family apartment community and the sign needs to be seen by folks

driving down Santa Fe Drive. This larger size would be helpful negotiating and locating the community.

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

This is a minimal variation from 32sf to 41.25 sf. A reasonable increase to assist the public navigating Santa Fe Drive and looking for an apartment community.

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

This community architecture and sign package is designed by professionals. A great deal of time and money was spent to develop a brand and and incorporate this into the sign package and the design of the signs and entry monument.

All this in complete accordance with the spirit of Fayetteville planners.

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

With this variance the citizens of Fayetteville can be proud to have a Class "A" community to be proud of.

Height of Sign Face: 5

Height of Sign Face: 5

Square Footage of Sign Face: 45.25
Square Footage of Sign Face: 45.25
Square Footage of Sign Face: 45.25
Square Footage of Sign Face: 45.25
Square Footage of Sign Face: 45.25
Square Footage of Sign Face: 45.25
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Square Footage of Sign Face: 45.25
Square Footage of Sign Face: 45.25
Square Footage of Sign Face: 45.25

Primary Contact Information

Contractor's NC ID#:

Project Owner

Chad Pittman
Element Consturction, LLC.
333 North Greene St.
Greensboro, NC 27401
P:704-239-4914
cpittman@element-nc.com

Project Contact - Agent/Representative

Mark Gardner
Gardner Creative Group
PO Box 1889
Huntersville, NC 28070
P:704-400-2265
mgardner@gardnercreativegroup.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 #3 License Number:

NC State Plumbing Contractor #1 License Number:

NC State Plumbing Contractor #2 License Number:

Project Contact: Primary Point of Contact for the Sign Contractor

Mark Gardner
Gardner Creative Group
PO Box 1889
Huntersville, NC 28070
P:704-400-2265
mgardner@gardnercreativegroup.com

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



Building Permit Application

Development Services | Permitting & Inspections

433 Hay Street Fayetteville, NC 28301

Phone (910) 433-1707 Fax (910) 433-1588

<https://fayetteville.idtplans.com/secure/>

Failure to completely fill out this form may cause non-issuance or increased fees. Work not specified on permit and done is subject to increased penalty fees.

1. All required performance guarantees must be approved by the City prior to issuance of a building permit.
2. Building Permits shall not be issued unless the proposed development complies with all requirements of the City Code
3. All commercial projects must have an approved plan review before a permit is issued. (NC Administrative Code, Section 106)

Street Address:	Annondale on Santa Fe LLC + 1019 Hay LLC
City/State/Zip Code:	Fayetteville, NC 28303
PIN/REID number:	0419120666000 PIN 0419-12-06666
E-Development Project Number:	
Zoning:	MRS

Check one:

☐ North Carolina Licensed General Contractor

☒ Unlicensed Contractor

Contractor Name:	Gardner Creative Group	Telephone #:	704-400-2265
Street Address:	PO Box 1889	E-mail Address:	mgardner@gardnercreativegroup.com
City/State/Zip Code:	Huntersville, NC 28078		
NC Contractors License #:			
Qualifier's Name:			

Unlicensed Contractors are limited to \$40,000 of TOTAL construction costs (N.C. General Statute 87-1) and will have to submit an itemized construction cost list in accordance to N.C. General Statute 87-14. "As an unlicensed contractor, I am recognizing and aware of all State and local laws concerning what I can and cannot do and am subject to any and all penalties thereof":

Acknowledgement Signature: 

Property owners who are applying for a building permit must submit the OWNER'S AFFIDAVIT with this application if the total cost of the project is \$40,000 or more; or applying for a mechanical, electrical, and/or plumbing permit.

Property Owner Information

Name:	Annondale on Santa Fe, LLC	Telephone #:	336-698-6750
Street Address:	1130 Annondale Way	E-mail Address:	bwise@falllineinvest.com
City/State:	Fayetteville, NC 28303		
Zip Code:	28303		

Total Construction Cost	\$ 20,000.00
Total Square Footage of Building(s)	
*Building Valuation	\$

*See Sheet 4 for calculating valuation

CONTRACTOR / APPLICANT INFORMATION

Gardner Creative Group

Name of Applicant or Sign Contractor

704-987-8228

Telephone Number

Po Box 1889 Huntersville, NC 28078

Mailing Address

Fax Number

mgardner@gardnercreativegroup.com

Email Address

PROJECT LOCATION

Annoncde Way

Annoncde on Santa Fe, LLC

Number & Street Name

Business Name

Lot #

Parcel ID#

Annoncde on Santa Fe, LLC

336-698-6750

Property Owner/Lessee

Telephone - Owner/Lessee

1130 Annoncde Way Fayetteville, NC 28303

bwise@fallingivest.com

Address (if different from 'Project Location')

Email -

Owner/Lessee

SIGN DESCRIPTION

<input type="checkbox"/> Reface <input type="checkbox"/> Wall <input checked="" type="checkbox"/> Ground <input type="checkbox"/> Pole <input type="checkbox"/> Projection <input type="checkbox"/> Canopy/Awning <input type="checkbox"/> Other:	Surface area of sign (Total sq. ft.):	41.25sf	<input type="checkbox"/> Non-Illuminated <input checked="" type="checkbox"/> Illuminated <input checked="" type="checkbox"/> Internal <input type="checkbox"/> External
	Type of facing/surface material:	Fabricated Aluminum	
	Type of support:	Steel Post	Please list the Electrical Contractor obtaining the Electrical permit: <u>Current Technologies Electrical LLC</u>
	Overall height of sign if freestanding:	5ft	
	Pole Sign: Space from the bottom of the sign and the ground:		
	Distance (ft.) from edge of sign & right-of-way 5ft. min for pole and 10 ft. min for ground:	25ft	
	How was right-of-way determined:	GC Survey	

ALL THIRD PARTY LISTING LABELS:

Must be recognized by the State Of North Carolina and Clearly Visible on Signs at the Time of Inspection.

ALL FREESTANDING SIGNS:

Shall be Constructed to Withstand Wind Pressure of 120 MPH as Required by the North Carolina State Building Code.

Linear Building frontage for wall signs:	Lot frontage for Freestanding Sign:	Lot/parcel size:	Total Existing signage (sq ft):	Corner Lot Yes/No:	ZONE
		24.36 acres	0	Yes	MR5

Cost of Sign Construction: \$ 20,000.00

Permit Fee: \$ _____

I hereby certify that all information in this application is correct and all work will comply with the North Carolina State Building Code and all other applicable state and local laws and ordinances and regulations. The Building, Plan Review & Inspection Division will be notified of any changes in the approved plans and specifications for the project permitted herein. I certify that all ground and pole signs meet the 120 mph wind load.

Applicant Signature

Print Name

Date

Approved By

Date

Describe work to be performed: Install Main Entry Monument sign - 2 sided
Aluminum fabricated Cabinet, 4 Halo-lit Reversed illuminated
letters. Routed + push through graphic logo.

Permit Expiration: The permit will expire if no inspection occurs within the first six (6) months, for each trade, from the date the permit was issued. If an inspection has been done, the permit will expire 12 months from the date of the inspection.

I hereby certify that under penalty of perjury, that all information in this application is correct and all work will comply with the NC State Technical Building Codes and all other applicable state and local laws, ordinances, and regulations. I acknowledge that I must notify the City of Fayetteville's Permitting & Inspections Division of any changes in the approved plans and specification for the project permitted herein.


Signature of Contractor/ Owner

Patti Meyer
Printed Name

7-30-24
Date

Process:

This application is for use with the E-Development Portal only. When your plans/ application is approved in the portal, the post-approval upload function becomes available. Use this function to upload permit applications. If other contractors are part of your project, you must use the invite contacts function on the project page to allow them access to the project using the e-mail they made the account with. The City of Fayetteville cannot grant access to anyone for your project. The contractor must have an account with the E-Development portal to upload applications and request inspections. E-mails are sent when the application is ready for payment and can be made through the portal.

Information is sent via e-mail so ensure that "City of Fayetteville. noreply@idtplans.com" is white-listed for your e-mail provider. Please check if e-mails are in spam or junk folders. Any e-mail that is non-deliverable automatically deactivates your account.

When the permit is issued, you can request an inspection through the project page using the inspections function.

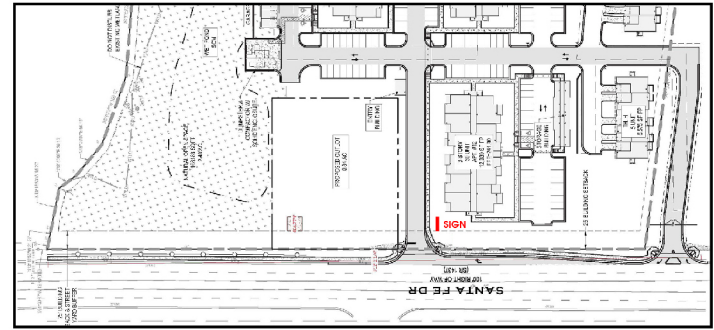
All permits, inspection results, Certificate of Occupancy/ Compliance, payment receipts, etc. are found on the project page for you to print for your records if you so choose.

