



City of Fayetteville

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

Meeting Agenda - Final Zoning Commission

Tuesday, June 13, 2023

6:00 PM

FAST Transit Center

1.0 CALL TO ORDER

2.0 APPROVAL OF AGENDA

3.0 CONSENT

3.01 Approval of Minutes: May 9, 2023

4.0 EVIDENTIARY HEARINGS

4.01 A23-22. Variance to increase the maximum height for a fence located at 600 Orange Street (REID #0437586252000), containing 1.2 acres \pm and being the property of Orange St School Restoration & Historical Assoc, Inc., represented by Anthony Ramsey.

4.02 A23-23. Variance to allow increases in the maximum lot coverage and maximum size of accessory structures, located at 374 Valley Road (REID #0427834026000), containing .75 acres \pm and being the property of David W. & Molly H. Alderman.

5.0 PUBLIC HEARINGS (Public & Legislative)

5.01 P23-19. Initial zoning of one non-contiguous parcel totaling 2.95 \pm acres, requesting annexation, to Community Commercial (CC) located at 133 Bethune Drive (0541297074000), being the property of John N. Bantsolas and Lloyd S. Goodson, represented by Michael Adams of MAPS Surveying Inc.

5.02 P23-21. Rezoning from Single-Family Residential 10 (SF-10) to Mixed Residential 5 Conditional Zoning (MR-5/CZ), located at 0 Carvers Falls Road (REID #0530996236000), totaling 3.32 acres \pm and being the property of TG Ventures LLC, represented by Michael Adams of MAPS Surveying Inc.

5.03 P23-24. Conditional Rezoning from Single Family Residential 6 (SF-6) to Multi-Family Residential 5 Conditional Zoning (MR-5/CZ) to add three more dwelling units to the subject properties and address the front and rear setbacks on 0.73 \pm acres, located at 812 Ridge Road (REID #0429672563000), and being the property of Tawfik Sharifi, represented by Michael Adams of MAPS Surveying Inc.

- 5.04** P23-25. Rezoning from Downtown (DT) to Mixed Residential 5 (MR-5), Community Commercial (CC), and Light Industrial (LI) of 0 and 117 N Broad Street, 115 N Racepath Street, 120 Pepsi Lane, 801, 802, 804, 805, 810, 815, 820, 821, 901, 902, 913, 914, 915, and 0 Person Street (REIDs 0447124493000, 0447124479000, 0447120488000, 0447028593000, 0447028452000, 0447028277000, 0447028248000, 0447029460000, 0447029274000, 0447120349000, 0447120281000, 0447121308000, 0447122490000, 0447122137000, 0447123398000, 0447123193000, 0447124375000, and 0447028209000) totaling 6.16 acres ± and being the property of Wiener King of Cumberland County Inc, Hurtado, Max Tobias, Sutton, M Keith; Sutton, Deborah C, Racepath Investments LLC, Evans Properties of Fay LLC, Beatty, Jerry; Beatty, Janice D, Hayner LLC, Geddie, James W Sr; Geddie, Berthina; Geddie, Tom, Melvin, Sharon Samona, Christ Gospel Church of Fayetteville NC, City of Fayetteville, Christ Gospel Church of Fay, and Hubbard, Vivian S.

6.0 OTHER ITEMS OF BUSINESS

- 6.01** Discussion of Zoning Commission Bylaws

7.0 ADJOURNMENT



City of Fayetteville

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

City Council Action Memo

File Number: 23-3383

Agenda Date: 6/13/2023

Version: 1

Status: Agenda Ready

In Control: Zoning Commission

File Type: Consent

Agenda Number: 3.01

TO: Zoning Commission

THRU: Development Services, Planning and Zoning Division

FROM: Catina Evans - Office Assistant II

DATE: June 13, 2023

RE: Approval of Meeting Minutes: May 9, 2023

COUNCIL DISTRICT(S):

All

Relationship to Strategic Plan:

Strategic Operating Plan FY 2022

Goals 2026

Goal VI: Collaborative Citizen & Business Engagement

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

Executive Summary:

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

Background:

NA

Issues/Analysis:

NA

Budget Impact:

NA

Options:

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

Recommended Action:

Option 1: Approve draft minutes.

Attachments:

Draft Meeting Minutes: May 9, 2023

**MINUTES
CITY OF FAYETTEVILLE
ZONING COMMISSION MEETING
FAST TRANSIT CENTER COMMUNITY ROOM
MAY 9, 2023 @ 6:00 P.M.**

MEMBERS PRESENT

Pavan Patel, Chair
Stephen McCorquodale, Vice-Chair
Roger Shah
Justin Herbe, Alternate
Clabon Lowe, Alternate

STAFF PRESENT

Craig Harmon, Senior Planner
Heather Eckhardt, Planner II
Demetrios Moutos, Planner I
David Winstead, Zoning Administrator
Lisa Harper, Assistant City Attorney
Catina Evans, Office Assistant II

MEMBER ABSENT

Alex Keith
Kevin Height

The Zoning Commission Meeting on Tuesday, May 9, 2023, was called to order by Chair Pavan Patel at 6 p.m. The members of the Board stated their names for the record.

I. APPROVE THE AGENDA

MOTION: Clabon Lowe made a motion to approve the agenda.
SECOND: Roger Shah
VOTE: Unanimous (5-0)

II. APPROVAL OF CONSENT ITEMS TO INCLUDE THE MINUTES FOR THE APRIL 11, 2023, MEETING

MOTION: Roger Shah made a motion to approve the consent items.
SECOND: Stephen McCorquodale
VOTE: Unanimous (5-0)

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

I. LEGISLATIVE HEARINGS

Mr. Patel opened the legislative hearing for case P23-15.

P23-15. Rezoning from Agricultural Residential (AR) to Limited Commercial (LC) on 4.5 acres ±, located at 8205 Stoney Point Road (REID# 9485651707000) and 0 Rockfish Road (REID# 9485557246000) and being the properties of Dennis E Canady, John D Gillis, James Wright Gillis, and Robert Lewis Gillis, being represented by Thomas Neville of Yarborough, Winters & Neville, PA.

Demetrios Moutos presented the request to rezone a property from Agricultural Residential (AR) to Limited Commercial (LC) owned by Dennis and Dorothy Canady and represented by Yarborough, Winters, and Neville.

Mr. Moutos showed the Board two parcels - one full parcel and a portion of a parcel - that will be rezoned. The parcels are located off Barefoot Road. The majority of the area is Agricultural Residential (AR) with two parcels zoned Community Commercial. Mr. Moutos showed the Board where Click's Nursery is located across Stoney Point Road. Mr. Moutos informed the Board that The Future Land Use Plan calls for the area to be developed as low-density residential, but he pointed out that commercial property is currently in the area. Future road improvements will connect the area to Interstate 295 located to the northeast and will change the character of the area. There is a single-family home on the property, built in 1958, which the owner will remove at some point. Mr. Moutos informed the Board that this is a straight rezoning. Mr. Moutos stated that there are two single-family homes to the north and property to the east. Future roadway improvements will occur south of the property. Mr. Moutos showed the Board the site plan for a proposed Circle K to be located on the property. He informed the Board that the Staff is recommending approval of the map amendment based on the following:

- This proposal would update the future land use map if adopted, it also satisfies the Future Land Use Goals #1 and #2 and is generally consistent with the Land Use Policies and Strategies. Additionally, the proposed roadway improvements and eventual connection to I295 ensure this proposal will evolve to be an even better fit for the surrounding area.
- The uses permitted by the proposed change in zoning district classification and standards that apply to such uses are appropriate in the immediate area of the land to be reclassified due to the existing zoning and uses surrounding this property.
- There are no other factors that will substantially affect public health, safety, morals, or general welfare.

Mr. Moutos provided the Board with their options when conducting their final vote.

Mr. Patel opened the legislative hearing for case P23-15.

Speakers in favor:

Thomas Neville, Yarborough, Winters, and Neville, PA, 115 Russell Street, Fayetteville, NC

Mr. Neville said he would speak and answer questions. Mr. Harmon asked if there were speakers in opposition and David Winstead said there were none.

- Thomas Neville said he is representing the property owners, David and Dorothy Canady.
- The Canadys own one tract of property and the Gillis own the other tract of property.
- The applicants had no desire to change or sell the property then the outer loop was built in Fayetteville.
- Mr. Neville informed the Board that the Canady's property is located adjacent to the loop. Mr. Neville showed the Board a DOT map.
- Mr. Neville showed the Board Strickland Bridge Road and the outer loop. He explained that due to the changes that will occur in this area, the homeowners are forced to relocate.
- He said the Circle K that is proposed to be built on the property will have a modern look with new gas pumps.

- The applicant is seeking limited or light commercial zoning. Mr. Neville said the area adjacent to the property is zoned Community Commercial. If it was not for these expansions the applicants would not be making changes to their property.

Mr. Patel closed the legislative hearing for case P23-15.

MOTION: Roger Shah made a motion to approve the rezoning from Agricultural Residential (AR) to Limited Commercial (LC) on the 4.5 acres located at 8205 Stoney Point Road and 0 Rockfish Road. He said this is based on the Consistency and Reasonableness Statement provided by the City Staff. Mr. Shah said it is consistent with the goals. It is consistent with the Land Use Policy and Strategy, and its reasonableness is consistent with all of the items like tax raises and long-range plans. Additionally, he thinks the owners have no choice left because of the new outer loop that is coming. Therefore, Mr. Shah stated that he made the motion to approve the rezoning from AR to LC.

SECOND: Stephen McCorquodale

VOTE: Unanimous (5-0)

P23-16. Rezoning from Agricultural Residential (AR) to Community Commercial (CC) of 3.43 acres \pm , located at REID# 9485763126000 and being the property of John D. Gillis, represented by Mark Candler of Candler Development Group LLC.

Demetrios Moutos presented a request to rezone a property from Agricultural Residential (AR) to Community Commercial (CC). He showed the Board the location of a proposed Circle K and the applicant's property. He said there is a nursery to the south along with Strickland Bridge Road. A few commercial properties are in the area. Mr. Moutos said the Future Land Use Plan calls for the property to be neighborhood mixed-use. He informed the Board that the character of the area will change with future roadway improvements. Mr. Moutos showed the Board the property in front of the applicant's property and the location of Click's Nursery. He said this is a straight rezoning, and he noted that the owners have no current plans to develop the property. Mr. Moutos said the Staff recommends approval of the map amendments based on the following:

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

Mr. Moutos presented the Board with their options when they conduct their vote.

Mr. Pavan opened the legislative hearing for speakers.

Speakers in favor:

Mark Candler, Candler Development Group LLC., 171 Brooke Run, Lumber Bridge, NC 28357

- Mr. Candler said he is representing the property owner, John D. Gillis.
- He discussed that various portions of this area will encompass 295.
- Mr. Candler used Ramsey Street as an example of how the proposed multi-retail area will eventually look.
- Mr. Candler points out where Click's Nursery is located near Strickland Bridge Road.
- Mr. Candler showed the Board the area where development will take place.

Mr. McCorquodale was concerned that the applicant may need to come back to the Board regarding future changes to this development, and Mr. Shah noted that the Board could deny this request. Mr. Candler said this request is for the Community Commercial rezoning.

Mr. Patel closed the legislative hearing for case P23-16.

Mr. Shah asked Mr. Moutos to show the Board where the Community Commercial zoning would be and he obliged. Mr. Moutos added that this area is in the City limits in response to Mr. Shah's question. At Ms. Harper's request, Mr. Moutos put the voting options up on the screen for the Board to review.

MOTION: Mr. Shah made a motion to approve the rezoning from Agricultural Residential to Community Commercial for 3.4 acres and property owned by John D. Gillis based on the Consistency Statement provided by the City Staff. He stated that everything does look consistent as far as goals and land use, policies, strategies, and reasonableness. Mr. Shah stated that the reason he made the motion is he believes that growth is coming and you cannot stop it. He said the other two corners of the new road are already zoned Community Commercial which only makes sense to make this Community Commercial so that it will open this area up to broad ranges of business. Mr. Shah said those were his reasons for approving the rezoning.

SECOND: Stephen McCorquodale

VOTE: Unanimous (5-0)

P23-17. Rezoning from Single-Family Residential 10 (SF-10) to Neighborhood Commercial (NC), located at 5418 Morganton Road and part of 5413 Docia Circle (REID #s 0408719687000 & 0408810892000), totaling 1.12 acres ± and being the property of Lenim Properties, LLC, represented by Michael Adams of MAPS Surveying Inc.

Heather Eckhardt presented a request to rezone a property from Single-Family Residential 10 (SF-10) to Neighborhood Commercial (NC). The applicant is Lenim Properties, LLC, represented by Michael Adams of MAPS Surveying Inc. The subject property is located on Morganton Road just west of Skibo Road and next to Stoney Ridge Apartments. Ms. Eckhardt pointed out where the Marketfair Shopping Center is located. Ms. Eckhardt noted that the area is currently zoned Single-Family Residential 10 except for the apartment complex which is zoned Mixed-Residential 5 (MR-5). The Future Land Use Plan calls for the property to be low-density residential. The property is vacant and there was a house on the property but it has been demolished. Single-family subdivisions are located to the north, east, and south of the property, and the apartment complex is located west of the property. Ms. Eckhardt said in 2003 the previous owner requested a rezoning of the land to Office and Institutional (OI), but his request was denied. Ms. Eckhardt stated that under the requested zoning, there is a potential that the property owner could provide services to the surrounding area. She stated that the Staff is recommending denial of the rezoning because it does not align with the Future Land Use Plan.

Mr. Patel opened the legislative hearing for case P23-17.

Michael Adams, 216 Mason Street, Fayetteville, NC

- Mr. Adams represents the client, Lenim Properties. Mr. Adams does not have a clear plan of what the owner will do with the land. It may involve a retail center.

There were no questions for Mr. Adams.

Speakers in opposition:

Julie Beasley, 5400 Kendallwood Drive, Fayetteville, NC 28314

- Ms. Beasley said she likes the land around her. She does not want a commercial business.
- She said most of the people in the neighborhood want peace and there will not be peace if the development comes.

Mr. Patel closed the legislative hearing for case P23-17.

Mr. Shah inquired with the Staff as to the location of the closest commercial area. Ms. Eckhardt pointed out the Marketfair Shopping Center and the small office buildings nearby. Ms. Eckhardt said there is an area zoned neighborhood commercial but it's vacant. Ms. Eckhardt stated that the owner requested OI zoning in 2003 which would have allowed for real estate offices and other similar uses. Mr. McCorquodale asked Ms. Eckhardt to confirm the land size requested by the applicant and Ms. Eckhardt confirmed its size. Ms. Eckhardt informed the Board that they should have a survey of the property in their packet.

Mr. Shah asked for the order of the commercial zoning from the most to the least restrictive. Ms. Eckhardt obliged this request. Mr. Herbe stated that the area may be left vacant for an extended amount of time if the rezoning does not occur. Mr. Herbe said he does not know of any developers who will develop only one acre of land. Mr. Harmon informed the Board that in the back of their binders is a table of uses, which shows the permitted uses within zoning districts. Mr. Patel noted that if the owners had determined a specific use for the property it would be easier for the Board to see what could be built in the area. Mr. Shah stated that Neighborhood Commercial is very restrictive about what uses are allowed. Mr. McCorquodale said that regardless of what they place on the property they would need buffers and landscaping. The owner would have to meet the North Carolina Department of Transportation and the stormwater requirements.

Mr. Patel said it is not economically feasible to develop commercial properties in that area. Mr. McCorquodale noted that the owners would have to take into account the traffic pattern when building on the land if they chose to present this before the Technical Review Committee. Mr. Herbe asked if this would be a yes or no vote. He asked the Staff if there was another voting option the Board could choose that would make everyone happy. Ms. Eckhardt pointed out the three ways the Board could vote. Mr. Herbe said the owner could appeal to City Council if he does not like the Board's ruling. The Board discussed the outcome of going to NC zoning. Ms. Harper stated the applicant can appeal that decision. Mr. Herbe asked if the Board should consider what the applicant will build when conducting their final voting. Therefore, they could make the choice to wait to see what the owner will build before they vote. Ms. Harper stated that this was a straight rezoning, and she asked Mr. Harmon to confirm this. Mr. Harmon said this is a straight rezoning. He explained to the Board that there can be two types of rezonings. Conditional rezoning is where there are conditions placed on the rezoning. He said an applicant can submit information detailing what they plan to do with the rezoned property such as a site plan. He noted that in agreement with Ms. Harper, this is a straight rezoning, so the applicant (even if they initially wanted to place a daycare on the property) would be able to place whatever structure on the property that was within the new zoning district. Therefore, the Board must review all of the options under the requested rezoning district.

MOTION: Mr. Patel made a motion to deny the map amendment based on the evidence submitted and findings that the map amendment is inconsistent with the Future Land Use Plan.

SECOND: Clabon Lowe

VOTE: (4-1) (Justin Herbe opposed)

Mr. Harmon explained to the owner the appeal process.

P23-18. Creation of an Airport Entrance Corridor Overlay – AECO zoning district located at 101 - 231 Airport Road (READ #0435332495000, 0435330824000, 0435236911000, 0435242118000, 0435148586000, 0435144419000, 0435141782000, 0435049899000, 0435047921000, 0435054007000, 0435043744000, 0435034978000, 0435047522000, 0435049049000, 0435049445000, 0435140388000, 0435131828000, 0435132815000, 0435133824000, 0435134864000, 0435136863000, 0435138871000, 0435123998000) on approximately 130+/- acres belonging to Cedar Creek Crossing West LLC, Kinlaw Rentals LLC, Asemota, Osaze Love-Efosa & Lily Efosa Igunbor, Draughon Holdings LLC, McDonald, Vadis, Smith, Izzie H. Heirs & Vadis S. McDonald, Hertz Corporation, Eaton Corp C/O Ducharme, McMillen & Assoc, Spivey, Phyllis Council, Vance Johnson Plumbing INC, Pittman, W R & Linda, Warren, Mark A & Kim D, Fullblock LLC, Winstead Rentals Limited Partnership, Infinity Nine at Fay LLC, WFN Investment Group LLC, State of North Carolina, City of Fayetteville.

Ms. Eckhardt said case P23-18 is about an airport entrance corridor overlay. She informed the Board that this overlay will not have any impact on any parcels within the Fayetteville City limits. The City is working jointly with Cumberland County on this project. She showed the Board the location of the properties within the overlay. Ms. Eckhardt noted that the City limits are in red and only a handful of these properties are within the City limits. These facts are important because this overlay will prohibit the construction of manufactured and mobile homes on any of these parcels. She stated that the properties that are within the City limits of Fayetteville are all currently zoned LI and HI, which already prohibits manufactured and mobile homes. Ms. Eckhardt said there are a variety of zoning districts in this area because the region is a combination of City and County properties.

The Future Land Use Plan calls for this area to be considered an industrial and economic center which encompasses high-impact, high-intensity uses. Ms. Eckhardt stated that the Board would see a combination of commercial and industrial uses along Airport Road. Surrounding this area is a cemetery, the airport and a residential subdivision to the south. To the west is Gillespie Street with a combination of industrial and commercial uses. Ms. Eckhardt said this is going to be an amendment to our existing airport overlay. This will create an overlay within the overlay that will only affect the properties previously mentioned. Of the twenty-three parcels located within this overlay, only five are in the City of Fayetteville and these parcels are already prohibited from having manufactured and mobile homes on the land. Ms. Eckhardt stated that the Staff is recommending approval of the overlay. She added that case P23-18 will just be about the creation of the overlay. The text amendment for the overlay is a separate item that has already been presented to the Planning Commission and will be presented to the City Council at the end of this month.

Mr. Patel opened and closed the legislative hearing.

Mr. Shah wanted to know if the county is making this same change. Ms. Eckhardt said the County will make a similar change. It will be consistent all along Airport Road. Mr. McCorquodale asked about the text amendment, and Ms. Eckhardt said it went before the Planning Commission in February and is headed to City Council at the end of May (May 22, 2023).

MOTION: Pavan Patel moved to approve case P23-18 based on the Consistency and Reasonableness Statements provided by Staff.
SECOND: Roger Shah
VOTE: Unanimous (5-0)

II. OTHER BUSINESS

III. ADJOURNMENT

MOTION: Roger Shah made a motion to adjourn the May 9, 2023, meeting.

SECOND: Clabon Lowe

VOTE: Unanimous (5-0)

The meeting adjourned at 7 p.m.

Respectfully submitted by Catina Evans

DRAFT



City of Fayetteville

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

City Council Action Memo

File Number: 23-3390

Agenda Date: 6/13/2023

Version: 1

Status: Agenda Ready

In Control: Zoning Commission

File Type: Evidentiary Hearing

Agenda Number: 4.01

TO: Zoning Commission

THRU: Will Deaton, AICP - Planning & Zoning Manager

FROM: Heather Eckhardt, CZO - Planner II

DATE: June 13, 2023

RE: A23-22. Variance to increase the maximum height for a fence located at 600

Orange Street (REID #0437586252000), containing 1.2 acres ± and being the property of

Orange St School Restoration & Historical Assoc, Inc., represented by Anthony Ramsey.

COUNCIL DISTRICT(S):

2 - Shakeyla Ingram

Relationship to Strategic Plan:

Strategic Operating Plan FY 2022

Goals 2027

Goal 1: Safe and Secure Community

- Objective 1.3 - Ensure low incidence of property and violent crime

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

- Objective 2.2 - Invest in community places to ensure revitalization and increase quality of life

Goal 4: Desirable Place to Live, Work and Recreate

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

Executive Summary:

30.2.C.14 Variance:

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

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

Background:

Owner: Orange St School Restoration & Historical Assoc, Inc.

Applicant: Anthony Ramsey

Requested Action: Increase maximum height for a fence

Zoning District: Community Commercial (CC)

Property Address: 600 Orange Street

Size: 1.2 acres ±

Existing Land Use: Educational building of historic significance under renovation

Surrounding Zoning and Land Uses

- North: CC - Vacant lot
- South: CC - Vacant commercial building
- East: CC - Railroad tracks and automotive repair business
- West: MR-5 - One single-family house and multiple vacant lots

Letters Mailed: 24

Issues/Analysis:

The subject property, The Orange Street School, is on 1.2 acres at 600 Orange Street. The Orange Street School was built in 1915 as a public school and is believed to be the oldest public education structure remaining in Fayetteville. The Orange Street School is a Local Historic Landmark and has received the required Certificate of Appropriateness for the work. The site is undergoing various site improvements including a new fence. The building was previously encompassed with a combination of wrought iron and chain link fencing. This fencing has been removed. The owner would like to enclose the site with a combination of 6-foot and 7-foot wrought iron fencing with 6.5-foot brick columns.

Section 30-5.D.4 of the City of Fayetteville's Unified Development Ordinance outlines the height limitations of fencing within the city. The UDO limits fencing in the front yard of individual developments to a maximum of 4 feet in height. However, the height may be increased to five feet when wrought iron or similar open-style fencing is used. The maximum height for fencing the corner side and rear yards is 6 feet.

If approved, the variance will result in a fence height increase from 5 feet to 6.5 feet in the front yard and from 6 feet to 7 feet around the remainder of the site.

Insufficient Justification for Variance

The following does not constitute grounds for a Variance:

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

Subsequent Development

The subject property is currently under restoration/renovation by the Orange Street School Restoration & Historical Association, Inc. The intent is to restore the school and then further develop the site into a commercial business.

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 application states "The request for this variance is to protect the property and public."

- 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 application states "Due to the neighborhood the vandalized and theft problem, this cause the land hardship."

- 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 application states "The fence will replace an old 6 ft fence with a 6.5 ft fence with brick columns."

- 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 application states "Black wrought iron fence will be with the same harmony the general purpose and intent."

- 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 application states the "fence will keep the public safe during all events."

Budget Impact:

There is no immediate budgetary impact.

Options:

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

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

If the members cannot find specific supporting facts under all five findings of fact, the members must consider a motion of denial. A motion of denial should

indicate which of the five (5) of the findings of fact cannot be met.

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

If a member wishes to make a motion to approve the variance they should make a brief statement that recaps the evidence showing each of the five findings of fact.

Any discussion by the Board following a motion may include a recap of the evidence supporting each of the five (5) factual findings.

Possible Motions and Factual Findings:

Motion to approve a variance for an increase in maximum fence height.

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:

Conduct Evidentiary Hearing

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**#1004610**

Project Title: 600 Orange st
Application Type: 5.4) Variance
Workflow: Staff Review

Jurisdiction: City of Fayetteville
State: NC
County: Cumberland

Project Location

Project Address or PIN: 600 ORANGE ST (0437586252000) **Zip Code:** 28301

GIS Verified Data**Property Owner: Parcel**

- 600 ORANGE ST: ORANGE ST SCHOOL RESTORATION & HISTORICAL ASSOC, INC

Acreage: Parcel

- 600 ORANGE ST: 1.2

Zoning District: Zoning District

- 600 ORANGE ST: CC

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

100 Year Flood: <100YearFlood>

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

500 Year Flood: <500YearFlood>

Variance Request Information**Requested Variances:** Height

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

Replace wrought iron fence with Brick columns. Higher than zoning code require.

Section of the City Code from which the variance is being requested.: 30-4.C.4. Commercial Uses

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

MR5 and CC

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 request for this variance is to protect the property and public. during the daily event.

Keep the property safe from be Vandalize. The variance will be in harmony with the general purpose and intent of this Ordinance and preserves its spirits.

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.:

Do to the neighborhood the vandalized and theft problem. This cause the land hardship.

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

The Fence will replace old 6 ft fence with a 6.5 ft. fence with Brick Columns

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

Black wrought iron Fence will be with the same harmony the general purpose and intent.

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

Fence will keep the puplic safe during all events.

Height of Sign Face : 6

Height of Sign Face: 6

Square Footage of Sign Face: 200

Square Footage of Sign Face: 200

Square Footage of Sign Face: 200

Square Footage of Sign Face: 200

Square Footage of Sign Face: 200

Square Footage of Sign Face: 200

Square Footage of Sign Face: 200

Height of Sign Face: 6

Square Footage of Sign Face : 200

Square Footage of Sign Face: 200

Square Footage of Sign Face: 200

Square Footage of Sign Face: 200

Square Footage of Sign Face: 200

Square Footage of Sign Face: 200

Primary Contact Information

Contractor's NC ID#:

Project Owner

Theolive Washington

orange St Shcool Restoration and Historical Assoc. Inc.

600 Orange St

Fayetteville, NC 28302
P:910 5786859
theolive1334@gmail.com

Project Contact - Primary Point of Contact for the Architect

Anthony Ramsey
City of Fayetteville
433 Hay St.
Fayetteville, NC 28301
P:9104331329
AnthonyRamsey@FayettevilleNC.gov

Project Contact - Agent/Representative

Anthony Ramsey
City of Fayetteville
433 Hay St.
Fayetteville, NC 28301
P:9104331329
AnthonyRamsey@FayettevilleNC.gov

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$30,000. :

NC State General Contractor's License Number:

NC State Mechanical Contractor's #1 License Number:

NC State Mechanical Contractor's #2 License Number:

NC State Mechanical Contractor's #3 License Number:

NC State Electrical Contractor #1 License Number:

NC State Electrical Contractor #2 License Number:

NC State Electrical Contractor #3 License Number:

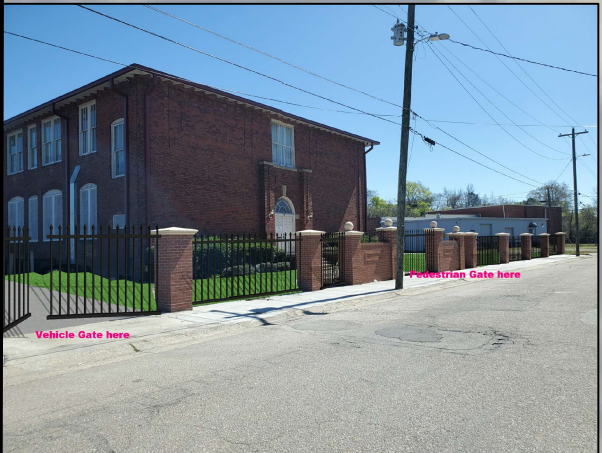
NC State Plumbing Contractor #1 License Number:

NC State Plumbing Contractor #2 License Number:

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



Proposed Ornamental Fencing around site with 2-12' vehicles gate

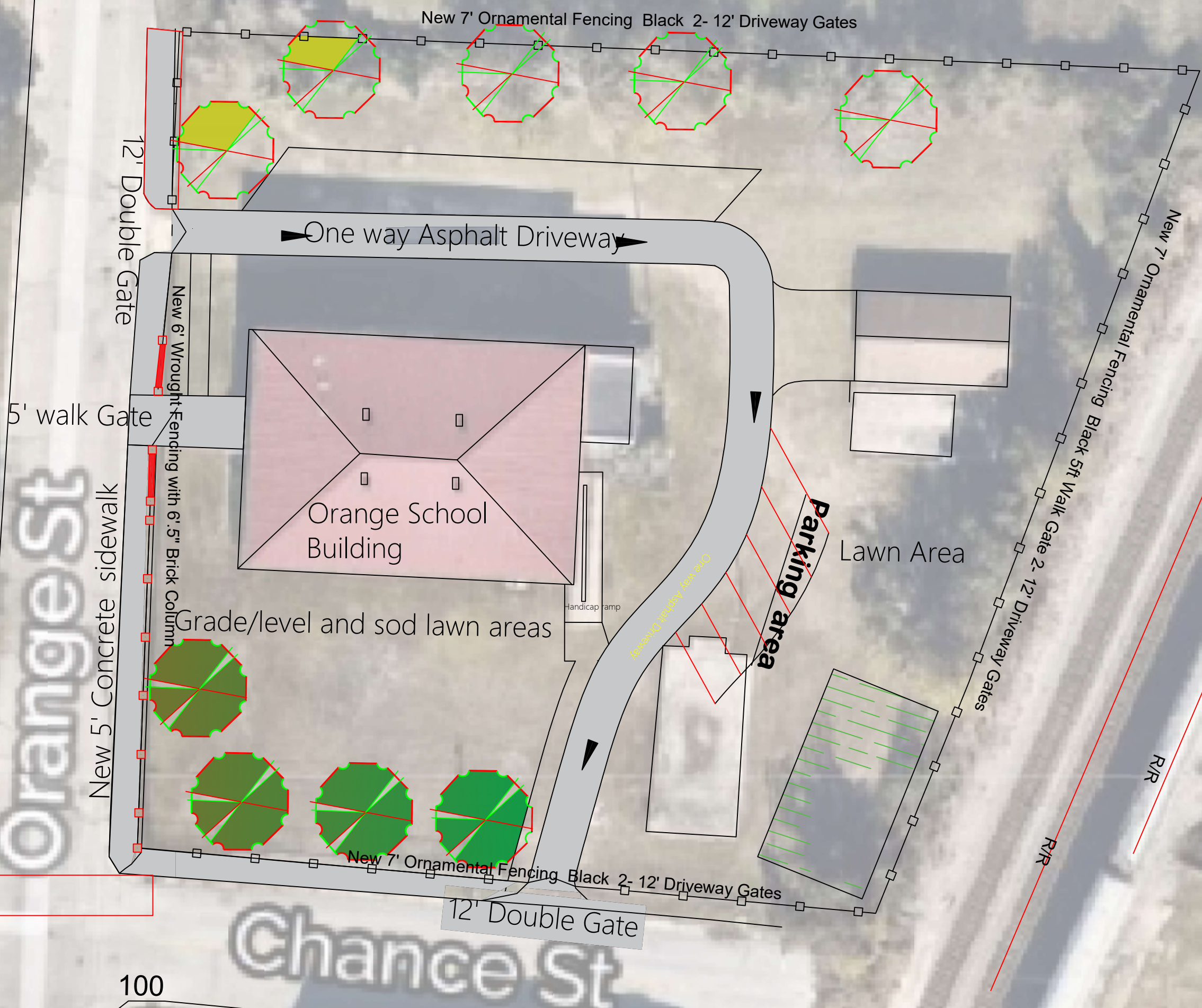


New 6' Wrought Fencing With 6'.5" brick Column



0 25 50
SCALE IN FEET

100



Orange Street Project Improvements FENCE IMPROVEMENT

AFFIDAVIT OF OWNERSHIP

Theodine Washington being duly sworn, deposes and says:

1. That I am the owner of the property/properties located at 600 Orange Street School in the City of Fayetteville, a political subdivision of the State of North Carolina.

