



City of Fayetteville

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

Meeting Agenda - Final Zoning Commission

Tuesday, November 12, 2024

6:00 PM

FAST Transit Center

1.0 CALL TO ORDER

2.0 APPROVAL OF AGENDA

3.0 CONSENT

- 3.01** A24-40. Order of Approval - Findings of Fact: Variance request for a large multi-building development identification sign in the MR-5 Zoning District, located at 5649 Bragg Blvd (REID #: 0419117547000), owned by MACPHERSON LLC.
- 3.02** A24-42. Order of Approval - Findings of Fact: Variance Request for Church Sign at 7763 Cliffdale Road (REID #: 9487879970000), Cliffdale Community Church, INC
- 3.03** Approval of Minutes: October 8, 2024

4.0 PUBLIC HEARINGS (Public & Legislative)

- 4.01** P24-43. Rezoning from Single Family Residential 10 (SF-10) to Neighborhood Commercial (NC) located at 202 Hope Mills Road (0416194844000) totaling 2.62 acres ± and being the property of Saint Matthews United Methodist Church.
- 4.02** P24-44. Rezoning request from Neighborhood Commercial (NC) to Limited Commercial (LC), located at 822 Hope Mills Rd. (REID #: 0416175053000), owned by Robert Wayne Johnson and Pamela F. Johnson.

5.0 OTHER ITEMS OF BUSINESS

6.0 ADJOURNMENT



City of Fayetteville

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

City Council Action Memo

File Number: 24-4309

Agenda Date: 11/12/2024

Version: 1

Status: Agenda Ready

In Control: Zoning Commission

File Type: Consent

Agenda Number: 3.01

TO: Mayor and Members of City Council

THRU: Zoning Commission

FROM: Demetrios Moutos - Planner I

DATE: November 12, 2024

RE:

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

COUNCIL DISTRICT(S):

4 - D.J. Haire

Relationship To Strategic Plan:

Strategic Operating Plan FY 2022

Goals 2027

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

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

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

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

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

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

Executive Summary:

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

On October 8, 2024, the Zoning Commission held an Evidentiary Hearing regarding this case. After receiving all evidence and testimony, the Commission voted 5-0 to approve

the Variance application.

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 particular 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. 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: Mark Gardner

Owner: MACPHERSON LLC

Requested Action: Increase the maximum size of an identification sign

Zoning District: Mixed Residential 5 (MR-5)

Property Address: 5649 Bragg Blvd (0419117547000)

Size: 30.38 acres ±

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

Surrounding Zoning and Land Uses

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

Postcards Mailed: 43

Issues/Analysis:

Property History and Request:

North Carolina General Warranty Deed, dated June 25, 2010, records the transfer of a 51.07-acre tract of land located in Fayetteville, North Carolina, from several members of the Shaw family to MacPherson, LLC, a North Carolina limited liability company. The grantors include Marie Shaw Dee, John G. Shaw, Frank S. Shaw and his wife, Rollin W. Shaw, Sally Shaw Frankenburg and her husband Eben Frankenburg, Gilbert W. Shaw and his wife Mirjam Shaw, Phoebe Winship Dee and her husband Brent Blunden, and Alexander MacPherson Shaw. The property in question lies on the west side of Fort Bragg Boulevard and is divided by Santa Fe Drive and Bragg Boulevard. The deed conveys the land to the grantee in fee simple, with the grantors guaranteeing that the title

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

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

Zoning Standards and Variance Requests:

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

Insufficient Justification for Variance:

A variance cannot be justified by other nonconforming or conforming land uses, requests for prohibited uses, or claims of economic hardship or potential profitability.

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

Findings of Fact Statements as reviewed by the Planning Staff:

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

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

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

The applicant states, "This is a large multi-family apartment community, and folks driving down Santa Fe Drive need to see the sign. This larger size would help negotiate and locate the community."

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

evidence:

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

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

The applicant states, "This community architecture and sign package is designed by professionals. A great deal of time and money was spent developing a brand and incorporating this into the sign package and the design of the signs and entry monument."

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

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

Budget Impact:

There are no anticipated budgetary implications at this time.

Options:

1. Approve Findings as submitted by staff.
2. Approve Findings with specific changes.

Recommended Action:

Staff recommends option one above.

Attachments:

1. Order of Approval - Findings of Fact
2. Application
3. Aerial Notification Map
4. Zoning Map
5. Land Use Map
6. Subject Property Photos
7. Surrounding Property Photos

8. Site Survey

**CITY OF FAYETTEVILLE
STATE OF NORTH CAROLINA
ORDER TO APPROVE A VARIANCE**

**To increase the maximum allowable sign area at 5649 Bragg Blvd. (REID 0419117547000)
from 32 square feet to 41.25 square feet.**

VARIANCE A24-40

Property Address: 5649 Bragg Blvd.
REID Numbers: 0419117547000
Property Owner: MacPherson LLC

The Zoning Commission for the City of Fayetteville, NC, held an evidentiary hearing on October 8, 2024, to consider a Variance request filed by Mark Gardner (“Applicant”) on behalf of MacPherson LLC (“Owner”) to increase the maximum allowable sign area for a monument sign in the Mixed Residential 5 (MR-5) zoning district, located at 5649 Bragg Blvd. (REID # 0419117547000) (“Subject Property”).

On August 30, 2024, a notice of public hearing was mailed to the Property Owner and all property owners within 300 feet of the Subject Property. On September 19, 2024, a notice of public hearing sign was placed on the Subject Property. On September 27 and October 4, 2024, a notice of public hearing advertisement was placed in the legal section of *The Fayetteville Observer*.

Having considered all of the sworn testimony, evidence, and oral arguments submitted at the hearing by the parties, the Zoning Commission makes the following FINDINGS OF FACT and CONCLUSIONS OF LAW:

Findings of Fact

1. Chapter 30, Article 5, Subsection L.7.b.1 of the Unified Development Ordinance establishes specific standards for identification signs in Residential and Large Multi-building Developments.
2. MacPherson LLC owns a residentially zoned property located at 5649 Bragg Blvd. (REID # 0419117547000), which contains approximately 30.38 acres in the City of Fayetteville.
3. The Applicant applied for a Variance on August 7, 2024.
4. The Subject Property is zoned Mixed Residential 5 (MR-5).
5. The Applicant is requesting to a modification to increase the maximum allowable sign area from 32 square feet to 41.25 square feet.
6. The Applicant has the burden of proof to show that the Variance meets the following statutory requirements:
 - a. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardship.

- b. 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.
 - c. The Variance is the minimum action that will make possible a reasonable use of land or structures.
 - d. The Variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit.
 - e. In granting of the Variance, the public safety and welfare have been assured and substantial justice has been done.
7. The Subject Property is zoned as Mixed Residential 5 (MR-5) and is situated among similarly zoned residential and commercial properties.
8. The Subject Property is located at Bragg Blvd. and Santa Fe Dr.
9. The Subject Property is largely vacant and wooded with commercial uses lining Bragg Blvd.
10. This Variance addresses the Ordinance requirement that on-premises grounds signs identifying a single-family residential subdivision, apartment, townhouse, condominium, or other multi-family residential complex, recreational facility, or mobile home park not exceed 32 square feet in area, with a maximum height of 6 feet.
11. Strict application of the Ordinance requirements would create practical difficulties and unnecessary hardships, as evidenced by the following: The proposed sign will serve as an effective and easily recognizable marker for the apartment community, enhancing visibility without posing any security concerns.
12. Any practical difficulties or unnecessary hardships arise from unique circumstances specific to the property and are not the result of actions taken by the landowner, as evidenced by the following: Given the scale of the 30-acre development, the proposed sign is appropriately sized to meet the needs of this family-oriented community.
13. The requested variance is the minimum action necessary to enable reasonable use of the land or structures, as evidenced by the following: An increase in the sign's size will enhance public navigation along Santa Fe Drive and is appropriate for an apartment complex of this size. A larger sign will provide clear visibility and improve wayfinding for residents and visitors alike.
14. The variance aligns with the general purpose and intent of the Ordinance and upholds its spirit, as demonstrated by the following: Significant time and resources were invested in creating a thoughtfully designed sign that complements the character of the area. As noted by Mr. McCorquodale, this sign would add value to Fayetteville, particularly enhancing the visual appeal and functionality of this key corridor.
15. In granting the variance, public safety and welfare have been fully considered and substantial justice achieved, as demonstrated by the following: Based on the evidence presented, there is no indication that this sign poses any risk to public safety. The design and placement

adhere to safety standards, ensuring that the sign will not obstruct visibility or create hazards, while effectively serving its intended purpose.

Conclusions of Law

1. The City of Fayetteville adopted the Unified Development Ordinance (UDO), codified under Chapter 30 of the City Code, to establish that “This Ordinance consolidates the City’s zoning and subdivision regulatory authority as authorized by the North Carolina General Statutes.”

2. The Applicant submitted a timely application in compliance with the UDO.

3. Notice was properly given, and an evidentiary public hearing was held by the City of Fayetteville’s Zoning Commission in compliance with the laws of North Carolina.

4. The City Development Services Department is responsible for coordinating and enforcing the UDO.

5. All of the general and specific conditions precedent to the issuance of the requested Variance HAVE been satisfied as:

- a. The strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships.
- b. 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.
- c. The Variance is the minimum action that will make possible a reasonable use of land or structures.
- d. The Variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit.
- e. The granting of the Variance assures the public safety and welfare, and that substantial justice has been done.

WHEREFORE, BASED ON THE FOREGOING FINDINGS OF FACTS AND CONCLUSIONS OF LAW, it is ORDERED by the City of Fayetteville’s Zoning Commission that the application for the issuance of the Variance be APPROVED with no conditions.

VOTE: 5 to 0

This the 12th day of November 2024.

PAVAN PATEL
Zoning Commission Chair

Project Overview

#1437056

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

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

MR5

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

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

b.

Specific Standards

1.