To view the user guide and other information, please visit: <https://www.fayettevillenc.gov/city-services/development-services/permitting-inspections>



ARTIST RENDERING IMAGE

SIGN AREA 198" x 30" = 41.25sf



SITE MAP: 994 SANTA FE DR., FAYETTEVILLE, N.C. 28303



COLORS:

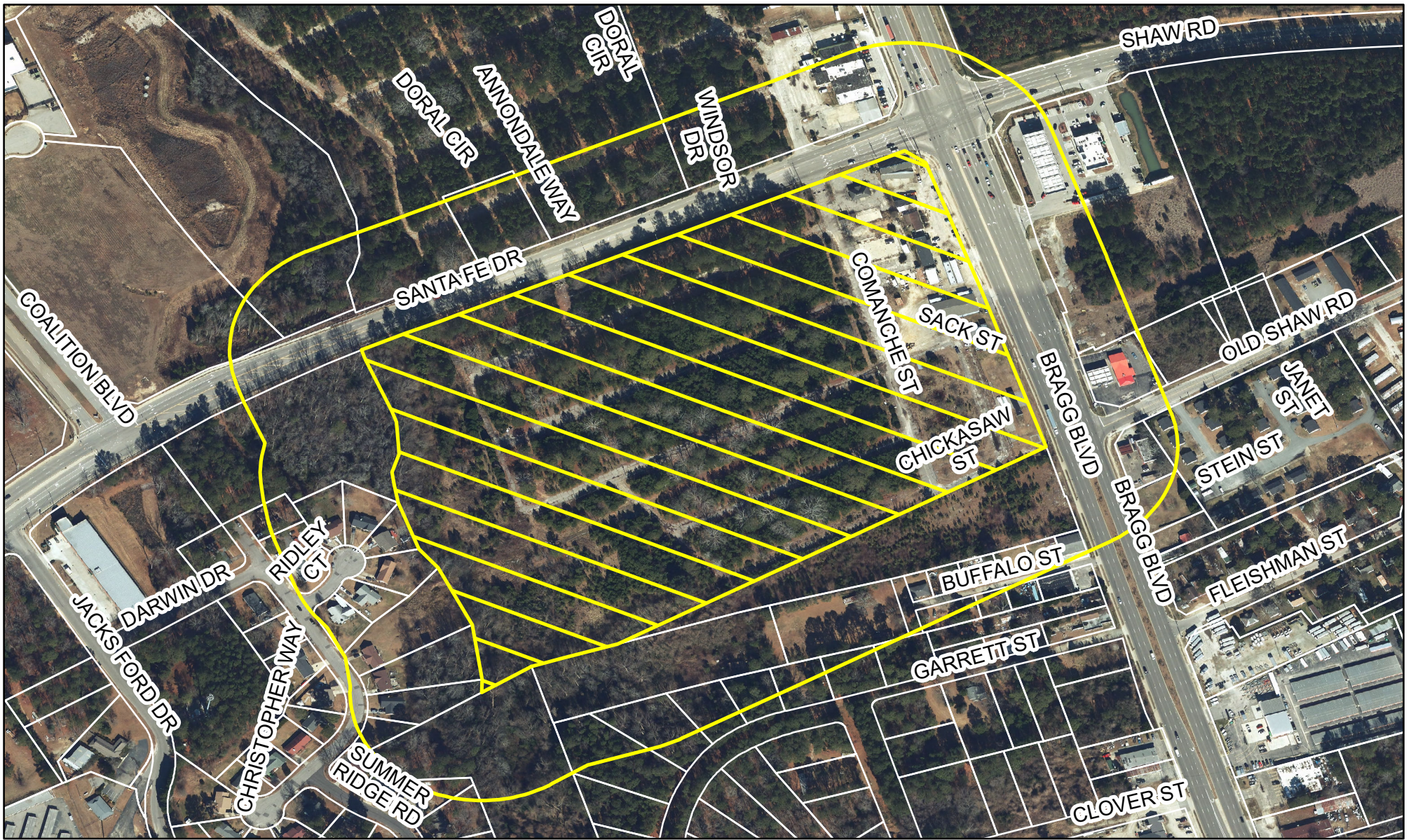
- C-1 WHITE
- C-2 BLACK
- C-3 RGB-107, 200, 241
- C-4 RGB-40, 104, 177
- C-5 RGB-18, 62, 94

ANNONDALE MAIN ENTRY MONUMENT ID SIGN

2-SIDED, ALUMINUM FABRICATED CABINET, W/HALO-LIT REVERSED ILLUMINATED LETTERS, ROUTED AND BACKLIT GRAPHIC TRIANGULAR PATTERN. BASE TO BE TEXTURE PLUS FAUX STONE ATTACHED TO ALUMINUM FABRICATED. (OWNER TO PROVIDE 15AMP ELECTRICAL SERVICE WITH DEDICATED TIMER.) (OWNER TO PROVIDE FINAL ELECTRICAL HOOK-UP.)



NOT TO SCALE



Aerial Notification Map

Case #: A24-40

Request: Variance for Sign Size

Location: 5649 BRAGG BLVD
REID: 0419117547000



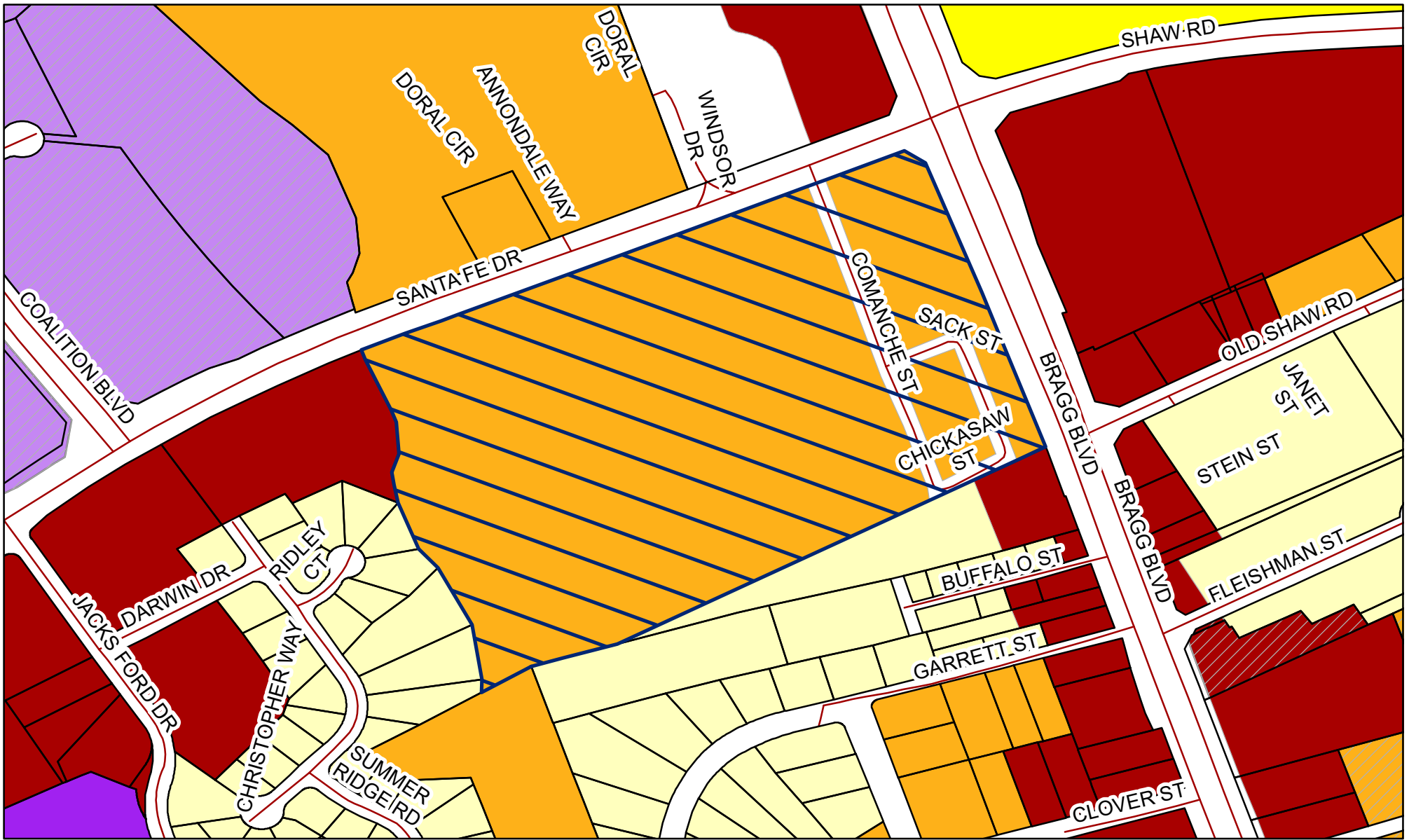
A24-40 Buffer



A24-40



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












Zoning

Case #: A24-40

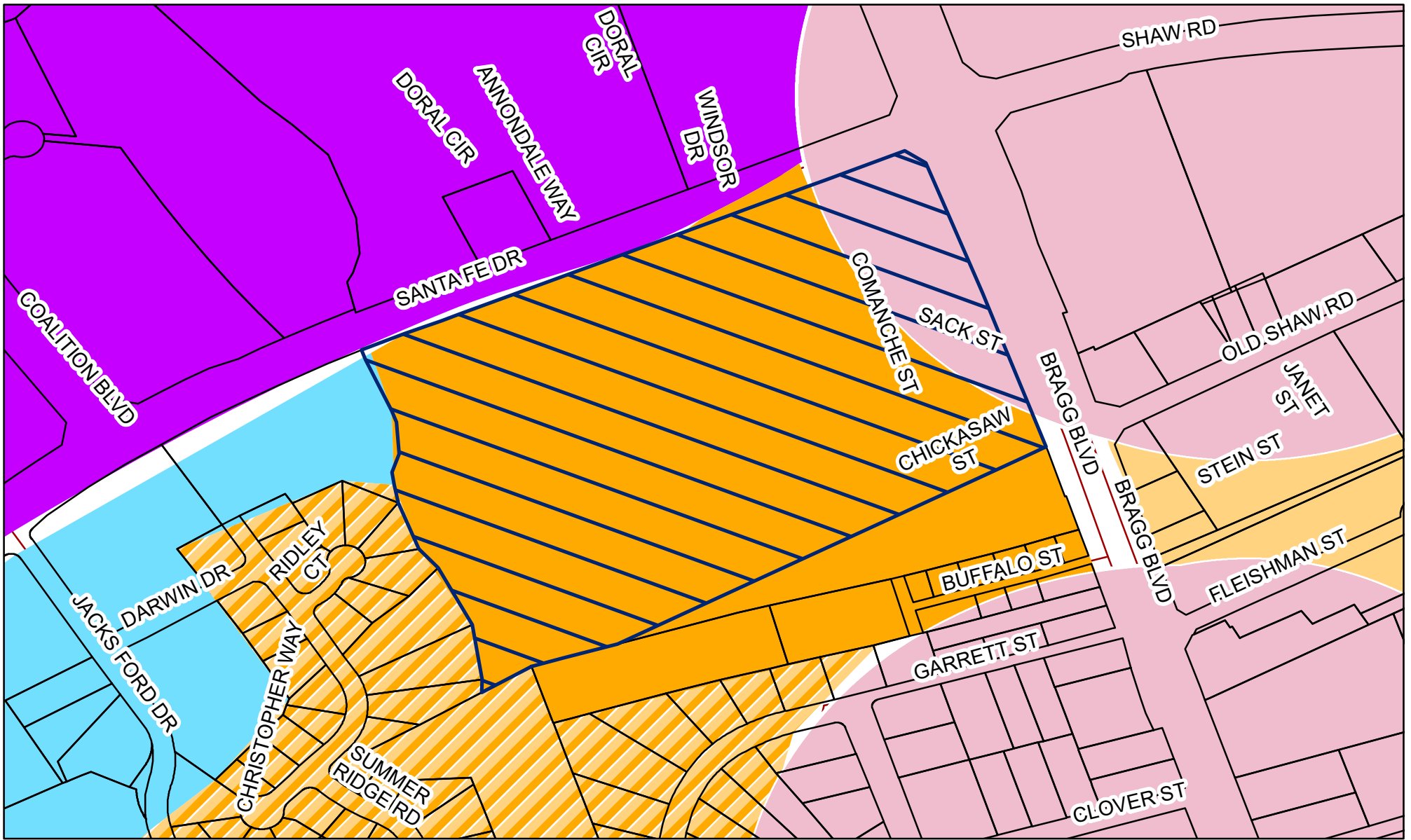
Request: Variance for Sign Size

Location: 5649 BRAGG BLVD
REID: 0419117547000

-  A24-40
-  BP/CZ - Conditional Business Park
-  CC - Community Commercial
-  CC/CZ - Conditional Community Commercial
-  HI - Heavy Industrial
-  MR-5 - Mixed Residential 5
-  MR-5/CZ - Conditional Mixed Residential 5
-  SF-6 - Single-Family Residential 6
-  SF-10 - Single-Family Residential 10