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

3. This authority is only granted for the application to be submitted on 5-11-23.

Theodine Washington
Signature of Affiant

Signature of Affiant

Cumberland County, North Carolina

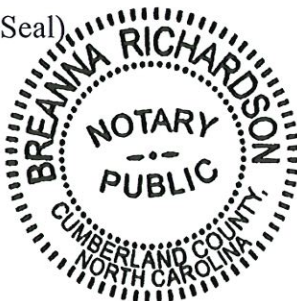
Sworn to and subscribed before me this day on the 11 day of May, 2023

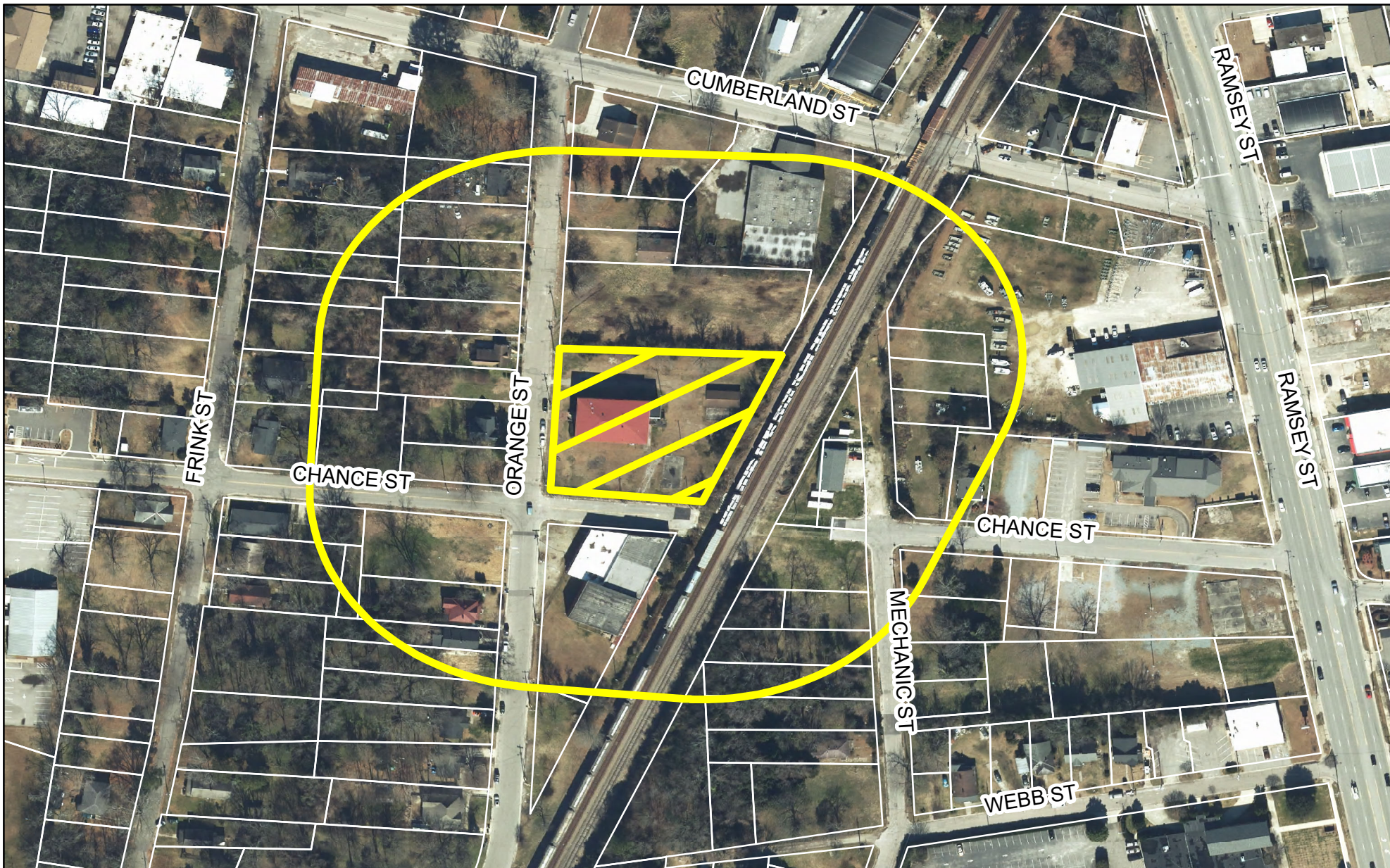
Breanna Richardson
Signature of Notary Public

Breanna Richardson, Notary Public
Printed Name of Notary Public

My Commission Expires: 10/30/2027

(Official Seal)







Aerial Notification Map

Case #: A23-22

Request: Variance
Fence

Location: 600 Orange Street

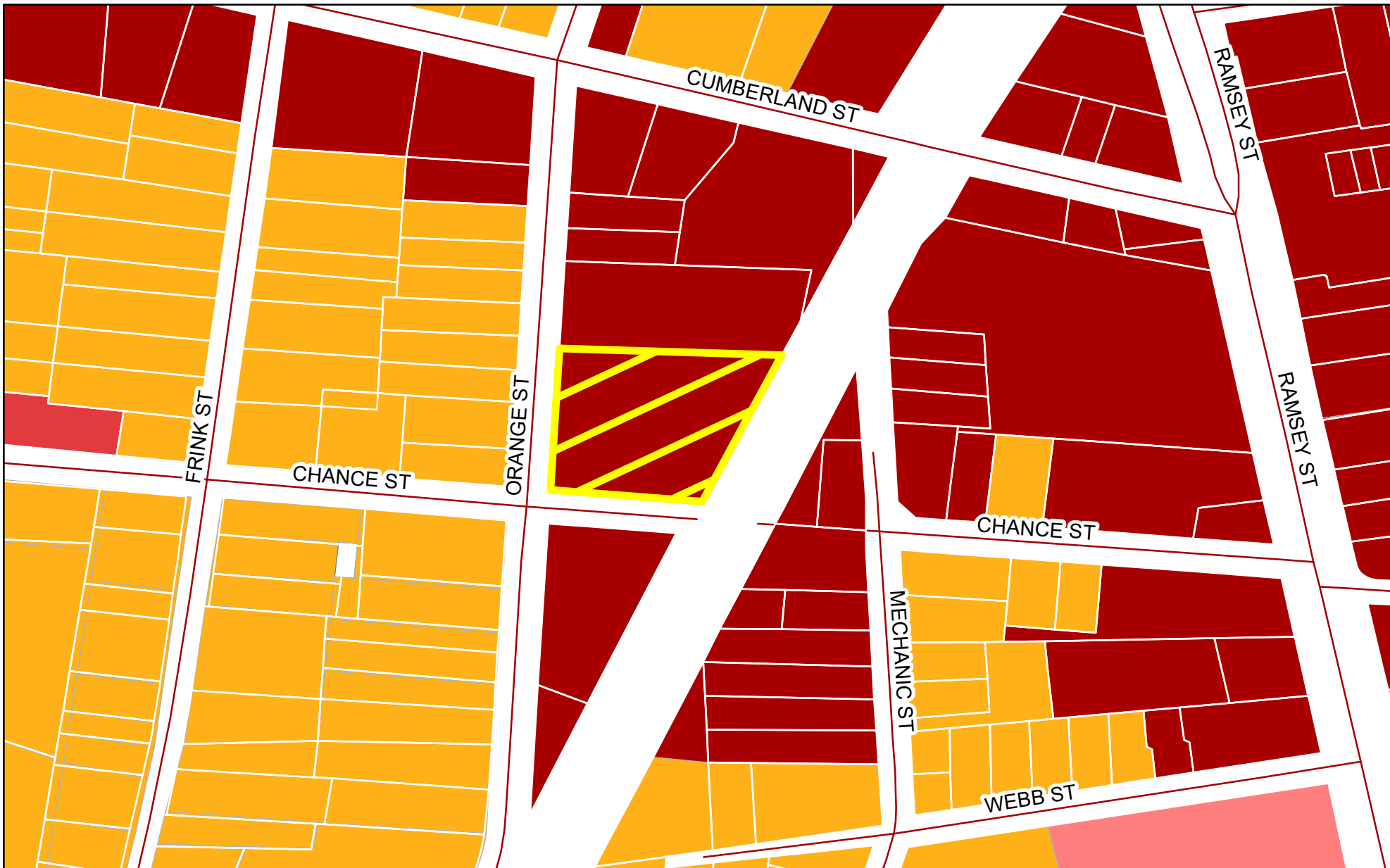
Legend

-  A23-22
-  A23-22 Notification Area



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











Zoning Map

Case #: A23-22

Request: Variance
Fence

Location: 600 Orange Street

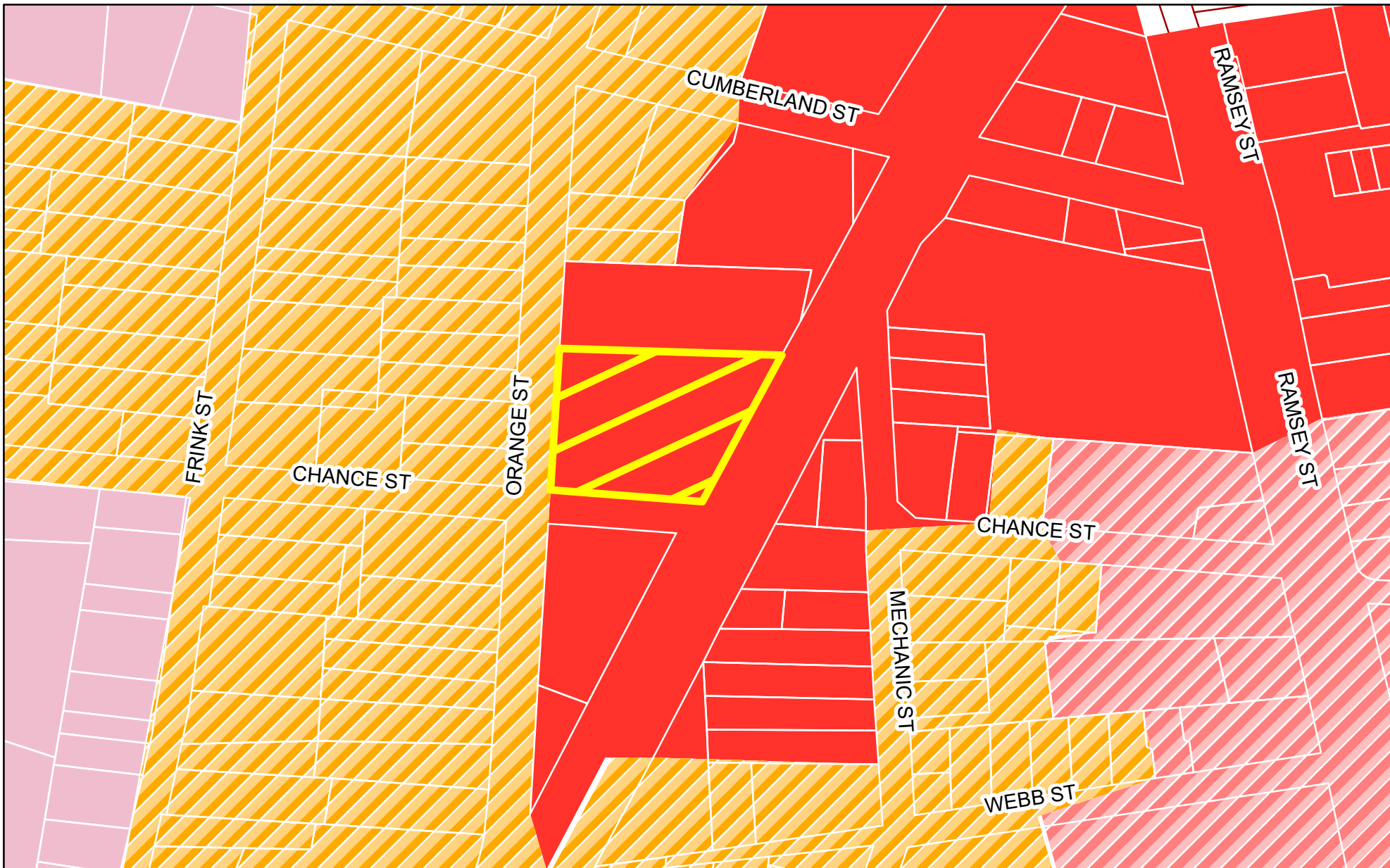
Legend

-  A23-22
-  CC - Community Commercial
-  LC - Limited Commercial
-  MR-5 - Mixed Residential 5
-  NC - Neighborhood Commercial
-  County



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





Land Use Map

Case #: A23-22

Request: Variance
Fence

Location: 600 Orange Street





Legend



A23-22

Land Use Plan 2040

Character Areas

-  NIR - NEIGHBORHOOD IMPROVEMENT
-  NMU - NEIGHBORHOOD MIXED USE
-  CSR - COMMERCIAL STRIP REDEVELOPMENT
-  HC - HIGHWAY COMMERCIAL



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

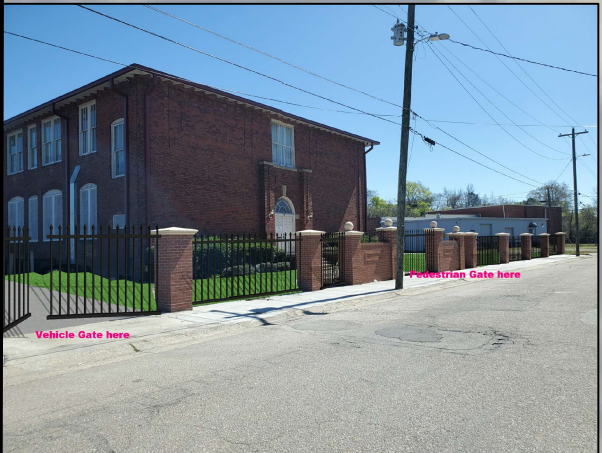








Proposed Ornamental Fencing
around site with 2-12' vehicles gate

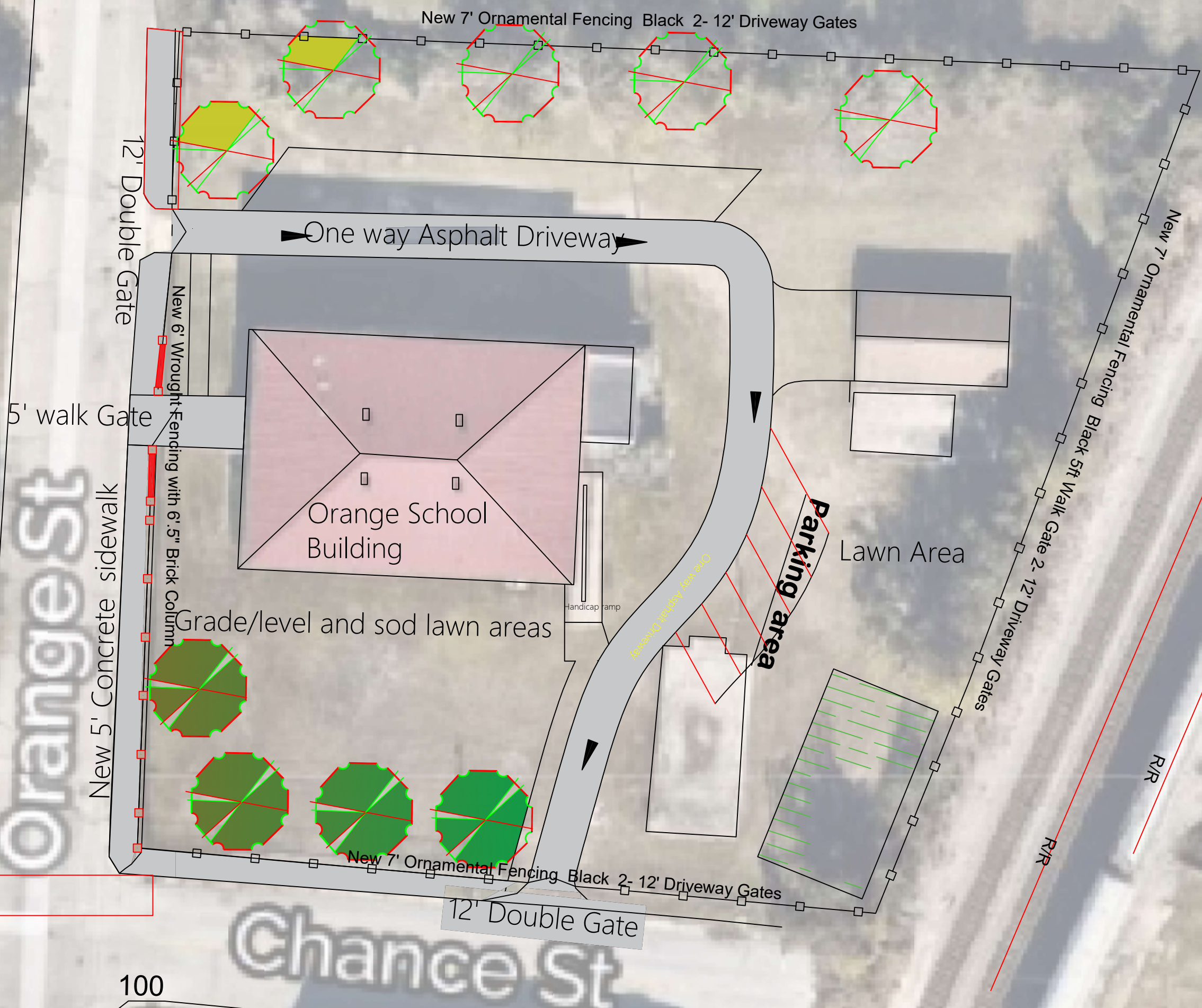


New 6' Wrought Fencing
With 6'.5" brick Column



0 25 50
SCALE IN FEET

100



Orange Street Project Improvements FENCE IMPROVEMENT



City of Fayetteville

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

City Council Action Memo

File Number: 23-3400

Agenda Date: 6/13/2023

Version: 1

Status: Agenda Ready

In Control: Zoning Commission

File Type: Evidentiary Hearing

Agenda Number: 4.02

TO: Zoning Commission

THRU: Will Deaton, AICP, CZO - Planning & Zoning Manager

FROM: Craig M. Harmon, CZO - Senior Planner

DATE: June 13, 2023

RE: A23-23. Variance to allow increases in the maximum lot coverage and

maximum size of accessory structures, located at 374 Valley Road (REID

#0427834026000), containing .75 acres ± and being the property of David W. & Molly H.

Alderman.

COUNCIL DISTRICT(S):

2 - Shakeyla Ingram

Relationship to Strategic Plan:

Strategic Operating Plan FY 2022

Goals 2027

Goal 4: Desirable Place to Live, Work and Recreate

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

Executive Summary:

30.2. C.14 Variance:

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

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

Background:

Applicant: Stephen Jackson

Owner: Wells and Molly Alderman

Architect: Charles Smith, Charles Smith Associates

Requested Action: Variance to allow increases in the maximum lot coverage and maximum size of accessory structures

Zoning District: Single Family 10 (SF-10)

Property Address: 374 Valley Road

Size: 0.75 acres ±

Existing Land Use: Single-family house

Surrounding Zoning and Land Uses

- North: SF-10 & 15 - Vacant & Single-family
- South: SF-10 & 15 - Single-family
- East: SF-10 - Single-family
- West: SF-15 - Single-family

Letters Mailed: 22

Issues/Analysis:

The property is .75 acres ± and is located at 374 Valley Road. A single-family house and garage are currently on the property, with a swimming pool under construction.

According to the application submitted, the owner is requesting variances to allow for the construction of a 540-square-foot cabana beside their pool. This is in addition to the 1,416-square-foot, 2-story garage that is already located on the property. The construction would consist of a concrete pad, a roof, and one wall. The other three sides will be open.

In 2021, a staff-initiated text amendment increased the permitted square footage of accessory structures on lots over an acre. This lot however is less than one acre and according to Section 30-3.D.3 NOTE 2 must meet the following size restrictions for an accessory structure.

“Accessory structures/use areas shall not exceed 25 percent of the allowable lot coverage.

However, with the exception noted in this footnote, accessory structures shall not exceed 1200 square feet in size, and any accessory structure with a footprint over 700 square feet must be set back an additional 5 feet from any lot line. When the accessory structure is adjacent to a business zoning district the additional setback requirement shall not apply and the only size limitation is the 25 percent of the allowed building coverage. Notwithstanding the foregoing, accessory uses/structures on lots of at least one acre and that exceed the maximize size above shall comply with the footprint and setback requirements of Section 30-4.D.3.w, Accessory uses/structures on large residential lots.”

According to this same section of the UDO (30-3.D.3), lot coverage is limited to a maximum 30% of the lot area. While it does not appear that the proposed use will cause the lot to exceed this 30% maximum, the applicant has included it in their request as a precaution.

The current request creates a total of 1,956 square feet of accessory structures. This exceeds the square footage allowed by the UDO by 756 square feet.

Insufficient Justification for Variance

The following does not constitute grounds for a Variance:

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

Subsequent Development

The minimum lot size for the SF-10 zoning district is 10,000 square feet. This lot is .75 acres +/-

-, which is 3 times the minimum lot size in this zoning district.

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:

"We have a 5,400 square foot house and a 1,416 square foot 2 story garage. The variance request is not to build another structure as such but a cabana beside a pool. The construction would consist of a concrete pad, a roof, and one wall. The other three sides will be open."

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

The applicant states:

"The practical difficulty in this case is that a cabana as described earlier, should not be considered a structure. It is not an enclosed space. "

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:

"With the installation of a pool for the enjoyment of our three young children and extended family, we would also like to have a shaded area we they can supervise and enjoy our children out of the sun. It is also reasonable in that it allows our more sun-sensitive parents a space to comfortably enjoy family times."

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:

"The Ordinance should not only be a guide for development but also a protection of the right of property owners to reasonably enjoy the investment(s) they make in their home and property. The spirit of the ordinance is also to enhance the quality of life for citizens"

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

The applicant states:

"If the variance is denied, it will be an injustice to our family as most of the homes in this neighborhood with detached structures do not conform to the current ordinance as they were built before the current limitations on accessory structures were adopted."

"Granting or not granting this variance is not going to affect the public at all. It will only determine whether we as homeowners can provide the most enjoyable

recreation space for our family possible on our own property.”

Budget Impact:

There is no immediate budgetary impact.

Options:

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

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

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

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

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

Possible Motions and Factual Findings:

Motion to allow increases in the maximum lot coverage and maximum size of accessory structures.

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 to allow increases in the maximum lot coverage and maximum size of accessory structures.

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(s) to allow increases in the maximum lot coverage and maximum size of accessory structures.

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:

Conduct Evidentiary Hearing

Attachments:

1. Application
2. Aerial Notification Map
3. Zoning Map
4. Land Use Map
5. Subject Property Photos
6. Surrounding Property Photos
7. 374 Valley Site Plan
8. Elevation Base
9. Floor Plan
10. Variance Questions - 374 Valley Road
11. 30-3.D.3 - Single-Family Residential 10 (SF-10) District

Project Overview**#1011067****Project Title:** 374 Valley Road Fayetteville, NC 28305**Jurisdiction:** City of Fayetteville**Application Type:** 5.4) Variance**State:** NC**Workflow:** Staff Review**County:** Cumberland**Project Location****Project Address or PIN:** 374 VALLEY RD (0427834026000)**Zip Code:** 28305**GIS Verified Data****Property Owner: Parcel**

- 374 VALLEY RD: ALDERMAN, DAVID WELLS IV;ALDERMAN, MOLLY H

Acreage: Parcel

- 374 VALLEY RD: 0.75

Zoning District: Zoning District

- 374 VALLEY RD: SF-10

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

Exceeding maximum lot coverage for new pool house

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

SF-10

Exceeding maximum Size Accessory Structures

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.:

Need lot coverage variance for pool house

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

The lot coverage variance will meet all setbacks

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

The variance will meet all setbacks and allow for a pool house

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

The variance will meet all codes and setbacks

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

It meets all the codes required by Fayetteville NC Development

Height of Sign Face : 16

Height of Sign Face: 16

Square Footage of Sign Face: 540

Square Footage of Sign Face: 540

Square Footage of Sign Face: 540

Square Footage of Sign Face: 540

Square Footage of Sign Face: 540

Square Footage of Sign Face: 540

Square Footage of Sign Face: 540

Height of Sign Face: 16

Square Footage of Sign Face : 540

Square Footage of Sign Face: 540

Square Footage of Sign Face: 540

Square Footage of Sign Face: 540

Square Footage of Sign Face: 540

Square Footage of Sign Face: 540

Primary Contact Information

Contractor's NC ID#:

Project Owner

Wells and Molly Alderman

374 Valley Road

Fayetteville, NC 28305

P:910-739-0405

wells@agresidentialnc.com

Project Contact - Agent/Representative

Wells and Molly Alderman

374 Valley Road
Fayetteville, NC 28305
P:910-739-0405
wells@agresidentialnc.com

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$30,000. :

NC State General Contractor's License Number:

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

Project Contact - Primary Point of Contact for the Architect

Charles Smith
Charles Smith Associates
907 S. McPherson Church Road
Fayetteville, NC 28303
P:910-484-5924
csassociates@nc.rr.com

NC State Mechanical Contractor's #1 License Number:

NC State Mechanical Contractor's #2 License Number:

NC State Mechanical Contractor's #3 License Number:

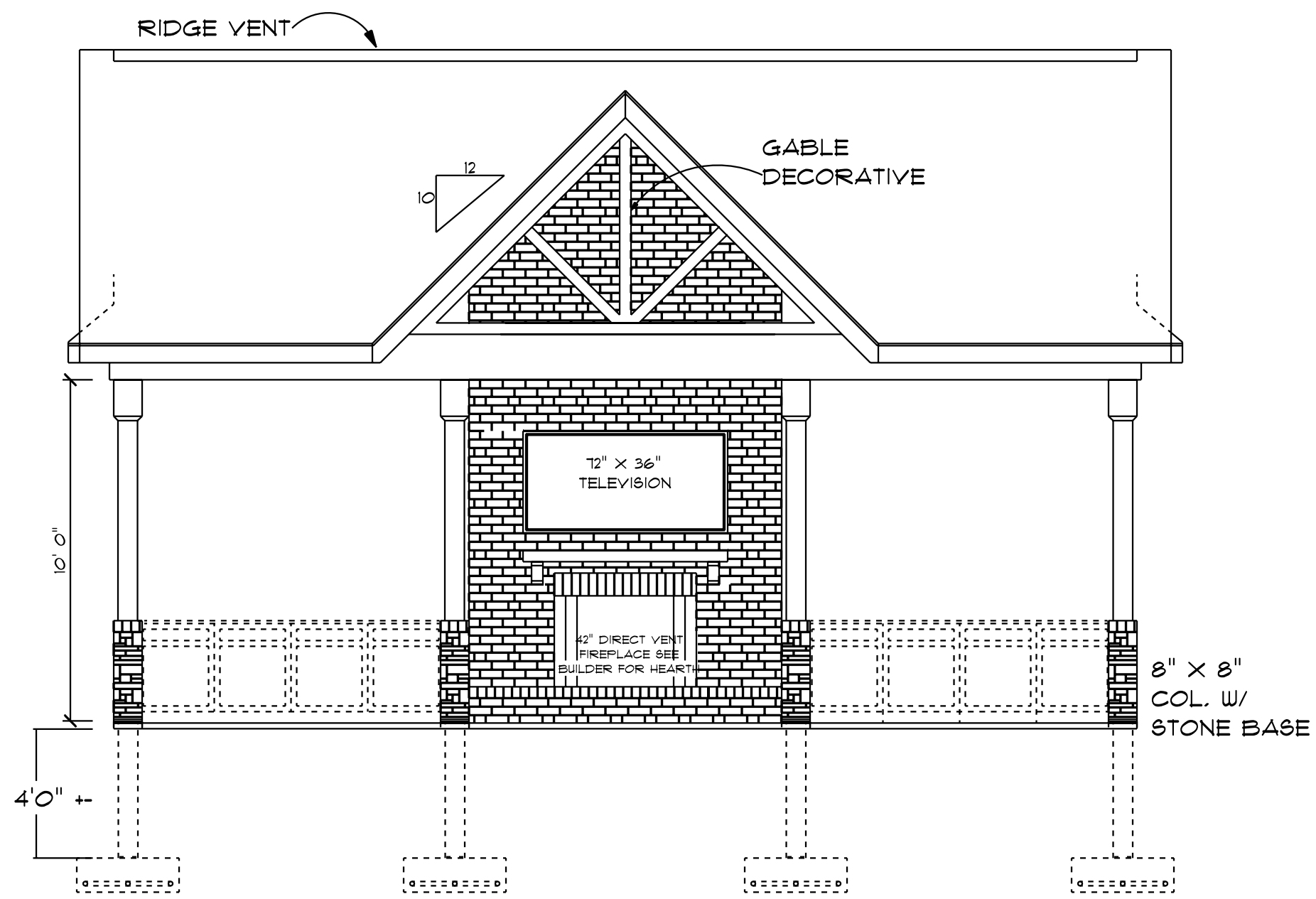
NC State Electrical Contractor #1 License Number:

NC State Electrical Contractor #2 License Number:

NC State Electrical Contractor #3 License Number:

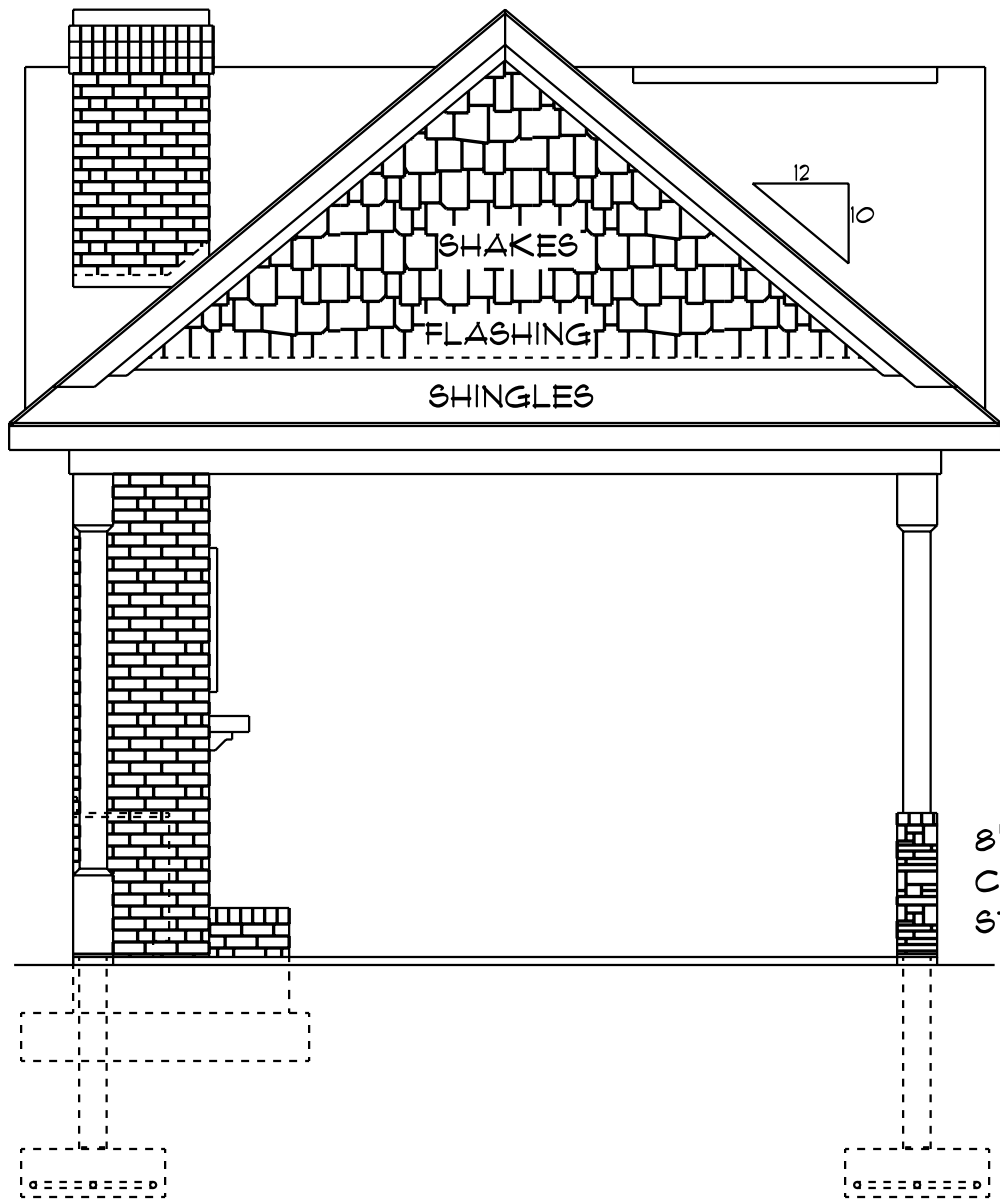
NC State Plumbing Contractor #1 License Number:

NC State Plumbing Contractor #2 License Number:



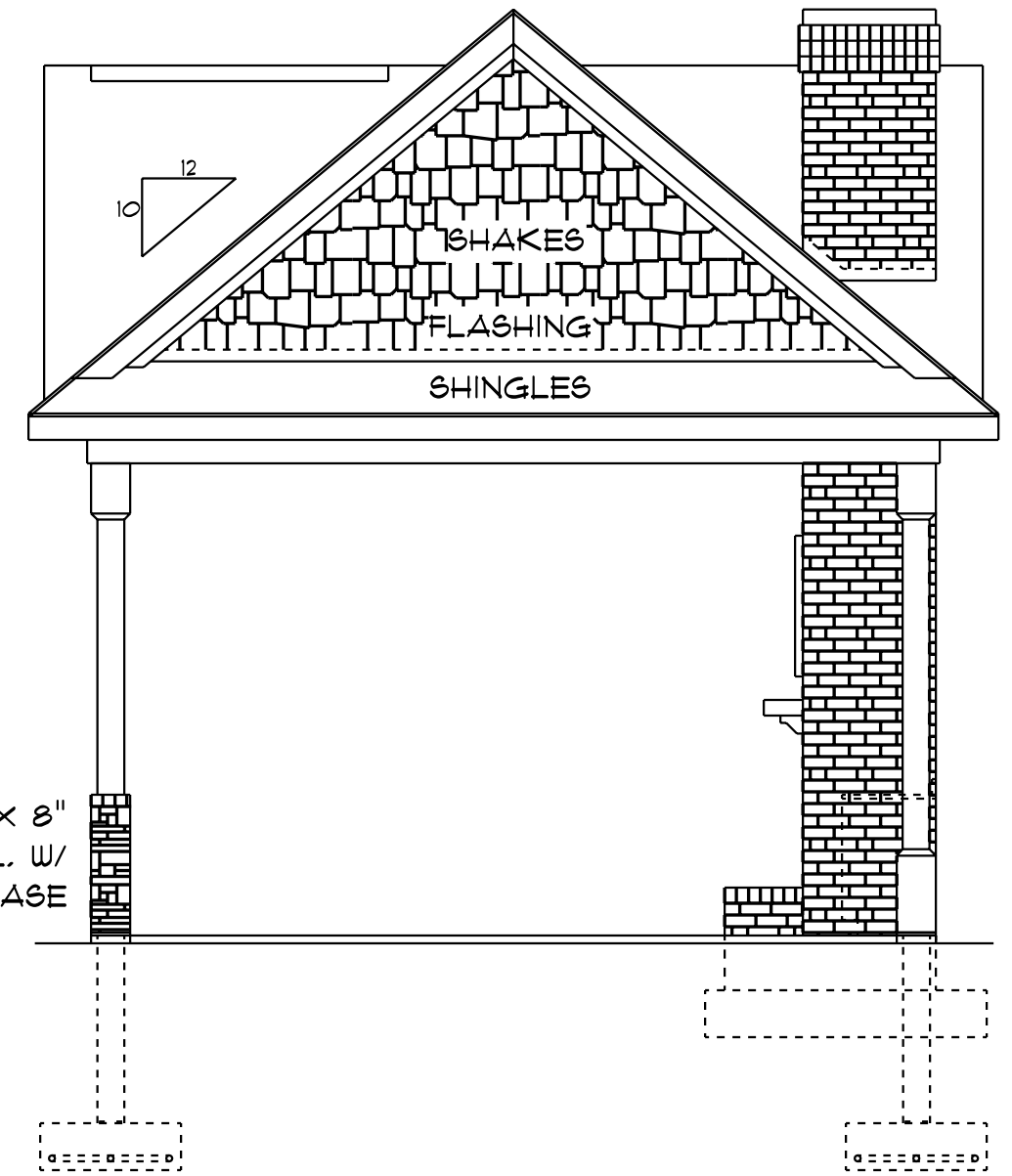
FRONT ELEVATION

SCALE: 1/4" = 1'0"



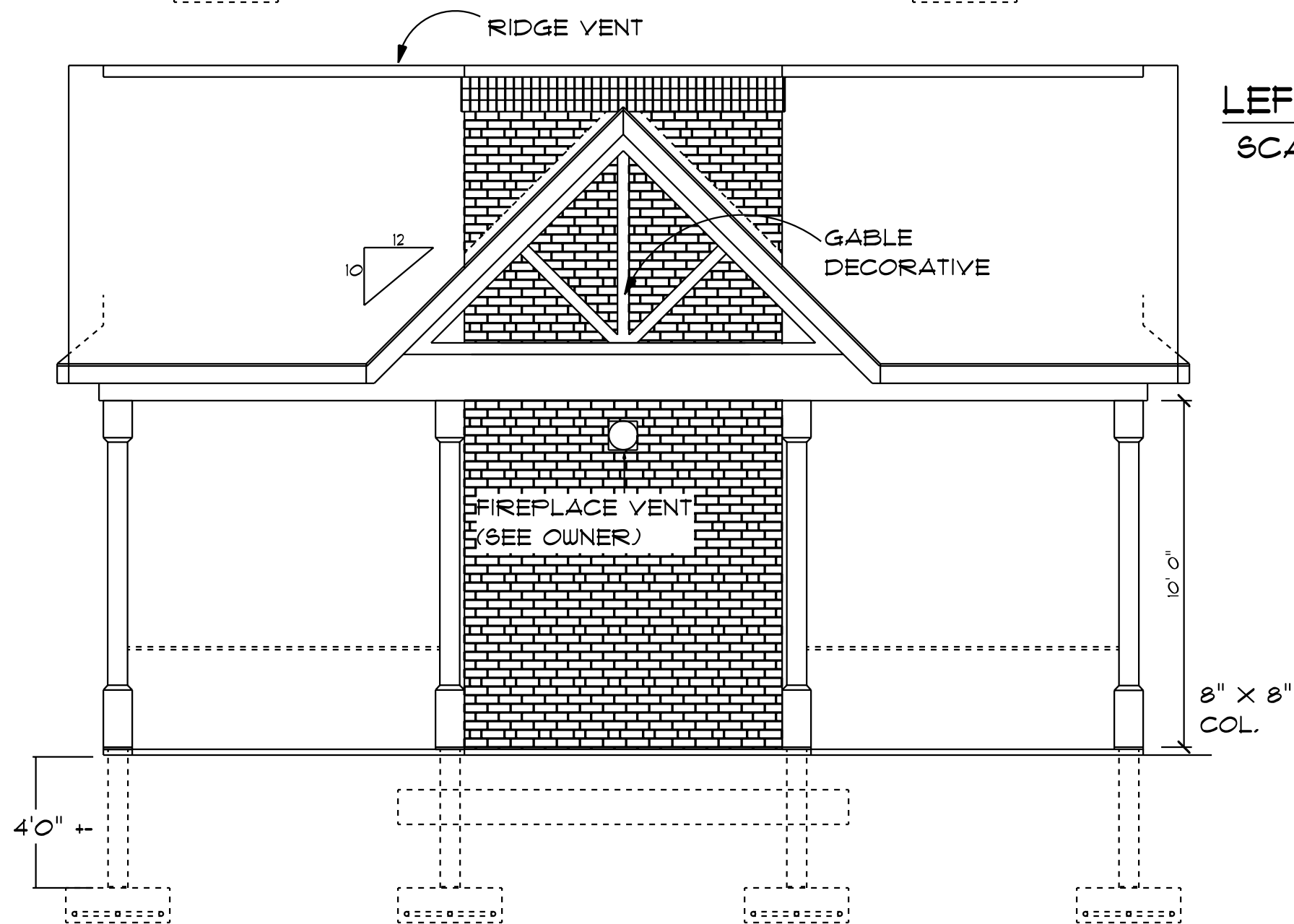
RIGHT ELEVATION

SCALE: 1/4" = 1'0"



LEFT ELEVATION

SCALE: 1/4" = 1'0"



REAR ELEVATION

SCALE: 1/4" = 1'0"

540 S/F TOTAL AREA

"I DO HEREBY CERTIFY THAT THIS DRAWING OR PLAN AND RELATED SPECIFICAT
MEET ALL LOCAL REQUIREMENTS AND ARE IN SUBSTANTIAL CONFORMITY WITH VA
MINIMUM PROPERTY REQUIREMENTS INCLUDING THE ENERGY CONSERVATION STAND
OF THE 1992 COUNCIL OF AMERICAN BUILDING OFFICIALS (CABO) MODEL ENERGY

CHARLES SMITH ASSOCIATES
© copyright 2023

SCALE: AS NOTED

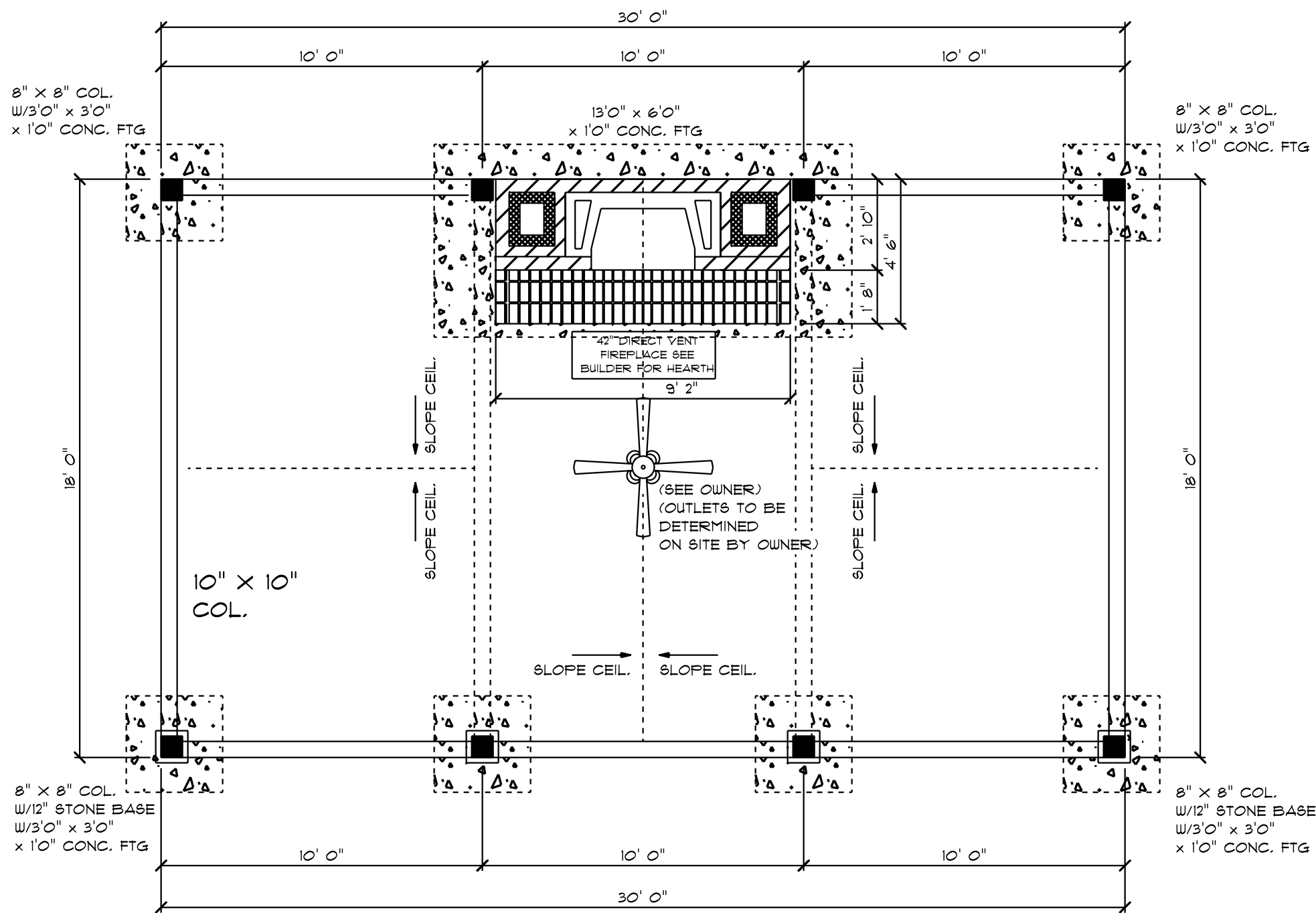
DATE: FEB. 2023

DRAWN BY: ECL

CHARLES SMITH ASSOC.
RESIDENTIAL DESIGNER
FAYETTEVILLE, NC
PHONE: (910) - 484 - 5924
WWW.CSAPLANS.COM

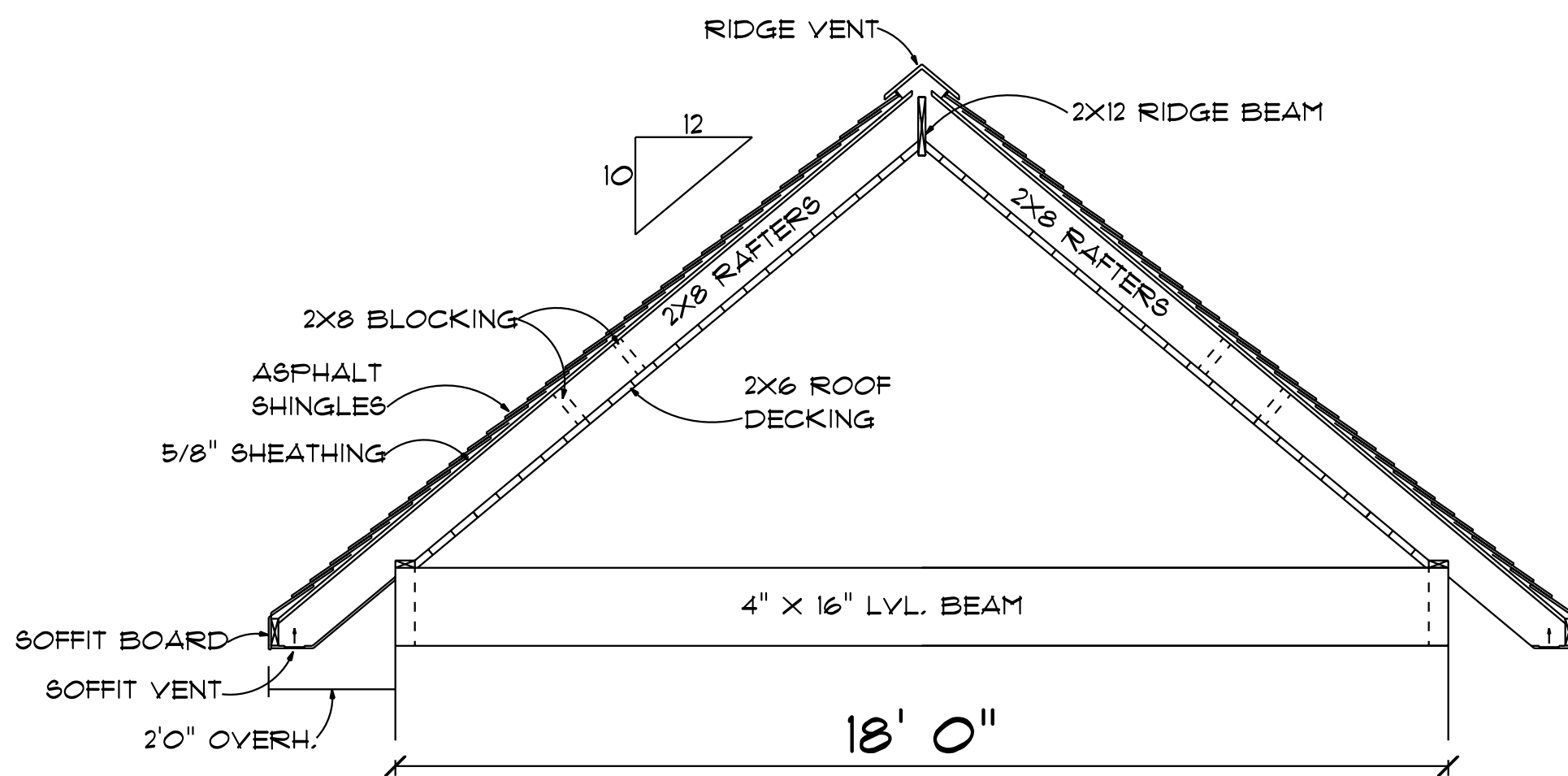
**PROPERTY OF
WELLS & MOLLY ALDERMAN**

WMA-540



FLOOR PLAN/FOUNDATION

SCALE: 1/4" = 1'0"



ROOF DETAIL

NO SCALE

540 S/F TOTAL AREA

"I DO HEREBY CERTIFY THAT THIS DRAWING OR PLAN AND RELATED SPECIFICAT MEET ALL LOCAL REQUIREMENTS AND ARE IN SUBSTANTIAL CONFORMITY WITH VA MINIMUM PROPERTY REQUIREMENTS INCLUDING THE ENERGY CONSERVATION STAND OF THE 1992 COUNCIL OF AMERICAN BUILDING OFFICIALS (CABO) MODEL ENERGY

CHARLES SMITH ASSOCIATES
© copyright 2023

SCALE: AS NOTED

DATE: FEB. 2023

DRAWN BY: ECL

CHARLES SMITH ASSOC.
RESIDENTIAL DESIGNER
FAYETTEVILLE, NC
PHONE: (910) - 484 - 5924
WWW.CSAPLANS.COM

PROPERTY OF
WELLS & MOLLY ALDERMAN

WMA-540



Affidavit of Workers' Compensation Coverage
(N.C.G.S. Chapter 97)

FOR PROJECTS OF \$30,000 OR MORE

The undersigned applicant for the job located at 394 Valley Road, being the:

☒ Contractor
☐ Owner
☐ Officer/Agent of the Contractor or Owner

does hereby aver/affirm under penalties of perjury that the person(s), firm(s), or corporation(s) performing the work set forth in the permit:

N.C.G.S. Chapter 97

☒ has/have three (3) or more employees and have obtained workers' compensation insurance to cover them while working on the project for which this permit is sought.

☐ has/have one or more sub-contractor(s) and has obtained workers' compensation insurance covering them while working on the project for which this permit is sought.

☐ has/have one or more sub-contractor(s), who has/have no employees and has waived, in writing, their right to coverage by their right to coverage by their contractor or have their own policy of workers compensation covering themselves while working on the project for which this permit is sought.

☐ has/have not more than two (2) employees and no subcontractors while working on the project for which this permit is sought.

It is understood that the Development Services Department issuing the permit may require certificates of coverage and/or waivers of workers' compensation insurance coverage or copies of other license and taxes prior to issuance of the permit and at any time during the permitted work form any person, firm or corporation carrying out the work.

Firm Name: TAYLOR, Inc. DBA Greenstate LANDSCAPING
Print: ROGER TAYLOR Signature: Roger Taylor
Title: Sec. / Treasurer Date: 4/25/2023


DO NOT REMOVE!

Details: Appointment of Lien Agent

Entry #: 1905370

Filed on: 04/25/2023

Initially filed by: Myra

Designated Lien Agent	Project Property	Print & Post
<p>Chicago Title Company, LLC</p> <p>Online: www.liensnc.com (http://www.liensnc.com)</p> <p>Address: 223 S. West Street, Suite 900 / Raleigh, NC 27603</p> <p>Phone: 888-690-7384</p> <p>Fax: 913-489-5231</p> <p>Email: support@liensnc.com (mailto:support@liensnc.com)</p>	<p>374 Valley Road Fayetteville, NC 28305 Cumberland County</p> <p>Property Type</p> <p>1-2 Family Dwelling</p>	 <p>Contractors: Please post this notice on the Job Site.</p> <p>Suppliers and Subcontractors: Scan this image with your smart phone to view this filing. You can then file a Notice to Lien Agent for this project.</p>
Owner Information	Date of First Furnishing	
<p>Wells Alderman 374 Valley Road Fayetteville, NC 28305 United States Email: greenstate@ncrbiz.com Phone: 910-739-0405</p>	<p>04/25/2023</p>	

View Comments (0)

Technical Support Hotline: (888) 690-7384



Affidavit of Workers' Compensation Coverage
(N.C.G.S. Chapter 97)

FOR PROJECTS OF \$30,000 OR MORE

The undersigned applicant for the job located at 394 Valley Road, being the:

☒ Contractor
☐ Owner
☐ Officer/Agent of the Contractor or Owner

does hereby aver/affirm under penalties of perjury that the person(s), firm(s), or corporation(s) performing the work set forth in the permit:

N.C.G.S. Chapter 97

☒ has/have three (3) or more employees and have obtained workers' compensation insurance to cover them while working on the project for which this permit is sought.

☐ has/have one or more sub-contractor(s) and has obtained workers' compensation insurance covering them while working on the project for which this permit is sought.

☐ has/have one or more sub-contractor(s), who has/have no employees and has waived, in writing, their right to coverage by their right to coverage by their contractor or have their own policy of workers compensation covering themselves while working on the project for which this permit is sought.

☐ has/have not more than two (2) employees and no subcontractors while working on the project for which this permit is sought.

It is understood that the Development Services Department issuing the permit may require certificates of coverage and/or waivers of workers' compensation insurance coverage or copies of other license and taxes prior to issuance of the permit and at any time during the permitted work form any person, firm or corporation carrying out the work.

Firm Name: TAYLOR, Inc. DBA Greenstate LANDSCAPING
Print: ROGER TAYLOR Signature: Roger Taylor
Title: Sec. / Treasurer Date: 4/25/2023


DO NOT REMOVE!

Details: Appointment of Lien Agent

Entry #: 1905370

Filed on: 04/25/2023

Initially filed by: Myra

Designated Lien Agent	Project Property	Print & Post
<p>Chicago Title Company, LLC</p> <p>Online: www.liensnc.com (http://www.liensnc.com)</p> <p>Address: 223 S. West Street, Suite 900 / Raleigh, NC 27603</p> <p>Phone: 888-690-7384</p> <p>Fax: 913-489-5231</p> <p>Email: support@liensnc.com (mailto:support@liensnc.com)</p>	<p>374 Valley Road Fayetteville, NC 28305 Cumberland County</p> <p>Property Type</p> <p>1-2 Family Dwelling</p>	 <p>Contractors: Please post this notice on the Job Site.</p> <p>Suppliers and Subcontractors: Scan this image with your smart phone to view this filing. You can then file a Notice to Lien Agent for this project.</p>
Owner Information	Date of First Furnishing	
<p>Wells Alderman 374 Valley Road Fayetteville, NC 28305 United States Email: greenstate@ncrbiz.com Phone: 910-739-0405</p>	<p>04/25/2023</p>	

[View Comments \(0\)](#)

Technical Support Hotline: (888) 690-7384

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; ~~and~~
 - We have a 5400 square feet house and a 1416 square feet 2 story garage. The variance request is not to build another structure as such but a cabana beside a pool. The construction would consist of a concrete pad, a roof and one wall. The other three sides will be open.
2. 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; ~~and~~
 - The practical difficulty in this case is that a cabana as described earlier, should not be considered a structure. It is not an enclosed space.
3. The Variance is the minimum action that will make possible a reasonable use of land or structures; ~~and~~
 - With the installation of a pool for the enjoyment of our three young children and extended family, we would also like to have a shaded area we they can supervise and enjoy our children out of the sun. It is also reasonable in that it allows our more sun-sensitive parents a space to comfortably enjoy family times.
4. The Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit; ~~and~~
 - The Ordinance should not only be a guide for development but also a protection of the right of property owners to reasonably enjoy the investment(s) they make in their home and property. The spirit of the ordinance is also to enhance the quality of life for citizens.
5. In the granting of the Variance, the public safety and welfare have been assured and substantial justice has been done.
 - If the variance is denied, it will be an injustice to our family as most of the homes in this neighborhood with detached structures do not conform to the current ordinance as they were built before the current limitations on accessory structures was adopted.
 - Granting or not granting this variance is not going to affect the public at all. It will only determine whether we as homeowners can provide the most enjoyable recreation space for our family possible on our own property.

PART II - CODE OF ORDINANCES

CHAPTER 30 – UNIFIED DEVELOPMENT ORDINANCE

Article 30-3: Zoning Districts

30-3.D. Residential Base Zoning Districts

30-3.D.3. Single-Family Residential 10 (SF-10) District

SF-10 SINGLE-FAMILY RESIDENTIAL 10 DISTRICT	PURPOSE				
	The Single-Family Residential 10 (SF-10) District is established to accommodate principally single-family detached residential development at low densities, and to accommodate flexibly-designed residential development that provides variable housing types and arrangements that respond to environmental and site conditions. Uses within the district are subject to the design standards in Article 30-5 : Development Standards. The district accommodates two- to four-family dwellings designed to appear as single-family detached homes and zero lot line development subject to the requirements of this Ordinance. District regulations discourage any use that substantially interferes with the development of single-family dwellings and that is detrimental to the quiet residential nature of the district. Also allowed are complementary uses usually found in residential zoning districts, such as parks, open space, minor utilities, accessory dwellings of up to 800 square feet in size, schools, and places of worship.				
DIMENSIONAL STANDARDS					
DIMENSIONAL STANDARD	SINGLE- FAMILY DETACHED DWELLINGS	SINGLE- FAMILY ATTACHED DWELLINGS	TWO- TO FOUR- FAMILY DWELLINGS	ALL OTHER PRINCIPAL USES	ACCESSORY STRUCTURES
Lot area per unit, min. (sq. ft.)	10,000	9,000	7,500	10,000	n/a
Lot width, min. (ft.)	75				n/a
Lot coverage, max. (% of lot area)	30				[2]
Height, max. (ft.)	35				25; 15 where abutting a single- family district or use and the setback is less than 10'
Front and corner side setback, min. (ft.)	30 feet or 55 feet from centerline of private streets				Not allowed in front, side, or corner side setbacks
Side setback, min. (ft.)	10				

Rear setback, min. (ft.)	35; 20' when corner side setback is 30' or more		5
Spacing between buildings, min. (ft.)	n/a	20	5
Zero lot line development standards	Zero lot line development shall comply with the maximum gross residential density standards. Setbacks and lot area for lots abutting the perimeter of the development shall meet the district minimums; otherwise no setbacks, lot area, lot coverage, or building spacing requirements shall apply. [4]		

NOTES:

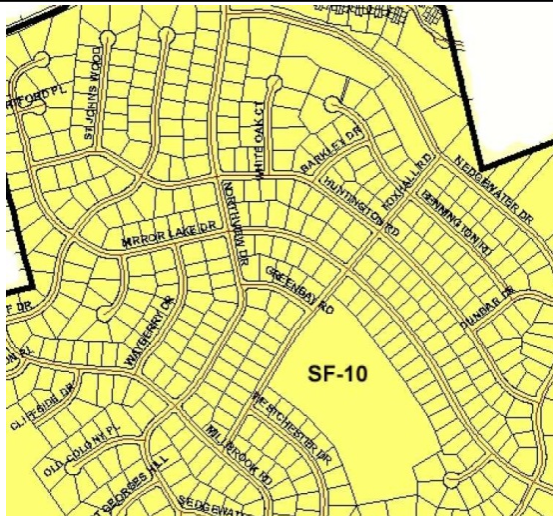
[1] [Reserved].

[2] Accessory structures/use areas shall not exceed 25 percent of the allowable lot coverage. However, with the exception noted in this footnote, accessory structures shall not exceed 1200 square feet in size, and any accessory structure with a footprint over 700 square feet must be set back an additional 5 feet from any lot line. When the accessory structure is adjacent to a business zoning district the additional setback requirement shall not apply and the only size limitation is the 25 percent of the allowed building coverage. Notwithstanding the foregoing, accessory uses/structures on lots of at least one acre and that exceed the maximize size above shall comply with the footprint and setback requirements of Section 30-4.D.3.w, Accessory uses/structures on large residential lots.

[3] [Reserved.]

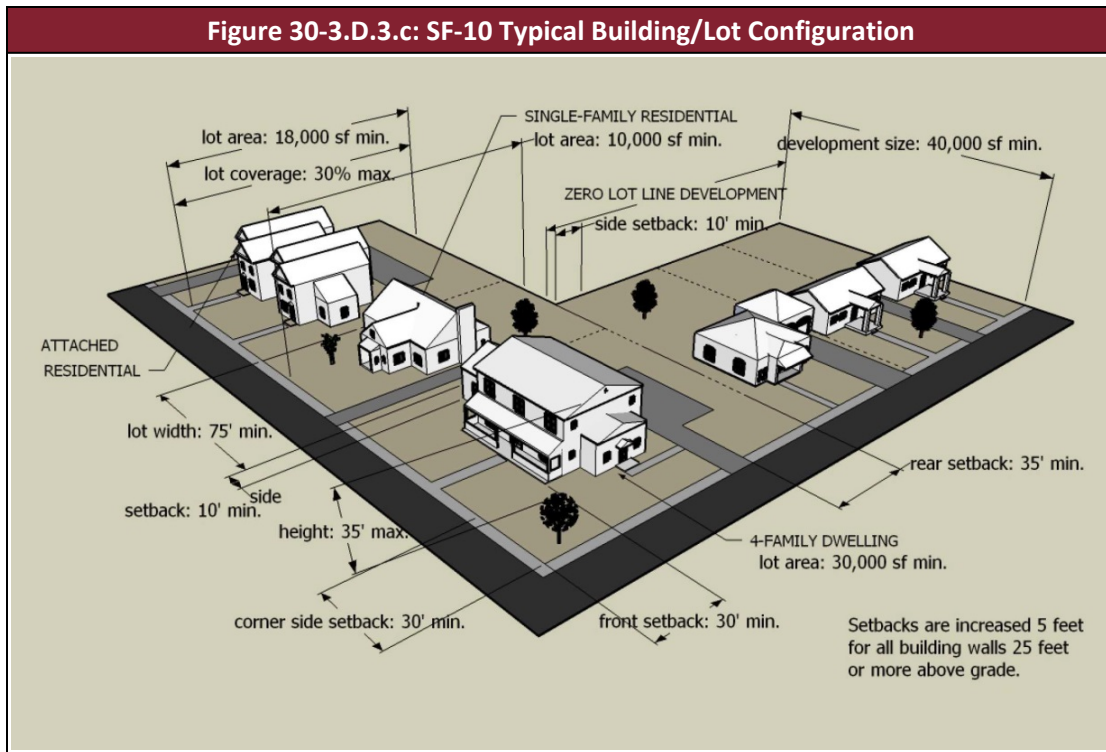
[4] Zero lot line development is subject to standards in Section 30-3.B.2 and, on a tract or site of three acres in area or less may require approval of a Neighborhood Compatibility Permit (see Section 30-2.C.21 Neighborhood Compatibility Permit).