Residential and Large Multi-building Developments - Identification Sign

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

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

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

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

Expiration - Variance

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Height of Sign Face: 5

Height of Sign Face: 5

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

Primary Contact Information

Contractor's NC ID#:

Project Owner

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

Project Contact - Agent/Representative

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

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

NC State General Contractor's License Number:

NC State Electrical Contractor #1 License Number:

NC State Electrical Contractor #2 License Number:

NC State Electrical Contractor #3 License Number:

NC State Mechanical Contractor's #1 License Number:

NC State Mechanical Contractor's #2 License Number:

NC State Mechanical Contractor #3 License Number:

NC State Plumbing Contractor #1 License Number:

NC State Plumbing Contractor #2 License Number:

Project Contact: Primary Point of Contact for the Sign Contractor

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

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



Building Permit Application
 Development Services | Permitting & Inspections
 433 Hay Street Fayetteville, NC 28301
 Phone (910) 433-1707 Fax (910) 433-1588

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

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

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

Street Address:	Annondale on Santa Fe LLC + 1019 Hay LLC
City/State/Zip Code:	Fayetteville, NC 28303
PIN/REID number:	0419120666000 PIN 0419-12-06666
E-Development Project Number:	
Zoning:	MR5

Check one:

☐ North Carolina Licensed General Contractor

☒ Unlicensed Contractor

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

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

Acknowledgement Signature: _____

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

Property Owner Information

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

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

*See Sheet 4 for calculating valuation

CONTRACTOR / APPLICANT INFORMATION

Gardner Creative Group

Name of Applicant or Sign Contractor

704-987-8228

Telephone Number

Po Box 1889 Huntersville, NC 28078

Mailing Address

Fax Number

mgardner@gardnercreativegroup.com

Email Address

PROJECT LOCATION

Annoncable Way

Annoncable on Santa Fe, LLC

Number & Street Name

Business Name

Lot #

Parcel ID#

Annoncable on Santa Fe, LLC

336-698-6750

Property Owner/Lessee

Telephone - Owner/Lessee

1130 Annoncable Way Fayetteville, NC 28303

bwise@fallingivest.com

Address (if different from 'Project Location')

Email -

Owner/Lessee

SIGN DESCRIPTION

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

ALL THIRD PARTY LISTING LABELS:

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

ALL FREESTANDING SIGNS:

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

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

Cost of Sign Construction: \$ 20,000.00

Permit Fee: \$ _____

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

Patti Meyer
Applicant Signature

Patti Meyer
Print Name

7-30-24
Date

Approved By _____

Date _____

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

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

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


Signature of Contractor/ Owner

Patti Meyer
Printed Name

7-30-24
Date

Process:

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

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

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






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

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



SIGN AREA 198" x 30" = 41.25sf



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

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



ANNONDALE
on SANTA FE

NOT TO SCALE

★ *At Heartland Therapeutics, Coauthors, you'll find books on everything from*

 YES..APPROVED. Please proceed with production as detailed.

☐ YES, APPROVED. Please proceed with production including changes indicated.

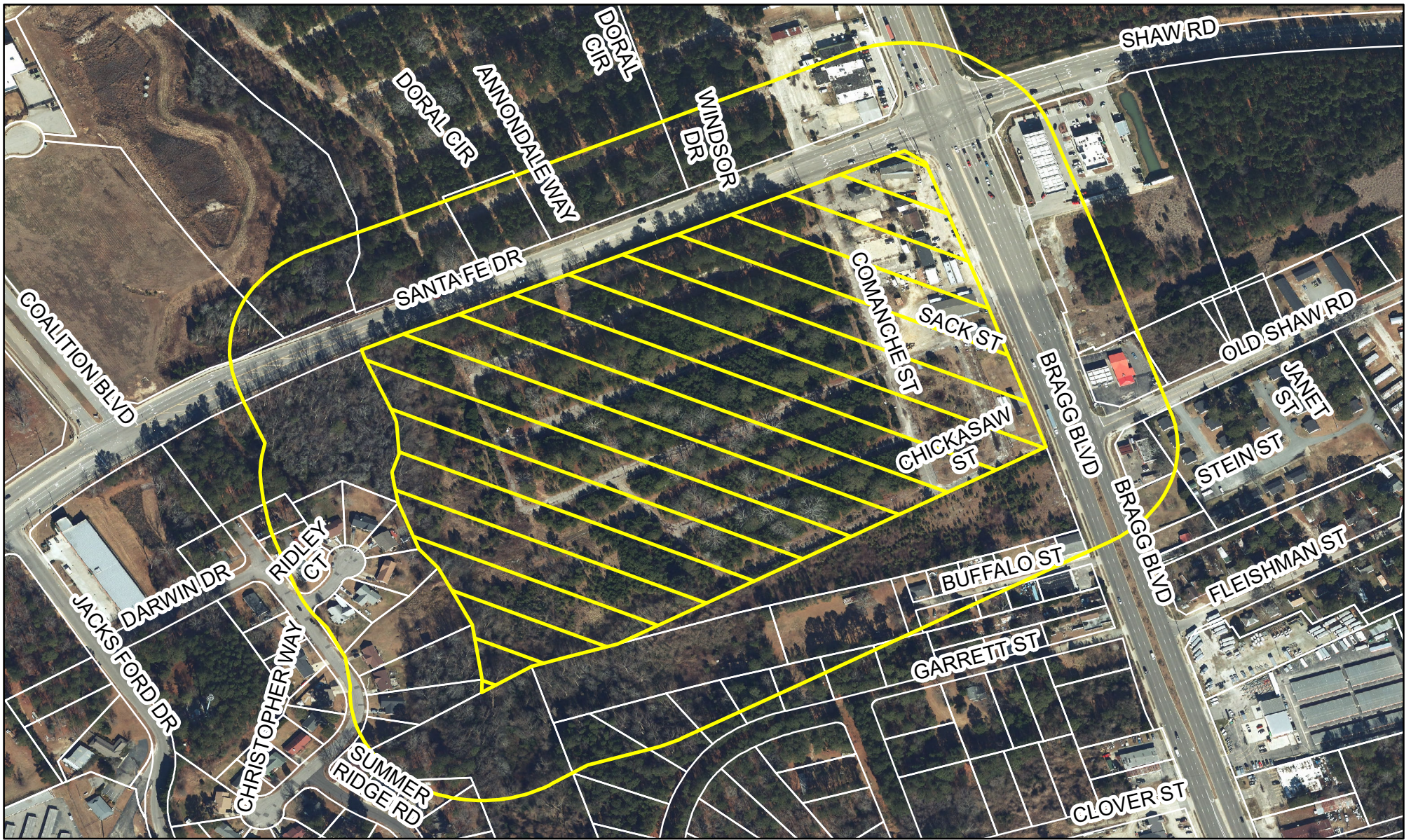
☐ NO. Please make the changes indicated and send new proof prior to production.

Signature: _____

po box 1889, huntersville, nc 28070 704.987.8228

August 7, 2024

revision:



Aerial Notification Map

Case #: A24-40

Request: Variance for Sign Size

Location: 5649 BRAGG BLVD
REID: 0419117547000



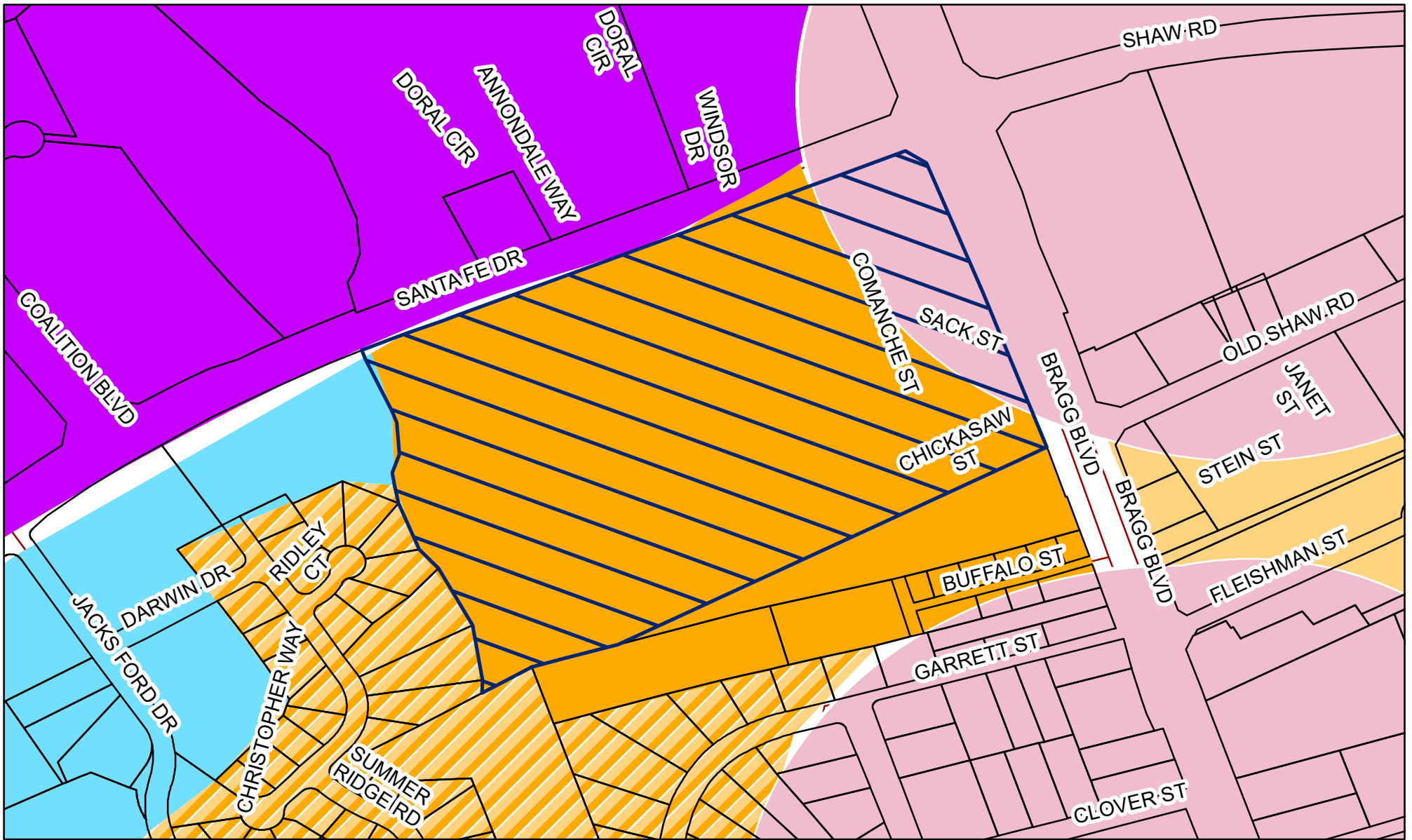
A24-40 Buffer



A24-40

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





Future Land Use

Case #: A24-40

Request: Variance for Sign Size







Location: 5649 BRAGG BLVD
REID: 0419117547000



A24-40

Land Use Plan 2040

Character Areas

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

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





West



North

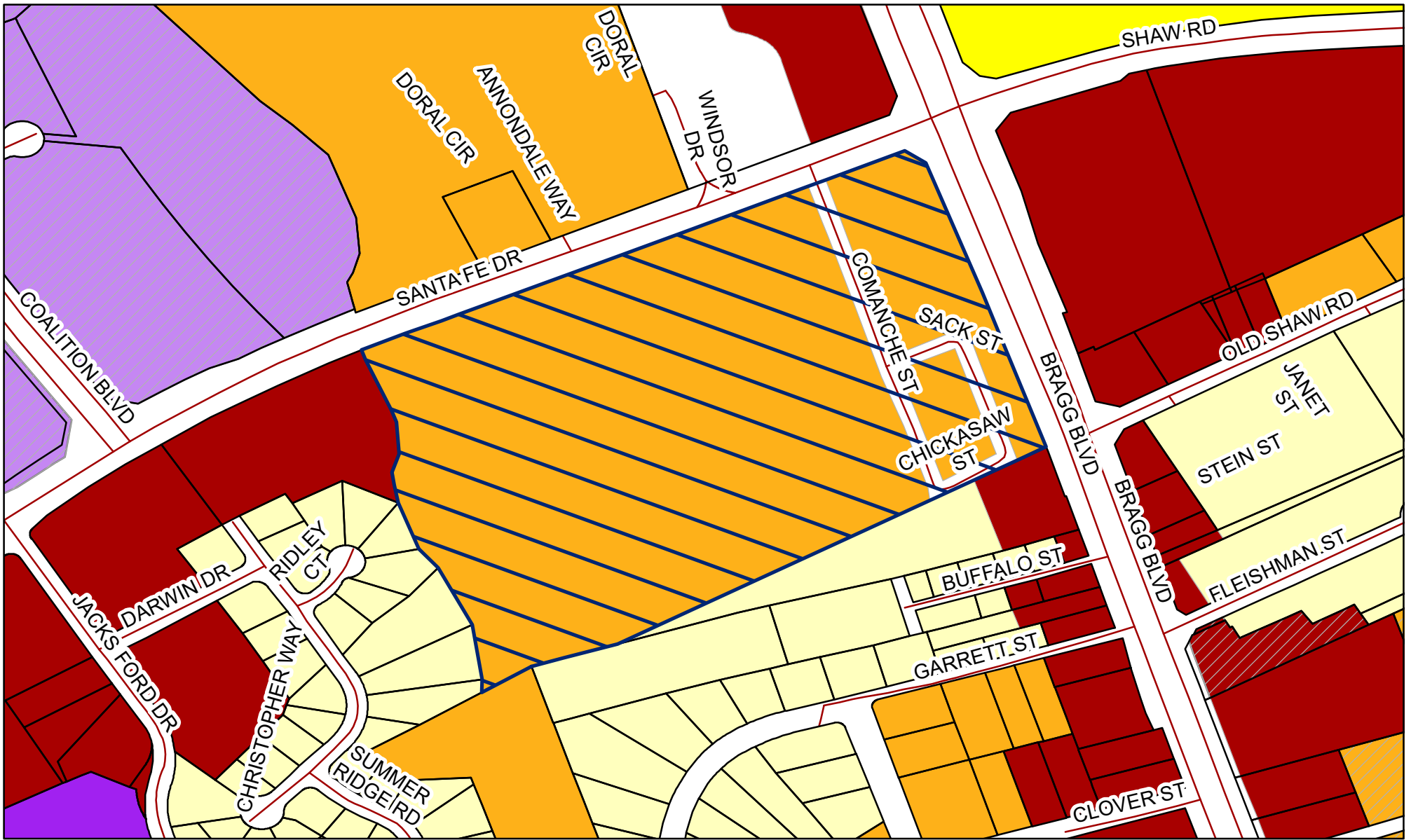


East



South














Zoning

Case #: A24-40

Request: Variance for Sign Size

Location: 5649 BRAGG BLVD
REID: 0419117547000

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

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





Building Permit Application

Development Services | Permitting & Inspections

433 Hay Street Fayetteville, NC 28301

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

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

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

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

Street Address:	Annondale on Santa Fe LLC + 1019 Hay LLC
City/State/Zip Code:	Fayetteville, NC 28303
PIN/REID number:	0419120666000 PIN 0419-12-06666
E-Development Project Number:	
Zoning:	M25

Check one:

☐ North Carolina Licensed General Contractor

☒ Unlicensed Contractor

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

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

Acknowledgement Signature: 

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

Property Owner Information

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

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

*See Sheet 4 for calculating valuation

CONTRACTOR / APPLICANT INFORMATION

Gardner Creative Group

Name of Applicant or Sign Contractor

704-987-8228

Telephone Number

Po Box 1889 Huntersville, NC 28078

Mailing Address

Fax Number

mgardner@gardnercreativegroup.com

Email Address

PROJECT LOCATION

Annoncde Way

Annoncde on Santa Fe, LLC

Number & Street Name

Business Name

Lot #

Parcel ID#

Annoncde on Santa Fe, LLC

336-698-6750

Property Owner/Lessee

Telephone - Owner/Lessee

1130 Annoncde Way Fayetteville, NC 28303

bwise@fallingix.com

Address (if different from 'Project Location')

Email -

Owner/Lessee

SIGN DESCRIPTION

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

ALL THIRD PARTY LISTING LABELS:

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

ALL FREESTANDING SIGNS:

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

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

Cost of Sign Construction: \$20,000.00

Permit Fee: \$

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

Applicant Signature

Print Name

Date

Approved By

Date

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

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

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


Signature of Contractor/ Owner

Patti Meyer
Printed Name

7-30-24
Date

Process:

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

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

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

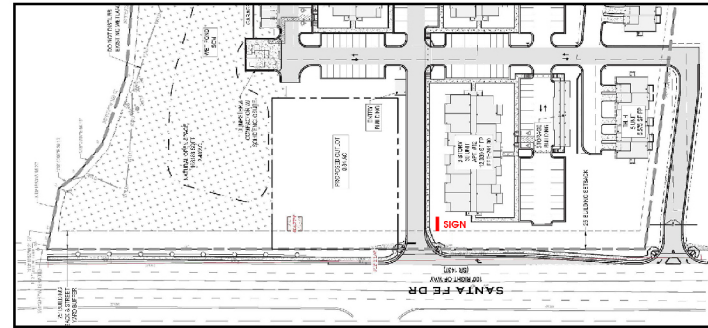
All permits, inspection results, Certificate of Occupancy/ Compliance, payment receipts, etc. are found on the project page for you to print for your records if you so choose.

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



ARTIST RENDERING IMAGE

SIGN AREA 198" x 30" = 41.25sf



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



COLORS:

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

ANNONDALE MAIN ENTRY MONUMENT ID SIGN

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



NOT TO SCALE

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gardnercreative group.com

po box 1889, huntersville, nc 28070 704.987.8228

client name: Element Construction LLC
community: ANNONDALE
description: Signs
date: May 15, 2024
revision: August 7, 2024

YES, APPROVED. Please proceed with production as detailed.
YES, APPROVED. Please proceed with production including changes indicated.
NO. Please make the changes indicated and send new proof prior to production.

Signature: _____ Date: ____/____/____



City of Fayetteville

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

City Council Action Memo

File Number: 24-4307

Agenda Date: 11/12/2024

Version: 1

Status: Agenda Ready

In Control: Zoning Commission

File Type: Consent

Agenda Number: 3.02

TO: Mayor and Members of City Council

THRU: Zoning Commission

FROM: Demetrios Moutos - Planner I

DATE: November 12, 2024

RE:

A24-42. Order of Approval - Findings of Fact: *Variance Request for Church Sign at 7763 Cliffdale Road (REID #: 9487879970000), Cliffdale Community Church, INC*

COUNCIL DISTRICT(S):

7 - Brenda McNair

Relationship To Strategic Plan:

Strategic Operating Plan FY 2022 - Goals 2027

- **Goal 2:** Responsive City Government Supporting a Diverse and Viable Economy
 - *Objective 2.1:* Ensure a diverse City tax base
- **Goal 4:** Highly Desirable Place to Live, Work, and Recreate
 - *Objective 4.5:* Ensure great neighborhoods for residents

Executive Summary:

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

On October 8, 2024, the Zoning Commission held an Evidentiary Hearing regarding this case. After receiving all evidence and testimony, the Commission voted 5-0 to approve the Variance application.

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

Surrounding Zoning and Land Uses:

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

Issues/Analysis:

Property History and Request:

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

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

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

Zoning Standards and Variance Requests:

30-5.L.7.b.2 states that one on-premises identification sign or bulletin board for each road or driveway entrance indicating the name and/or address of the premises, schedule of services or activities, hours of operation, name of the person in authority, the founding date of the organization or other information relevant to the operation of a school, college,

park, public swimming pool, church, synagogue or other places of worship, hospital, sanitarium, art gallery, museum, library, YMCA, YWCA, community building, recreation center, coliseum or convention center, not to exceed 32 square feet in area to be located on private property where the use occurs. Such signs may be directly or indirectly illuminated.

Insufficient Justification for Variance:

A variance cannot be justified by other nonconforming or conforming land uses, requests for prohibited uses, or claims of economic hardship or potential profitability.