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





Future Land Use

Case #: A24-40

Request: Variance for Sign Size







Location: 5649 BRAGG BLVD
REID: 0419117547000



A24-40

Land Use Plan 2040

Character Areas

-  MDR - MEDIUM DENSITY
-  NIR - NEIGHBORHOOD IMPROVEMENT
-  HDR - HIGH DENSITY RESIDENTIAL
-  NMU - NEIGHBORHOOD MIXED USE
-  OI - OFFICE / INSTITUTIONAL
-  EC - EMPLOYMENT CENTER

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





West



North



East



South





City of Fayetteville

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

City Council Action Memo

File Number: 24-4244

Agenda Date: 10/8/2024

Version: 1

Status: Agenda Ready

In Control: Zoning Commission

File Type: Evidentiary Hearing

Agenda Number: 4.02

TO: Mayor and Members of City Council

THRU: Zoning Commission

FROM: Demetrios Moutos - Planner I

DATE: October 8, 2024

RE:

A24-42. Variance Request for Church Sign at 7763 Cliffdale Road (REID #: 9487879970000), Cliffdale Community Church, INC.

COUNCIL DISTRICT(S):

7 - Brenda McNair

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:* Ensure a diverse City tax base
- **Goal 4:** Highly Desirable Place to Live, Work, and Recreate
 - *Objective 4.5:* Ensure great neighborhoods for residents

Executive Summary:

Cliffdale Community Church is requesting a variance to replace its existing street sign with a new freestanding pole sign. The property is located in an Agricultural Residential (AR) zone, where sign dimensions are limited to a maximum of 32 square feet for the board face and a height of 6 feet. The church is proposing a new sign with a 48-square-foot board face and a height of 12 feet.

Per **30.2.C.14**, a variance is intended to permit deviations from dimensional standards of the Ordinance when special circumstances, beyond the landowner's control, would result in undue hardship if the strict application of the standards were enforced. A variance does not permit changes to the permitted uses or conditions of approval and is meant to be used sparingly.

Background:

- **Owner:** Cliffdale Community Church, Inc.
- **Applicant:** Jess Kajiware
- **Requested Action:** Increase the maximum sign size to 48 square feet and a height of 12 feet
- **Zoning District:** Agricultural Residential (AR)
- **Property Address:** 7763 Cliffdale Road
- **Size:** 14.94 acres ±

- **Existing Land Use:** Cliffdale Community Church

Surrounding Zoning and Land Uses:

- **North:** SF-6 - Residential and Iglesia Renacer AG
- **South:** AR - Vacant and wooded
- **East:** AR - Residential
- **West:** SF-6 - Bones Creek, Bone Creek Apartments, Cliffdale Self Storage

Issues/Analysis:

The subject property is located on the south side of Cliffdale Road, just west of I-295, covering approximately 14.94 acres. Cliffdale Community Church owns three buildings on the property, with the primary building having a gross leasable area of 16,743 square feet. These buildings are mainly classified as commercial structures, including offices and church-related functions. The most recent construction took place in 2015, with an earlier building constructed in 2002. Both buildings are noted by the Cumberland County Tax Office to be in excellent condition with minimal depreciation, indicating they are well-maintained.

The total appraised value of the property, including land, buildings, and improvements, is \$1,823,571, with the land itself appraised at \$154,442. As a religious institution, the property qualifies for a religious exemption, resulting in no taxable value. Additionally, 3.75 acres are designated as swamp or waste land, which are valued at a lower rate compared to the usable land.

The church's proposed new sign exceeds the current AR zoning restrictions, which limit signs to a maximum board face of 32 square feet and a height of 6 feet. The church seeks to install a sign with a 48-square-foot board face and a height of 12 feet.

30-5.L.7.b.2 states that a sign may not exceed 32 square feet unless approved by the City Council through a Special Use Permit. This section applies to places such as schools, churches, and hospitals, among other institutions, provided that the size and scale of the sign are appropriate and not detrimental to surrounding properties.

Insufficient Justification for Variance:

1. The following are not considered valid grounds for a Variance:
2. The presence of other nonconforming or conforming land uses or structures in the same or different districts;
3. A request for a use that is explicitly or implicitly prohibited in the district; or
4. Economic hardship or the potential for increased profitability through a Variance.

Findings of Fact (Based on Applicant's Responses):

The following findings are based on the applicant's responses in the submitted application and the most reliable information available regarding the proposal, prior to any testimony presented at the evidentiary hearing.

Findings of Fact Statements as reviewed by the Planning Staff:

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

The applicant explains that the terrain where the sign will be placed is 10-15 feet higher than Cliffdale Road, making a smaller sign difficult to see, especially given

the 45 mph speed limit. A larger sign with LED lighting would enhance visibility and improve public safety without causing hazards to drivers.

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 church's buildings are set back over 300 feet from the road on elevated terrain, making them difficult to notice from Cliffdale Road. The current outdated sign does not adequately inform passersby of the church's presence, which could lead to missed opportunities for community engagement.

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 that the AR zoning restrictions would make the proposed sign almost unnoticeable due to the property's elevated terrain and the speed of traffic. The variances requested would allow for improved visibility and safer navigation for drivers.

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 notes that Cliffdale Road has evolved from a two-lane road to a busy four-lane highway with substantial commercial development. The proposed sign is in keeping with the changing character of the area and would support the growth of both the church and the surrounding community.

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 proposed sign will be positioned safely away from the road and driveway, ensuring it does not obstruct motorists' views or pose a collision risk. The proposed LED sign will be more readable and safer for drivers, especially in low visibility conditions.

Budget Impact:

There is no immediate budgetary impact associated with this request.

Options:

The board has the authority to approve or deny the request based on the five required findings of fact. Members must assess the evidence and determine if the applicant has sufficiently demonstrated practical difficulties or unnecessary hardships based on the unique characteristics of the land.

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 allowing the proposed pole sign to exceed the maximum size, permitting a sign with a board face of 48 square feet and a height of 12 feet.

Findings of Fact Required to Approve this Request:

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

—

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

—

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

—

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

—

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

—

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

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

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

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

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

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

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

Motion to deny the variance as requested.

Findings of Fact Statements Required to Deny this Request:

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

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

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

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

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

Recommended Action:

N/A

Attachments:

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

Project Overview

#1462639

Project Title: Cliffdale Community Church**Jurisdiction:** City of Fayetteville**Application Type:** 5.4) Variance**State:** NC**Workflow:** Staff Review**County:** Cumberland**Project Location****Project Address or PIN:** 7763 CLIFFDALE RD
(9487879970000)**Zip Code:** 28314**Is it in Fayetteville? If you're not sure, click this link:** [Cumberland County Tax Office GIS system](#)**GIS Verified Data****Project Address:** 7763 CLIFFDALE RD**Variance Request Information****Requested Variances:** Signage**Describe the nature of your request for a variance and identify the standard(s)/requirement(s) of the City Code proposed to be varied.:**

Cliffdale Community Church would like to replace its old street sign with a new sign (free standing pole). The church property falls in an AR zone which only allows a board face of 32 sq. ft. and a max height of 6 ft. Our proposed new sign would be 48 sq ft. of board face and a height of 12 ft. The **variance is to allow us to fall within Table 30-5.L.8.A** permitted signs in **non residential zoning** district. Our new sign will be internally lit with LED lights and also have an LED message display board that uses intermittent flashing animated words and images (internally lit) so we **also request a variance to 30-5.L.4.C** prohibited signs (flashing signs).

Section of the City Code from which the variance is being requested.: Table 30-5.L.8.A. and also 30-5.L.4.C**Identify the zoning district designation and existing use of land for all adjacent properties, including those across the street.:**

7763 Cliffdale Rd is zoned AGRICULTURE/RESIDENTIAL.

North and across Cliffdale Rd is zoned RESIDENTIAL.

West is zoned RESIDENTIAL.

immediately East of us continues to be zoned AR.

immediately South of us continues to be zoned AR

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

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

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

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

Expiration - Variance

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

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

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

The signage location is on elevated terrain (approx. 10-15 ft) higher than Cliffdale Road. A 6ft tall sign with only a 4ft x 8ft board face will be difficult to see from the road at this elevated position. Take into account that the speed limit on Cliffdale Rd is 45 mph, at that speed, drivers will not even notice such a small sign. An LED animated message board will improve visibility of the sign and our messages in the daytime as well as night. The proposed new sign will have proper stand off from right of way edge (from Cliffdale Rd and church driveway) so as not to blind or cause any hazards to drivers. Church property frontage is large (over 325ft parallel to Cliffdale Rd) so, a larger, well lit sign would be advantageous in letting passers-by know of the church presence (the church buildings are not readily visible from Cliffdale Rd, so the sign is the first indicator of our church presence).

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.:

Our church buildings are on terrain higher than Cliffdale Road and situated farther back from the road (over 300ft), making it difficult for drivers to even notice us, unless they see our street sign. Many visitors tell us "wow, I didn't even know a church was here!". Speed limit on Cliffdale Rd is 45mph making driver's fly past without even acknowledging our presence. Our current old sign has an outdated LED backlit light and an old style track lettering message board, which at 45mph is very difficult to read and more of a hazard to drivers trying to read, than reading a highly visible, clear, well lit LED message board. Many people in the community look for a worship center close to their home, it is a shame for them to miss out on a life and soul saving opportunity only because they couldn't see the street sign.

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

The maximum allowance for a sign under the AR zone's code would make our sign almost inconspicuous due to the elevated terrain and 45mph speed limit on Cliffdale Rd. A prohibition to flashing signs would severely hamper the use of modern technology (LED digital message boards) and decrease the sign's visibility at high speeds and in low visibility (nighttime, fog, rain...). The variances would make it very easy for drivers to see our sign from a distance and clearly read our LED message board in a fraction of a second while driving along Cliffdale Rd. This will greatly assist in the growth of the church and the surrounding community.