**Figure 30-3.D.3.a:
SF-10 Typical Lot Pattern**



**Figure 30-3.D.3.b:
SF-10 Typical Building Form**





(Ord. No. S2011-014, § 1.2, 11-28-2011; Ord. No. S2012-001, Pt. 3, § 3.1, 1-23-2012; Ord. No. S2012-025, § 9, 11-13-2012; Ord. No. S2014-015, § 5, 8-11-2014; Ord. No. S2014-005, § 3, 1-27-2014; Ord. No. S2014-015, § 5, 8-11-2014; Ord. No. S2015-008, § 4, 8-10-2015; Ord. No. S2021-038, § 2, 10/25/2021; Ord. No. S2023-016, § 1, 03/23/2023)

Effective on: 8/10/2015



Aerial Notification Map

A23-23

Request: Variance

Address: 374 Valley Rd

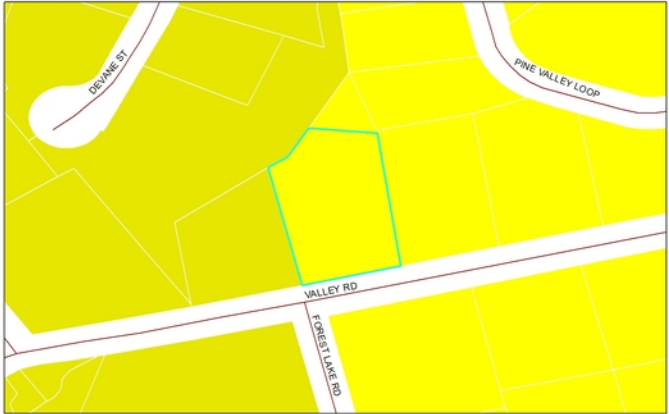
Legend

-  300' Notification Area
-  Parcels



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





Zoning Map

A23-23

Request: Variance

Address: 374 Valley Rd

Legend

- SF-10 - Single-Family Residential 10
- SF-15 - Single-Family Residential 15



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





Land Use Plan Map

A23-23

Request: Variance

Address: 374 Valley Rd

Legend

 Parcels

Future Land Use 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.





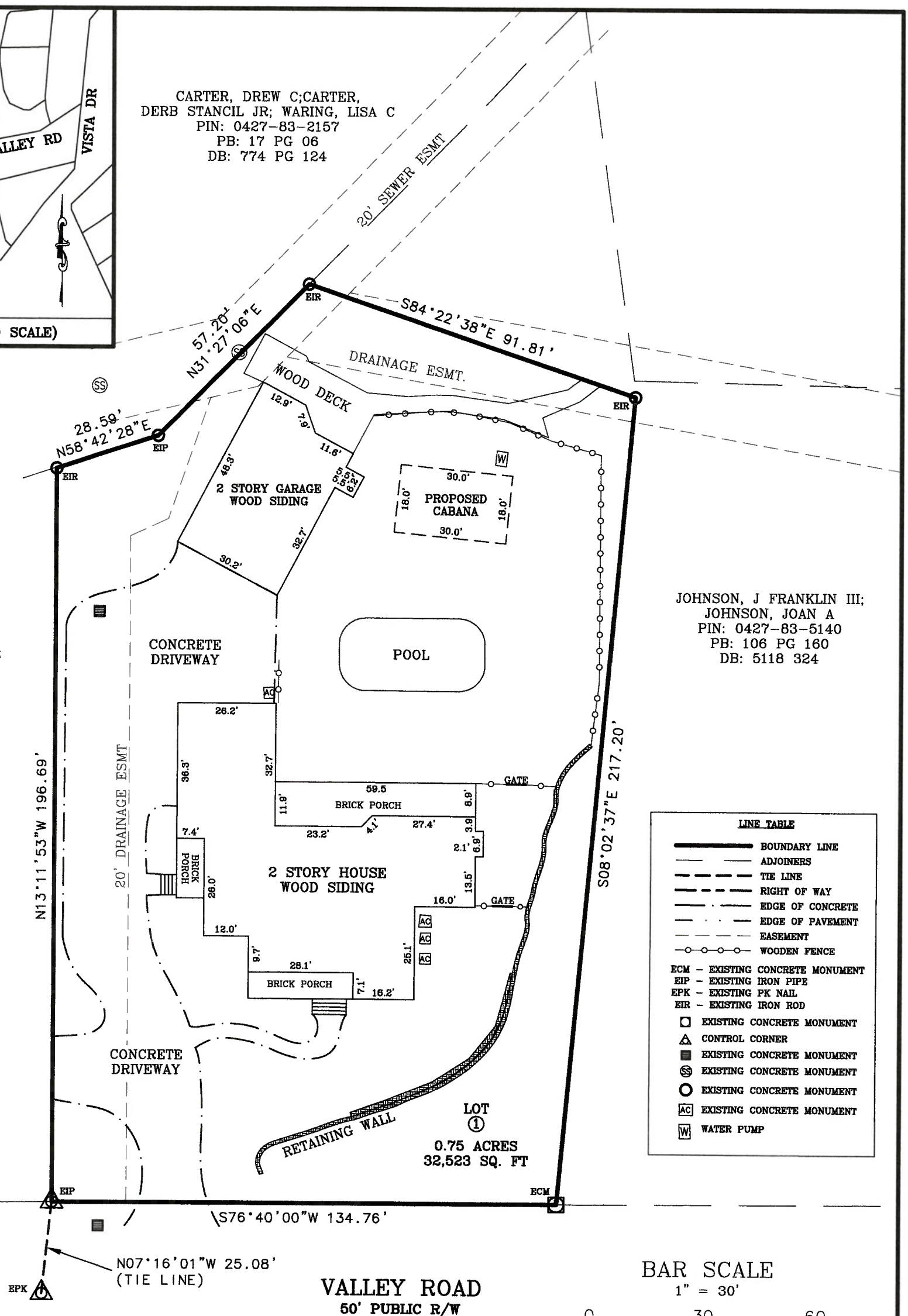
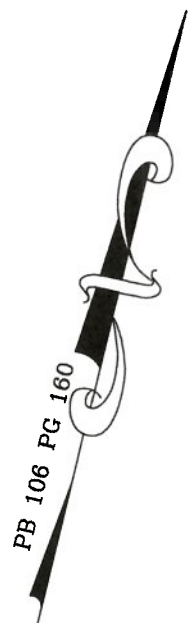
Surrounding Properties



VICINITY MAP (NOT TO SCALE)

MORFESIS, F ANDREW;
MORFESIS, GAIL
PIN: 0427-82-2999
DB: 5358-493

JOHNSON, J FRANKLIN III;
JOHNSON, JOAN A
PIN: 0427-83-5140
PB: 106 PG 160
DB: 5118 324



BAR SCALE
1" = 30'



-TOWNSHIP OF: SEVENTY-FIRST

DATE: 23RD MAY, 2023

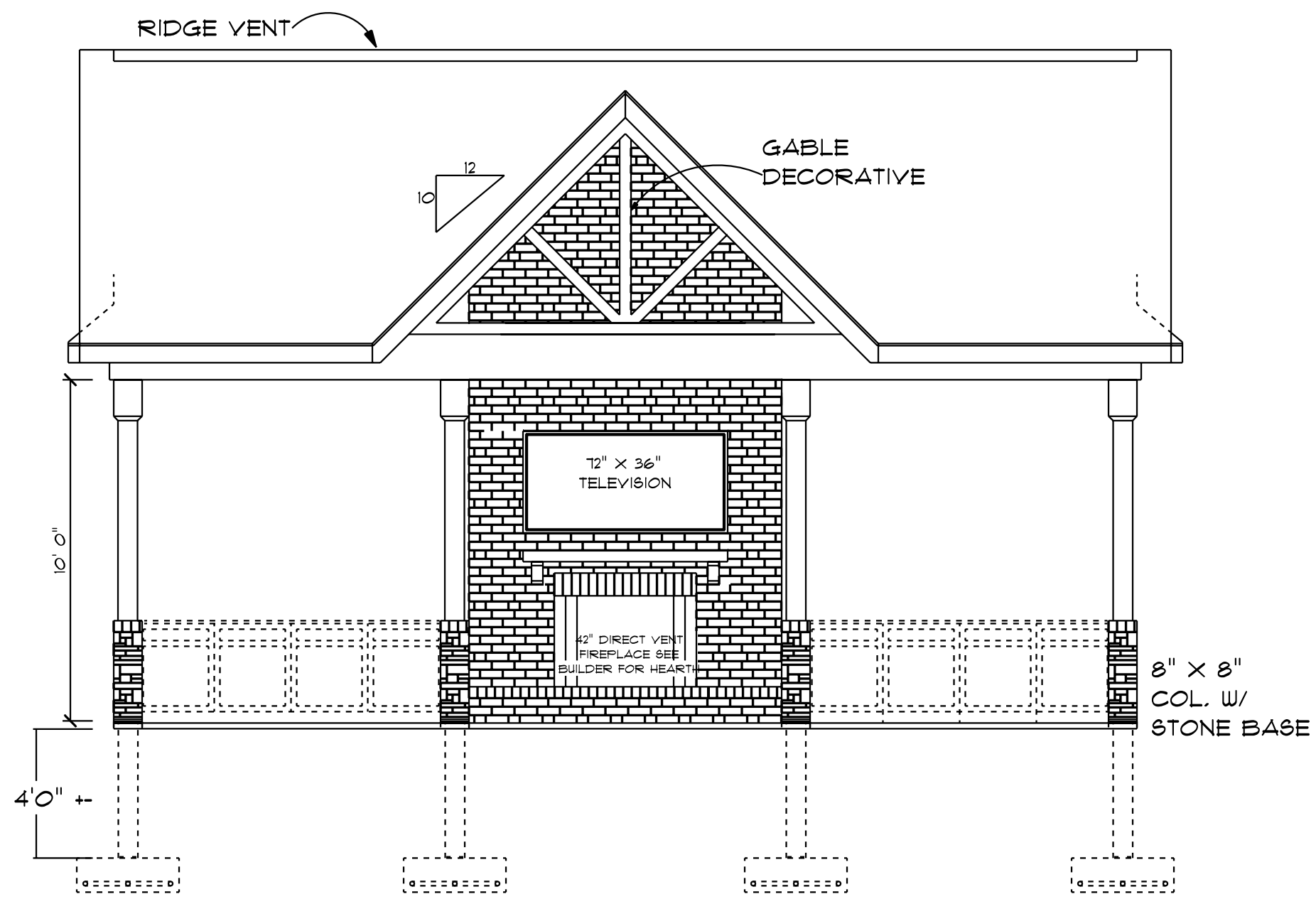
SCALE: 1' = 30'

REFERENCE: PB 106 PG 160, LOT 1
DB 8869 PG 170

P.O. Box 53787
1333 Morganton Road, Suite 201
Fayetteville, NC 28305
Phone: (910)483-4300
Fax: (910)483-4052
www.LKandA.com
NC Firm License C-0887

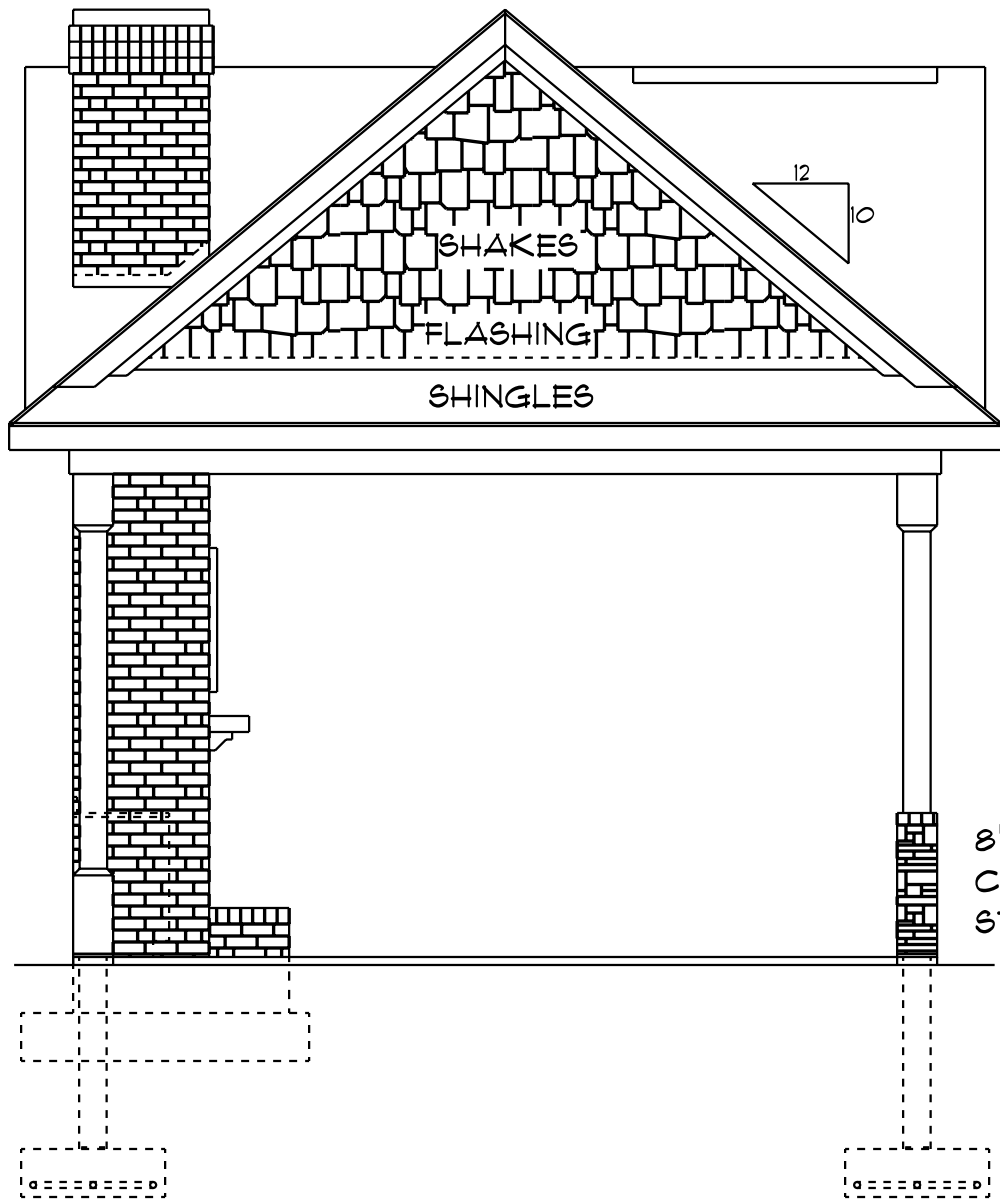
"I CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN D.B. 8869, P.G. 170 OR OTHER REFERENCE SOURCE AS SHOWN); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM INFORMATION IN BOOK AND PAGE AS REFERENCED ABOVE THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY IS $> 1:10,000$; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56. 16008."

W. Larry King PLS 133



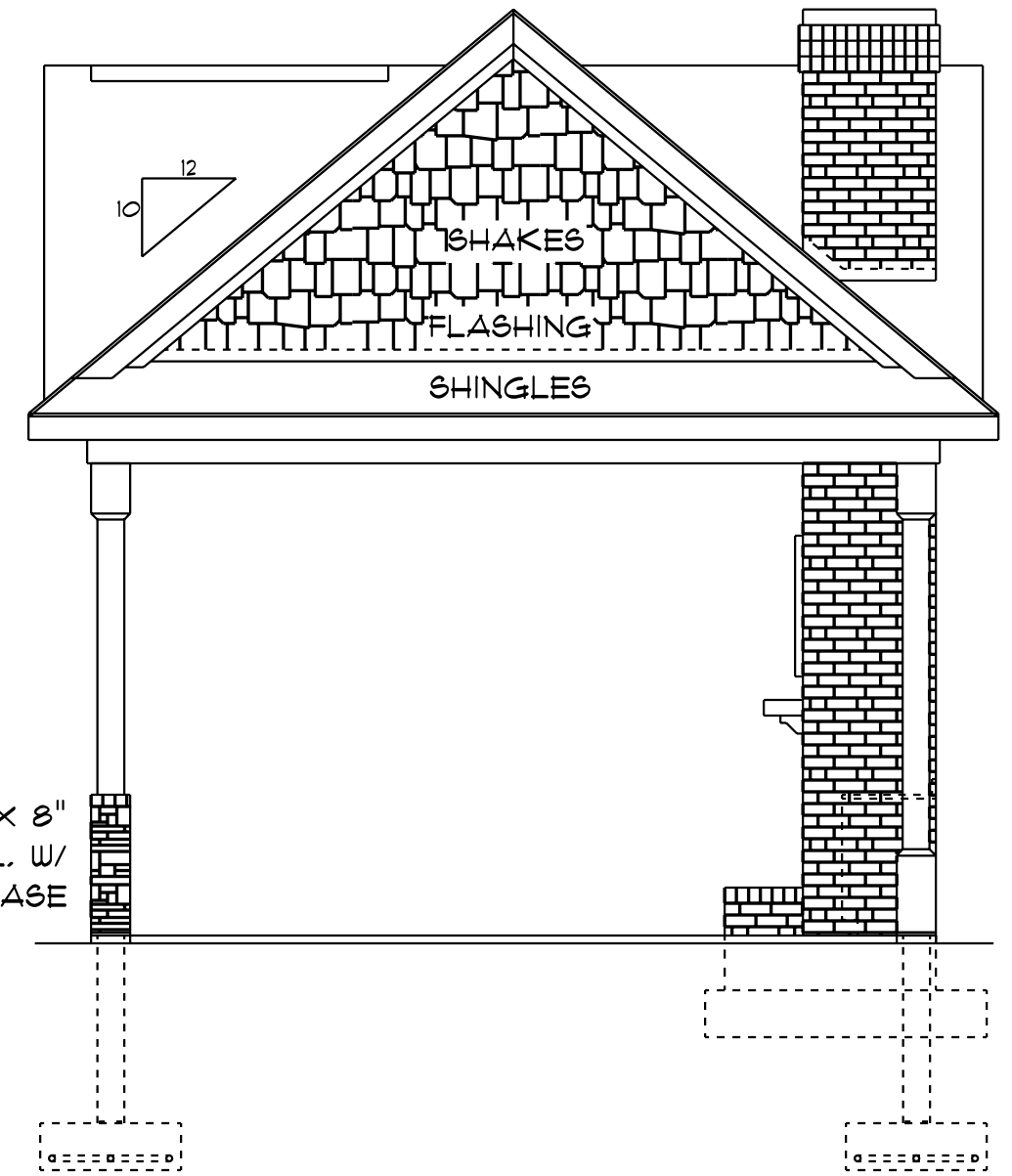
FRONT ELEVATION

SCALE: 1/4" = 1'0"



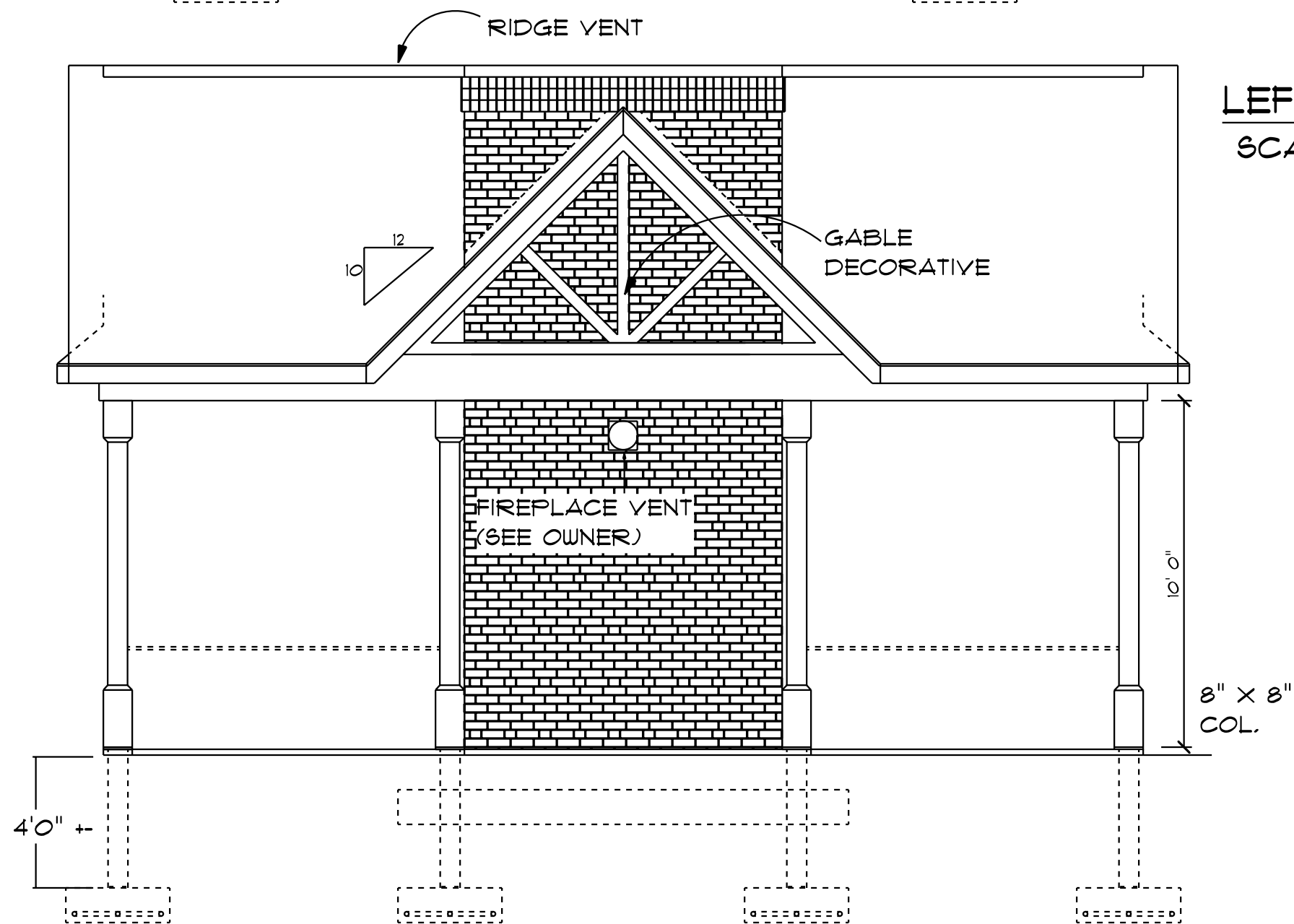
RIGHT ELEVATION

SCALE: 1/4" = 1'0"



LEFT ELEVATION

SCALE: 1/4" = 1'0"



REAR ELEVATION

SCALE: 1/4" = 1'0"

540 S/F TOTAL AREA

"I DO HEREBY CERTIFY THAT THIS DRAWING OR PLAN AND RELATED SPECIFICAT
MEET ALL LOCAL REQUIREMENTS AND ARE IN SUBSTANTIAL CONFORMITY WITH VA
MINIMUM PROPERTY REQUIREMENTS INCLUDING THE ENERGY CONSERVATION STAND
OF THE 1992 COUNCIL OF AMERICAN BUILDING OFFICIALS (CABO) MODEL ENERGY

CHARLES SMITH ASSOCIATES
© copyright 2023

SCALE: AS NOTED

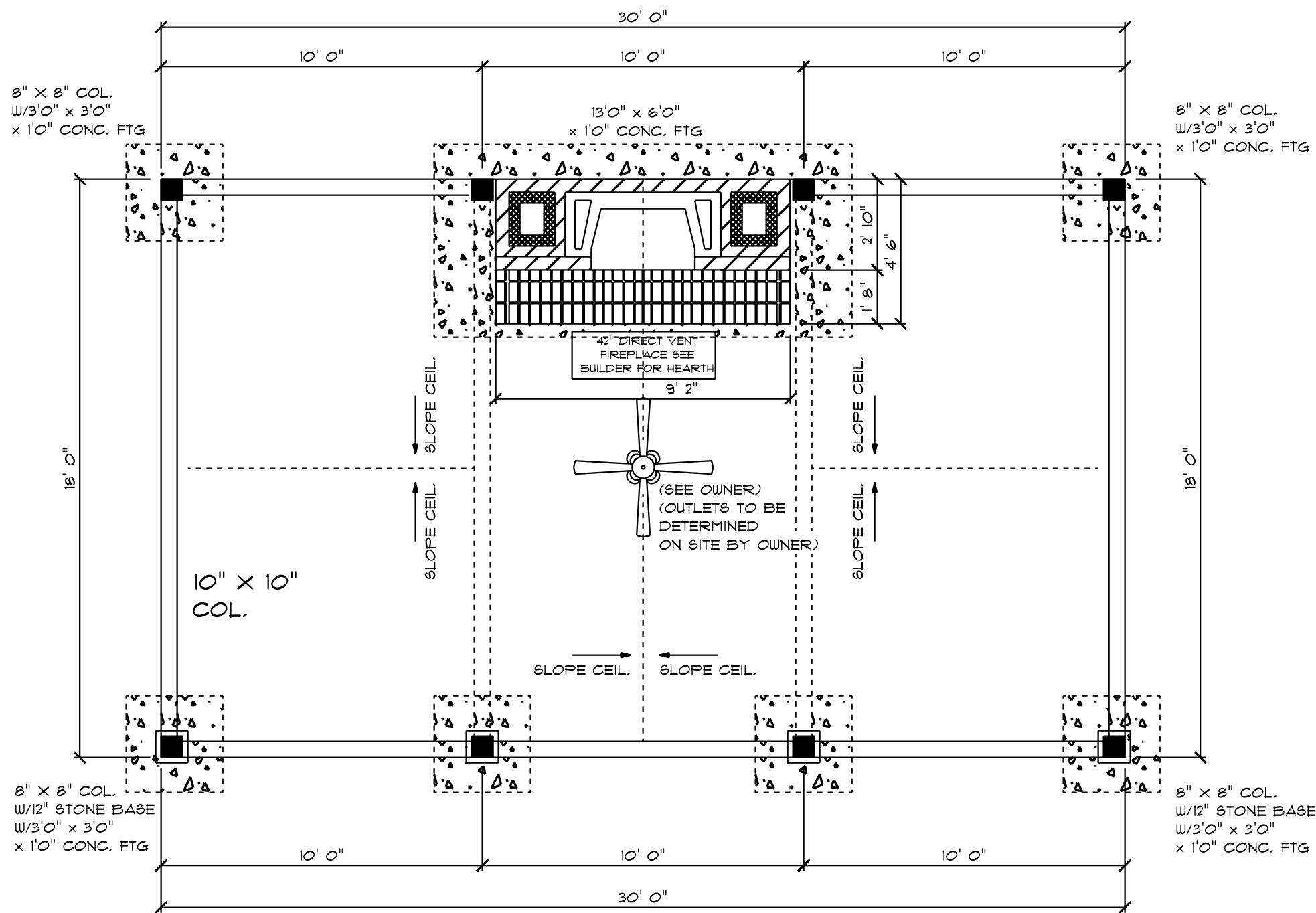
DATE: FEB. 2023

DRAWN BY: ECL

CHARLES SMITH ASSOC.
RESIDENTIAL DESIGNER
FAYETTEVILLE, NC
PHONE: (910) - 484 - 5924
WWW.CSAPLANS.COM

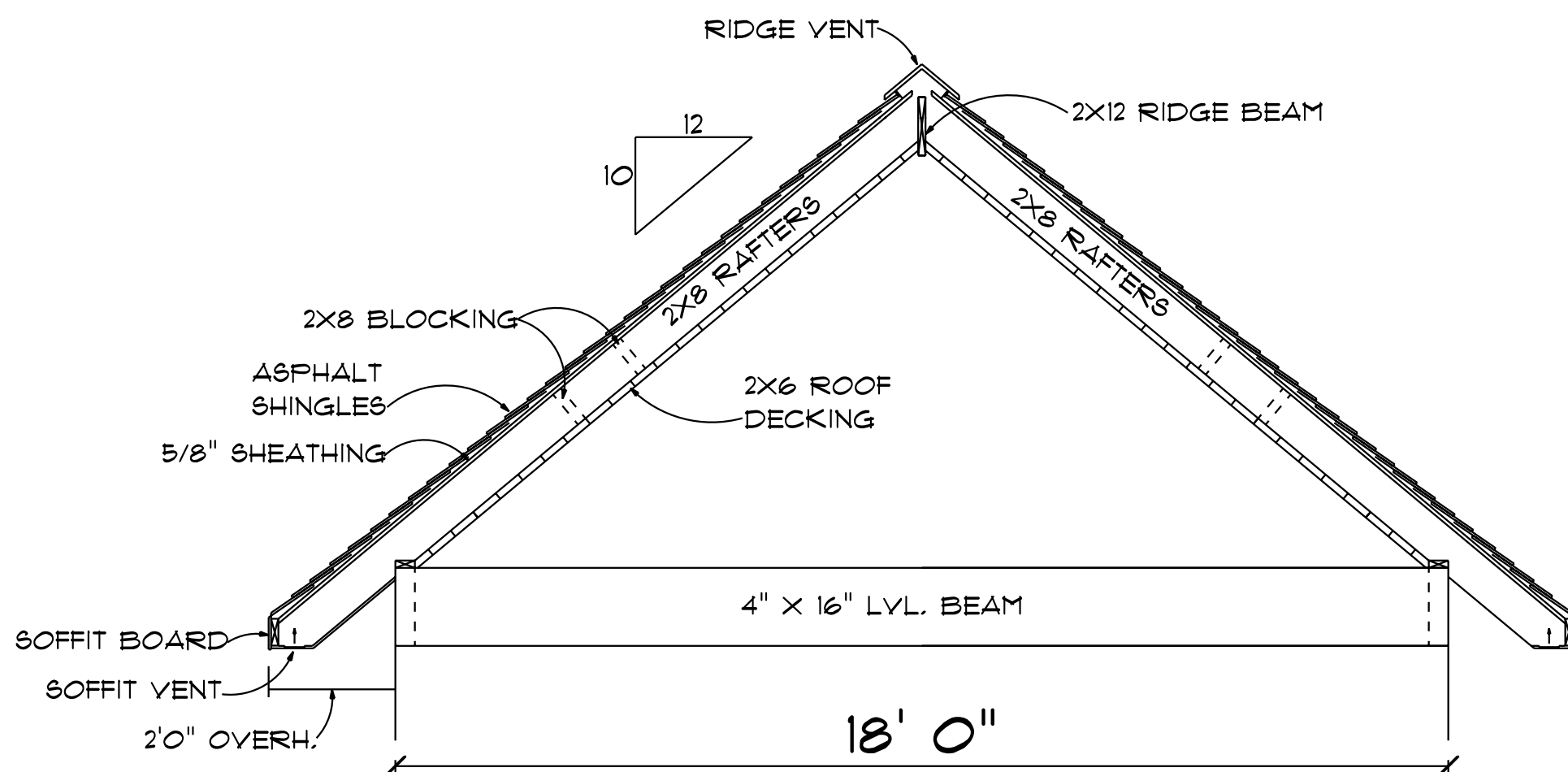
**PROPERTY OF
WELLS & MOLLY ALDERMAN**

WMA-540



FLOOR PLAN/FOUNDATION

SCALE: 1/4" = 1'0"



ROOF DETAIL

NO SCALE

540 S/F TOTAL AREA

"I DO HEREBY CERTIFY THAT THIS DRAWING OR PLAN AND RELATED SPECIFICAT MEET ALL LOCAL REQUIREMENTS AND ARE IN SUBSTANTIAL CONFORMITY WITH VA MINIMUM PROPERTY REQUIREMENTS INCLUDING THE ENERGY CONSERVATION STAND OF THE 1992 COUNCIL OF AMERICAN BUILDING OFFICIALS (CABO) MODEL ENERGY

CHARLES SMITH ASSOCIATES
© copyright 2023

SCALE: AS NOTED

DATE: FEB. 2023

DRAWN BY: ECL

CHARLES SMITH ASSOC.
RESIDENTIAL DESIGNER
FAYETTEVILLE, NC
PHONE: (910) - 484 - 5924
WWW.CSAPLANS.COM

PROPERTY OF
WELLS & MOLLY ALDERMAN

WMA-540



City of Fayetteville

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

City Council Action Memo

File Number: 23-3402

Agenda Date: 6/13/2023

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: Will Deaton, AICP - Planning & Zoning Division Manager
Demetrios Moutos - Planner I

DATE: June 13, 2022

RE:

P23-19. Initial zoning of one non-contiguous parcel totaling 2.95 ± acres, requesting annexation, to Community Commercial (CC) located at 133 Bethune Drive (0541297074000), being the property of John N. Bantsolas and Lloyd S. Goodson, represented by Michael Adams of MAPS Surveying Inc.