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 explains that the terrain where the sign will be placed is 10-15 feet higher than Cliffdale Road, making a smaller sign challenging, especially given the 45 mph speed limit. A more prominent sign with LED lighting would enhance visibility and improve public safety without causing hazards to drivers.

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

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

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

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

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

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

and the surrounding community.

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

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

Budget Impact:

There are no anticipated budgetary implications at this time.

Options:

1. Approve Findings as submitted by staff.
2. Approve Findings with specific changes.

Recommended Action:

Staff recommends option one above.

Attachments:

1. Order of Approval - Findings of Fact
2. Application
3. Aerial Notification Map
4. Zoning Map
5. Land Use Map
6. Subject Property Photos
7. Surrounding Property Photos
8. Site Survey

**CITY OF FAYETTEVILLE
STATE OF NORTH CAROLINA
ORDER TO APPROVE A VARIANCE**

**To increase the maximum allowable sign area and height at 7763 Cliffdale Rd.
(REID 9487879970000)**

VARIANCE A24-42

Property Address: 7763 Cliffdale Rd.
REID Numbers: 9487879970000
Property Owner: Cliffdale Community Church, Inc.

The Zoning Commission for the City of Fayetteville, NC, held an evidentiary hearing on October 8, 2024, to consider a Variance request filed by Jess Kajiware (“Applicant”) on behalf of Cliffdale Community Church, Inc. (“Property Owner”) to increase the maximum allowable sign area for a bulletin board in the Agricultural Residential (AR) zoning district, located at 7763 Cliffdale Rd. (REID # 9487879970000) (“Subject Property”).

On September 27, 2024, a notice of public hearing was mailed to the Property Owner and all property owners within 300 feet of the Subject Property. On September 19, 2024, a notice of public hearing sign was placed on the Subject Property. On September 27 and October 4, 2024, a notice of public hearing advertisement was placed in the legal section of *The Fayetteville Observer*.

Having considered all of the sworn testimony, evidence, and oral arguments submitted at the hearing by the parties, the Zoning Commission makes the following FINDINGS OF FACT and CONCLUSIONS OF LAW:

Findings of Fact

1. Chapter 30, Article 5, Subsection L.7.b.2 of the Unified Development Ordinance establishes specific standards for bulletin boards.
2. Cliffdale Community Church, Inc. is the owner of a residentially zoned property located at 7763 Cliffdale Rd. (REID # 9487879970000), which contains approximately 14.94 acres in the City of Fayetteville.
3. The Applicant applied for a Variance on August 30, 2024.
4. The Subject Property is zoned Agricultural Residential (AR).
5. The Applicant is requesting a modification to increase the maximum allowable sign area from 32 square feet to 48 square feet, and to increase the maximum height from 6 feet to 12 feet.
6. The Applicant has the burden of proof to show that the Variance meets the following statutory requirements:

- a. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardship.
- b. 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.
- c. The Variance is the minimum action that will make possible reasonable use of land or structures.
- d. The Variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit.
- e. In granting the Variance, the public safety and welfare have been assured and substantial justice has been done.

7. The Subject Property is zoned as Agricultural Residential (AR) and is situated among similarly zoned residential properties.

8. This Variance addresses the Ordinance requirement that a single on-premises identification sign or bulletin board at each road or driveway entrance displaying information such as the name and address of the location, service schedules, operating hours, name of the authority figure, founding date, or other relevant details for operations like schools, colleges, parks, public pools, places of worship, hospitals, art galleries, museums, libraries, YMCAs, TWCA's, community buildings, recreation centers, coliseums, or convention centers, may not exceed 32 square feet and must be placed on the private property where the use occurs.

9. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships, as the terrain where the sign will be located is 10 to 15 feet higher than the surrounding area along Cliffdale Road, making a smaller sign challenging to see. Given the topography and the speed limit of the road, a more prominent sign with LED lighting would significantly improve visibility, enhancing public safety and reducing potential hazards for drivers.

10. Any practical difficulties or unnecessary hardships result from unique circumstances related to the land and are not the result of actions by the landowner because the unique elevation and terrain along the highway near Cliffdale Road creates visibility challenges for signage. The topography of the area will remain unchanged, and the church itself is set back 300 feet from the road and many people are unaware of the church's presence due to its distance from the main road, which further supports the need for a larger sign.

11. The variance is the minimum action that will make possible a reasonable use of the land or structures since the AR zoning restriction renders a smaller sign nearly invisible due to the property's elevation, terrain, and the speed of traffic on Cliffdale Road. The variance request seeks to improve visibility and ensure safer navigation for passing drivers, by making the sign more effective in guiding the public.

12. The variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit, as Cliffdale Road has evolved from a two-lane road into a busy four-lane highway with significant commercial development. Both the existing and proposed signs are consistent with the area's changing character and support the growth of the church and the surrounding community, aligning with the spirit of the Ordinance.

13. In granting the variance, public safety and welfare have been assured, and substantial justice has been done, as the proposed sign will be positioned safely away from the road and driveway. The sign will not obstruct motorists' views, and the LED display will be more legible, especially during low-visibility conditions, improving driver safety and overall public welfare.

Conclusions of Law

1. The City of Fayetteville adopted the Unified Development Ordinance (UDO), codified under Chapter 30 of the City Code, to establish that "This Ordinance consolidates the City's zoning and subdivision regulatory authority as authorized by the North Carolina General Statutes."

2. The Applicant submitted a timely application in compliance with the UDO.

3. Notice was properly given, and an evidentiary public hearing was held by the City of Fayetteville's Zoning Commission in compliance with the laws of North Carolina.

4. The City Development Services Department coordinates and enforces the UDO.

5. All of the general and specific conditions precedent to the issuance of the requested Variance HAVE been satisfied as:

- a. The strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships.
- b. 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.
- c. The Variance is the minimum action that will make possible reasonable use of land or structures.
- d. The Variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit.
- e. The granting of the Variance assures the public safety and welfare, and that substantial justice has been done.

WHEREFORE, BASED ON THE FOREGOING FINDINGS OF FACTS AND CONCLUSIONS OF LAW, it is ORDERED by the City of Fayetteville's Zoning Commission that the application for the issuance of the Variance be APPROVED with no conditions.

VOTE: 5 to 0

This the day of November 2024.

PAVAN PATEL
Zoning Commission Chair

Project Overview**#1462639****Project Title:** Cliffdale Community Church**Jurisdiction:** City of Fayetteville**Application Type:** 5.4) Variance**State:** NC**Workflow:** Staff Review**County:** Cumberland**Project Location****Project Address or PIN:** 7763 CLIFFDALE RD
(9487879970000)**Zip Code:** 28314**Is it in Fayetteville? If you're not sure, click this link:** [Cumberland County Tax Office GIS system](#)**GIS Verified Data****Project Address:** 7763 CLIFFDALE RD**Variance Request Information****Requested Variances:** Signage**Describe the nature of your request for a variance and identify the standard(s)/requirement(s) of the City Code proposed to be varied.:**

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

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

7763 Cliffdale Rd is zoned AGRICULTURE/RESIDENTIAL.

North and across Cliffdale Rd is zoned RESIDENTIAL.

West is zoned RESIDENTIAL.

immediately East of us continues to be zoned AR.

immediately South of us continues to be zoned AR

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

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

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

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

Expiration - Variance

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

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

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

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

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

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

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

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

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

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

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

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

Height of Sign Face : 12

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

Height of Sign Face: 0

Square Footage of Sign Face: 48

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

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Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Height of Sign Face: 0

Square Footage of Sign Face : 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Primary Contact Information

Contractor's NC ID#:

Project Owner

Dale (Roger) Paschall
Cliffdale Community Church
7763 Cliffdale Rd
Fayetteville, NC 28314
P:910-860-3559
rogerpaschall@yahoo.com

Project Contact - Agent/Representative

Jess Kajiware
Cliffdale Community Church
7763 Cliffdale Road
Fayetteville, NC 28314
P:(910) 860-3559
thekjway@hotmail.com

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

NC State General Contractor's License Number:

NC State Electrical Contractor #1 License Number:

NC State Electrical Contractor #2 License Number:

NC State Electrical Contractor #3 License Number:

NC State Mechanical Contractor's #1 License Number:

NC State Mechanical Contractor's #2 License Number:

NC State Mechanical Contractor #3 License Number:

NC State Plumbing Contractor #1 License Number:

NC State Plumbing Contractor #2 License Number:

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

Project Overview

#1462639

Project Title: Cliffdale Community Church

Jurisdiction: City of Fayetteville

Application Type: 5.4) Variance

State: NC

Workflow: Staff Review

County: Cumberland

Project Location

Project Address or PIN: 7763 CLIFFDALE RD
(9487879970000)

Zip Code: 28314

Is it in Fayetteville? If you're not sure, click this link: [Cumberland County Tax Office GIS system](#)

GIS Verified Data

Project Address: 7763 CLIFFDALE RD

Variance Request Information

Requested Variances: Signage

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

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

Handwritten notes:
SIGN DIMENSIONS FOUND IN 30-5.L.7.b.2
TO ALLOW A BOARD FACE OF 48 SQ FT
AND MAX HEIGHT OF 12 FT.
INCREASE

Section of the City Code from which the variance is being requested.: Table 30-5.L.8.A. and also 30-5.L.4.C

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

7763 Cliffdale Rd is zoned AGRICULTURE/RESIDENTIAL.

North and across Cliffdale Rd is zoned RESIDENTIAL.

West is zoned RESIDENTIAL.

immediately East of us continues to be zoned AR.

immediately South of us continues to be zoned AR

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

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

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

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

Expiration - Variance

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

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

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

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

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

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

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

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

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

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

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

Height of Sign Face : 12

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

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

SIGN LOCATION IS ON ELEVATED TERRAIN ABOVE AND SET-BACK FROM THE SIDEWALK, SO THERE IS NO CHANCE OF INTERFERENCE WITH PEDESTRIANS OR BICYCLISTS.