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

Maybe a decade (+) ago, Cliffdale Road was only a two-lane road and access to only a few residential sub-divisions and stores. Now it is a four-lane highway lined with gas stations, businesses, restaurants and more. Cliffdale Road connects to bypass 295 which feeds traffic into this side of the city. Thousands of drivers, bicyclists and pedestrians travel along Cliffdale Rd daily and the city is planning more growth in the city. These variances is in perfect harmony with the growth of the city. We are requesting a more visible sign, yet it won't be outrageous, gaudy nor distracting.

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

New signage will have proper stand-off from edge of right-of-way

Height of Sign Face : 12

(40ft from Cliffdale Rd and 83ft from the church's driveway) so there will be no chance of collision with vehicles or vehicle cargo and the sign, even wide-load vehicles. The variances will allow an LED message display board that will not obstruct a motorists view of the road nor cause any blinding of a driver during any type of weather. In fact, an LED sign will assist drivers in terrain and landmark recognition during times of reduced visibility such as in dense fog or heavy rain. The church can assist in public safety with use of the LED message display board by posting safety messages such as amber alerts. An LED message board is easier and faster for motorists to read, making it a safer option than reading a track lettered type of message. The variances will allow a larger sign face and taller sign making it more easily seen from a farther distance making it safer for drivers to signal and slow down prior to turning into the church's driveway.

Height of Sign Face: 0

Square Footage of Sign Face: 48

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Height of Sign Face: 0

Square Footage of Sign Face : 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Primary Contact Information

Contractor's NC ID#:

Project Owner

Dale (Roger) Paschall

Cliffdale Community Church

7763 Cliffdale Rd

Fayetteville, NC 28314

P:910-860-3559

rogerpaschall@yahoo.com

Project Contact - Agent/Representative

Jess Kajiware

Cliffdale Community Church

7763 Cliffdale Road

Fayetteville, NC 28314

P:(910) 860-3559

thekjway@hotmail.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 #3 License Number:

NC State Plumbing Contractor #1 License Number:

NC State Plumbing Contractor #2 License Number:

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



Aerial Notification Map

Case #: A24-42

Request: Cliffdale Community Church
requests a variance for a 48
sq. ft., 12-ft sign.

Location: 7763 CLIFFDALE RD
REID: 9487879970000



A24-42 Buffer



A24-42

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






Zoning Map

Case #: A24-42

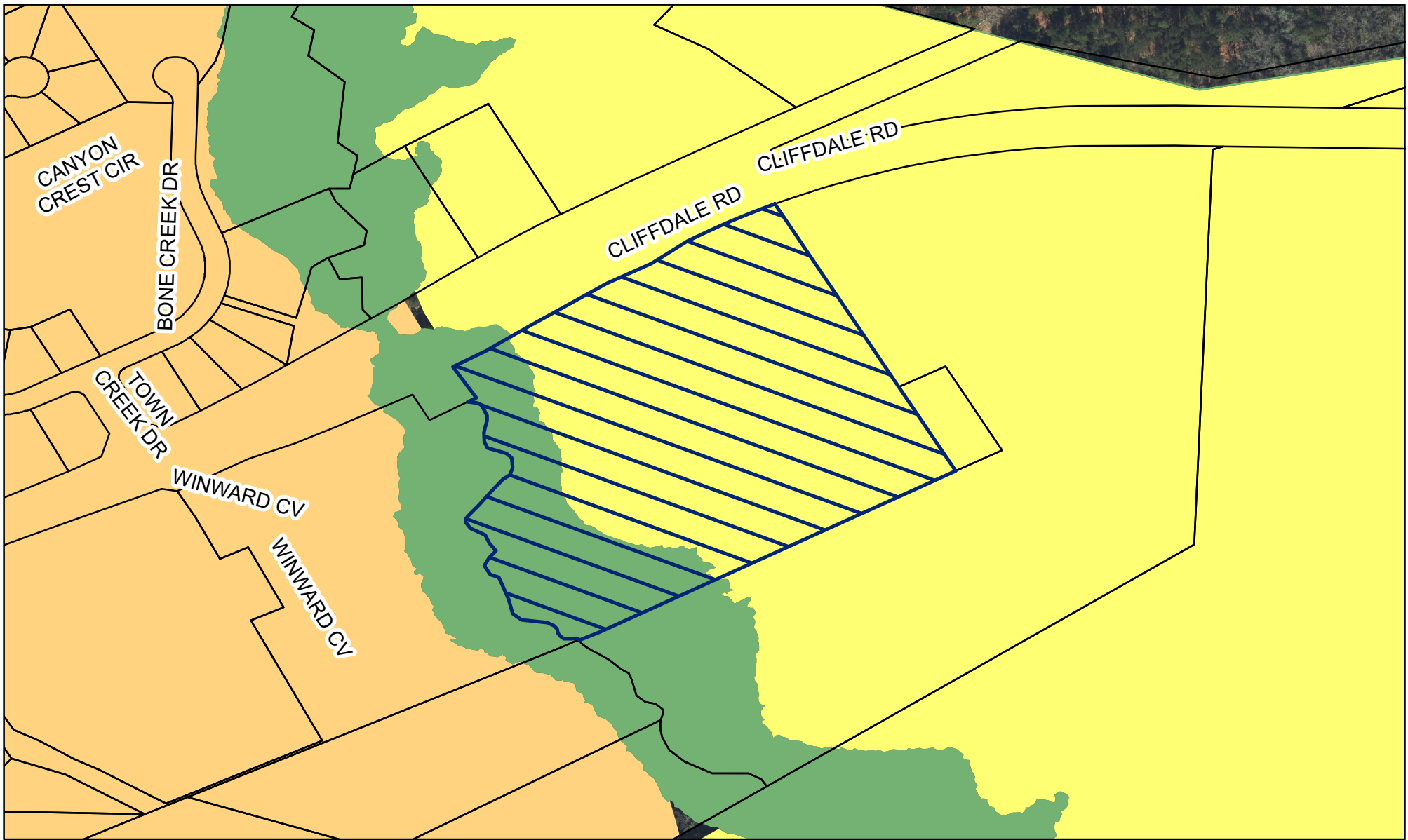
Request: Cliffdale Community Church
requests a variance for a 48
sq. ft., 12-ft sign.

Location: 7763 CLIFFDALE RD
REID: 9487879970000

-  A24-42
-  AR - Agricultural-Residential
-  MR-5 - Mixed Residential 5
-  MR-5/CZ - Conditional Mixed Residential 5
-  SF-6 - Single-Family Residential 6
-  SF-10 - Single-Family Residential 10

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





Zoning Map

Case #: A24-42

Request: Cliffdale Community Church
requests a variance for a 48
sq. ft., 12-ft sign.

Location: 7763 CLIFFDALE RD
REID: 9487879970000



A24-42



PARKOS - PARK / OPEN SPACE



OSS - OPEN SPACE SUBDIVISIONS



LDR - LOW DENSITY



MDR - MEDIUM DENSITY

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



Subject Property



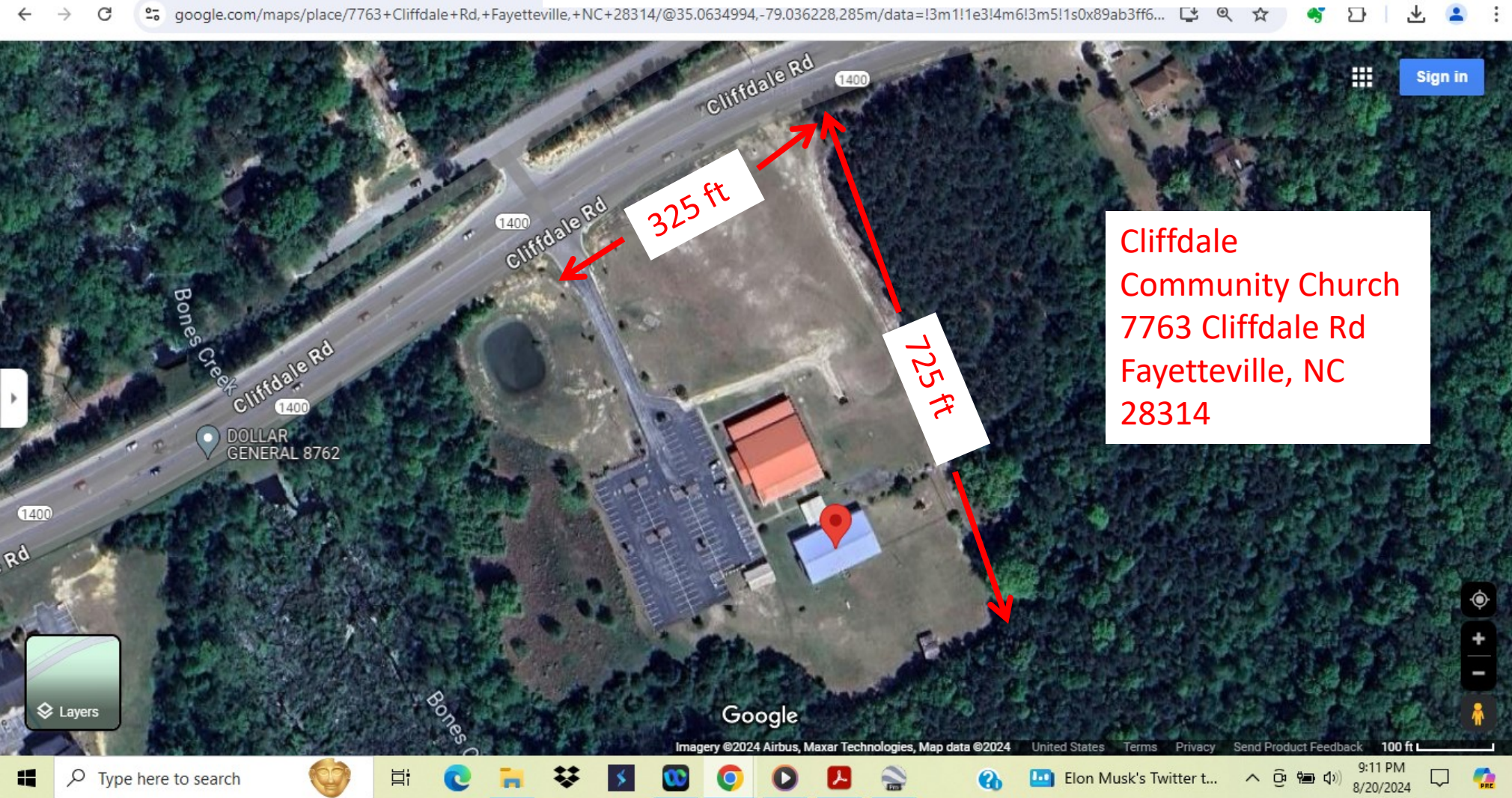
Surrounding Properties



001. C1 COVER SHEET

- 001. C1 COVER SHEET (Variance to sign ordinance for Cliffdale Community Church)
- 002. M1 CHURCH PROPERTY MEASUREMENTS
- 003. M2 CHURCH PROPERTY FRONTAGE MEASUREMENTS
- 004. M3 SIGN LOCATION MEASUREMENTS
- 005. M4 SIGN LOCATION HEIGHT MEASUREMENTS
- 006. M5 DISTANCE OF BUILDINGS FROM CLIFFDALE ROAD
- 007. M6 CURRENT OLD SIGN MEASUREMENTS
- 008. N1 PROPOSED NEW SIGN DIMENSIONS
- 009. N2 PROPOSED NEW SIGN DETAILS