COUNCIL DISTRICT(S):

Prospective Council District 1 - Kathy Jensen

Relationship To Strategic Plan:

Strategic Operating Plan FY 2022

Goals 2027

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

- Objective 2.1 - To ensure a diverse City tax base

Goal III: City invested in Today and Tomorrow

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

Executive Summary:

Initial zoning of one non-contiguous parcel totaling 2.95 ± acres, requesting annexation, to Community Commercial (CC) located at 133 Bethune Drive (0541297074000), being the property of John N. Bantsolas and Lloyd S. Goodson, represented by Michael Adams of MAPS Surveying Inc.

Background:

Applicant: Michael Adams, MAPS Surveying Inc.

Owner: John N. Bantsolas and Lloyd S. Goodson

Requested Action: Initial zoning to Community Commercial (CC)

REID: 0541297074000

Prospective Council District: 1 - Kathy Jensen

Status of Property: Parcel is currently undeveloped and wooded.

Size: 2.95 ± acres

Adjoining Land Use & Zoning:

- North: Undeveloped Cumberland County Zoning PND (Planned Neighborhood Development)
- South: Goodyear Tire and Rubber Plant Cumberland County Zoning M(P) (allowing industrial uses)
- East: Cumberland County Zoning PND (Planned Neighborhood Development); Kelly Hill Residential Subdivision
- West: Cumberland County Zoning C(P) (Planned Commercial District); Mt. Hebrew AME Zion Church and Dollar General

Letters Mailed: 87

Land Use Plans:

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

According to the Future Land Use Map, this parcel has been identified for development with neighborhood-scale commercial uses, including smaller-scale multi-family and attached and small lot single-family, under the Neighborhood Mixed Use (NMU) designation.

Issues/Analysis:

History:

In January of 2012, John N. Bantsolas and Lloyd S. Goodson became the new owners of this parcel. The survey of the parcel was conducted in December 2011, and the final plat was filed with the Register of Deeds on February 10, 2012, recorded in Book 00130, Page 0021.

Surrounding Area:

Undeveloped land exists to the north of the subject property, the Goodyear Tire and Rubber plant is located on a large property to the south, Kelly Hill Residential Subdivision lies to the east, and notable landmarks to the west include Mt. Hebrew AME Zion Church and Dollar General.

Rezoning Request:

The applicant is requesting to initially zone a parcel as Community Commercial (CC) in conjunction with a petition to annex into the city's corporate limits. The purpose of this request is to designate the parcel as Community Commercial (CC) to accommodate a plethora of commercial uses. This rezoning, in alignment with the annexation, aims to support the ongoing growth and development along the northern portion of the Ramsey Street corridor.

Straight Zoning:

Land falling within the city's corporate limits, as well as the Municipal Area of Influence, is categorized under specific base zoning districts established by the Unified Development Ordinance (UDO). Reclassification of land to comparable zoning districts is possible, following the guidelines stated in Section 30-2.C. In line with an annexation process, this rezoning request aims to initially zone a parcel as Community Commercial. The Community Commercial (CC) District is specifically designed to accommodate a diverse range of medium- to high-intensity retail, service, and office uses. Its purpose is to provide goods and services that serve the needs of the wider community, such as shopping centers, convenience stores, retail sales establishments, and potentially heavier commercial uses (subject to the approval of a Special Use Permit as outlined in Section 30-2.C.7). Typically, this district is located along major arterial roads, at intersections of arterials, and along growth corridors identified in City plans. Encouraging higher-density residential uses on the upper floors of nonresidential buildings is a goal within the Community Commercial District. Additionally, stand-alone buildings for higher-density residential purposes can be incorporated as part of larger horizontal mixed-use developments. The district adheres to standards intended to ensure development compatibility with surrounding uses, as well as design standards outlined in Article 30-5: Development Standards.

The initial zoning request is not conditional. Therefore, the governing board may not consider conditions or restrictions on the range of allowable uses, use standards, development intensities, development standards, and other applicable regulations. If the governing board wishes to impose conditions, then the applicant must withdraw their application and resubmit a request to conditionally zone the parcel and a date for a separate legislative hearing to hear the new request must be set.

Land Use Plan Analysis:

According to the Future Land Use Map, this parcel has been identified for development with neighborhood-scale commercial uses, including smaller-scale multi-family and attached and small lot single-family, under the Neighborhood Mixed Use (NMU) designation. The Community Commercial (CC) district allows for uses that fit within this category of land uses.

Consistency and Reasonableness Statements:

The Future Land Use Plan establishes goals, policies, and strategies. This application looks to follow the City's strategic compatible growth strategies by meeting the goals of the Land Use Plan found on the attached Consistency and Reasonableness form.

Budget Impact:

There are no immediate budgetary impacts to rezoning this parcel but there will be an economic impact associated with the annexation of this parcel.

Options:

1. Recommend approval of the map amendment to CC as presented based on the evidence submitted and finds that the rezoning is consistent with the Future Land Use Plan as demonstrated by the attached consistency and reasonableness

- statement (recommended);
2. Recommend 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. Deny the map amendment request based on the evidence submitted and finds that the map amendment is inconsistent with the Future Land Use Plan.

Recommended Action:

The Professional Planning Staff recommends that the Zoning Commission move to recommend APPROVAL of the proposed map amendment to initially zone a parcel to Community Commercial (CC) based on the following:

- The proposed zoning map amendment adheres to the policies adopted in the Future Land Use Plan and can be made to conform with the provisions found in the Unified Development Ordinance (UDO). The Future Land Use Plan calls for the subject parcel to be developed as Neighborhood Mixed Use (NMU) and the proposed zoning district allows for uses that fit this category; and
- The proposed zoning district already exists west of the site and would promote compatible economic and commercial development consistent with Goal #2 of the Future Land Use Goals
- The proposed zoning district promotes logical and orderly development that would make no substantial impact upon the public health, safety, 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. District Standards
8. Consistency and Reasonableness Statement

Project Overview**#1012656****Project Title:** Slocomb @ Bethune LLC**Jurisdiction:** City of Fayetteville**Application Type:** 5.1) Rezoning (Map Amendment)**State:** NC**Workflow:** Staff Review**County:** Cumberland**Project Location****Project Address or PIN:** 133 BETHUNE DR (0541297074000) **Zip Code:** 28311**GIS Verified Data****Property Owner: Parcel**

- 133 BETHUNE DR: BANTSOLAS, JOHN N;GOODSON, LLOYD S

Acreage: Parcel

- 133 BETHUNE DR: 2.95

Zoning District: Zoning District

- 133 BETHUNE DR: cnty

Subdivision Name:**Fire District:****Airport Overlay District:****Hospital Overlay District:****Coliseum Tourism District:****Cape Fear District:****Downtown Historic District:****Haymount Historic District:****Floodway:****100 Year Flood:** <100YearFlood>**500 Year Flood:** <500YearFlood>**Watershed:****General Project Information****Has the land been the subject of a map amendment application in the last five years?:** No**Previous Amendment Approval Date:****Previous Amendment Case #:****Proposed Zoning District:** CC**Acreage to be Rezoned:** 2.95**Is this application related to an annexation?:** Yes**Water Service:** Public**Sewer Service:** Public**A) Please describe all existing uses of the land and existing structures on the site, if any:**

Land is currently vacant

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

Land is currently in the municipal boundaries of the county. This application is also for annexation into the City Limits.

Land is currently zoned C(P)-County

Asking for CC - City

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.:

Future development along Ramsey will eventually be incorporated into the city.

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

no

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

Rezoning will allow for flex commercial space that is needed in this area

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

The proposed zoning is comparable with the current zoning although it is county zoning

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

This will help increase the steady growth of development along the northern portion of the Ramsey St Corridor

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

None

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

Although there are not as many annexed properties in this area, this will encourage the continued growth toward that trend

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.:

Zoning and annexation would be isolated for the time being but would encourage other surrounding properties to become annexed and take advantage of city owned utilities.

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

None. Would help increase values

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

None. All measures will be taken to minimize environmental concerns

Primary Contact Information

Contractor's NC ID#:

Project Owner

John Bantsolas

6305 Whitehall Dr

Fayetteville, NC 28303

P:910-877-2380

maps@mapssurveying.com

Project Contact - Agent/Representative

Michael Adams

MAPS Surveying Inc.

1306 Fort Bragg Road

Fayetteville, NC 28305

P:910-484-6432

maps@mapssurveying.com

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$30,000. :

NC State General Contractor's License Number:

NC State Mechanical Contractor's #1 License Number:

NC State Mechanical Contractor's #2 License Number:

NC State Mechanical Contractor's #3 License Number:

NC State Electrical Contractor #1 License Number:

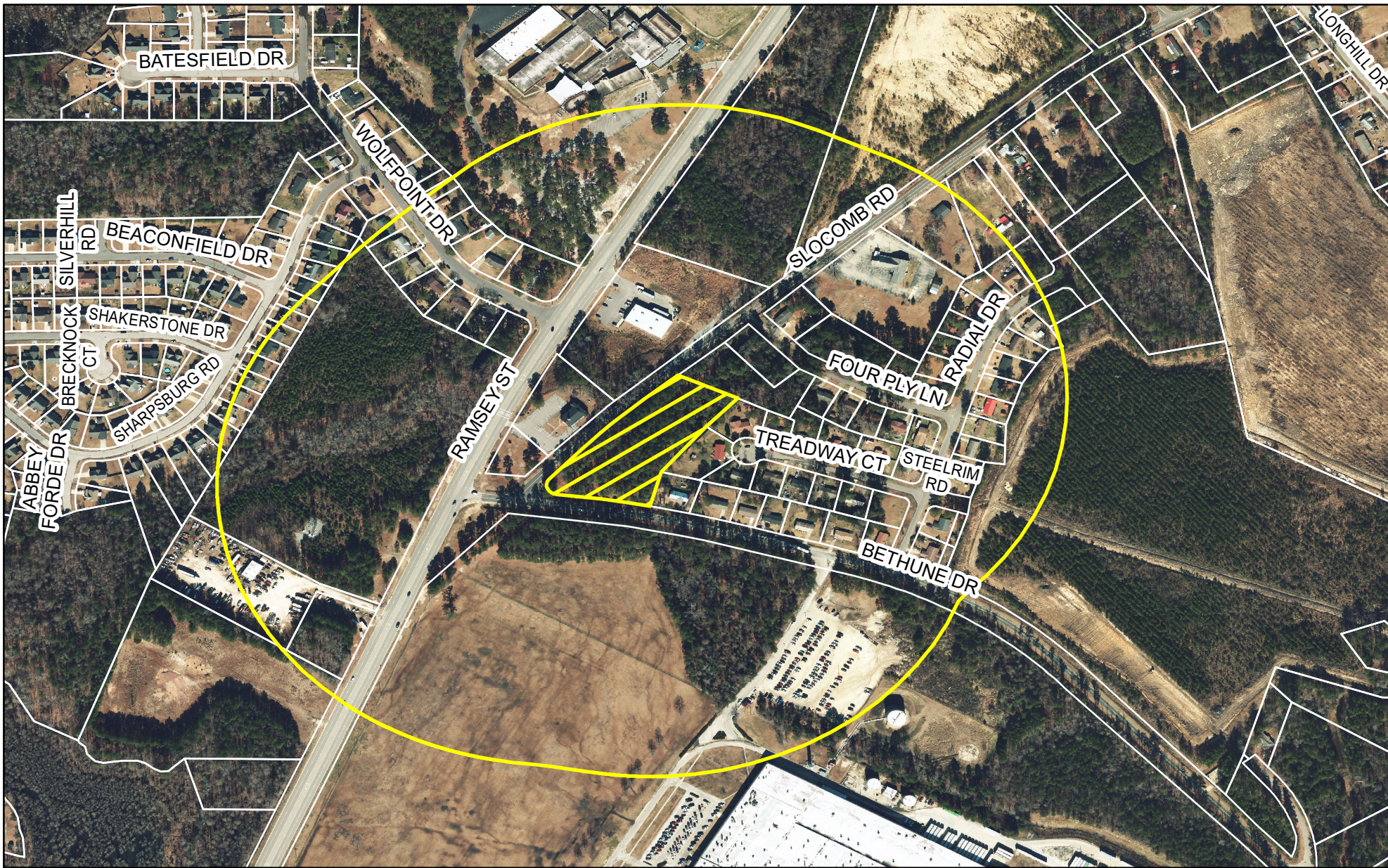
NC State Electrical Contractor #2 License Number:

NC State Electrical Contractor #3 License Number:

NC State 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 #: P23-19

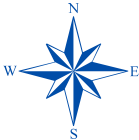
Initial Zoning
Request: Community Commercial

Location: 133 Bethune Drive

Legend

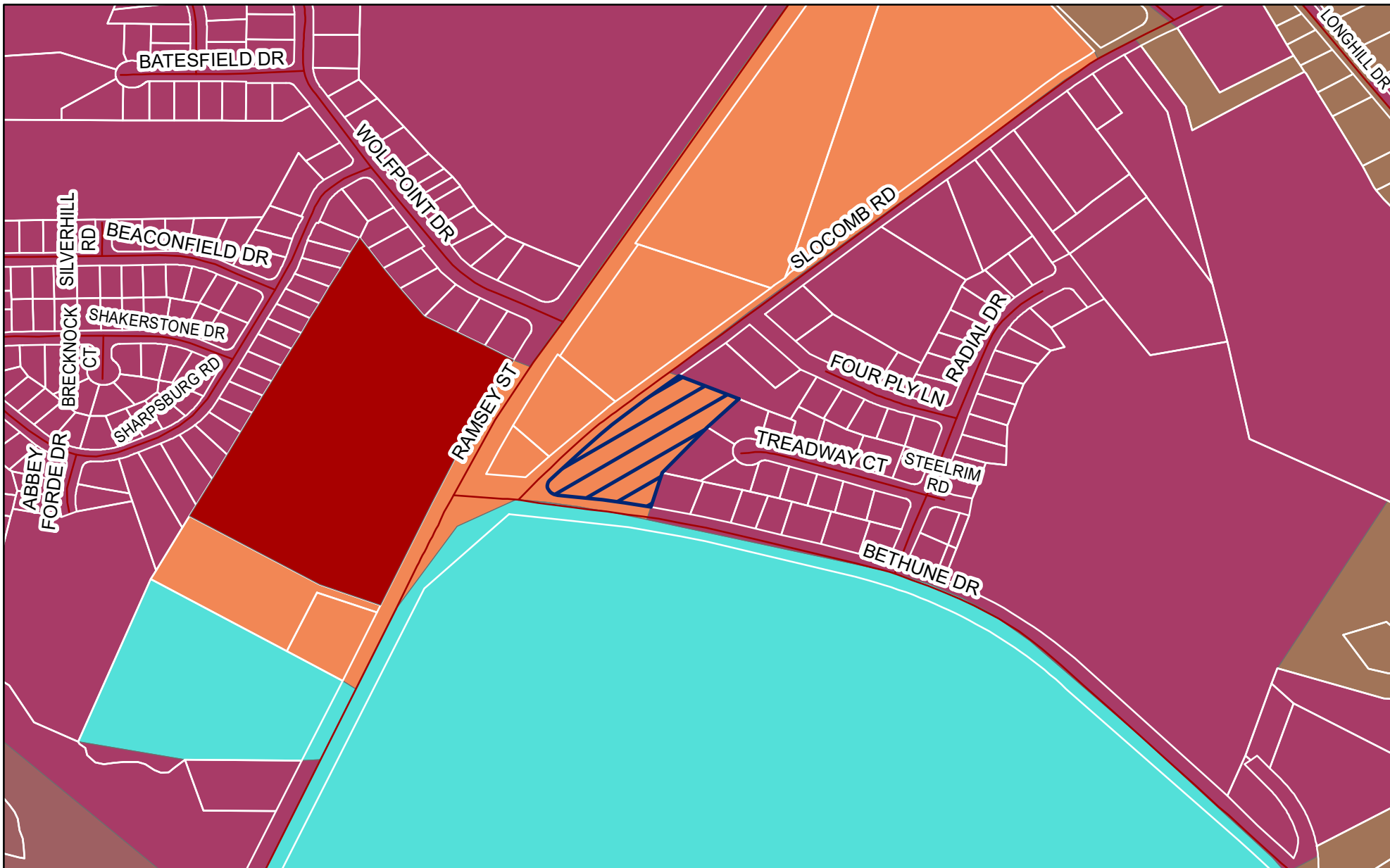
P23-19 Buffer

P23-19



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





Zoning Map

Case #: P23-19

Initial Zoning
Request: Community Commercial

Location: 133 Bethune Drive

Legend

CC - Community Commercial **gis_ware_3**

P23-19

County

CCZoning

CP - Planned Commercial District

MP - Planned Industrial District

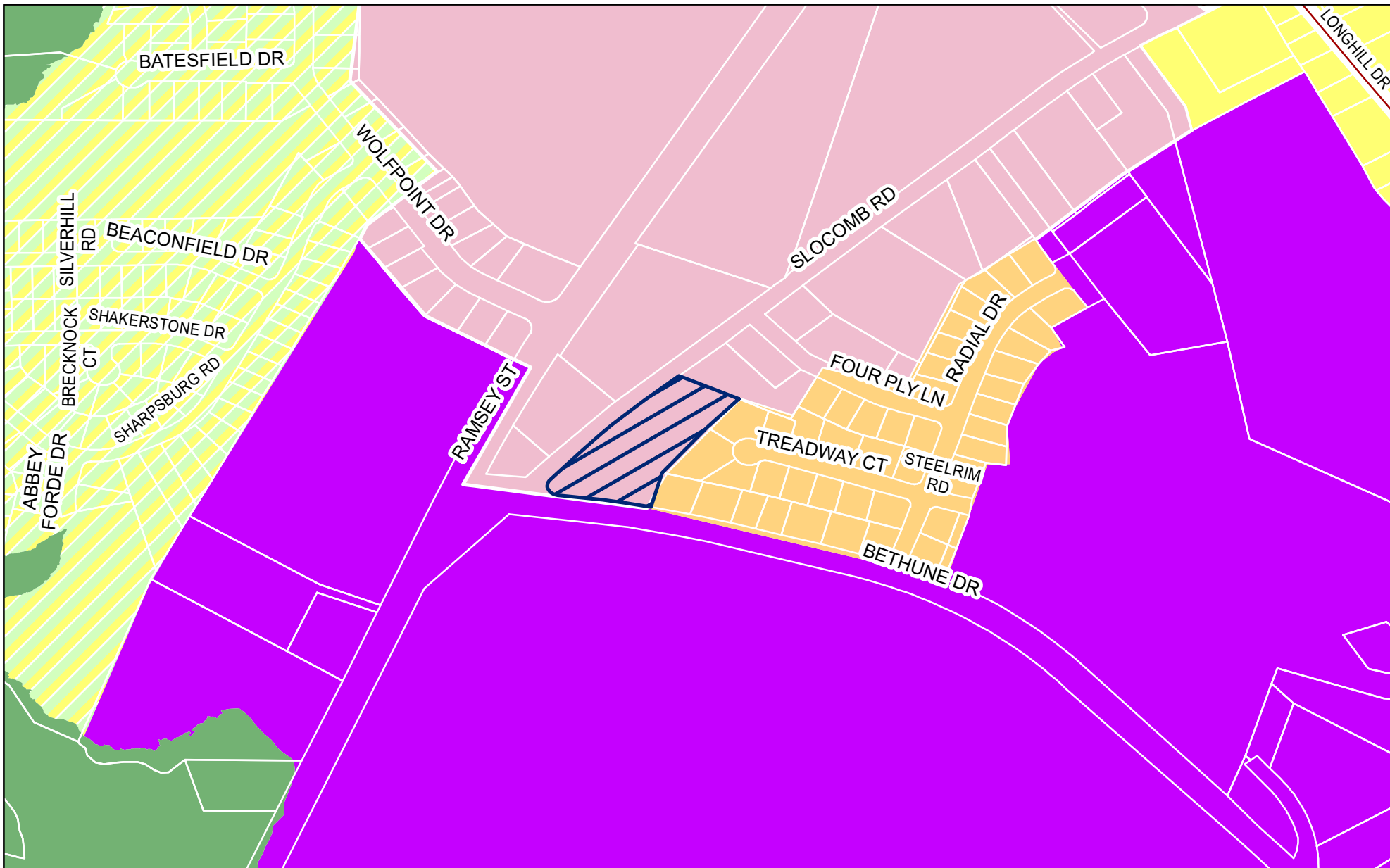
PND - Planned Neighborhood Development

R10 - Residential District

RR - Rural Residential



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



Future Land Use Map

Case #: P23-19

Initial Zoning

Request: Community Commercial

Location: 133 Bethune Drive

Legend



P23-19

Land Use Plan 2040

Character Areas



PARKOS - PARK / OPEN SPACE



OSS - OPEN SPACE SUBDIVISIONS



LDR - LOW DENSITY



MDR - MEDIUM DENSITY



NMU - NEIGHBORHOOD MIXED USE



EC - EMPLOYMENT CENTER



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



Subject Property





West



North



South

Surrounding Properties



PART II - CODE OF ORDINANCES

CHAPTER 30 – UNIFIED DEVELOPMENT ORDINANCE

Article 30-3: Zoning Districts

30-3.E. Business Base Zoning Districts

30-3.E.5. Community Commercial (CC) District

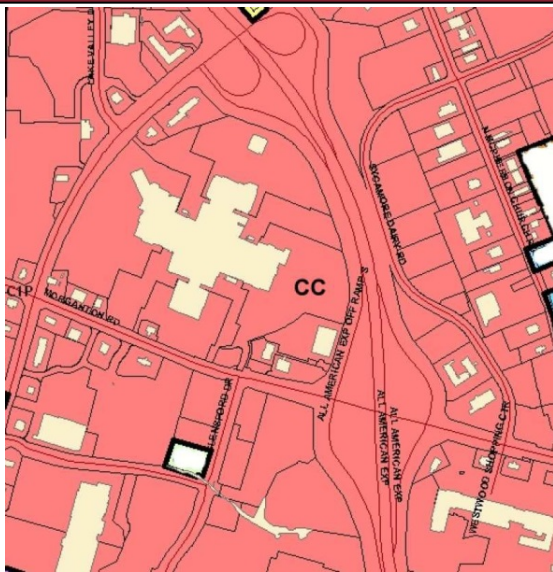
CC COMMUNITY COMMERCIAL DISTRICT	PURPOSE			
	The Community Commercial (CC) District is established and intended to accommodate a diverse range of medium- to high-intensity retail, service, and office uses that provide goods and services serving the residents and businesses in the community at large—e.g., shopping centers, convenience stores, retail sales establishments, and heavier commercial uses (subject to approval of a Special Use Permit (see Section 30-2.C.7)). The district is typically located along major arterials, at the intersection of arterials, and along growth corridors identified in City plans. Higher-density residential uses are encouraged on the upper floors of nonresidential establishments, and may exist as stand-alone buildings as part of a larger horizontal mixed- use development. The district is subject to standards intended to ensure development is compatible with surrounding uses as well as the design standards in Article 30-5: Development Standards.			
DIMENSIONAL STANDARDS				
DIMENSIONAL STANDARD	NONRESIDENTIAL	MIXED-USE	ALL OTHER USES	ACCESSORY STRUCTURES
Lot area, min. (sq. ft.)	10,000	8,000	15,000	n/a
Lot width, min. (ft.)	45			n/a
Gross residential density, max. (dwelling units/acre)[1]	24			n/a
Lot coverage, max. (% of lot area)	65			[2]
Height, max.	the greater of six stories or up to 75 feet			25; 15 where abutting a single-family zoning district or use with setback less than 10 feet
Front and corner side setback, min. (ft.) [3]	The lessor of 25 ft. or 60 ft. from centerline of private streets			Not allowed in front, corner side, or side yard areas
Side setback, min. (ft.)	3; 15 where abutting a single-family zoning district or use			

Rear setback, min. (ft.)	3; 20 where abutting an alley or single-family zoning district or use	5
Spacing between buildings, min. (ft.)	20	5
Zero lot line development standards	Zero lot line development shall comply with the applicable maximum gross residential density standards. Setbacks and lot area for lots abutting the perimeter of the development shall meet the district minimums; otherwise no setbacks, lot area, lot coverage, or building spacing requirements shall apply. [4]	

NOTES:

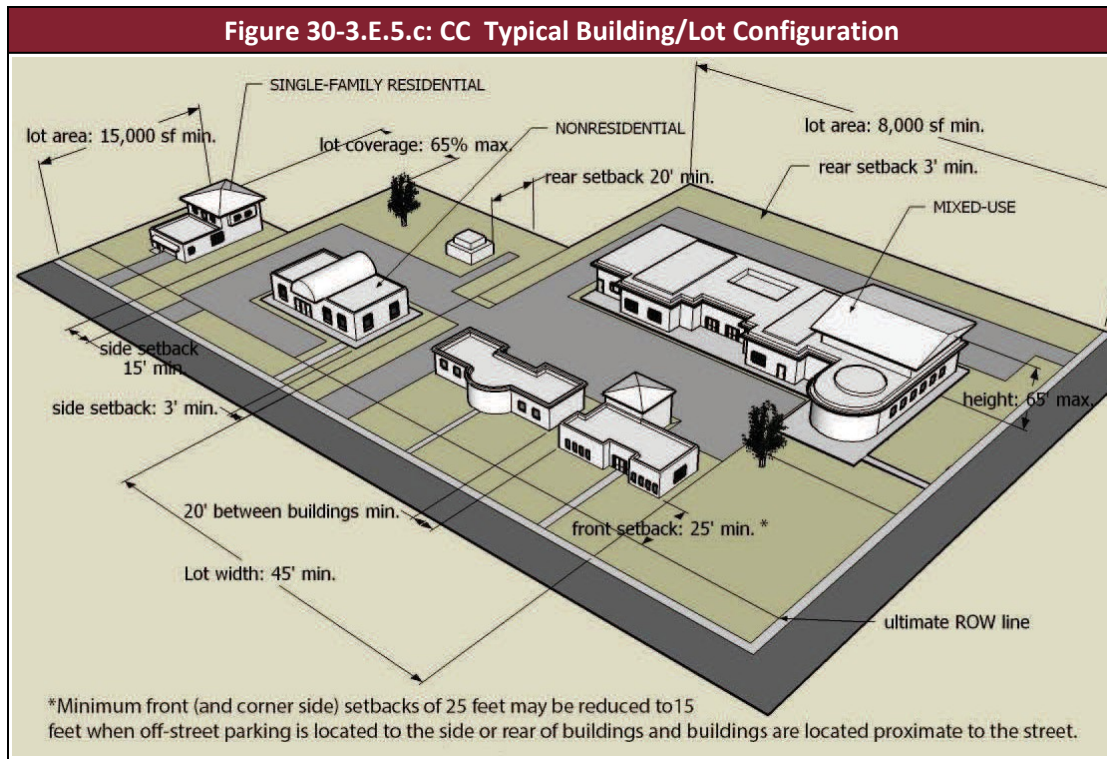
- [1] A maximum density of 36 is allowed in priority redevelopment areas as may be designated by City Council.
- [2] Accessory structures/use areas shall not exceed the lesser of: 1,500 square feet in size or 30 percent of the allowable lot coverage.
- [3] Minimum front (and corner side) setbacks for nonresidential, multi-family, and mixed-uses may be reduced to 15 feet when off-street parking is located to the side or rear of buildings and buildings are located proximate to the street (or corner) rights-of-way.
- [4] Zero lot line development is subject to standards in Section 30-3.B.2 and, on a tract or site of three acres in area or less may require approval of a Neighborhood Compatibility Permit (see Section 30-2.C.21 Neighborhood Compatibility Permit).

**Figure 30-3.E.5.a:
CC Typical Lot Pattern**



**Figure 30-3.E.5.b:
CC Typical Building Form**





(Ord. No. S2011-008, §§ 6, 14.2, 7-25-2011; Ord. No. S2011-014, §§ 1.3, 1.4, 11-28-2011; Ord. No. S2012-001, Pt. 3, § 3.3, 1-23-2012; Ord. No. S2012-018, § 2.4, 9-10-2012; Ord. S2014-003, § 1c, 1-13-2014; Ord. No. S2014-015, § 5, 8-11-2014; Ord. No. S2021-040, § 1, 10/25/2021)

Effective on: 11/18/2013

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 P23-19 is consistent/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 #2 Promote compatible economic and commercial development in key identified areas	X	

2. LAND USE POLICES AND STRATEGIES:

LAND USE POLICIES AND STRATEGIES	CONSISTENT	INCONSISTENT
LUP 1: Encourage growth in areas well- served by infrastructure and urban services, including roads, utilities, parks, schools, police, fire and emergency services.	X	
1.1: Work with Public Works Commission (PWC) and other utility provider to ensure that public facilities and services are planned in a coordinated manner	X	
1.3: Consider the costs and benefits of future extensions of utility service	X	
LUP 2: Encourage strategic economic development	X	
2.1: Encourage economic development in designated areas	X	
LUP 4: Create Well-Designed and Walkable Commercial and Mixed-Use Districts	X	
4.1: Ensure new development meets basic site design standards	X	

4.2: Encourage context-sensitive site design	X	
--	---	--

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

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

Reasonableness

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

- X The size, physical conditions, and other attributes of the proposed use(s) will benefit the surrounding community.
- The amendment includes conditions that limit potential negative impacts on neighboring uses.
- X The proposed uses address the needs of the area and/or City.
- X The proposal adapts the zoning code to reflect modern land-use trends and patterns.