Height of Sign Face: 0

Square Footage of Sign Face: 48

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

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Jess Kajiwara
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NC State Electrical Contractor #2 License Number:

NC State Electrical Contractor #3 License Number:

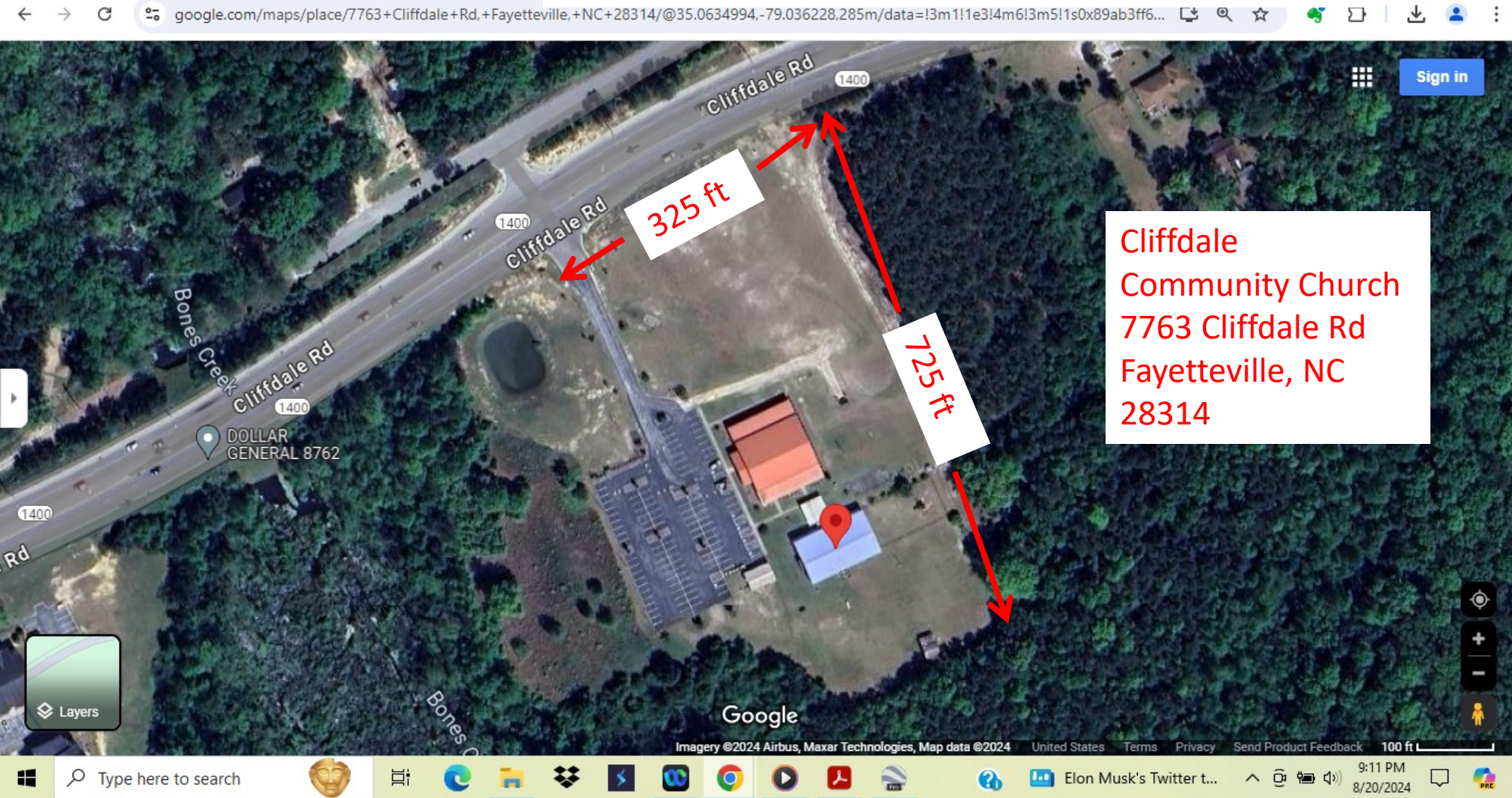
NC State Mechanical Contractor's #1 License Number:

NC State Mechanical Contractor's #2 License Number:

001. C1 COVER SHEET

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

002. M1 CHURCH PROPERTY MEASUREMENTS



003. M2 CHURCH PROPERTY FRONTAGE MEASUREMENTS

▼ Search

7763 Cliffdale Road, Fayetteville, NC Search

ex: 1600 Pennsylvania Ave, 20500

Get Directions History

7763 Cliffdale Rd

▼ Places

My Places

✓ Sightseeing Tour
Make sure 3D Buildings
layer is checked

Temporary Places

▼ Layers

Primary Database

Announcements

✓ Borders and Labels

Places

Photos

✓ Roads



Type here to search



004. M3 SIGN LOCATION MEASUREMENTS

▼ Search

7763 Cliffdale Road, Fayetteville, NC

Search

ex: 1600 Pennsylvania Ave, 20500

Get Directions History



7763 Cliffdale Rd



▼ Places

My Places

Sightseeing Tour

Make sure 3D Buildings
layer is checked

Temporary Places



▼ Layers

Primary Database

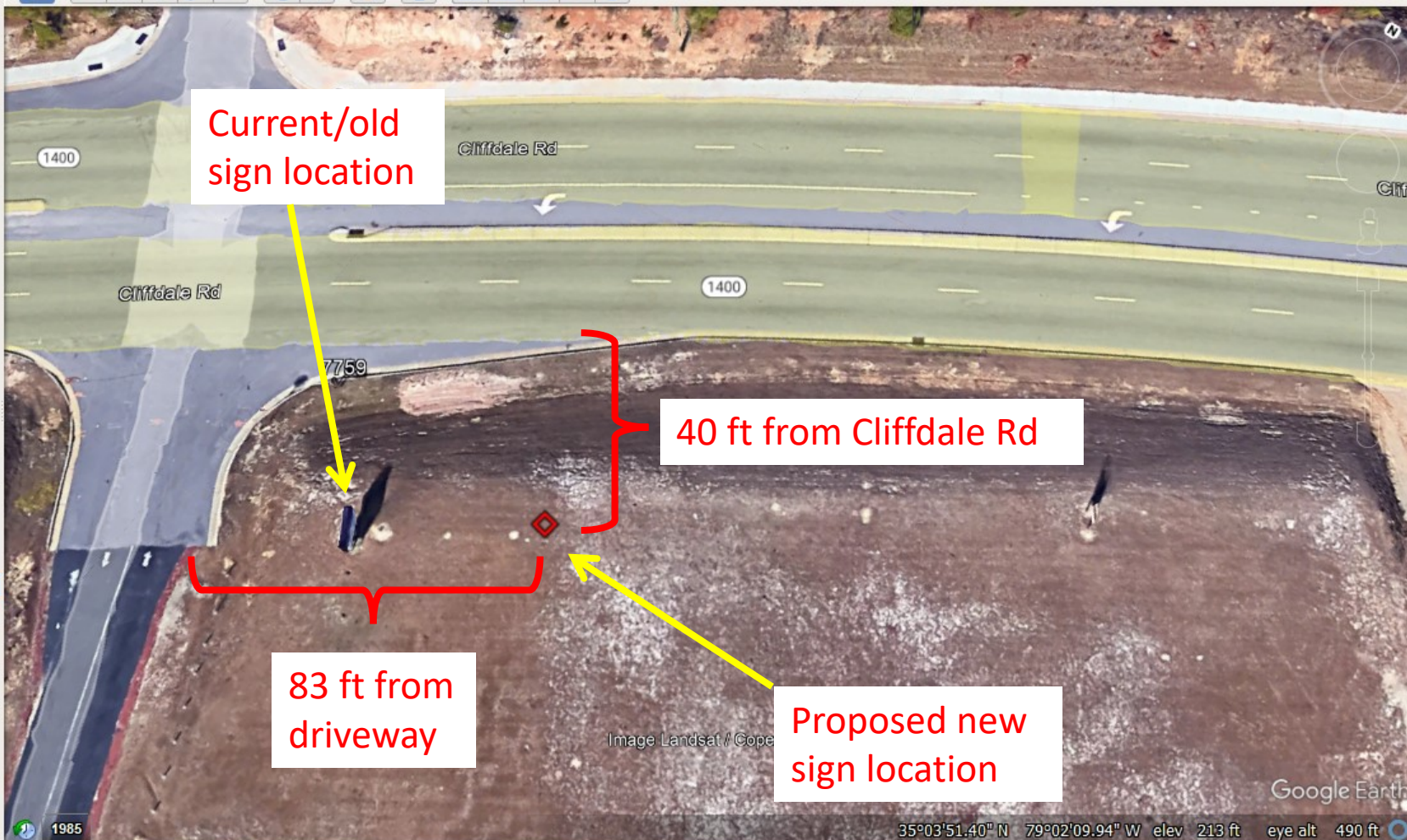
Announcements

Borders and Labels

Places

Photos

Roads

Current/old
sign location

40 ft from Cliffdale Rd

83 ft from
drivewayProposed new
sign location

Type here to search



71°F

9:31 PM
8/20/2024

005. M4 SIGN LOCATION HEIGHT MEASUREMENTS

7763 Cliffdale Rd

7759 Cliffdale Rd

Fayetteville, North Carolina

Google Street View

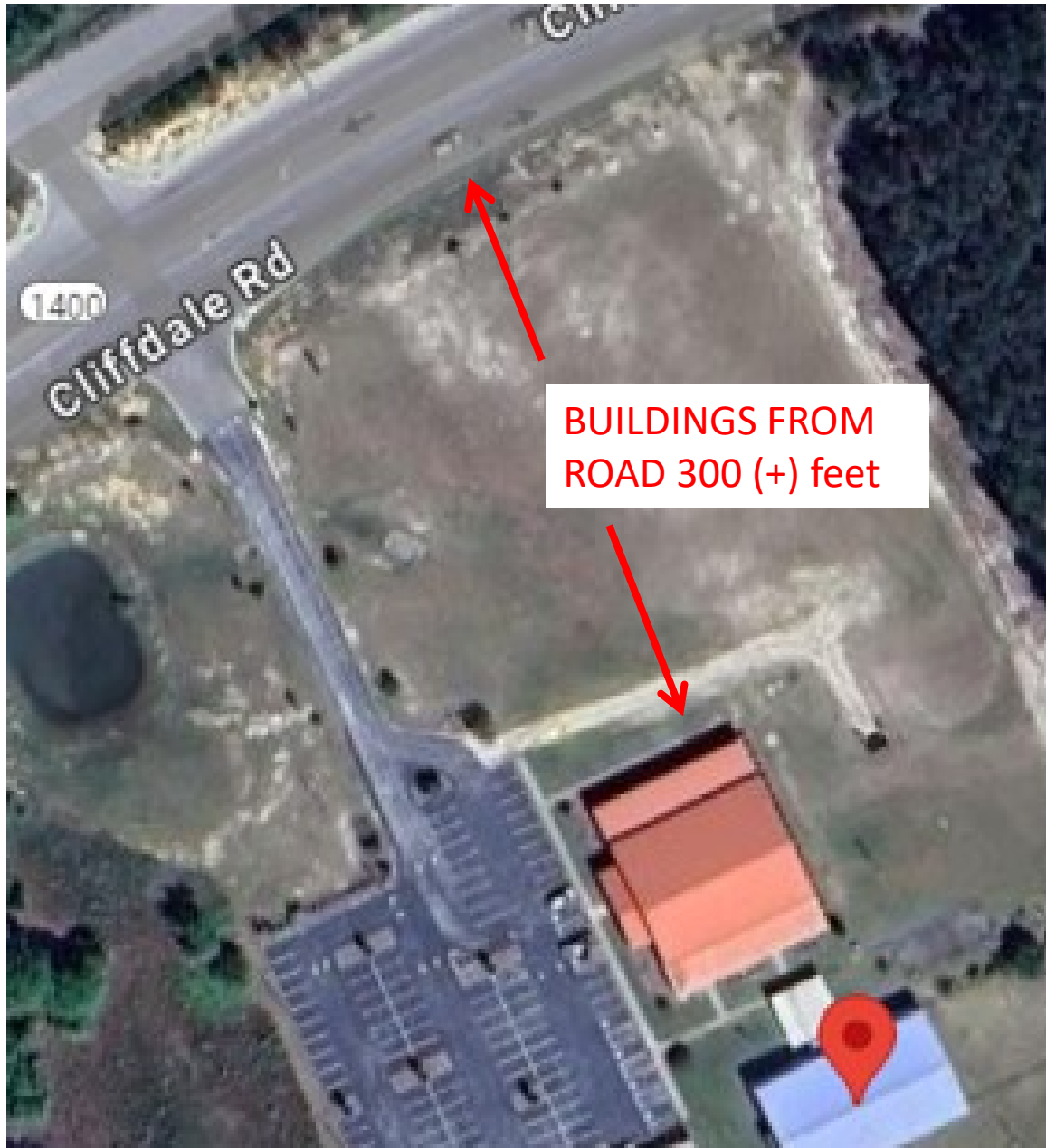
Jun 2024 See more dates

Sign elevation above Cliffdale Road 10-15 ft

Rotate the view

Ctrl + mouse drag for full 3D

006. M5 DISTANCE OF BLDGS FROM CLIFFDALE RD



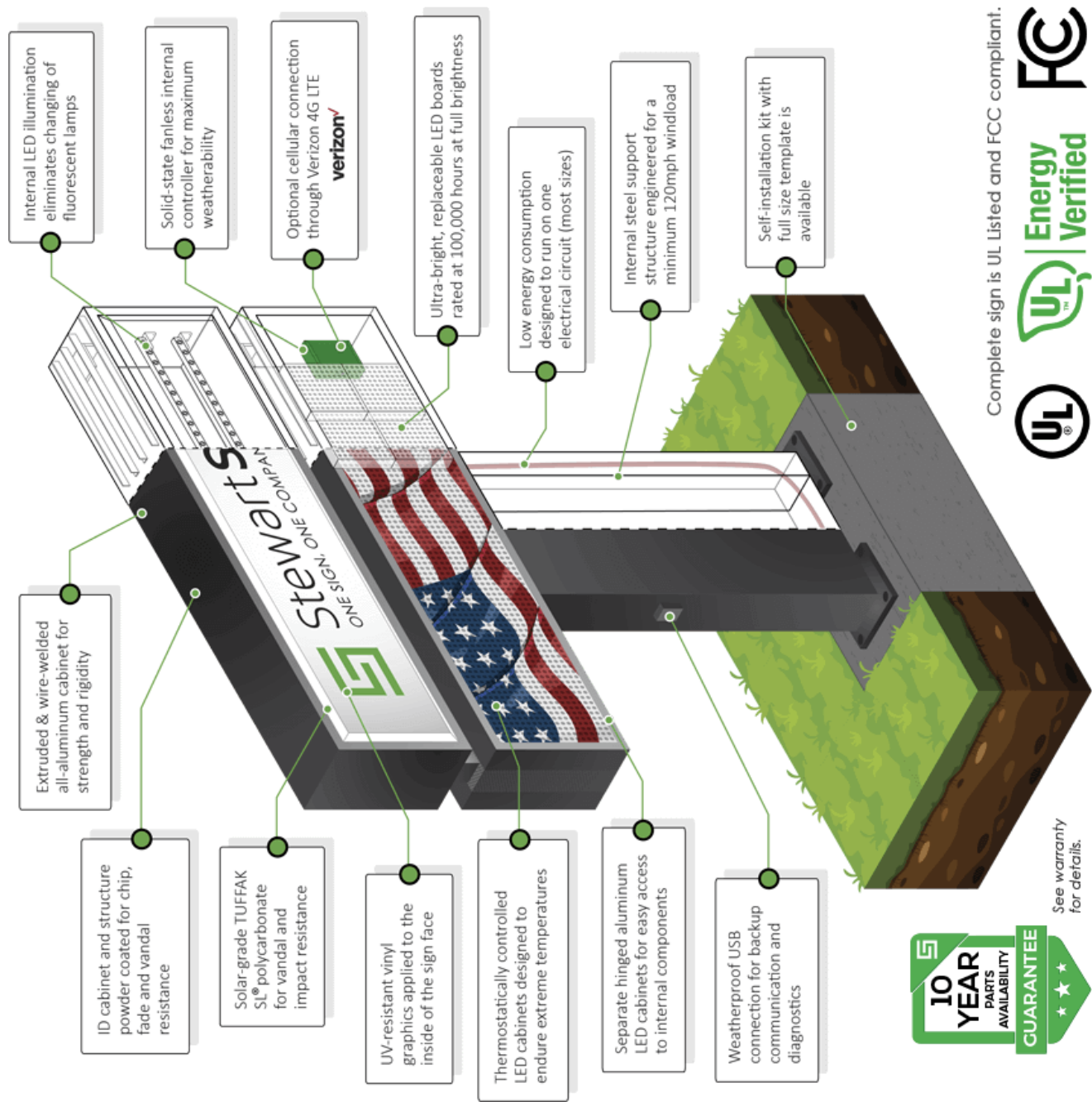
007. M6 CURRENT OLD SIGN MEASUREMENTS





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

009. N2 PROPOSED NEW SIGN DETAILS



See warranty for details.



Complete sign is UL Listed and FCC compliant.