002. M1 CHURCH PROPERTY MEASUREMENTS



003. M2 CHURCH PROPERTY FRONTAGE MEASUREMENTS

▼ Search

7763 Cliffdale Road, Fayetteville, NC Search

ex: 1600 Pennsylvania Ave, 20500

Get Directions History

7763 Cliffdale Rd

▼ Places

My Places

✓ Sightseeing Tour
Make sure 3D Buildings
layer is checked

Temporary Places

▼ Layers

Primary Database

Announcements

✓ Borders and Labels

Places

Photos

✓ Roads



Type here to search



7763 Cliffdale Road, Fayetteville, NC Search

ex: 1600 Pennsylvania Ave, 20500

Get Directions History

7763 Cliffdale Rd

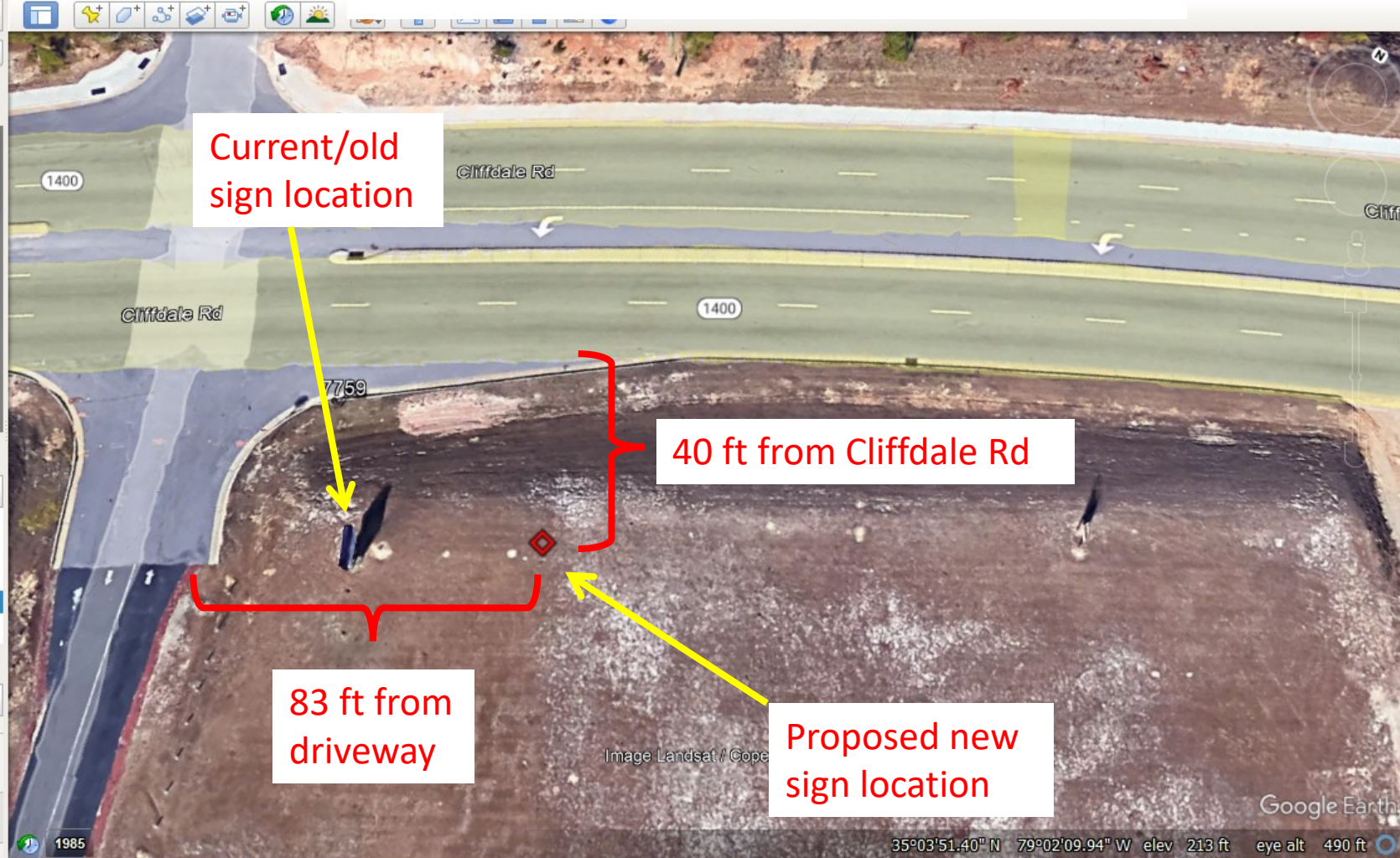
My Places

- Sightseeing Tour

Temporary Places

Layers

- Primary Database
- Announcements
- Borders and Labels
- Places
- Photos
- Roads