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

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

Additional comments, if any (write-in):

June 13, 2023

Date

Chair Signature

Print



City of Fayetteville

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

City Council Action Memo

File Number: 23-3394

Agenda Date: 6/13/2023

Version: 1

Status: Agenda Ready

In Control: Zoning Commission

File Type: Public Hearing
(Public & Legislative)

Agenda Number: 5.02

TO: Mayor and Members of City Council

THRU: Zoning Commission

FROM: Will Deaton, AICP - Planning & Zoning Division Manager
Heather Eckhardt, CZO - Planner II

DATE: June 13, 2023

RE:

P23-21. Rezoning from Single-Family Residential 10 (SF-10) to Mixed Residential 5 Conditional Zoning (MR-5/CZ), located at 0 Carvers Falls Road (REID #0530996236000), totaling 3.32 acres ± and being the property of TG Ventures LLC, represented by Michael Adams of MAPS Surveying Inc.

COUNCIL DISTRICT(S):

1 - Kathy Jensen

Relationship To Strategic Plan:

Strategic Operating Plan FY 2022

Goals 2027

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

- Objective 2.1 - To ensure a diverse City tax base

Goal III: City invested in Today and Tomorrow

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

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

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

Executive Summary:

The applicant is seeking to rezone an unaddressed parcel on Carvers Falls Road from Single Family 10 (SF-10) to Mixed Residential 5 Conditional Zoning (MR-5/CZ) in order to build a duplex development. The applicant has offered the following condition: the site shall be developed as 10 duplexes (a total of 20 dwelling units). The MR-5 base zoning

district allows for two-to-four family dwellings (duplexes), single-family attached dwellings (townhomes), and multi-family dwellings (apartments) at a maximum density of 20 units per acre. The applicant's conditions will limit the permitted uses to only two-to-four family dwellings and place a limitation on the number of units that can be built on the 3.32-acre site.

Background:

Applicant: Michael Adams, MAPS Surveying Inc.

Owner: TG Ventures LLC

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

REID #: 0530996236000

Council District: 1 - Kathy Jensen

Status of Property: Vacant

Size: 3.32 acres

Adjoining Land Use & Zoning:

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

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

Letters Mailed: 43

Additional Reviews:

This site was reviewed by the Technical Review Committee. Standard development comments were provided at the meeting and no additional conditions were recommended.

Land Use Plans:

With the adoption of the 2040 Comprehensive Plan: Future Land Use Map & Plan on May 26, 2020, all properties within the city limits as well as properties identified as being in the Municipal Influence Area (MIA) are subject to this plan. According to the Plan, it is recommended that this portion of the city should be developed as Community Center (CC). Community Center is intended for commercial spaces that are 3-5 stories with high-density residential and multi-family intermixed. The adjacent parcels to the south are intended for Low-Density Residential development.

Issues/Analysis:

History:

The subject property was annexed into the city in 2005 as part of the Phase 5 Annexation project and has been undeveloped since the late 1960's. The subject property is located at the edge of the Cape Fear River Overlay District. The Cape Fear River Overlay District was created in 2016 to celebrate, conserve, promote, and manage those areas on both sides of the Cape Fear River within the corporate limits. The Cape Fear River Overlay district has two primary regulations: prohibition of certain uses and river setback buffers.

The standards of the Cape Fear River Overlay District will not affect this rezoning as the proposed use (two-to-four family dwellings) is a permitted use within the district and the river setback buffers only apply to properties that abut the Cape Fear River.

Surrounding Area:

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

Rezoning Request:

Land within the City is generally classified by the Unified Development Ordinance (UDO) to be within one of many base zoning districts. Land may be reclassified to one of several comparable zoning districts in accordance with Section 30-2.C.

Conditional Zoning:

The request is for conditional zoning from Single Family 10 (SF-10) to Mixed Residential 5 Conditional Zoning (MR-5/CZ).

The purpose of the CZ zoning district is “intended to provide a landowner and the City an alternative to rezoning the land to a standard base zoning district, where the base zoning allows certain uses and development that may be appropriate but also allow uses and development that may not conform to City plans or would have adverse impacts on public facilities or surrounding lands. Reclassification of land to a conditional zoning district allows a landowner to propose, and the City Council to consider, additional conditions or restrictions on the range of allowable uses, use standards, development intensities, development standards, and other regulations applicable in the parallel base zoning district. This enables the City to tailor a zoning classification to accommodate desirable development while avoiding or addressing anticipated problems that may arise from development otherwise allowed by the base zoning district.”

Specifics of this Conditional Rezoning:

The applicant is requesting a Conditional Zoning to Mixed Residential 5 in order to develop 10 duplexes (two-to-four family dwellings). The applicant has offered the following conditions:

1. Limit permitted uses to two-to-four family dwellings (duplexes)
2. Maximum of 10 duplexes (20 dwelling units)

The MR-5 zoning district allows for single-family detached, single-family attached, two-to-four family, and multi-family dwellings. The applicant has offered to limit the site to only 10 duplexes (two-to-four family dwellings). This will allow the site to be developed as the applicant desires while limiting uses and density which may not be appropriate for the area.

Land Use Plan Analysis:

According to the Future Land Use Map & Plan, this general area is recommended to be developed as Community Center (CC). Community Center calls for nonresidential

leasable spaces with high-density residential and multi-family intermixed and single-family on the edges. The requested conditional rezoning is in keeping with the Future Land Use Map & Plan. The proposed rezoning and development will act as a buffer between the commercial area along Ramsey Street and the remainder of the residential developments along Carvers Falls Road. Additionally, the proposed conditions will ensure this development will be of a smaller scale and lower density than the developments on the north side of Carvers Falls Road. This is more compatible with the existing single-family houses on the south side of Carvers Falls Road.

Consistency and Reasonableness Statements:

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

Conclusion:

The MR-5 conditional zoning district would allow for a variety of uses such as multi-family dwellings which would meet the intention of the Community Center district within the Future Land Use Plan. The proposed conditions (limiting use types and density) would allow for the development of needed housing while ensuring the development is of an intensity and density which is complimentary to the surrounding developments.

Budget Impact:

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

Options:

1. Recommends approval of the map amendment to MR-5/CZ as presented based on the evidence submitted and finds that the rezoning is consistent with the Future Land Use Plan as demonstrated by the attached consistency and reasonableness statement (recommended)
2. Recommends approval of the map amendment to a more restrictive zoning district based on the evidence submitted and finds that the map amendment would be consistent with the Future Land Use Plan and an amended consistency statement.
3. Denies the map amendment request based on the evidence submitted and finds that the map amendment is inconsistent with the Future Land Use Plan.

Recommended Action:

The Professional Planning Staff recommends that the Zoning Commission move to recommend APPROVAL of the map amendment to MR-5/CZ based on the following:

- The proposed zoning map amendment does implement the policies adopted in the Future Land Use Plan (FLUP), and those policies found in the Unified Development Ordinance (UDO). The Future Land Use Plan calls for the subject

property to be developed as Community Center (CC).

- The uses permitted by the proposed change in zoning district classification and standards apply to such uses are appropriate in the immediate area of the land to be reclassified due to the existing zoning and uses surrounding this property; and
- There are no other factors that will substantially affect public health, safety, morals, or general welfare.

Attachments:

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

Project Overview**#1015663**

Project Title: T&G Ventures LLC
Application Type: 5.2) Conditional Rezoning
Workflow: Staff Review

Jurisdiction: City of Fayetteville
State: NC
County: Cumberland

Project Location**Project Address or PIN:** 0 ? DR (0530996236000)**Zip Code:** 28311**GIS Verified Data**

Property Owner: Parcel
• 0 ? DR: MCDONALD, ROBERT H

Acreage: Parcel
• 0 ? DR: 3.32

Zoning District: Zoning District
• 0 ? DR: SF-10

Subdivision Name:**Fire District:****Airport Overlay District:****Hospital Overlay District:****Coliseum Tourism District:**

Cape Fear District: Cape Fear District
• 0 ? DR: 0

Downtown Historic District:**Haymount Historic District:****Floodway:****100 Year Flood:** <100YearFlood>**500 Year Flood:** <500YearFlood>**Watershed:****General Project Information**

Proposed Conditional Zoning District: MR-5/CZ - Conditional
Mixed Residential 5

Lot or Site Acreage to be rezoned: 3.29**Was a neighborhood meeting conducted?:** No**Date of Neighborhood Meeting:****Number of Residential Units:** 20**Nonresidential Square Footage:** 20768**Landowner Information****Landowner Name:** T&G Ventures LLC**Deed Book and Page Number:** 11724-34**Written Description of Request - Answer all the questions under this section (upload additional sheets as needed).**

A) Describe the proposed use of the rezoned land, including the proposed types of site improvements, buildings, uses, proposed activities, hours of operation, and operating characteristics.:

10 duplex units with DOT standards built road

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

Duplexes. See Site Plan

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

SF10-east

PND-south

SF6-west

MR5-North (across road)

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.:

Would create more housing and be in harmony with the surrounding properties.

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

No

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

Housing is currently needed. By rezoning, this would allow that need to be addressed better than the current zoning in place

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.:

All surrounding properties are currently zoned for low density residential.

Property across the road is already zoned MR5. This would fit within the current zonings

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

With the mixed zonings currently surrounding the properties, this proposal would allow for more houses to be built and be an extension of the zoning located across the road.

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

None. Area is in need of housing developments

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

NA

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.:

Does not apply.

Consistent with all zonings surrounding the property

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

None. Would create a larger tax base and should increase the value of all surrounding properties

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

None. All measure will be taken to minimize negative impacts on the environment

Primary Contact Information

Contractor's NC ID#:

Project Owner

Greg Caulder

T&G Ventures LLC
9820 Us Hwy 301 North
Lumberton, NC 28360
P:910-802-4599
gmconstruction3@gmail.com

Project Contact - Agent/Representative

Michael Adams
MAPS Surveying Inc.
1306 Fort Bragg Road
Fayetteville, NC 28305
P:910-484-6432
maps@mapssurveying.com

Project Contact - Primary Point of Contact for the Developer

Tommy Strickland

PO Box 1677
Raeford, NC 28376
P:910-978-8284
stricklandconstruction@yahoo.com

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$30,000. :

NC State General Contractor's License Number:

NC State Mechanical Contractor's #1 License Number:

NC State Mechanical Contractor's #2 License Number:

NC State Mechanical Contractor's #3 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 Plumbing Contractor #1 License Number:

NC State Plumbing Contractor #2 License Number:

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

AFFIDAVIT OF OWNERSHIP

Greg Caulder
I, TG Ventures, LLC, being duly sworn, deposes and says:

1. That I am the owner of the property/properties located at
PIN 0530-99-6236
3.32 acs Buie land in the City of Fayetteville, a political
subdivision of the State of North Carolina.

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

3. This authority is only granted for the application to be submitted on

_____.

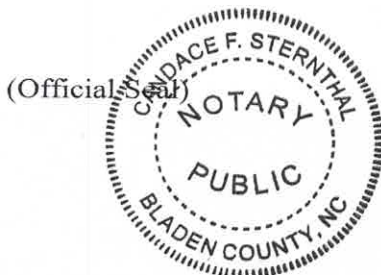
copy of deed
attached


Signature of Affiant

Signature of Affiant

Cumberland County, North Carolina

Sworn to and subscribed before me this day on the 8th day of May, 2023



Candace J. Sternthal
Signature of Notary Public

Candace F. Sternthal, Notary Public
Printed Name of Notary Public

My Commission Expires: 10/10/2024

FILED	May 01, 2023
AT	03:21:27 PM
BOOK	11724
START PAGE	0034
END PAGE	0035
INSTRUMENT #	13021
RECORDING	\$26.00
EXCISE TAX	\$200.00

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax \$ 200.00

P&L File # 4116-145

Parcel Identifier No.: 0530-99-6236

This instrument prepared by: Person & Lee PLLC, a licensed North Carolina attorney. Delinquent taxes, if any, to be paid by the closing attorney to the county tax collector upon disbursement of closing proceeds.

Return to: Person & Lee PLLC

Brief Description for the Index: 3.32 ACS BUIE LD

THIS DEED made this 26 day of April, 2023 by and between:

GRANTOR	GRANTEE
ROBERT H. MCDONALD and spouse WYLENE B. MCDONALD	TG VENTURES, LLC, a North Carolina limited liability company
Mailing Address: 108 Seapath Estates Wrightsville Beach, NC 28480	Mailing Address: 9820 US Highway 301 North Lumberton, NC 28360

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

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

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

BEGINNING at a stake and pointers, E. M. Phillips' corner of 10 acres, and runs thence South 65 degrees 15 minutes East 4.85 chains to a stake, a corner of Lots 1 and 2; thence with the dividing line between Lots Nos. 1 and 2, North 21 degrees East 7.92 chains to a stake, a corner in the middle of the road; thence North 78 degrees West with the middle of the road 1.47 chains to a stake, a corner of Lots Nos. 1 and 2; thence continuing with the middle of the road, North 79 degrees West 3.38 chains to a stake in the original line in the middle of the road; thence South 21 degrees West 6.80 chains to the BEGINNING corner, containing 3.62 acres; and upon which dower land is located the dwelling house in which the said Henry F. Buie last resided.

The property hereinabove described was acquired by instrument recorded in Book 2533, Page 545, Cumberland County, North Carolina, Registry and Estate File No. 19 E 433 in the Office of the Clerk of Superior Court of Cumberland County, North Carolina.

A map showing the above described property is recorded in Plat Book _____, Page _____, Cumberland County, North Carolina, Registry.

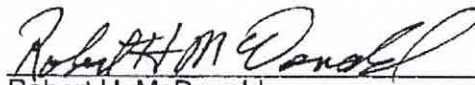
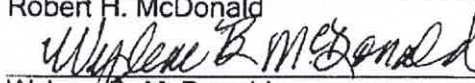
submitted electronically by "Person & Lee PLLC"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Cumberland County Register of Deeds.

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 except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions: restrictive covenants, utility easements, permits, and rights of way as the same may appear of record

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal effective the day and year first above written.

If initialed, the property includes the primary residence of at least one of the Grantors. (NC GS § 105-317.2) _____


 (SEAL)
Robert H. McDonald
 (SEAL)
Wylene B. McDonald

STATE OF NORTH CAROLINA

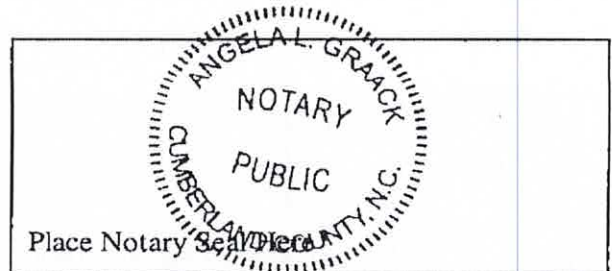
COUNTY OF CUMBERLAND

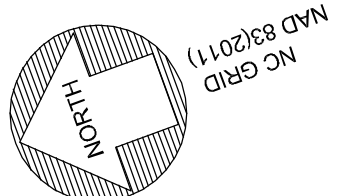
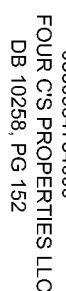
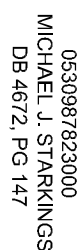
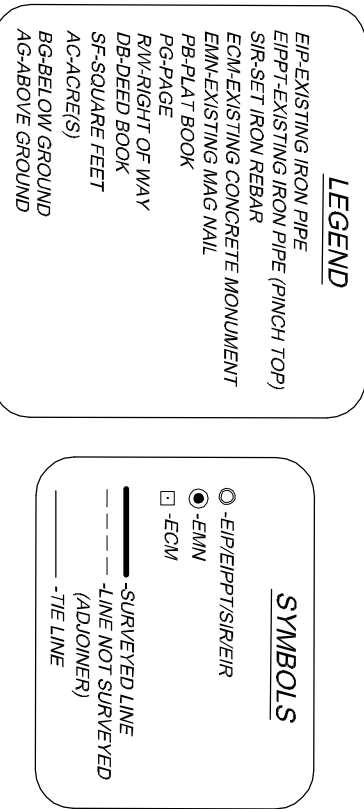
I certify that the following person(s) personally appeared before me this day and I have personal knowledge of the identity of the principal(s) or have seen satisfactory evidence of the principal's identity, by a current state or federal identification with the principal's photograph in the form of a driver's license or a credible witness has sworn to the identity of the principal(s); each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Name of Principal: Robert H. McDonald and Wylene B. McDonald.

Date: 4/26/2023


Signature of Notary Public
Angela L. Graack
Printed Name of Notary Public

My Commission Expires: 3/26/27





0530998270000
SHIRLEY JOHNSON
DB 2901, PG 157

0530994333000
NATHANIEL WHITE
DB 4742, PG 813
LOT 2
PB 105, PG 35

PVC UTILITY EASEMENT
#14493
DB 5301, PG 241

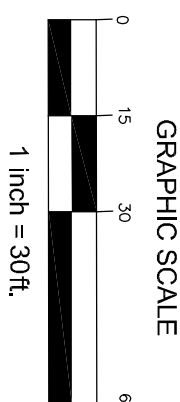
S81°54'22"E
8.38'
S81°06'56"E
12.80'

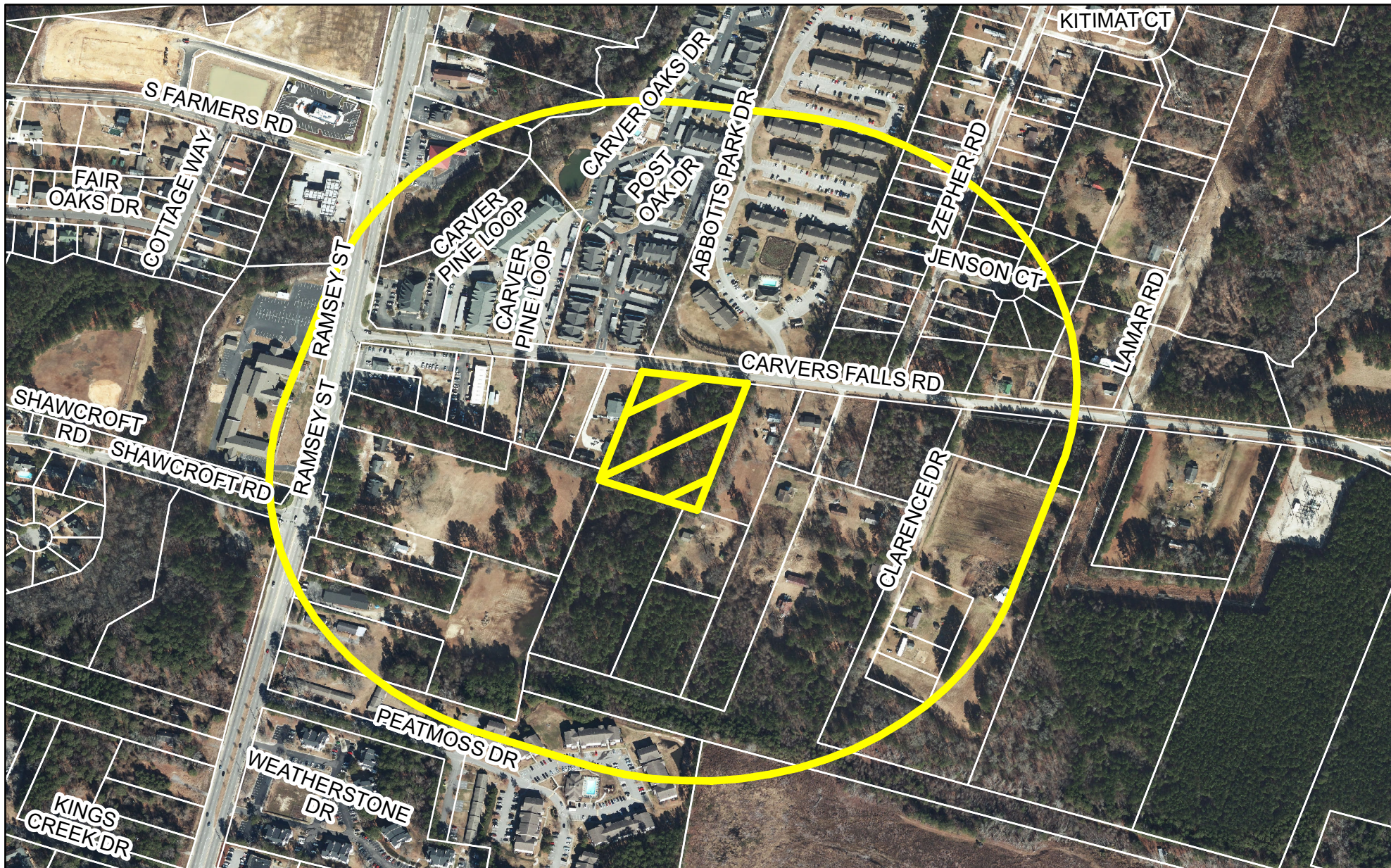
REZONING REQUEST

T & G VENTURES LLC

ADDRESS: CARVERS FALLS RD
TOWNSHIP: CARVERS CREEK
TAX PIN: 05303956236000
COUNTY: CUMBERLAND

DATE: APRIL 14, 2023
ZONING: SF-10
CITY: FAYETTEVILLE, NC







Aerial Notification Map

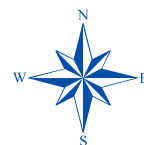
Case #: P23-21

Request: Conditional Rezoning
Single Family 10 to
Mixed Residential 5 Conditional Zoning

Location: 0 Carvers Falls Road

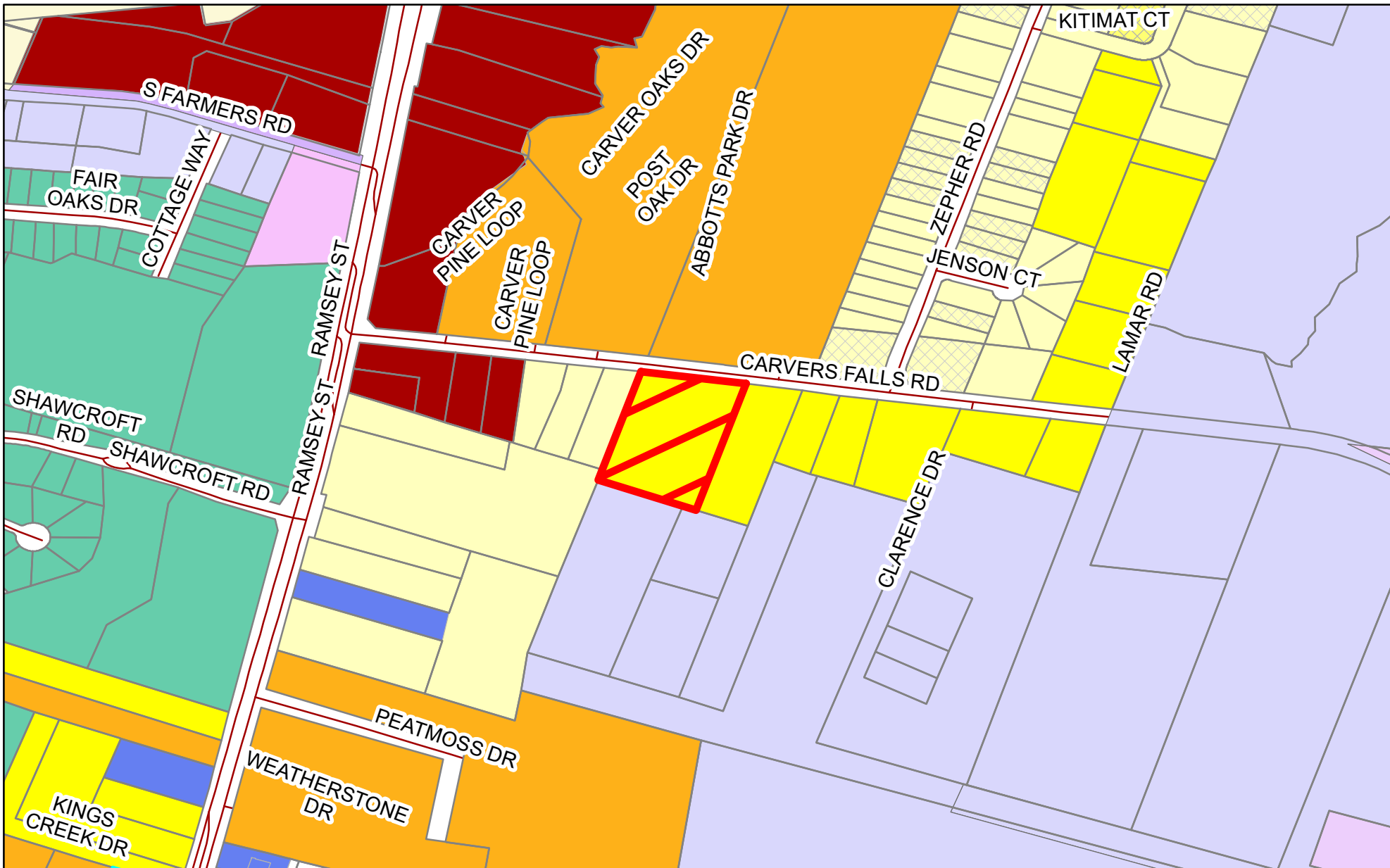
Legend

-  P23-21 Notification Area
-  P23-21



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





Zoning Map

Case #: P23-21

Request: Conditional Rezoning
Single Family 10 to
Mixed Residential 5
Conditional Zoning

Location: 0 Carvers Falls Road

Legend

P23-21

CC - Community Commercial

MR-5 - Mixed Residential 5

OI - Office & Institutional

SF-6 - Single-Family Residential 6

SF-6/MHO - Single-Family Residential 6 Manufactured Home Overlay

SF-10 - Single-Family Residential 10

SF-10/MHO - Single-Family Residential 10 Manufactured Home Overlay

County

PND - Planned Neighborhood Development

Cumberland County Zoning

gis_ware_1

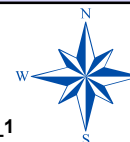
C1(P)

C2(P)

PND

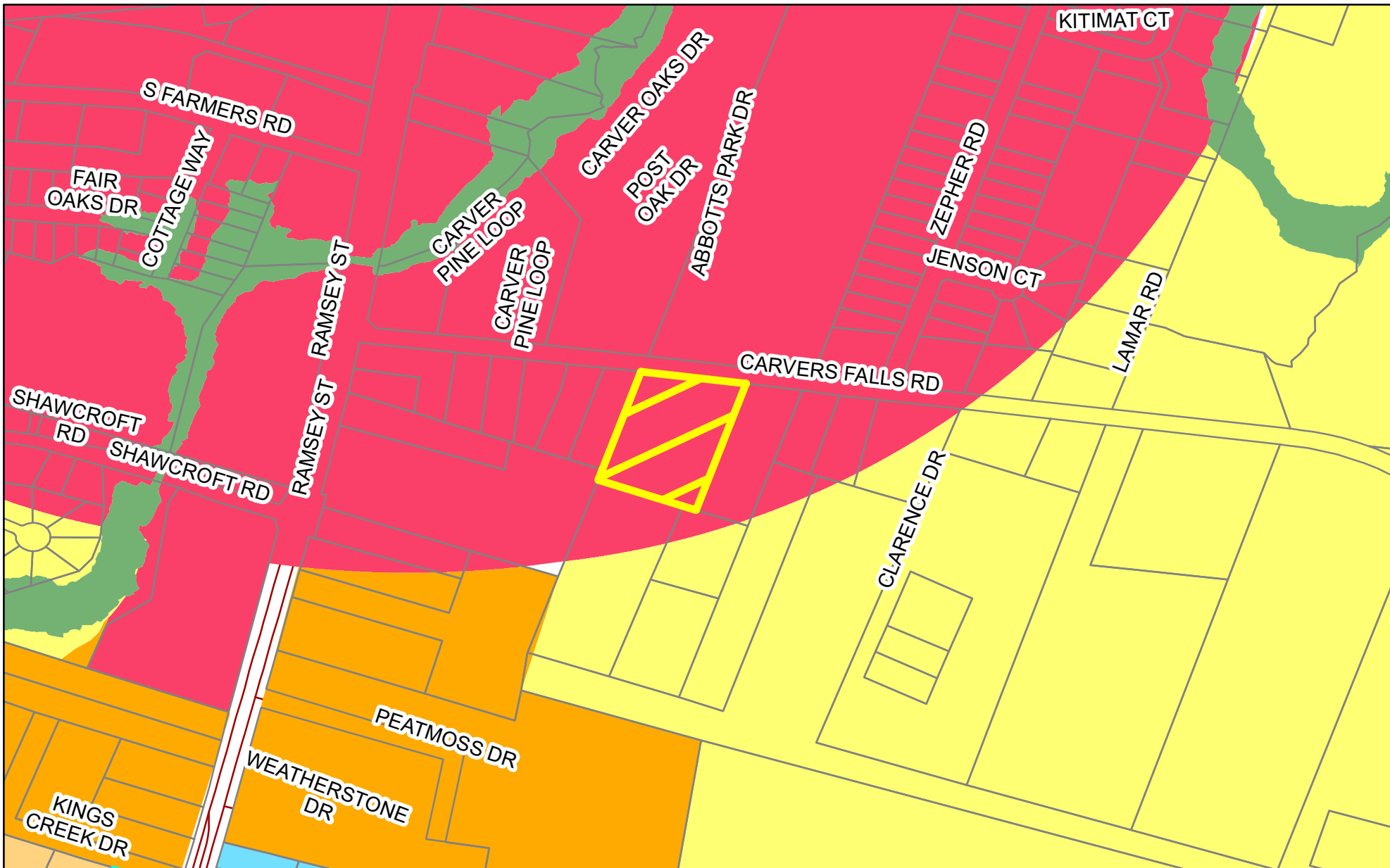
R6

RR



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 #: P23-21

Request: Conditional Rezoning
Single Family 10 to
Mixed Residential 5
Conditional Zoning

Location: 0 Carvers Falls Road

Legend



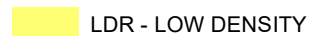
P23-21

Land Use Plan 2040

Character Areas



PARKOS - PARK / OPEN SPACE



LDR - LOW DENSITY



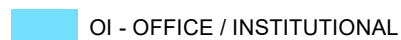
MDR - MEDIUM DENSITY



HDR - HIGH DENSITY RESIDENTIAL



CC - COMMUNITY CENTER



OI - OFFICE / INSTITUTIONAL



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







Surrounding Properties



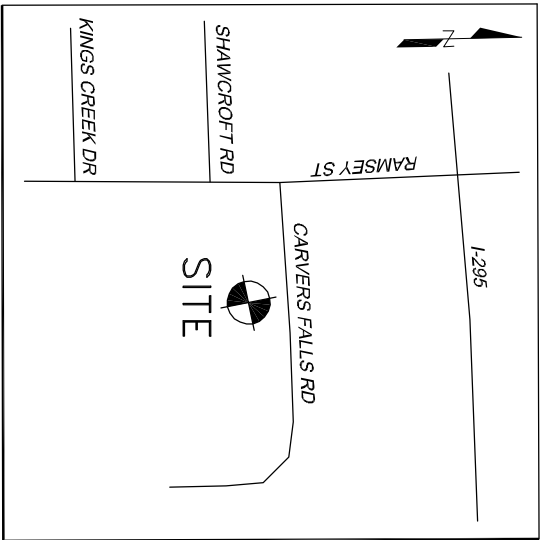
North



West



East



LEGEND

EXISTING ROADWAY (PITCH TOP)
EXISTING ROADWAY (PITCH BOTTOM)
EXISTING ROADWAY (PITCH TOP)
EXISTING ROADWAY (PITCH BOTTOM)
EXISTING ROADWAY (PITCH TOP)
EXISTING ROADWAY (PITCH BOTTOM)
EXISTING ROADWAY (PITCH TOP)
EXISTING ROADWAY (PITCH BOTTOM)
EXISTING ROADWAY (PITCH TOP)
EXISTING ROADWAY (PITCH BOTTOM)