Aerial Notification Map

Case #: A24-42

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

Location: 7763 CLIFFDALE RD
REID: 9487879970000



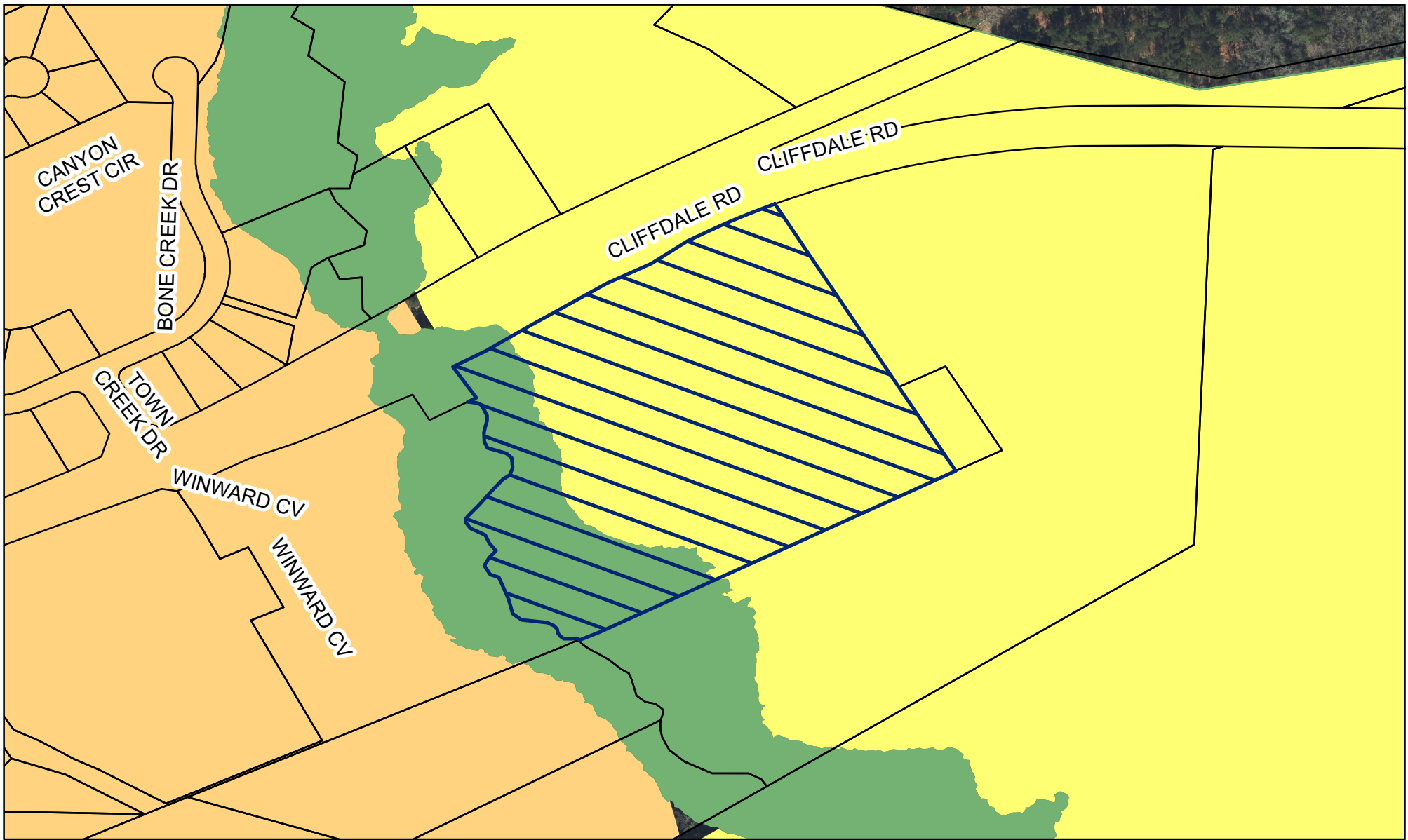
A24-42 Buffer



A24-42

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










Zoning Map

Case #: A24-42

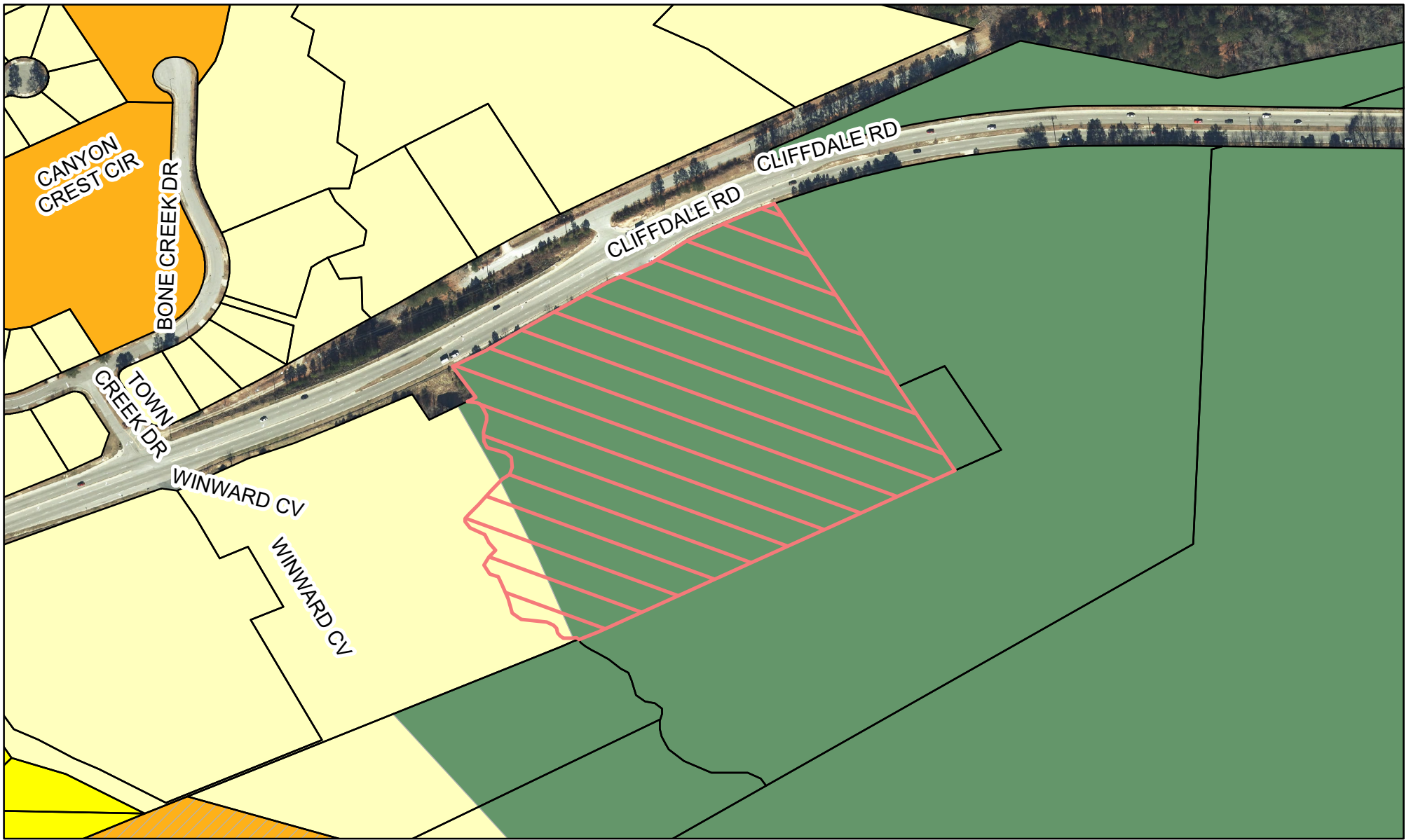
Request: Cliffdale Community Church
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Location: 7763 CLIFFDALE RD
REID: 9487879970000

-  A24-42
-  PARKOS - PARK / OPEN SPACE
-  OSS - OPEN SPACE SUBDIVISIONS
-  LDR - LOW DENSITY
-  MDR - MEDIUM DENSITY

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





Zoning Map

Case #: A24-42

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

Location: 7763 CLIFFDALE RD
REID: 9487879970000



A24-42



AR - Agricultural-Residential



MR-5 - Mixed Residential 5



MR-5/CZ - Conditional Mixed Residential 5



SF-6 - Single-Family Residential 6



SF-10 - Single-Family Residential 10

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



Subject Property



Surrounding Properties



001. C1 COVER SHEET

- 001. C1 COVER SHEET (Variance to sign ordinance for Cliffdale Community Church)
- 002. M1 CHURCH PROPERTY MEASUREMENTS
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▼ Search

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ex: 1600 Pennsylvania Ave, 20500

Get Directions History

7763 Cliffdale Rd

▼ Places

My Places

- ✓ Sightseeing Tour
Make sure 3D Buildings layer is checked

Temporary Places

▼ Layers

Primary Database

- Announcements
- ✓ Borders and Labels
- ✓ Places
- Photos
- ✓ Roads



Type here to search



004. M3 SIGN LOCATION MEASUREMENTS

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ex: 1600 Pennsylvania Ave, 20500

Get Directions History



7763 Cliffdale Rd



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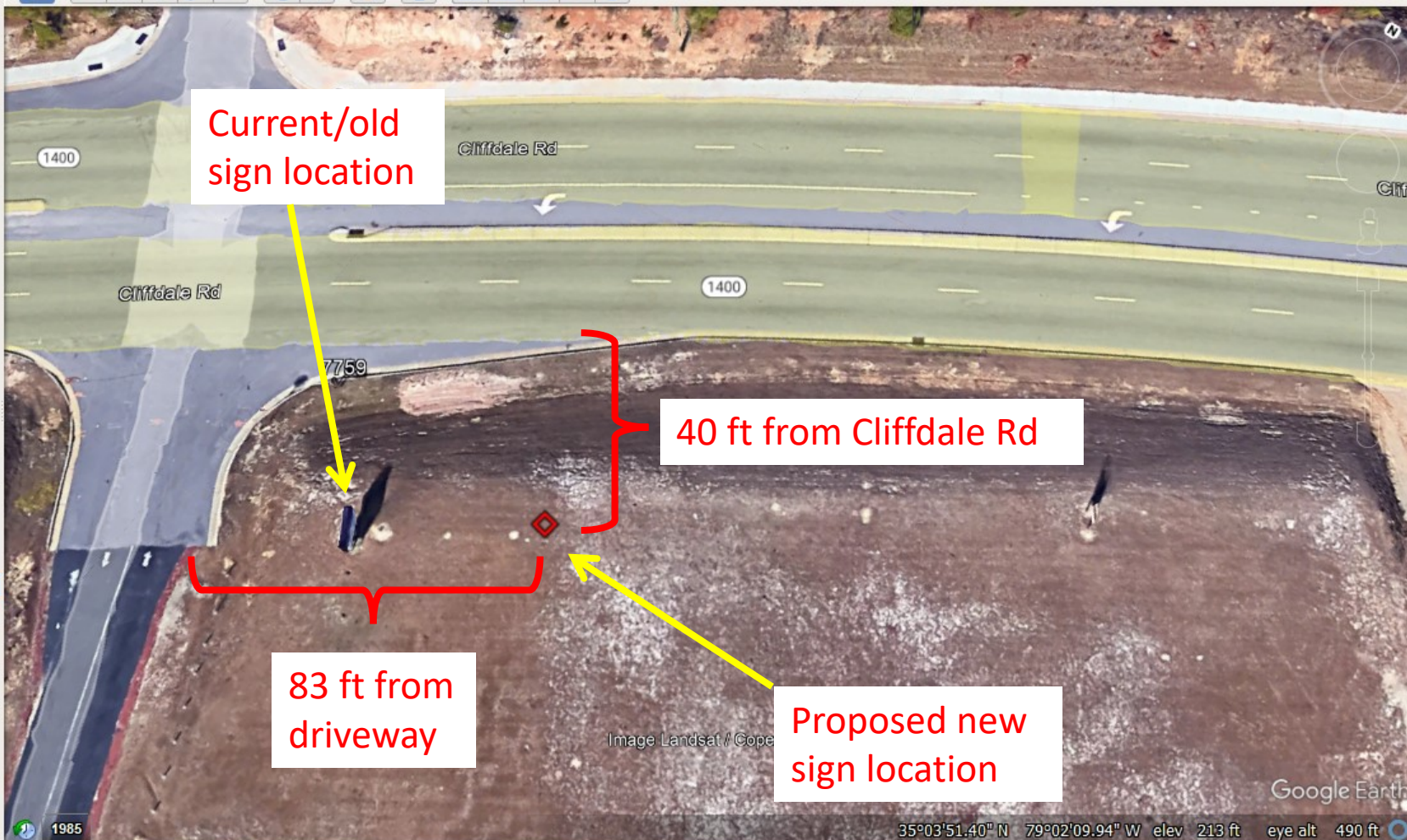
Announcements