005. M4 SIGN LOCATION HEIGHT MEASUREMENTS

7763 Cliffdale Rd

7759 Cliffdale Rd

Fayetteville, North Carolina

Google Street View

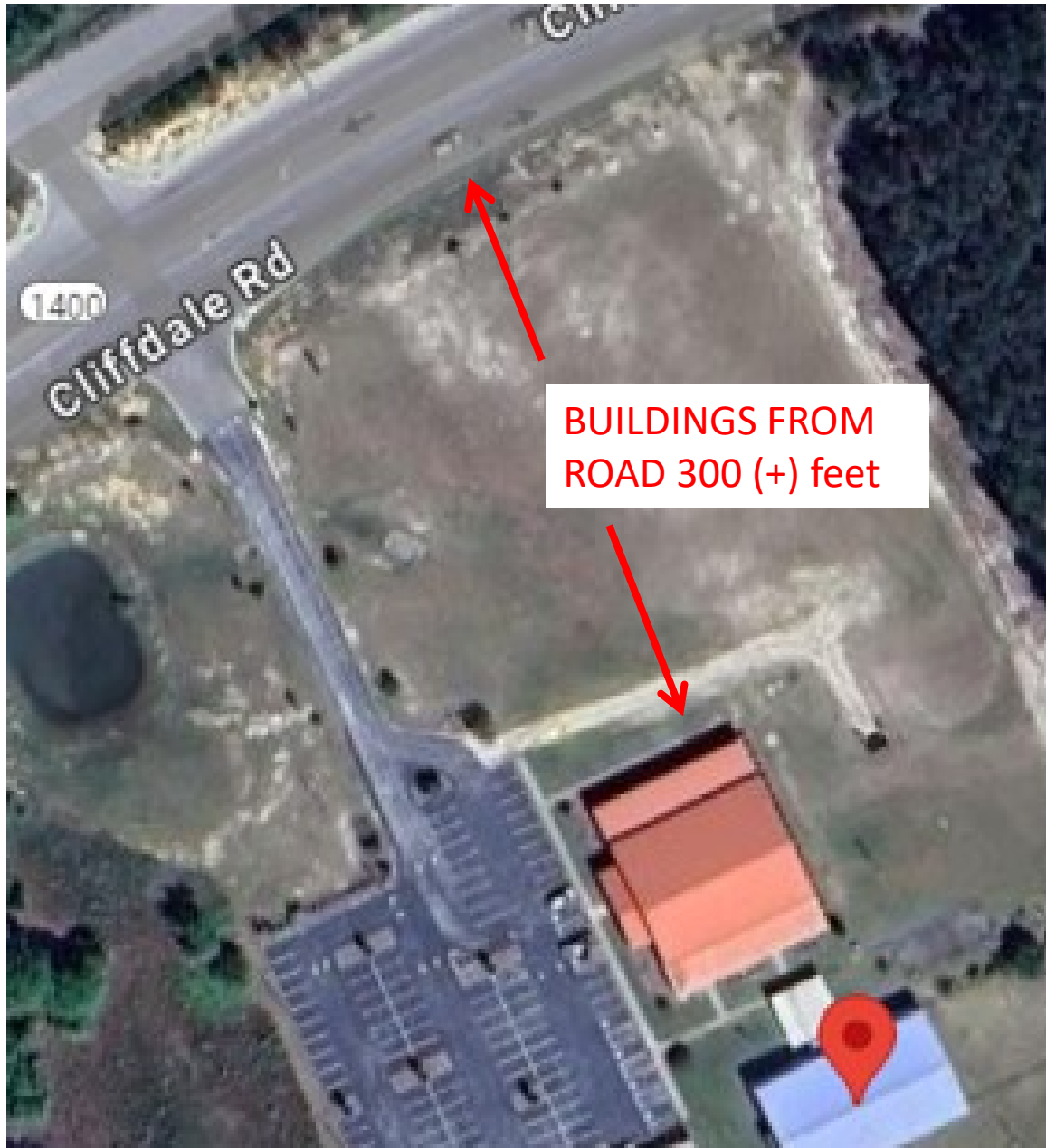
Jun 2024 See more dates

Sign elevation above Cliffdale Road 10-15 ft

Rotate the view

Ctrl + mouse drag for full 3D

006. M5 DISTANCE OF BLDGS FROM CLIFFDALE RD



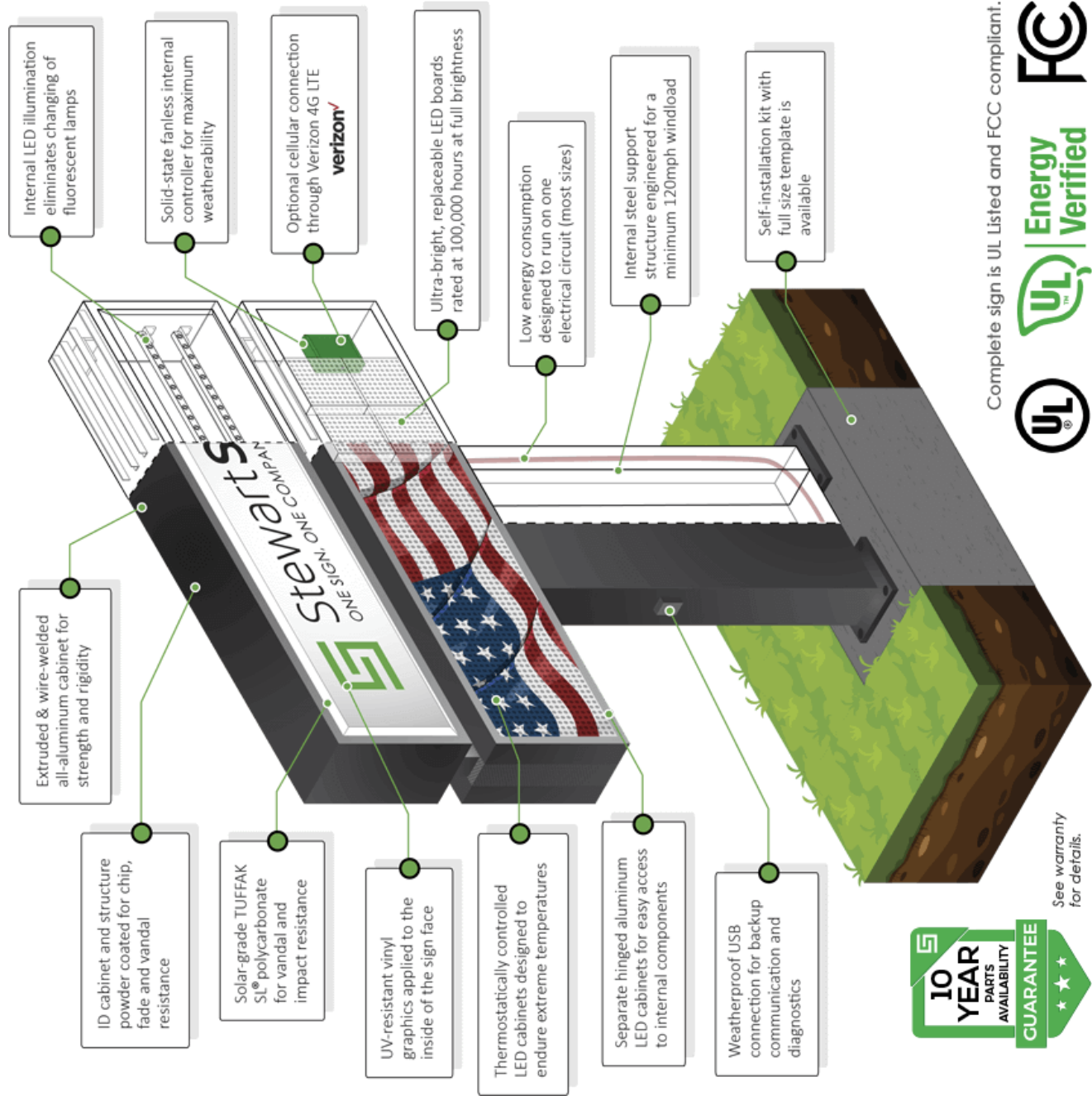
007. M6 CURRENT OLD SIGN MEASUREMENTS





This custom artwork is not intended to provide an exact match for ink, vinyl, paint, or LED color. Signs are designed for an illuminated graphic and art is based off of this premise. Non-illumination during daylight hours may result in graphics of varying appearance. Brickwork and masonry are not included in the proposal with the exception of Cornerstone products. Measurements shown are approximations; final product dimensions may vary. LED images shown are simulated to replicate optimum viewing distance. **Original design, do not duplicate.**

009. N2 PROPOSED NEW SIGN DETAILS



Complete sign is UL Listed and FCC compliant.



City of Fayetteville

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

City Council Action Memo

File Number: 24-4258

Agenda Date: 10/8/2024

Version: 1

Status: Agenda Ready

In Control: Zoning Commission

File Type: Public Hearing
(Public & Legislative)

Agenda Number: 5.01

TO: Mayor and Members of City Council

THRU: Zoning Commission

FROM: Craig Harmon - CZO, Senior Planner

DATE: October 8, 2024 (tabled from September 10)

RE:

P24-39. Rezoning from Single-Family Residential 10 (SF-10) to Mixed Residential 5 (MR-5) located at 411 Jefferson Dr (0406880746000) totaling 0.32 acres ± and being the property of Sophia Rickard.

COUNCIL DISTRICT(S):

5 - Greene

Relationship To Strategic Plan:

Strategic Operating Plan FY 2022

Goals 2027

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

- Objective 2.1 - To ensure a diverse City tax base

Goal III: City invested in Today and Tomorrow

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

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

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

Executive Summary:

The applicant has requested to rezone 411 Jefferson Drive from Single Family Residential 10 (SF-10) to Mixed Residential 5 (MR-5). The property is located in the back of Gallup Acres, a large single family subdivision that was platted in 1955.

Background:

Owner: Sophia Rickard

Applicant: Sophia Rickard

Requested Action: SF-10 to MR-5

REID #: 0406880746000

Council District: 5 - Green

Status of Property: Vacant (house burned between 1995 and 2001)

Size: 0.32 acres

Adjoining Land Use & Zoning:

- North: SF-10 - Single family houses
- South: SF-10 - Single family houses
- East: SF-10 - Single family houses

- West: SF-10 - Single family houses

Annual Average Daily Traffic: No traffic counts on Jefferson Dr
Letters Mailed: 121

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 (if isolated) or townhomes. Lots are typically 1-4 dwellings per acre. Suburban, auto-oriented character with utility services.

Issues/Analysis:

History:

The subject property is part of Gallup Acres which was platted in 1955 and appears to have mostly built out by 1968.

Surrounding Area:

The surrounding area has similar single family ranch style houses. There are apartments at the far end of this development, closer to Raeford Road. There are no visible duplexes in the surrounding neighborhood. Under the SF-10 zoning only one unit would be allowed. Two units could be allow with a Special Use Permit (SUP) in an SF-6 zone. Three units would be allowed by right (no SUP) if rezoned to MR-5.

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 Single Family Residential 10 (SF-10) to Mixed Residential 5 (MR-5).

The Mixed Residential 5 (MR-5) zoning district is established and intended to meet the diverse housing needs of City residents by accommodating a wide variety of residential housing types and arrangements at moderate to high densities, including single-family detached dwellings, two- to four-family dwellings, multi-family dwellings.

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 calls for mainly single family residential with some accessory dwellings: occasionally with duplexes (if isolated) or townhomes. Lots are typically 1-4 dwellings per acre. Suburban, auto-oriented character with utility services.

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.

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

- 4.1: Ensure new development meets basic site design standards
- 4.2: Encourage context-sensitive site design

LUP 6: Encourage development standards that result in quality neighborhoods

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

LUP 7: Encourage a mix of housing types for all ages and incomes

- 7.2: Allow a mix of smaller scale detached and attached housing in Medium Density Residential and Neighborhood Improvement areas (as identified on the Future Land Use Map).

Consistency and Reasonableness Statements:

The Future Land Use Plan also sets forth written goals, policies, and strategies. This application does not meet the goals of the Land Use Plan found on the attached Consistency and Reasonableness form.

Conclusion:

The request to rezone the property to Mixed Residential 5 would not be in keeping with the surrounding zoning or the proposed use according to the City's Land Use Plan. Prior to submitting the application, a representative for this project spoke to two members of the Planning staff separately. Both staff members advised the applicant that rezoning to MR-5 would probably be difficult and that staff would not recommend

approval.

Budget Impact:

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

Options:

1. Recommends approval of the map amendment to MR-5 as presented based on the evidence submitted and finds that the rezoning is consistent with the Future Land Use Plan as demonstrated by the attached consistency and reasonableness statement.
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. Recommends denial of the map amendment request based on the evidence submitted and finds that the map amendment is inconsistent with the Future Land Use Plan. (recommended)

Recommended Action:

The Professional Planning Staff recommends that the Zoning Commission move to DENY the map amendment to MR-5 based on the following:

- The proposed zoning map amendment does not 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 not appropriate in the immediate area of the land to be reclassified due to the existing zoning and uses surrounding this property; and
- There are no other factors that will substantially affect public health, safety, morals, or general welfare.

Attachments:

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

Project Overview

#1433328

Project Title: 411 Jefferson Drive**Jurisdiction:** City of Fayetteville**Application Type:** 5.1) Rezoning (Map Amendment)**State:** NC**Workflow:** Staff Review**County:** Cumberland**Project Location****Project Address or PIN:** 411 JEFFERSON DR
(0406880746000)**Zip Code:** 28304**Is it in Fayetteville? If you're not sure, click this link:** [Cumberland County Tax Office GIS system](#)**GIS Verified Data****Business Name:****Project Address:** 411 JEFFERSON DR**General Project Information****Has the land been the subject of a map amendment application in the last five years?:** No**Previous Amendment Approval Date:****Previous Amendment Case #:****Proposed Zoning District:** MR5**Acreage to be Rezoned:** .32**Is this application related to an annexation?:** No**Water Service:** Public**Sewer Service:** Public**A) Please describe all existing uses of the land and existing structures on the site, if any:**

No structures on site at the property address. The land is for residential purposes.

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

The land is zoned SF10 for residential purposes. The lots adjacent and across the street from the subject property are also zoned SF10.

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.:**

Consistency With Comprehensive Plan - Rezoning the parcel of land in Gallup Acres from SF10 to MR5 to build a duplex aligns with the municipality's comprehensive plan, which envisions a balanced mix of housing types to accommodate diverse community needs. The comprehensive plan supports increased housing density in this particular area to promote sustainable growth and efficient land use.

Compatibility with Intended Use - The proposed MR5 zoning for a duplex does not significantly deviate from the intended use of the area. While SF10 zoning is designed for single-family homes, the transition to MR5 allows for slightly higher density to build in a duplex in a growing community, while remaining residential in nature. This change maintains the residential character of the neighborhood while offering increased housing.

Public Benefit and Increased Housing Units - Rezoning to MR5 is beneficial to the public as it addresses the demand for additional housing units in a rapidly growing zip code. The increased density supports the municipality's goals of accommodating population growth and providing affordable housing options. By

allowing the construction of a duplex, the municipality can better meet the needs of its residents and support a more vibrant and diverse community.

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

No.