SYMBOLS

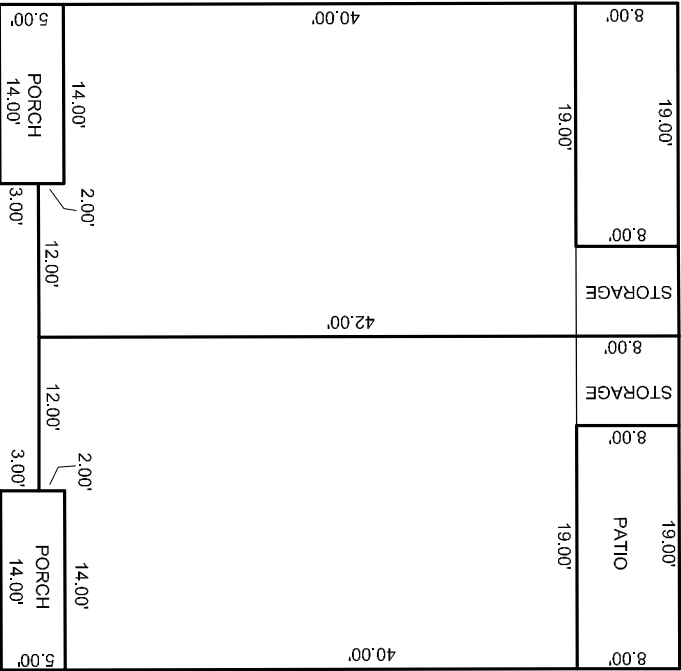
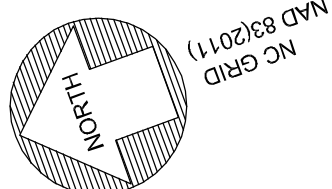
EXISTING ROADWAY (PITCH TOP)
EXISTING ROADWAY (PITCH BOTTOM)
EXISTING ROADWAY (PITCH TOP)
EXISTING ROADWAY (PITCH BOTTOM)
EXISTING ROADWAY (PITCH TOP)
EXISTING ROADWAY (PITCH BOTTOM)
EXISTING ROADWAY (PITCH TOP)
EXISTING ROADWAY (PITCH BOTTOM)
EXISTING ROADWAY (PITCH TOP)
EXISTING ROADWAY (PITCH BOTTOM)

Vicinity Map
(Not to Scale)

053098433000
MICHAEL J. STARRINGS
DB 4672, PG 147

053098434000
FOUR SEASONS INVESTMENT LLC
DB 1028, PG 152

053098500000
KATE R. ORRIN
DB 10618, PG 566



053098270000
SHIRLEY JOHNSON
DB 2801, PG 157

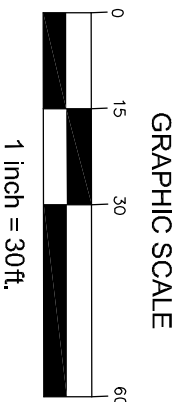
053098433000
MICHAEL J. STARRINGS
DB 4672, PG 147

053098433000
MICHAEL J. STARRINGS
DB 4672, PG 147

REZONING REQUEST

T & G VENTURES LLC

ADDRESS: CARVERS FALLS RD
TOWNSHIP: CARVERS CREEK
DATE: APRIL 14, 2023
ZONING: SF-40
CITY: FAYETTEVILLE, NC



1 inch = 30ft

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 P23-21 is consistent/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 # 2: Promote compatible economic and commercial development in key identified areas.	X	

2. LAND USE POLICES AND STRATEGIES:

LAND USE POLICES AND STRATEGIES	CONSISTENT	INCONSISTENT
LUP 1: Encourage growth in areas well-served by infrastructure and urban services, including roads, utilities, parks, schools, police, fire, and emergency services.	X	
1.7: Encourage a logical progression of housing development and discourage "leapfrog" development.	X	
LUP 2: Encourage strategic economic development.	X	
2.1: Encourage economic development in designated areas.	X	
LUP 3: Encourage redevelopment along underutilized commercial strip corridors and reinvestment in distressed residential neighborhoods.	X	
3.1: Examine and identify targeted redevelopment and infill areas throughout the city.	X	

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

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

Reasonableness

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

- X The size, physical conditions, and other attributes of the proposed use(s) will benefit the surrounding community.
- X The amendment includes conditions that limit potential negative impacts on neighboring uses.
- The proposed uses address the needs of the area and/or City.
- The proposal adapts the zoning code to reflect modern land-use trends and patterns.

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

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

Additional comments, if any (write-in):

June 13, 2023
Date

Chair Signature

Print



City of Fayetteville

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

City Council Action Memo

File Number: 23-3403

Agenda Date: 6/13/2023

Version: 1

Status: Agenda Ready

In Control: Zoning Commission

File Type: Public Hearing
(Public & Legislative)

Agenda Number: 5.03

TO: Mayor and Members of City Council

THRU: Zoning Commission

FROM: Will Deaton, AICP - Planning & Zoning Division Manager
Demetrios Moutos - Planner I

DATE: June 13, 2023

RE:

P23-24. Conditional Rezoning from Single Family Residential 6 (SF-6) to Multi-Family Residential 5 Conditional Zoning (MR-5/CZ) to add three more dwelling units to the subject properties and address the front and rear setbacks on 0.73± acres, located at 812 Ridge Road (REID #0429672563000), and being the property of Tawfik Sharifi, represented by Michael Adams of MAPS Surveying Inc.

COUNCIL DISTRICT(S):

3 - Mario Benavente

Relationship To Strategic Plan:

Strategic Operating Plan FY 2022

Goals 2027

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

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

Goal III: City invested in Today and Tomorrow

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

Executive Summary:

The subject properties are currently zoned Single Family Residential 6 (SF-6) and the applicant is requesting a rezoning to Mixed Residential 5 Conditional Zoning (MR-5/CZ).

The proposed conditions are to allow three additional dwelling units on a single parcel with four existing dwelling units, reduce the required rear yard setback from 15 feet to 11 feet, and reduce the required front yard setback from 25 feet to 17 feet.

Background:

Owner: Tawfik Sharifi

Applicant: Michael Adams of MAPS Surveying Inc.

Requested Action: SF-6 to MR-5/CZ

REID #'s: 0429672563000 and 0429670389000

Council District: 3 - Mario Benavente

Status of Properties: Developed with two single-family houses and one duplex

Size: .73 acres ±

Adjoining Land Use & Zoning:

- North: SF-6 - Single Family Home and Vacant Land
- South: SF-6 - Single Family Homes
- East: SF-6 - Single Family Homes across Rosehill Road
- West: SF-6 - Three Duplex Buildings

Annual Average Daily Traffic: 12,000 (2021 - Rosehill Road)

Letters Mailed: 113

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 Medium Density Residential (MDR): Medium Density Residential refers to predominantly single-family residential areas characterized by small lots, typically accommodating 3-6 dwellings per acre. These neighborhoods may also include duplexes or townhomes interspersed with the single-family homes, and there is a possibility of low-rise apartment buildings. While most of these areas are designed with a focus on automobile transportation, there are also some neighborhoods and destinations within this category that offer pedestrian-friendly environments suitable for walking.

Issues/Analysis:

History:

The single family home located on the 0.25-acre parcel was built in 1963. The duplex and the single family home on the same 0.48-acre parcel, 812 and 810 Ridge Road, were built in 1956 and 1989 respectively. The subject property is currently zoned SF-6 and was annexed into the city in 2001.

Surrounding Area:

The subject properties are located on the corner of Ridge Road and Rosehill Road. The

area around the subject properties is residential in nature. There are two parcels abutting the subject property to the northwest that are zoned single-family residential 6 (SF-6), one of which is vacant and wooded, and on the other sits a single-family dwelling. There are three duplexes that were built in the 1960s on the property to the southwest that are also zoned single-family residential 6 (SF-6). The Dogwood Pointe Apartments and the Rose Hill Road Apartments of Distinction are across Ridge Road to the southeast, also zoned single-family residential 6 (SF-6). Finally, to the west and northwest of the subject properties, across Rosehill Road, are single-family residences zoned Single Family Residential 15 (SF-15).

Rezoning Request:

The applicant is requesting to rezone the property from Single Family Residential 6 (SF-6) to Mixed Residential 5 Conditional Zoning (MR-5/CZ) in order to add three more units to the subject properties, one duplex, and a single-family detached dwelling. The applicant is also requesting that the rear yard setback requirement of 15 feet be reduced to 11 feet and that the front yard setback requirement of 25 feet be reduced to 17 feet.

The Mixed Residential 5 (MR-5) district allows for diverse residential housing types at moderate to high densities, including single-family detached dwellings, two- to four-family dwellings, multi-family dwellings, and other residential development subject to this Ordinance. All development in the district must comply with the design standards in Article 30-5. MR-5 districts may also have centrally-located open space, institutional uses, day care facilities, and limited neighborhood-serving retail uses (See 30-4.D. Accessory Uses).

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.

Conditional Zoning:

The request is for a conditional rezoning from Single Family Residential 6 (SF-6) to Mixed Residential 5 Conditional Zoning (MR-5/CZ).

The purpose of the CZ zoning district is “intended to provide a landowner and the City an alternative to rezoning the land to a standard base zoning district, where the base zoning allows certain uses and development that may be appropriate but also allow uses and development that may not conform to City plans or would have adverse impacts on public facilities or surrounding lands. Reclassification of land to a conditional zoning district allows a landowner to propose, and the City Council to consider, additional conditions or restrictions on the range of allowable uses, use standards, development intensities, development standards, and other regulations applicable in the parallel base zoning district. This enables the City to tailor a zoning classification to accommodate desirable development while avoiding or addressing anticipated problems that may arise from development otherwise allowed by the base zoning district.”

Specifics of this Conditional Rezoning:

The applicant is requesting the rezoning to MR-5/CZ to allow four existing (two

single-family detached dwellings and one duplex) and three proposed dwelling units (one single-family detached dwelling and one duplex) on a single lot, reduce the required front yard setback from 25 feet to 17 feet, and to reduce the required rear yard setback from 15 feet to 11 feet.

Ordinarily, more than one duplex can be placed on a single lot so long as all of the dimensional standards of the underlying zoning district can be met. However, based on the definition of a lot, set forth in the Unified Development Ordinance (UDO), only one single-family detached dwelling is allowed per lot. Thus, a new use type was created to allow for multiple single-family detached dwellings on a single lot. The additional standards for this new use type, however, state that the minimum total development size shall not be less than 10 acres. Hence the need to conditionally zone the parcels (a total of 0.73 acres) to allow for multiple (three; two existing and one proposed) single-family detached dwellings to coexist on the same lot as two duplexes (one existing and one proposed).

A lot is defined in the UDO as follows: “A parcel of land or any combination of several parcels of land occupied or intended to be occupied by a principal use or structure, together with any accessory structures or uses and such access ways, parking area, yards, and open spaces required in these regulations.”

The requested reductions in setback are due to the lot being only 61.09 feet deep where the new dwellings are proposed. According to the site plan provided by the applicant, these reductions in setbacks would bring the proposed buildings no closer to the property lines than the existing buildings.

Land Use Plan Analysis:

According to Future Land Use Map & Plan, the subject properties and subdivision in which it resides are recommended to be developed as Medium Density Residential. Medium Density Residential is described as being primarily single family with small lots, duplex or townhomes interspersed, with low-rise apartments being a possibility. These neighborhoods are mostly auto-oriented, but have some walkable characteristics and destinations. The proposed conditional rezoning to MR-5/CZ is in keeping with the Medium Density Residential area laid out by the Future Land Use Plan.

Consistency and Reasonableness Statements:

The Future Land Use Plan also sets forth written goals, policies, and strategies. This application looks to follow the City’s strategic, compatible growth strategies by meeting the goals of the Land Use Plan found on the attached Consistency and Reasonableness form.

Budget Impact:

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

Options:

1. Recommends approval of the map amendment to MR-5/CZ (recommended);
2. Recommends approval of the map amendment to a more restrictive zoning district; or
3. Denies the map amendment request.

Recommended Action:

The Professional Planning Staff recommends that the Zoning Commission move to recommend APPROVAL of the map amendment to MR-5/CZ based on the following:

- The proposed zoning map amendment implements the policies adopted in the Future Land Use Plan (FLUP), and those policies found in the Unified Development Ordinance (UDO). The Future Land Use Plan calls for the subject property to be developed as Medium Density Residential.
- The uses permitted by the proposed change in zoning district classification and standards that apply to such use and will be 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. Site Plan
6. Subject Property
7. Surrounding Property Photos
8. District Standards
9. Consistency and Reasonableness Statements

Project Overview**#1019838**

Project Title: Ridge Rd
Application Type: 5.2) Conditional Rezoning
Workflow: Staff Review

Jurisdiction: City of Fayetteville
State: NC
County: Cumberland

Project Location

Project Address or PIN: 812 RIDGE RD (0429672563000) **Zip Code:** 28311

GIS Verified Data

Property Owner: Parcel
• 812 RIDGE RD: SHARAFI, TAWFIK MOHAMED

Acreage: Parcel
• 812 RIDGE RD: 0.48

Zoning District: Zoning District
• 812 RIDGE RD: SF-6

Subdivision Name:

Fire District:

Airport Overlay District:

Hospital Overlay District:

Coliseum Tourism District:

Cape Fear District:

Downtown Historic District:

Haymount Historic District:

Floodway:

100 Year Flood: <100YearFlood>

500 Year Flood: <500YearFlood>

Watershed:

General Project Information

Proposed Conditional Zoning District: MR-5/CZ - Conditional Mixed Residential 5 **Lot or Site Acreage to be rezoned:** 0.73

Was a neighborhood meeting conducted?: No

Date of Neighborhood Meeting:

Number of Residential Units: 7

Nonresidential Square Footage: 0

Landowner Information

Landowner Name: Tawfik Mohamed Sharafi

Deed Book and Page Number: 11659-454 & 11659-435

Written Description of Request - Answer all the questions under this section (upload additional sheets as needed).

A) Describe the proposed use of the rezoned land, including the proposed types of site improvements, buildings, uses, proposed activities, hours of operation, and operating characteristics.:

Requesting the conditional rezoning in order to add 3 more units to the subject properties.

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

Properties will be recombined if approved.

Asking for conditional rezoning in order to address the front and rear setback requirements (see site plan)

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

All properties surrounding the subject property are currently zoned SF6

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

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

Entire surrounding area is for low density development. This would continue that trend

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

no

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

Housing of all types is desperately needed. This would address that concern.

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.:

Would be consistent with the existing housing found in this area.

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

This would maximize the capacity of the subject properties with similar housing already found in the area.

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

none

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

N/A

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

This property would be the only MR5 in this area but the end result of maximizing the capacity of the lots would outweigh that.

Similar housing is already found in this area.

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

None.

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

None. All measures would be taken to address any existing environmental concerns.

Primary Contact Information

Contractor's NC ID#:

Project Owner

Tawfik Sharifi

4621 Needham Dr

Fayetteville, NC 28311

P:910-574-3177

tom@franklinjohnsoncommercial.com

Project Contact - Agent/Representative

Michael Adams
MAPS Surveying Inc.
1306 Fort Bragg Road
Fayetteville, NC 28305
P:910-484-6432
maps@mapssurveying.com

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$30,000. :

NC State General Contractor's License Number:

NC State Mechanical Contractor's #1 License Number:

NC State Mechanical Contractor's #2 License Number:

NC State Mechanical Contractor's #3 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 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 #: P23-24



Conditional Rezoning

Request: Mixed Residential 5

Conditional Zoning (MR-5/CZ)

Location: 812 Ridge Road

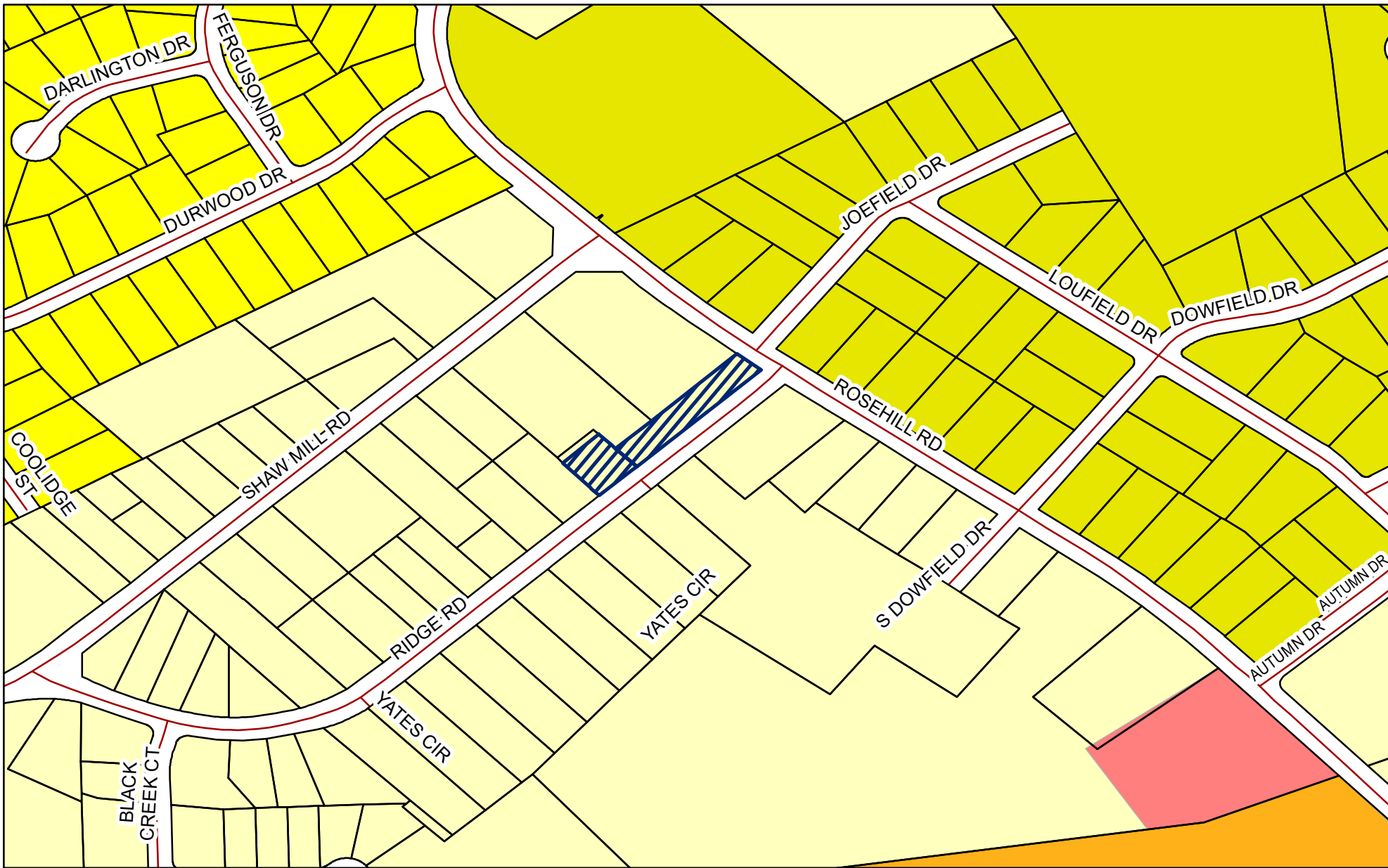
Legend

-  P23-24 Buffer
-  P23-24



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











Zoning Map Case #: P23-24

Conditional Rezoning
 Request: Mixed Residential 5
 Conditional Zoning (MR-5/CZ)
 Location: 812 Ridge Road

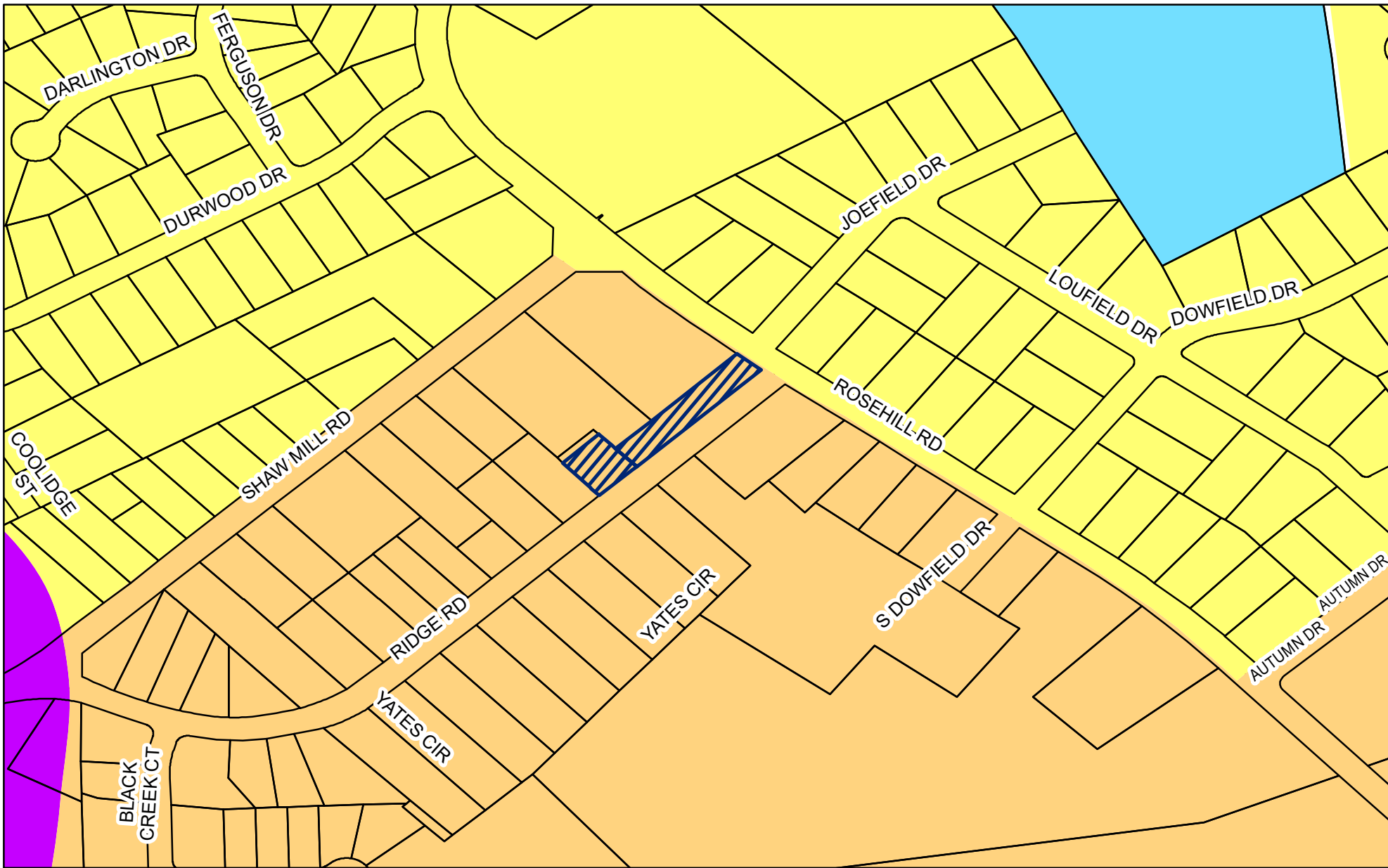
Legend

- | | |
|--|---|
|  P23-24 |  SF-6 - Single-Family Residential 6 |
|  LC - Limited Commercial |  SF-10 - Single-Family Residential 10 |
|  MR-5 - Mixed Residential 5 |  SF-15 - Single-Family Residential 15 |



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





Future Land Use Map

Case #: P23-24

Conditional Rezoning

Request: Mixed Residential 5

Conditional Zoning (MR-5/CZ)

Location: 812 Ridge Road

Legend

 P23-24

Land Use Plan 2040

Character Areas

 LDR - LOW DENSITY

 MDR - MEDIUM DENSITY

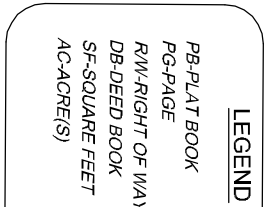
 OI - OFFICE / INSTITUTIONAL

 EC - EMPLOYMENT CENTER



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





LEGEND

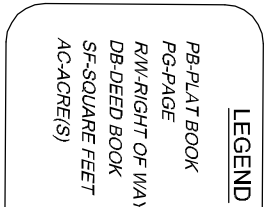
PB-PLAT BOOK
PG-PAGE
R/W-RIGHT OF WAY
DB-DEED BOOK
SF-SQUARE FEET
AC-ACRE(S)

LEGEND

PB-PLAT BOOK
PG-PAGE
R/W-RIGHT OF WAY
DB-DEED BOOK
SF-SQUARE FEET
AC-ACRE(S)

LEGEND

PB-PLAT BOOK
PG-PAGE
R/W-RIGHT OF WAY
DB-DEED BOOK
SF-SQUARE FEET
AC-ACRE(S)



LEGEND

PS-PLAT BOOK
PG-PAGE
R/W-RIGHT OF WAY
DB-DEED BOOK
SF-SQUARE FEET
AC-ACRE(S)

LEGEND

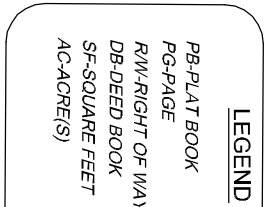
PS-PLAT BOOK
PG-PAGE
R/W-RIGHT OF WAY
DB-DEED BOOK
SF-SQUARE FEET
AC-ACRE(S)

LEGEND

PS-PLAT BOOK
PG-PAGE
R/W-RIGHT OF WAY
DB-DEED BOOK
SF-SQUARE FEET
AC-ACRE(S)

LEGEND

PS-PLAT BOOK
PG-PAGE
R/W-RIGHT OF WAY
DB-DEED BOOK
SF-SQUARE FEET
AC-ACRE(S)



LEGEND

PS-PLAT BOOK
PG-PAGE
R/W-RIGHT OF WAY
DB-DEED BOOK
SF-SQUARE FEET
AC-ACRE(S)



Subject Properties



Subject Properties





Surrounding Properties



PART II - CODE OF ORDINANCES

CHAPTER 30 – UNIFIED DEVELOPMENT ORDINANCE

Article 30-3: Zoning Districts

30-3.D. Residential Base Zoning Districts

30-3.D.5. Mixed Residential 5 (MR-5) District

MR-5 MIXED RESIDENTIAL 5 DISTRICT	PURPOSE					
	The Mixed Residential 5 (MR-5) 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, and other residential development that may include single-family attached dwellings, and zero lot line development subject to the requirements of this Ordinance. All development in the district shall comply with the design standards in Article 30-5 : Development Standards. MR-5 districts may also include centrally-located open space, complementary institutional uses (e.g., religious institutions, post offices, police sub-stations), day care facilities, and limited small-scale neighborhood-serving convenience retail uses (See 30-4.D . Accessory Uses).					
DIMENSIONAL STANDARDS						
DIMENSIONAL STANDARD	SINGLE- FAMILY DETACHED DWELLINGS	SINGLE- FAMILY ATTACHED DWELLINGS	TWO- TO FOUR- FAMILY DWELLINGS	MULTI- FAMILY DWELLINGS	ALL OTHER PRINCIPAL USES [1]	ACCESSORY STRUCTURES
Lot area per unit, min. (sq. ft.) [2]	5,000 for 1st unit, then 4,000	4,000		15,000+ 1,000 per unit	5,000	n/a
Lot width, min. (ft.)	50					n/a
Gross residential density, max. (dwelling units/ acre) [3]	20; 24 if property abuts an Arterial, Collector, or Major Street (as defined in Article 30-9 , Definitions)					n/a
Lot coverage, max. (% of lot area)	55					[4]
Height, max. (ft.) [3]	Greater of six stories or 75 feet					25; 15 where abutting a single-family zoning district or use with setback less than 10 feet
Front and corner side setback, min. (ft.) [5]	25 feet or 50 feet from centerline of private streets					Not allowed in front or corner side setbacks

Side setback, min. (ft.)	10		
Rear setback, min. (ft.)	30; 15 when corner side setback is 25 or more		5
Spacing between buildings, min. (ft.)	n/a	20	5
Zero lot line development standards	Zero lot line development shall comply with the maximum gross residential density standards. Setbacks and lot area for lots abutting the perimeter of the development shall meet the district minimums; otherwise no setbacks, lot area, lot coverage, or building spacing requirements shall apply. [6]		

NOTES:

[1] Including live/work units and upper-story residential development.

[2] In cases where lot area and gross density conflict, the standard resulting in the lesser number of dwelling units shall control.

[3] Gross residential density and maximum height may be increased through provision of sustainable development features in accordance with Section 30-5.N, Incentives for Sustainable Development Practices.

[4] Accessory structures/use areas shall not exceed 25 percent of the allowable lot coverage. However, with the exception noted in this footnote, accessory structures shall not exceed 1200 square feet in size, and any accessory structure with a footprint over 700 square feet must be set back an additional 5 feet from any lot line. When the accessory structure is adjacent to a business zoning district the additional setback requirement shall not apply and the only size limitation is the 25 percent of the allowed building coverage.

Notwithstanding the foregoing, accessory uses/structures on lots of at least one acre and that exceed the maximize size above shall comply with the footprint and setback requirements of Section 30-4.D.3.w, Accessory uses/structures on large residential lots.

[5] Minimum front (and corner side) setbacks for multi-family and nonresidential uses may be reduced to 15 feet when off-street parking is located to the side or rear of buildings and buildings are located proximate to the street (or corner) rights-of-way.