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

Demonstrated Community Need - Fayetteville is one many U.S. metro areas experiencing rapid population growth with an annual average of 9%+ each year. According to Census.gov, Cumberland County grew 37.9% population growth in the last five years, Fayetteville specifically maintains a current population count of 337,890 (+30K increase in just the last year) . As the primary market for Cumberland County, Fayetteville experienced population growth as a result of migration and natural change. Considering that Fayetteville maintains just over 144K housing units, the average occupancy is 2.5 persons per which means that there are more people than there are available housing units. This generates a considerable need for more housing units, and zoned density to support demand growth.

Moreover, Gallup Acres is a high demand subdivision located just south of Raeford road and 10 minutes from the All American gate at Ft. Liberty. It's proximity to the Ft. Liberty/Pope installation makes it location highly desirable to those Service members and family members seeking housing accommodations. Additionally, Ft. Liberty (Dept of Defense) continues to be the #1 employer of Cumberland County with just over 40,000 employees. New housing units and proximity serves the overall interest of 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 proposed rezoning from SF10 (Single Family Residential 10) to MR5 (Mixed Residential 5) for a lot in Gallup Acres, Fayetteville, NC, is well-aligned with the existing and proposed uses of the neighborhood. The MR5 zoning designation will allow for the addition of a duplex, which represents a modest increase in density on an underutilized parcel of land.

This rezoning proposal ensures the following:

1. **Neighborhood Flow and Character:** The transition to MR5 will not disrupt the flow or character of Gallup Acres. The planned duplex will be designed to blend seamlessly with the surrounding single-family homes, maintaining aesthetic harmony and neighborhood cohesion. The introduction of a duplex on this lot is a balanced approach to increasing density. It respects the proximity between neighbors and avoids excessive crowding, offering a considerate enhancement to the area.
2. **Future Usage and Community Needs:** The intended duplex will cater to families and military personnel, aligning with the demographic makeup of the neighborhood. This ensures that the new residences will integrate well with the community's existing social fabric. Rezoning to MR5 allows for better utilization of currently underutilized land, contributing to the city's goals of efficient land use and sustainable development.

The proposal of MR5 zoning is appropriate for this project, as it supports future community needs while preserving the neighborhood's character and ensuring thoughtful development.

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

By permitting MR5 zoning, new development can take place which supports a gradual and orderly expansion of the neighborhood. The proposed project of a duplex prevents haphazard development, ensuring that new construction design is thoughtfully integrated into the community fabric. Rezoning to MR5 is a logical step to meet the rising housing demands while maintaining the neighborhood's integrity and ensuring sustainable growth patterns. The average home in Gallup Acres, Fayetteville was built in the 1950s. Rezoning to MR5 presents an opportunity to:

1. Leverage sustainable and efficient land use. The move to MR5 promotes effective use of underutilized land, contributing to sustainable development practices. This change supports the city's broader goals of maximizing land use efficiency and fostering long-term community growth.
2. The proposed rezoning to MR5 is a way sensible way to introduce a two-family unit home to the lot. This change reflects a strategic approach to land use which is both efficient and harmonious with the existing neighborhood structure, without compromising the integrity of the subdivision.

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

Since MR-5 accommodates a wide variety of residential housing types at moderate to high densities, it's imperative to recognize that any structure built within the lot dimensions must still adhere to the Municipal Code, Part II *Code of Ordinances*. This would prevent structures out of tolerance or premature for the intended lot.

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

Not applicable.

H) State the extent to which the proposed amendment results in the creation of an isolated zoning district unrelated to

adjacent and surrounding zoning districts.:

The proposed amendment to this parcel would result in the lot being the only MR5 parcel within a half mile radius. The current subdivision is zoned SF10, however the amendment would allow for the development of related housing to address a specific need that cannot be accommodated within the existing zoning regulation.

The amendment would provide flexibility in land use development since the parcel isn't large enough to build the intended project, by right.

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

The development of new construction in Gallup Acres will increase the value of surrounding homes. New construction units in a well sought out zip code means more commerce and circulation of revenue. The proposed structure supports the same intended use of residential housing.

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

New units in the community will mean more people resulting in slightly more noise, and more traffic. This is part of economic growth which the local government takes into account when assessing increased infrastructure to support an increasing population.

Primary Contact Information

Contractor's NC ID#:

Project Owner

SOPHIA RICKARD

24311 Leachwood Dr

Katy, TX 77493

P:9102576866

sangela.rickard@gmail.com

Project Contact - Agent/Representative

SOPHIA RICKARD

24311 Leachwood Dr

Katy, TX 77493

P:9102576866

sangela.rickard@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 #3 License Number:

NC State Plumbing Contractor #1 License Number:

NC State Plumbing Contractor #2 License Number:

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

FILED Jun 28, 2024
AT 04:40:19 PM
BOOK 12006
START PAGE 0042
END PAGE 0043
INSTRUMENT # 19353
RECORDING \$26.00
EXCISE TAX \$36.00

NORTH CAROLINA GENERAL WARRANTY DEED
DELINQUENT TAXES, IF ANY, TO BE PAID BY THE CLOSING ATTORNEY TO THE COUNTY TAX COLLECTOR
UPON DISBURSEMENT OF CLOSING PROCEEDS

File No.: AL-56460-24-K1

Excise Tax: \$36.00

Parcel Identifier No. 0406-88-0746.000 Verified by _____ County on the ____ day of _____, 20____
By: _____

Mail/Box to: Single Source Real Estate Services, Inc., 639 Executive Place, Suite 107, Fayetteville, NC 28305
This instrument was prepared by: Lakhiani Law, PLLC, 2919 Breezewood Avenue, Suite 300, Fayetteville, NC 28303
Brief description for the Index: GALLUP ACRES L027 SE01 BLB PL0017-0030

THIS DEED made this 26th of June, 2024, by and between

GRANTOR	GRANTEE
Donald Lowrie and wife, Tichina Lowrie 67 Bandana Way Cameron, NC 28326	Sophia A. Rickard, unmarried 24311 Leachwood Dr Katy, TX 77493

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

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

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot, parcel of land or condominium unit situated in the City of Fayetteville, Seventy-First Township, Cumberland County, North Carolina and more particularly described as follows:
BEING all of Lot 27, Block B, Gallup Acres Subdivision as shown on a plat duly recorded in Book of Plats 17, Page 30, Cumberland County Registry, North Carolina.

Parcel ID: 0406-88-0746.000

Property Address: 411 Jefferson Drive, Fayetteville, NC 28304

The property hereinabove described was acquired by Grantor by instrument recorded in Book 11827 page 144.

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

A map showing the above described property is recorded in Plat Book 17 page 30.

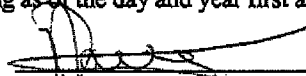
TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

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

Subject to restrictive covenants, easements and rights-of-way as they may appear of public record.

Subject to ad valorem taxes whcih are a lien but not yet due and payable.

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

 _____ (SEAL)
Print/Type Name: Donald Lowrie

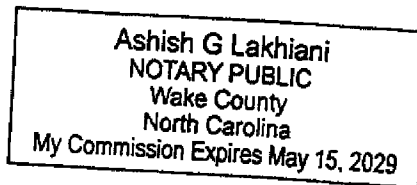
 _____ (SEAL)
Print/Type Name: Tichina Lowrie

State of North Carolina – County of Cumberland

I, the undersigned Notary Public of Wake County and State aforesaid, certify that Donald Lowrie and Tichina Lowrie 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 26th of June, 2024.

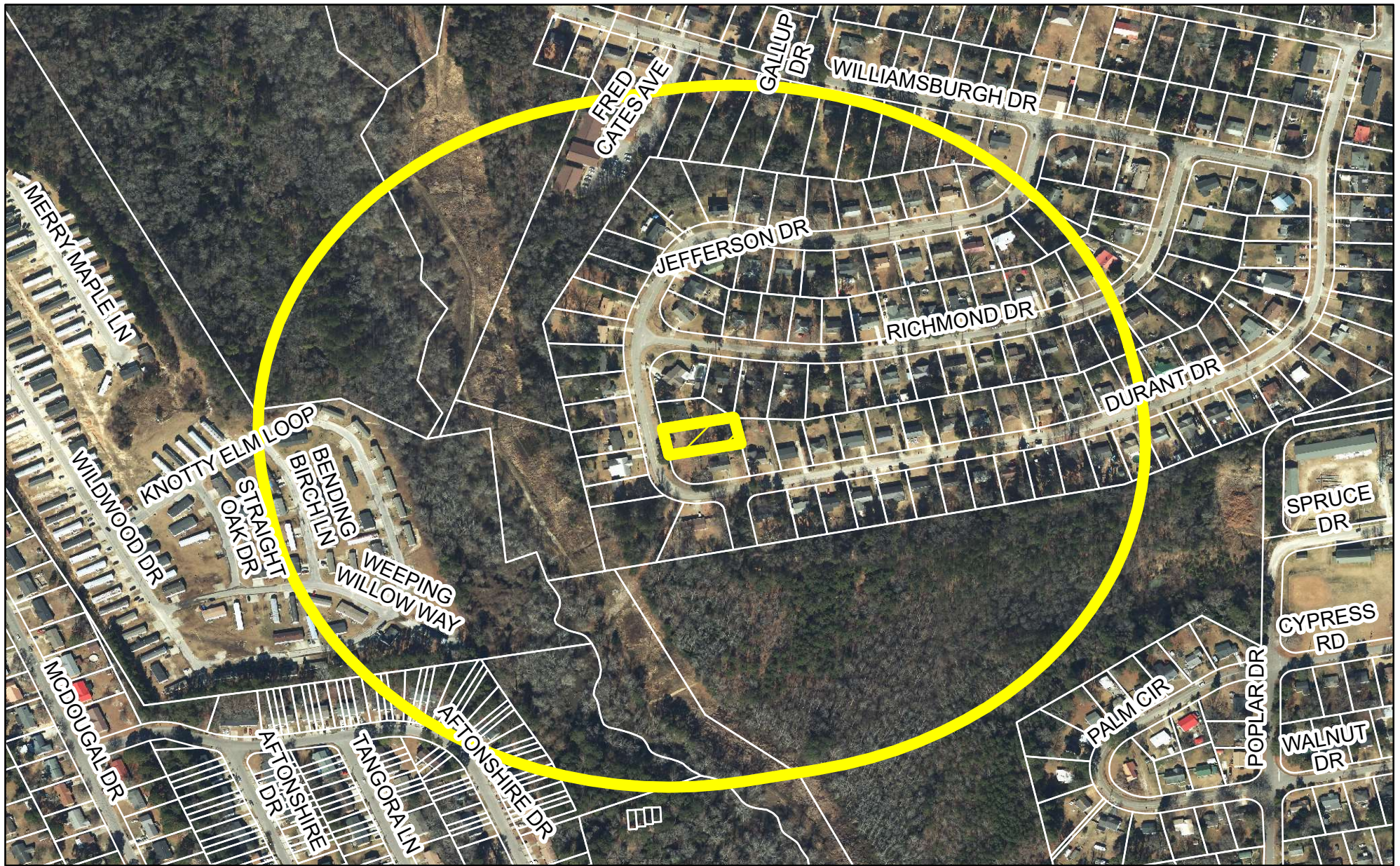
My Commission Expires: May 15, 2029

 _____
Ashish G. Lakhiani, Notary Public



The foregoing Certificate(s) of _____
is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

_____ Register of Deeds for _____ County
By: _____ Deputy/Assistant –Register of Deeds



Aerial Notification Map

Case #: P24-39

Request: Rezoning SF-10 to MR-5

Location: 411 Jefferson Dr

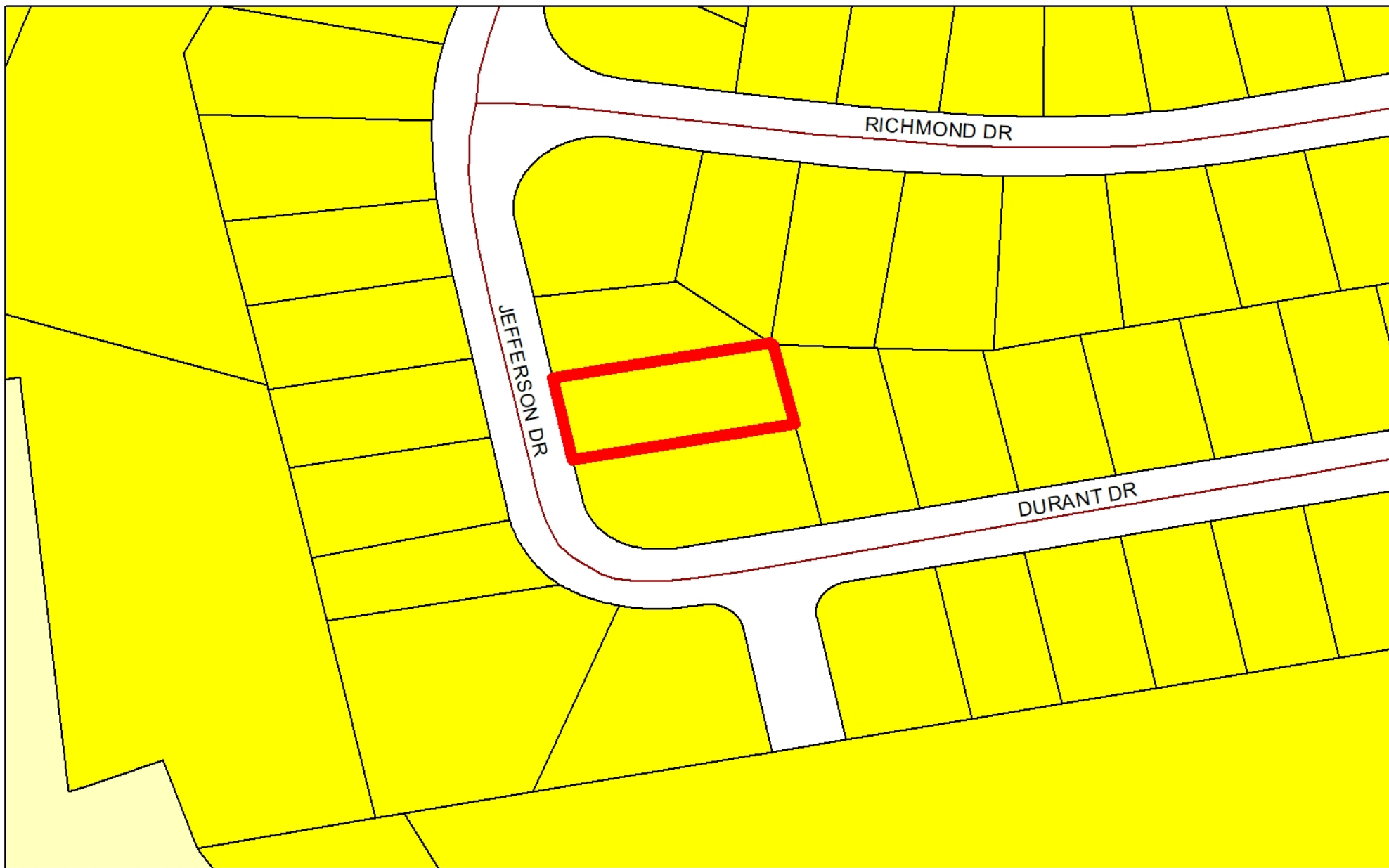
Legend

 1,000' 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 #: P24-39

Request: Rezoning SF-10 to MR-5

Location: 411 Jefferson Dr

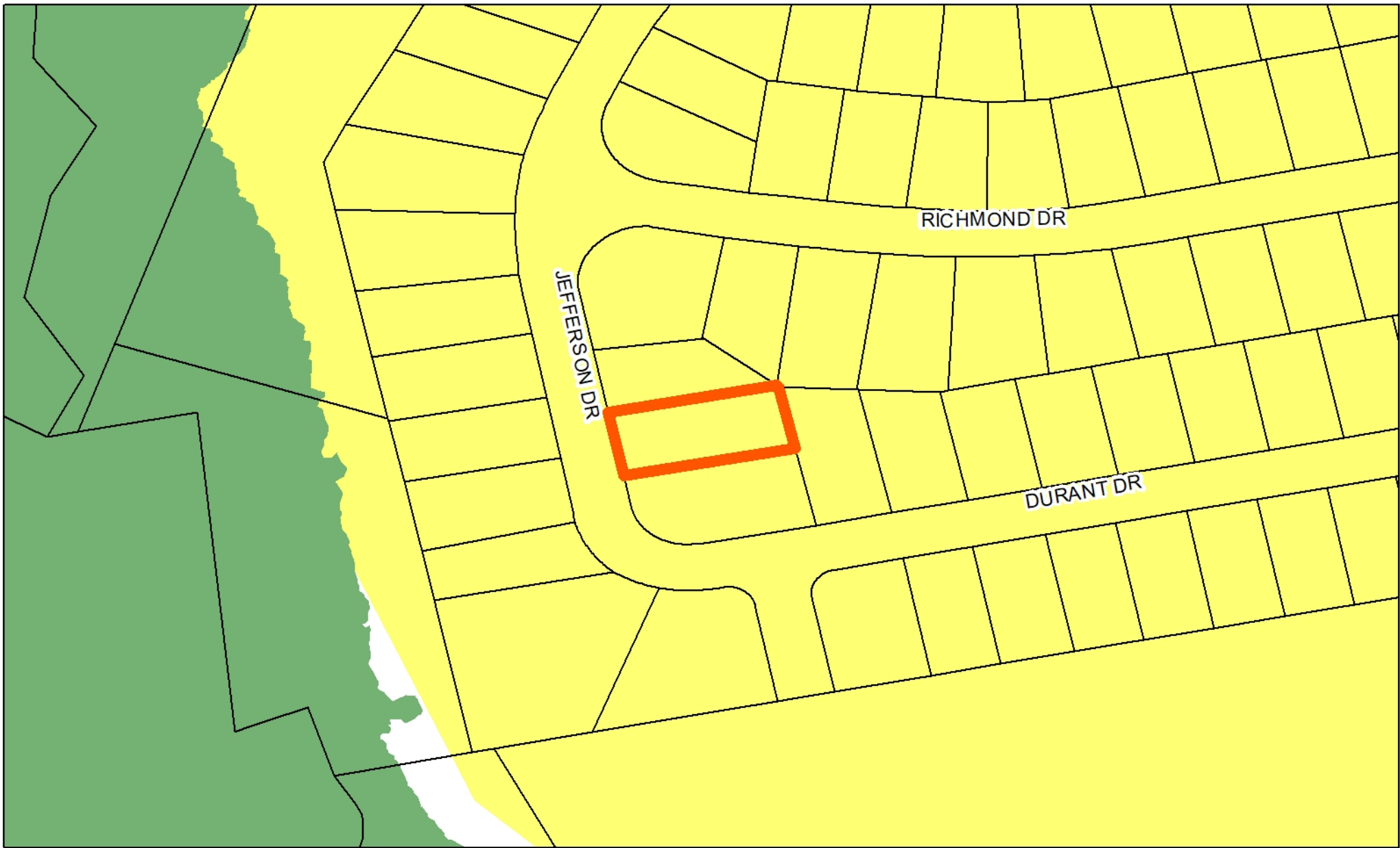
Legend

-  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 #: P24-39



Request: Rezoning SF-10 to MR-5

Location: 411 Jefferson Dr

Legend

Land Use Plan 2040

Character Areas

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



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







Consistency and Reasonableness Statement

Map Amendments

Pursuant N.C.G.S. Sections 160D-604 and -605, the Zoning Commission finds that the proposed zoning map amendment in case P24-39 is inconsistent with the City of Fayetteville’s Future Land Use Map and Plan (Comprehensive Plan). The following analysis examines the proposed amendment relative to the goals and land-use policies and strategies of the Comprehensive Plan:

Consistency

1. GOALS

GOAL(S)	CONSISTENT	INCONSISTENT
Goal # 1: Focus value and investment around infrastructure and strategic nodes	X	
Goal # 4: Foster safe, stable, and attractive neighborhoods		X

2. LAND USE POLICIES AND STRATEGIES:

LAND USE POLICIES AND STRATEGIES	CONSISTENT	INCONSISTENT
LUP 1: Encourage growth in areas well-served by infrastructure and urban services, including roads, utilities, parks, schools, police, fire, and emergency services.	X	
1.4: Annexation and adherence to development standards are required for any development proposal within the city’s Municipal Influence Area (MIA) if city services are to be provided.	X	
1.6: Require adequate infrastructure to be in place before or in tandem with new development		X
LUP 6: Encourage development standards that result in quality neighborhoods		X
6.1: Encourage quality neighborhood design through maintaining and improving standards for streets, sidewalks, stormwater, and open space.		X

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

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

- ☐ The size, physical conditions, and other attributes of the proposed use(s) will benefit the surrounding community.
- ☒ Improves consistency with the long-range plan.
- ☐ Improves the tax base.
- ☐ Preserves environmental and/or cultural resources.
- ☐ The amendment includes conditions that limit potential negative impacts on neighboring uses.
- ☐ Facilitates a desired kind of development.
- ☒ The proposed uses address the needs of the area and/or city.
- ☐ Provides needed housing/commercial area.
- ☐ The proposal adapts the zoning code to reflect modern land-use trends and patterns.

Additional comments, if any (write-in):

October 8, 2024
Date

Chair Signature

Print