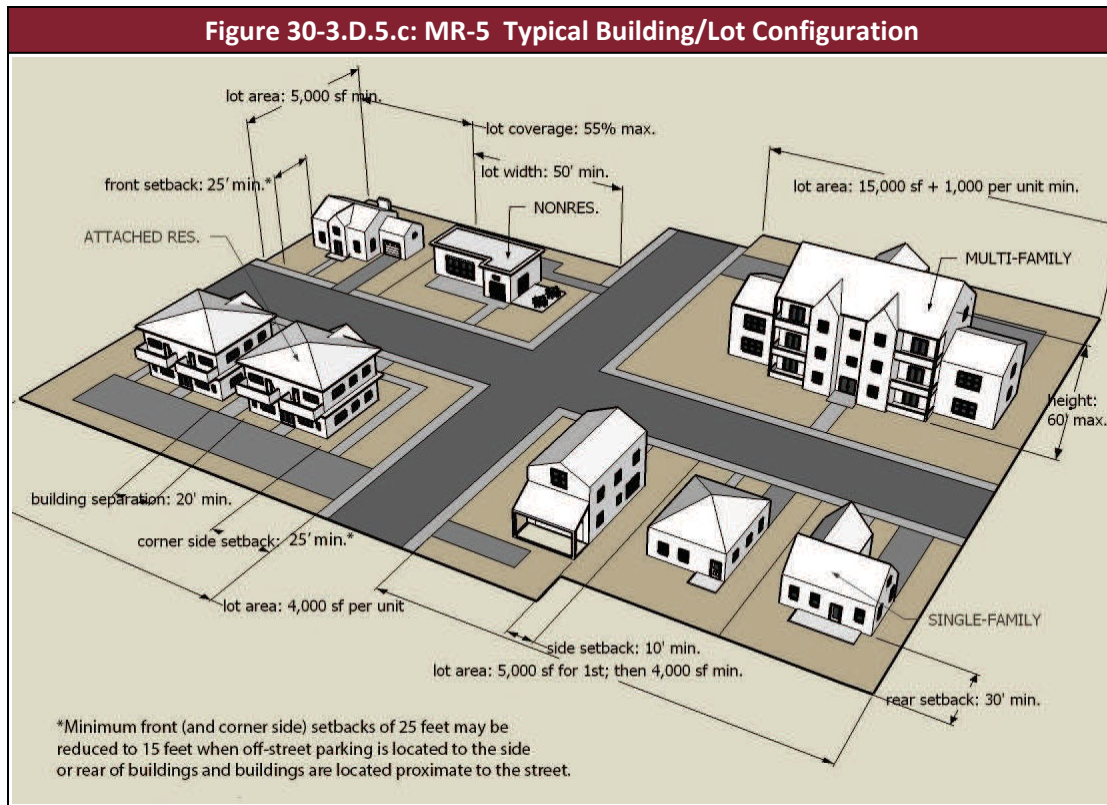
[6] Zero lot line development is subject to standards in Section 30-3.B.2 and, on a tract or site of three acres in area or less may require approval of a Neighborhood Compatibility Permit (see Section 30-2.C.21 Neighborhood Compatibility Permit).

**Figure 30-3.D.5.a:
MR-5 Typical Lot Pattern**



**Figure 30-3.D.5.b:
MR-5 Typical Building Form**





(Ord. No. S2011-014, § 1.2, 11-28-2011; Ord. No. S2012-001, Pt. 3, § 3.1, 1-23-2012; Ord. No. S2012-018, § 1.0, 9-10-2012; Ord. No. S2014-002, § 6a, 1-13-2014; Ord. No. S2014-005, § 3, 1-27-2014; Ord. No. S2014-015, § 5, 8-11-2014; Ord. No. S2015-008, § 4, 8-10-2015; Ord. No. S2019-018, 1, 04/23/2019; Ord. No. S2021-041, § 1, 10/25/2021)

Effective on: 8/10/2015

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 P23-24 is consistent/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 #2 Promote compatible economic and commercial development in key identified areas	X	

2. LAND USE POLICES AND STRATEGIES:

LAND USE POLICIES AND STRATEGIES	CONSISTENT	INCONSISTENT
LUP 1: Encourage growth in areas well served by infrastructure and urban services, including roads, utilities, parks, schools, police, fire, and emergency services.	X	
1.7: Encourage a logical progression of housing development and discourage leapfrog development.	X	
LUP 2: Encourage strategic economic development	X	
2.1: Encourage economic development in designated areas	X	
LUP 4: Create Well-Designed and Walkable Commercial and Mixed-Use Districts	X	
4.1: Ensure new development meets basic site design standards	X	
4.2: Encourage context-sensitive site design	X	

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

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

Reasonableness

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

- ☒ The size, physical conditions, and other attributes of the proposed use(s) will benefit the surrounding community.
- ☒ The amendment includes conditions that limit potential negative impacts on neighboring uses.
- ☒ The proposed uses address the needs of the area and/or City.
- ☒ The proposal adapts the zoning code to reflect modern land-use trends and patterns.

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

- ☒ improves consistency with the long-range plan.
- ☒ improves the tax base.
- ☐ preserves environmental and/or cultural resources.
- ☒ facilitates a desired kind of development.
- ☒ provides needed housing/commercial area.

Additional comments, if any (write-in):

June 13, 2023

Date

Chair Signature

Print



City of Fayetteville

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

City Council Action Memo

File Number: 23-3395

Agenda Date: 6/13/2023

Version: 1

Status: Agenda Ready

In Control: Zoning Commission

File Type: Public Hearing
(Public & Legislative)

Agenda Number: 5.04

TO: Mayor and Members of City Council

THRU: Zoning Commission

FROM: Will Deaton, AICP - Planning & Zoning Division Manager
Heather Eckhardt, CZO - Planner II

DATE: June 13, 2023

RE:

P23-25. Rezoning from Downtown (DT) to Mixed Residential 5 (MR-5), Community Commercial (CC), and Light Industrial (LI) of 0 and 117 N Broad Street, 115 N Racepath Street, 120 Pepsi Lane, 801, 802, 804, 805, 810, 815, 820, 821, 901, 902, 913, 914, 915, and 0 Person Street (REIDs 0447124493000, 0447124479000, 0447120488000, 0447028593000, 0447028452000, 0447028277000, 0447028248000, 0447029460000, 0447029274000, 0447120349000, 0447120281000, 0447121308000, 0447122490000, 0447122137000, 0447123398000, 0447123193000, 0447124375000, and 0447028209000) totaling 6.16 acres ± and being the property of Wiener King of Cumberland County Inc, Hurtado, Max Tobias, Sutton, M Keith; Sutton, Deborah C, Racepath Investments LLC, Evans Properties of Fay LLC, Beatty, Jerry; Beatty, Janice D, Hayner LLC, Geddie, James W Sr; Geddie, Berthina; Geddie, Tom, Melvin, Sharon Samona, Christ Gospel Church of Fayetteville NC, City of Fayetteville, Christ Gospel Church of Fay, and Hubbard, Vivian S.

COUNCIL DISTRICT(S):

2 - Shakeyla Ingram

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.

Executive Summary:

This is a city-initiated rezoning intended to address the remaining Downtown (DT) zoned properties along Person Street outside of the core Downtown area. In 2022, the City of Fayetteville rezoned portions of the core Downtown area into two new zoning districts, DT-1 and DT-2, in order to expand the Downtown and assist in the continued revitalization of the Downtown. There are 18 parcels located along Person Street west of North Eastern Boulevard that need to be rezoned. The City proposes that the parcels be rezoned to districts that suit the area as well as the uses occupying the properties.

Background:

Applicant: City of Fayetteville

Owner: Various

Requested Action: Downtown (DT) to Mixed Residential 5 (MR-5), Community Commercial (CC), and Light Industrial (LI)

REID #: 0447124493000, 0447124479000, 0447120488000, 0447028593000, 0447028452000, 0447028277000, 0447028248000, 0447029460000, 0447029274000, 0447120349000, 0447120281000, 0447121308000, 0447122490000, 0447122137000, 0447123398000, 0447123193000, 0447124375000, and 0447028209000

Council District: 2 - Shakeyla Ingram

Status of Property: Variety of commercial and industrial businesses and one residential property

Size: 6.16 acres

Adjoining Land Use & Zoning:

- North: MR-5 & HI - Commercial businesses and residential areas
- South: HI - Industrial businesses
- East: CC & HI - Industrial businesses and vacant land
- West: HI - Day resource center and City of Fayetteville Solid Waste

Annual Average Daily Traffic: Person Street: 15,000 (2021)

Letters Mailed: 101

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 Highway Commercial (HC) and Park/Open Space (PARKOS). Highway Commercial is intended for high intensity nonresidential uses along major intersections and highway interchanges. Park/Open Space is generally not suited for development due to site constraints or environmental/cultural importance. In this location, the Park/Open Space follows the regulatory flood hazard areas.

Issues/Analysis:

History:

The subject properties have been within city limits since the 1800s. The properties have remained mostly unchanged for many years. The exceptions are 801 and 804 Person Street. A car wash was developed at 801 Person St in the late 1990s. The structure at 804 Person Street was demolished in 2021 after being struck by a vehicle and suffering substantial damage. The site is currently being redeveloped for a small office building.

Surrounding Area:

The surrounding area is primarily zoned Heavy Industrial (HI) with a Mixed Residential 5 (MR-5) parcel to the northeast. To the north, there is a heating and air supply company, motorcycle dealer, church, and a few residential structures. To the south, there are a variety of industrial businesses and structures such as an electrical supply company and a towing company. To the west, there is a gas station, the City's future day resource center, and part of the City of Fayetteville's Solid Waste Division. Lastly, to the east, there are a few parcels of vacant land as well as Morty Pride Meats, a restaurant, and a small vacant commercial building.

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 straight zoning from Downtown (DT) to Mixed Residential 5 (MR-5), Community Commercial (CC), and Light Industrial (LI). The parcels will be rezoned as follows and as shown on the attached "Proposed Zoning Map":

Mixed Residential 5 (MR-5): 117 N Broad Street
Community Commercial (CC): 0 Person St (0447028209000)

804 Person St
801 Person St
820 Person St
815 Person St
821 Person St
902 Person St
901 Person St
914 Person St
913 Person St
915 Person St
0 N Broad St

Light Industrial: 802 Person St
120 Pepsi Ln
810 Person St
805 Person St
115 N Racepath St

The Mixed Residential 5 (MR-5) 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

dwelling, two- to four-family dwellings, and multi-family dwellings.

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

The Light Industrial (LI) District is established and intended to accommodate light manufacturing, assembly, fabrication, processing, distribution, storage, research and development, and other industrial uses that are small-scale or otherwise have minimal exterior movement of vehicles, materials, and goods, as well as few or minimal adverse environmental and visual impacts.

The reclassification of land to a base zoning district without conditions allows all of the uses that are shown on the attached Use Table taken from the UDO. The Zoning Commission may not consider conditions or restrictions on the range of allowable uses, use standards, development intensities, development standards, and other applicable regulations.

Land Use Plan Analysis:

According to the Future Land Use Map & Plan, this general area is recommended to be developed as Highway Commercial (HC) and Park/Open Space (PARKOS). Highway Commercial is intended for high-intensity nonresidential uses along major intersections and highway interchanges. Park/Open Space is generally not suited for development due to site constraints or environmental/cultural importance. In this location, the Park/Open Space follows the regulatory flood hazard areas. While the MR-5 and LI zoning districts may not align directly with the Future Land Use Plan designation of Highway Commercial, these districts will best suit the existing uses on the subject properties while also aligning with the surrounding zoning districts. The Future Land Use Plan shows the surrounding area to be developed as Employment Center which calls for high-intensity uses with high impact or likelihood for nuisance - such uses would be permitted within the proposed Light Industrial zoning district.

Consistency and Reasonableness Statements:

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

Conclusion:

The proposed rezoning will finish out the Downtown (DT-1 and DT-2) rezoning project by converting the last remaining DT zoned parcels to zoning districts that will suit the surrounding area while continuing to allow the uses currently located on the subject properties.

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

Recommended Action:

The Professional Planning Staff recommends that the Zoning Commission move to recommend APPROVAL of the map amendment to MR-5, CC, and LI based on the following:

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

Attachments:

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

Project Overview

#1026495

Project Title: Person St DT Zoning

Jurisdiction: City of Fayetteville

Application Type: 5.1) Rezoning (Map Amendment)

State: NC

Workflow: Staff Review

County: Cumberland

Project Location

Project Address or PIN:

Zip Code: 28301

- 120 PEPSI LN (0447028593000)
- 115 N RACEPATH ST (0447120488000)
- 801 PERSON ST (0447028452000)
- 805 PERSON ST (0447029460000)
- 815 PERSON ST (0447120349000)
- 821 PERSON ST (0447121308000)
- 820 PERSON ST (0447120281000)
- 810 PERSON ST (0447029274000)
- 802 PERSON ST (0447028277000)
- 804 PERSON ST (0447028248000)
- 0 PERSON ST (0447028209000)
- 901 PERSON ST (0447122490000)
- 913 PERSON ST (0447123398000)
- 915 PERSON ST (0447124375000)
- 0 N BROAD ST (0447124493000)
- 117 N BROAD ST (0447124479000)
- 914 PERSON ST (0447123193000)
- 902 PERSON ST (0447122137000)

GIS Verified Data

Property Owner: Parcel

- 120 PEPSI LN: RACEPATH INVESTMENTS LLC
- 115 N RACEPATH ST: SUTTON, M KEITH;SUTTON, DEBORAH C
- 801 PERSON ST: EVANS PROPERTIES OF FAY LLC
- 805 PERSON ST: RACEPATH INVESTMENTS LLC
- 815 PERSON ST: RACEPATH INVESTMENTS LLC
- 821 PERSON ST: GEDDIE, JAMES W SR;GEDDIE, BERTHINA;GEDDIE, TOM
- 820 PERSON ST: HAYNER LLC
- 810 PERSON ST: RACEPATH INVESTMENTS LLC
- 802 PERSON ST: RACEPATH INVESTMENTS LLC
- 804 PERSON ST: BEATTY, JERRY;BEATTY, JANICE D
- 0 PERSON ST: BEATTY, JERRY;BEATTY, JANICE D
- 901 PERSON ST: MELVIN, SHARON SAMONA
- 913 PERSON ST: CITY OF FAYETTEVILLE

Acreage: Parcel

- 120 PEPSI LN: 0.3
- 115 N RACEPATH ST: 0.2
- 801 PERSON ST: 0.5
- 805 PERSON ST: 0.14
- 815 PERSON ST: 0.16
- 821 PERSON ST: 0.14
- 820 PERSON ST: 0.22
- 810 PERSON ST: 0.4
- 802 PERSON ST: 0.07
- 804 PERSON ST: 0.05
- 0 PERSON ST: 0.03
- 901 PERSON ST: 0.64
- 913 PERSON ST: 0.22
- 915 PERSON ST: 0.31
- 0 N BROAD ST: 0.13

- 915 PERSON ST: HUBBARD, VIVIAN S
- 0 N BROAD ST: WIENER KING OF CUMBERLAND COUNTY INC
- 117 N BROAD ST: HURTADO, MAX TOBIAS
- 914 PERSON ST: CHRIST GOSPEL CHURCH OF FAY
- 902 PERSON ST: CHRIST GOSPEL CHURCH OF FAYETTEVILLE NC

- 117 N BROAD ST: 0.18
- 914 PERSON ST: 1.64
- 902 PERSON ST: 0.83

Zoning District: Zoning District

- 120 PEPSI LN: HI
- 115 N RACEPATH ST: HI
- 801 PERSON ST: DT
- 805 PERSON ST: DT
- 815 PERSON ST: DT
- 821 PERSON ST: DT
- 820 PERSON ST: DT
- 810 PERSON ST: DT
- 802 PERSON ST: DT
- 804 PERSON ST: DT
- 0 PERSON ST: DT
- 901 PERSON ST: HI
- 913 PERSON ST: HI
- 915 PERSON ST: DT
- 0 N BROAD ST: DT
- 117 N BROAD ST: HI
- 914 PERSON ST: CC
- 902 PERSON ST: CC

Subdivision Name:

Fire District:

Hospital Overlay District:

Cape Fear District: Cape Fear District

- 120 PEPSI LN: 0
- 115 N RACEPATH ST: 0
- 801 PERSON ST: 0
- 805 PERSON ST: 0
- 815 PERSON ST: 0
- 821 PERSON ST: 0
- 820 PERSON ST: 0
- 810 PERSON ST: 0
- 802 PERSON ST: 0
- 804 PERSON ST: 0
- 0 PERSON ST: 0
- 901 PERSON ST: 0
- 913 PERSON ST: 0
- 915 PERSON ST: 0
- 0 N BROAD ST: 0
- 117 N BROAD ST: 0
- 914 PERSON ST: 0
- 902 PERSON ST: 0

Airport Overlay District:

Coliseum Tourism District:

Downtown Historic District:

Haymount Historic District:

100 Year Flood: <100YearFlood>

Watershed:

Floodway:

500 Year Flood: <500YearFlood>

General Project Information

Has the land been the subject of a map amendment application in the last five years?: No

Previous Amendment Case #:

Acreage to be Rezoned: 6.16

Water Service: Public

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

These properties are a mix of industrial, commercial and residential.

Previous Amendment Approval Date:

Proposed Zoning District: LI, CC, MR-5

Is this application related to an annexation?: No

Sewer Service: Public

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

HI, CC and MR-5 surround these properties.

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

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

The proposed zoning fits with the 2040 Future Land Use Plan and the Downtown Urban Design Plan.

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

Yes, DT zoning no longer exist in Fayetteville's UDO.

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

The community need to properly zone this group of properties that are well outside of the Downtown area.

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

The proposed zoning was chosen to match what is currently existing at on each property.

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

Almost all of these properties are already developed. This rezoning seeks to match the uses already in place.

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

These properties are already developed

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

These properties are already developed

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 districts match the surrounding zoning.

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

These properties are already developed.

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

No adverse impacts since the properties are already developed

Primary Contact Information

Contractor's NC ID#:

Project Owner

Craig Harmon

City of Fayetteville
433 Hay St
Fayetteville, NC 28301
P:(910) 4331992
charmon@ci.fay.nc.us

Project Contact - Agent/Representative

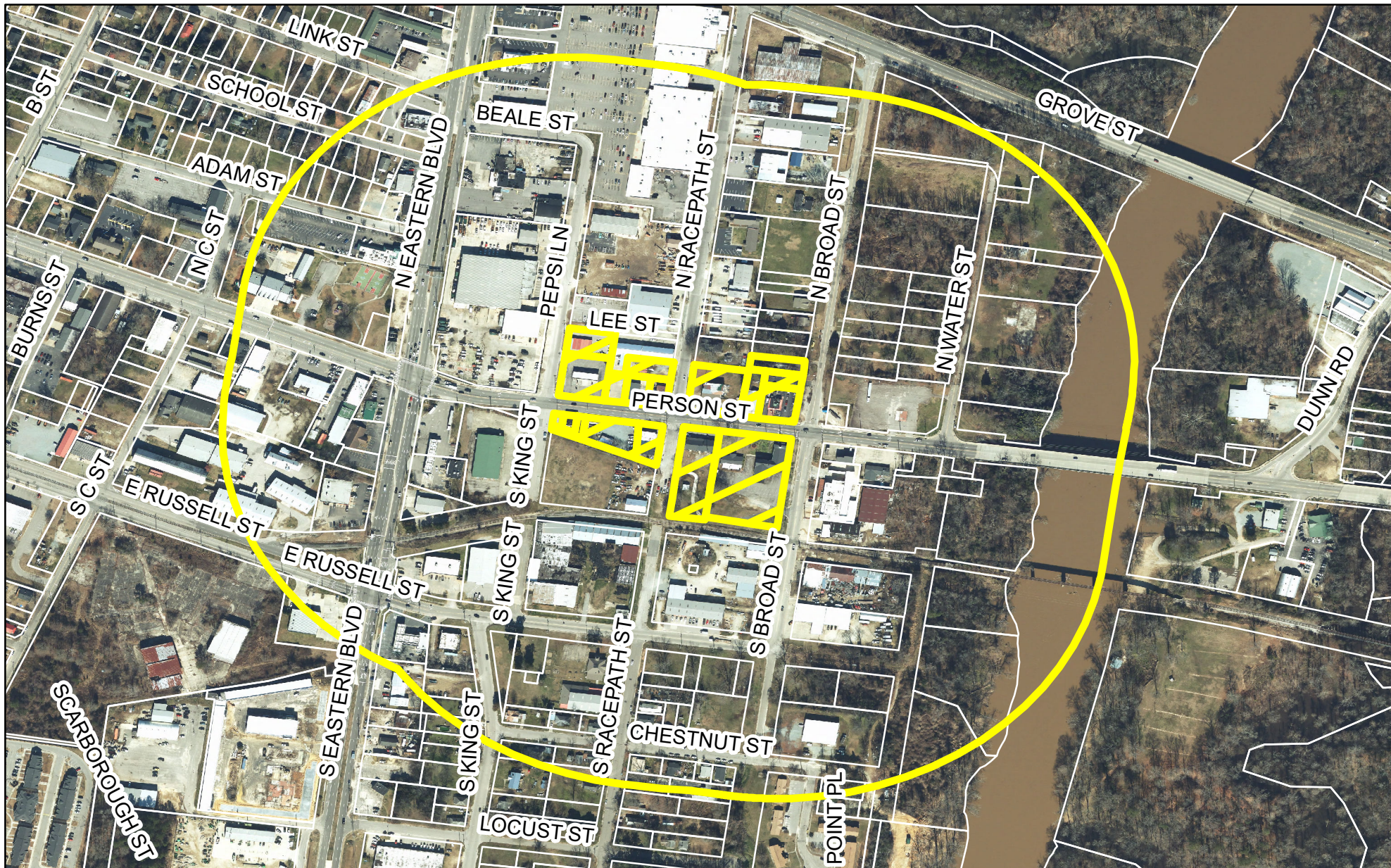
Craig Harmon
City of Fayetteville
433 Hay St
Fayetteville, NC 28301
P:(910) 4331992
charmon@ci.fay.nc.us

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$30,000. :

NC State General Contractor's License Number:

NC State Mechanical Contractor's #1 License Number:
NC State Mechanical Contractor's #2 License Number:
NC State Mechanical Contractor's #3 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 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 #: P23-25

Request: Rezoning
DT to MR-5, CC, and LI

Location: 0 and 117 N Broad Street, 115 N Racepath Street,
120 Pepsi Lane, 801, 802, 804, 805, 810, 815, 820,
821, 901, 902, 913, 914, 915, and 0 Person Street

Legend



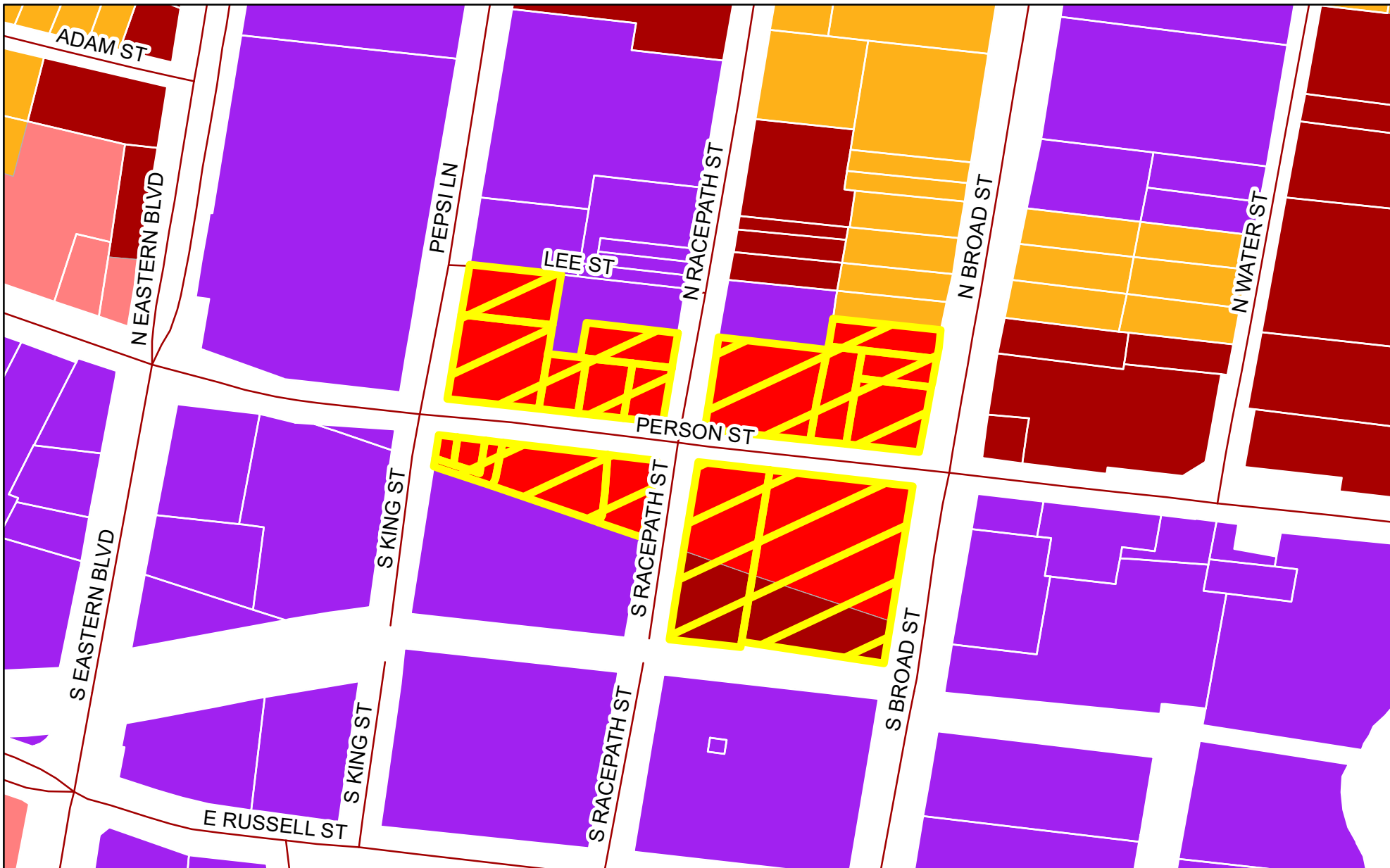
P23-25

P23-25 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 #: P23-25

Request: Rezoning
DT to MR-5, CC, and LI

Location: 0 and 117 N Broad Street,
115 N Racepath Street, 120 Pepsi Lane,
801, 802, 804, 805, 810, 815, 820,
821, 901, 902, 913, 914, 915, and 0 Person Street

Legend



P23-25



CC - Community Commercial



DT - Downtown



HI - Heavy Industrial



LC - Limited Commercial

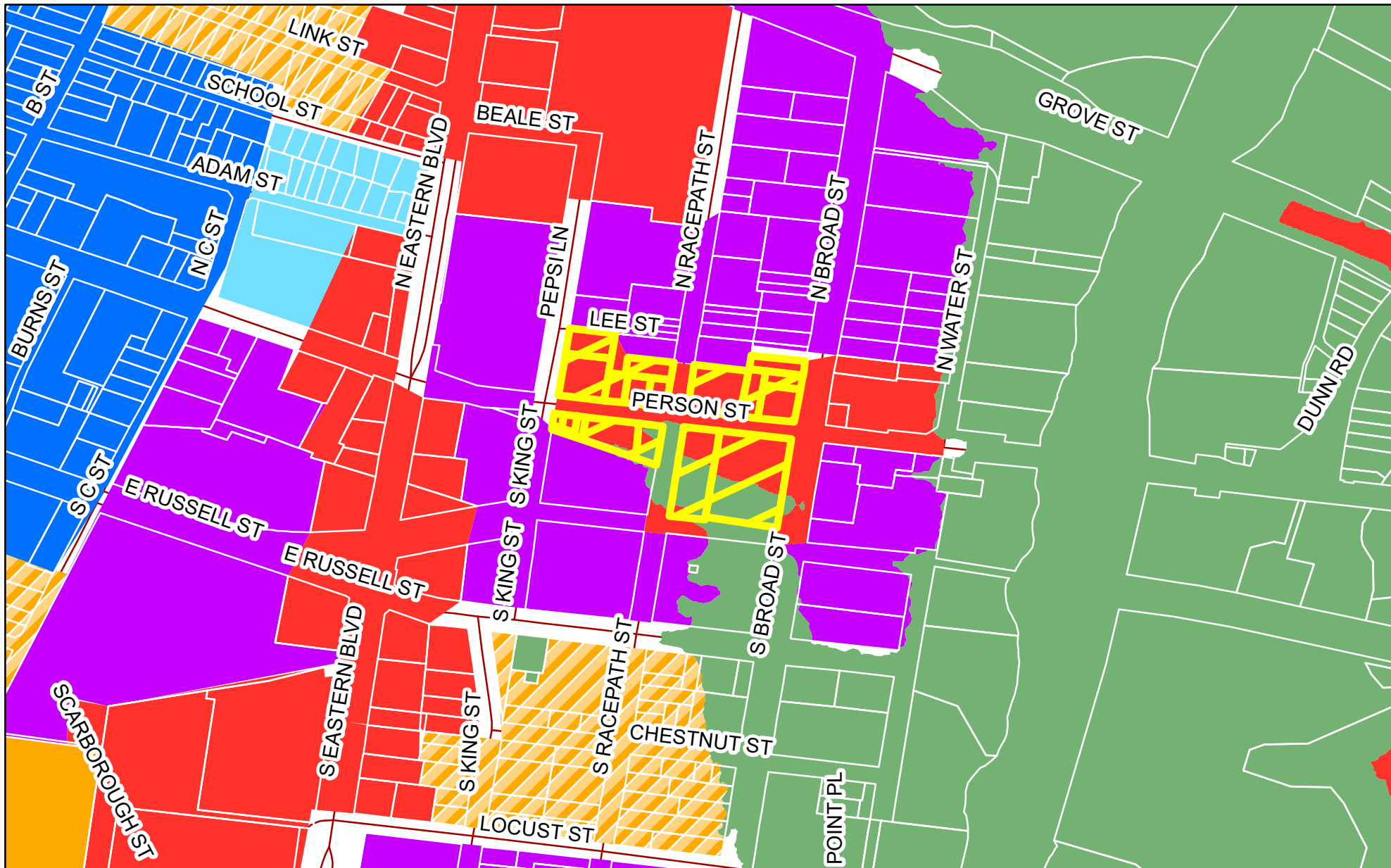


MR-5 - Mixed Residential 5



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 #: P23-25




Request: Rezoning
DT to MR-5, CC, and LI

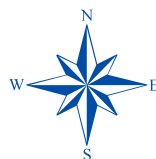
Location: 0 and 117 N Broad Street,
115 N Racepath Street, 120 Pepsi Lane,
801, 802, 804, 805, 810, 815, 820,
821, 901, 902, 913, 914, 915, and 0 Person Street

Legend





 P23-25 Land Use Plan 2040

Character Areas

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



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

-  DTMXU - DOWNTOWN
-  HC - HIGHWAY COMMERCIAL
-  OI - OFFICE / INSTITUTIONAL
-  EC - EMPLOYMENT CENTER





Proposed Zoning Map

Case #: P23-25

Request: Rezoning
DT to MR-5, CC, and LI

Location: 0 and 117 N Broad Street,
115 N Racepath Street, 120 Pepsi Lane,
801, 802, 804, 805, 810, 815, 820,
821, 901, 902, 913, 914, 915, and 0 Person Street

Legend

- Light Industrial - LI
- Community Commercial - CC
- Mixed Residential 5 - MR-5



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







North



West



East



South

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 P23-25 is consistent/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 # 2: Promote compatible economic and commercial development in key identified areas	X	

2. LAND USE POLICES AND STRATEGIES:

LAND USE POLICES AND STRATEGIES	CONSISTENT	INCONSISTENT
LUP 1: Encourage growth in areas well-served by infrastructure and urban services, including roads, utilities, parks, schools, police, fire, and emergency services.	X	
1.2: Encourage more intense uses, greater mix of uses and denser residential types in key focal areas.	X	
LUP 2: Encourage strategic economic development.	X	
2.1: Encourage economic development in designated areas.	X	
LUP 3: Encourage redevelopment along underutilized commercial strip corridors and reinvestment in distressed residential neighborhoods.	X	
3.1: Examine and identify targeted redevelopment and infill areas throughout the city.	X	

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

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

Reasonableness

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

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

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

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

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

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

 X improves consistency with the long-range plan.

 X improves the tax base.

 preserves environmental and/or cultural resources.

 X facilitates a desired kind of development.

 provides needed housing/commercial area.

Additional comments, if any (write-in):

June 13, 2023

Date

Chair Signature

Print



City of Fayetteville

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

City Council Action Memo

File Number: 23-3404

Agenda Date: 6/13/2023

Version: 1

Status: Agenda Ready

In Control: Zoning Commission

File Type: Other Items of
Business

Agenda Number: 6.01