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Photos

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Current/old
sign location

40 ft from Cliffdale Rd

83 ft from
drivewayProposed new
sign location

Google Earth

35°03'51.40" N 79°02'09.94" W elev 213 ft eye alt 490 ft

Type here to search



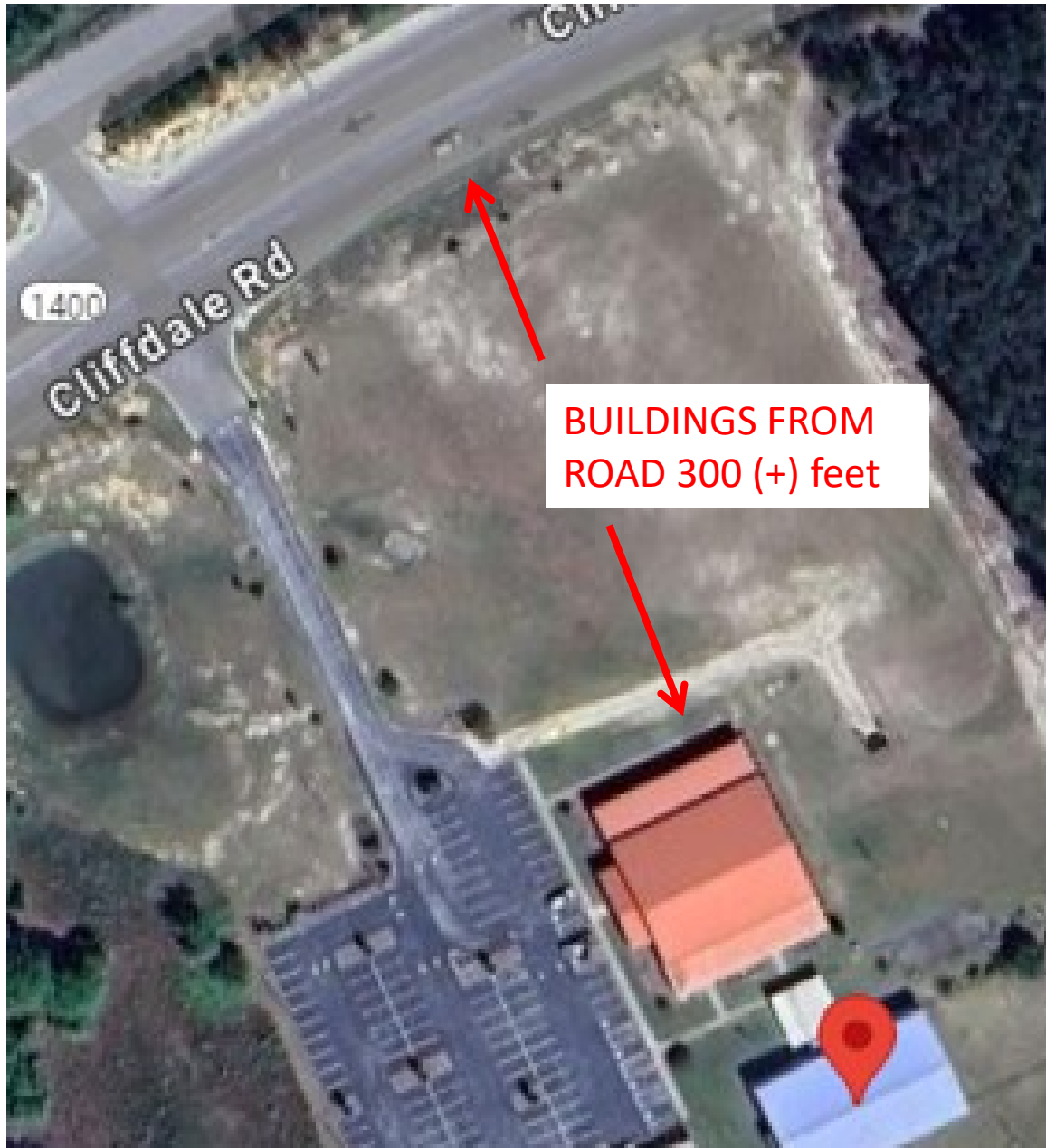
71°F

9:31 PM
8/20/2024

005. M4 SIGN LOCATION HEIGHT MEASUREMENTS



006. M5 DISTANCE OF BLDGS FROM CLIFFDALE RD



007. M6 CURRENT OLD SIGN MEASUREMENTS

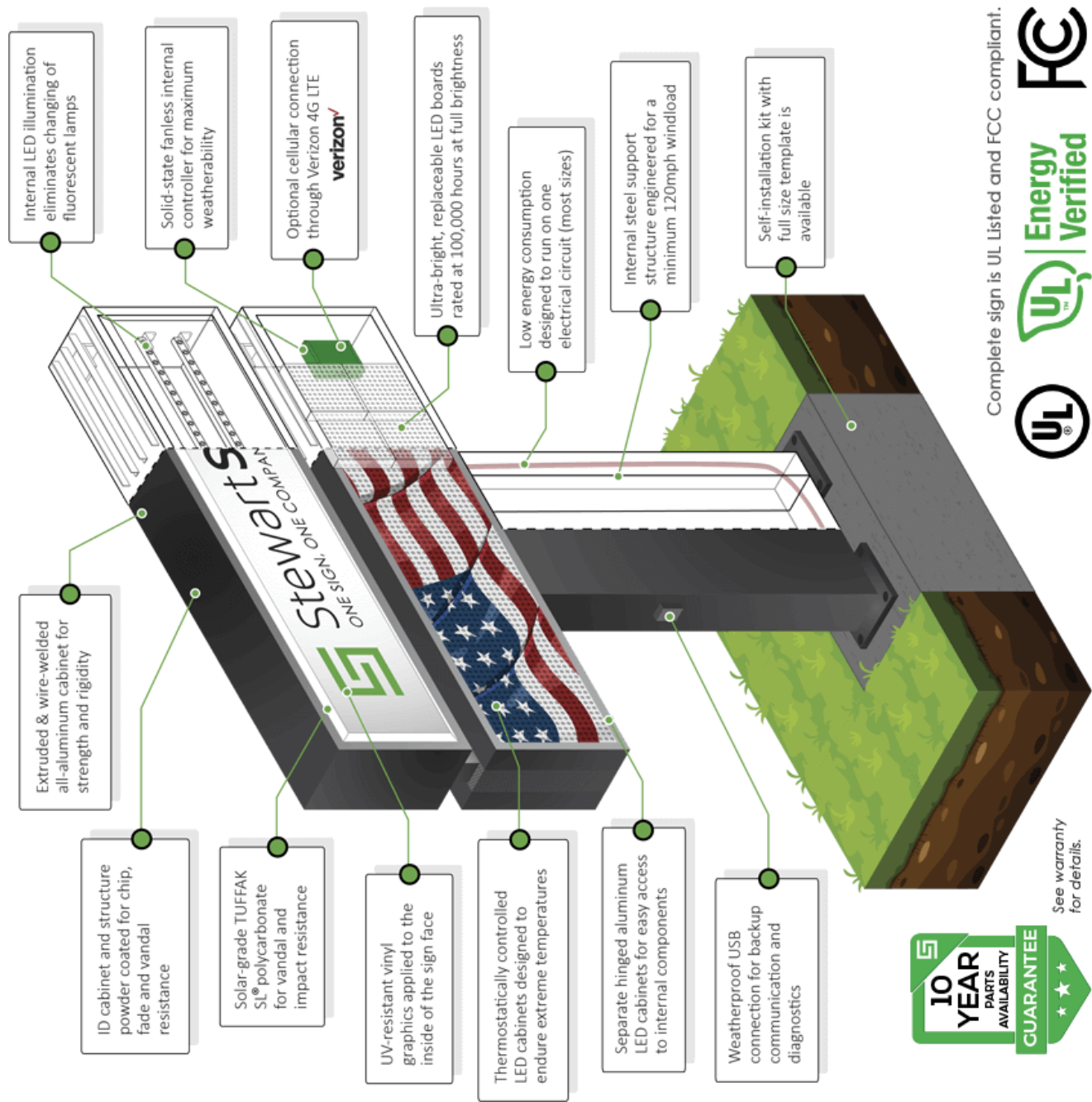




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008. N1 PROPOSED NEW SIGN DIMENSIONS

009. N2 PROPOSED NEW SIGN DETAILS



See warranty for details.



Complete sign is UL Listed and FCC compliant.



City of Fayetteville

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

City Council Action Memo

File Number: 24-4304

Agenda Date: 11/12/2024

Version: 1

Status: Agenda Ready

In Control: Zoning Commission

File Type: Consent

Agenda Number: 3.03

TO: Zoning Commission

THRU: Will Deaton, AICP - Planning & Zoning Manager

FROM: Catina Evans - Office Assistant II

DATE: November 12, 2024

RE: Approval of Meeting Minutes: October 8, 2024

COUNCIL DISTRICT(S):

All

Relationship to Strategic Plan:

Strategic Operating Plan FY 2022

Goals 2026

Goal VI: Collaborative Citizen & Business Engagement

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

Executive Summary:

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

Background:

NA

Issues/Analysis:

NA

Budget Impact:

NA

Options:

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

Recommended Action:

Option 1: Approve draft minutes.

Attachments:

Draft Meeting Minutes: October 8, 2024

**MINUTES
CITY OF FAYETTEVILLE
ZONING COMMISSION MEETING
FAST TRANSIT CENTER COMMUNITY ROOM
OCTOBER 8, 2024 @ 6:00 P.M.**

MEMBERS PRESENT

Pavan Patel, Chair
Stephen McCorquodale
Tyrone Simon
Kevin Hight
Justine Herbe

STAFF PRESENT

Clayton Deaton, Planning and Zoning Division Manager
Craig Harmon, Senior Planner
Demetrios Moutos, Planner I
Lisa Harper, City Attorney

The Zoning Commission Meeting on Tuesday, October 8, 2024, was called to order by Chair Pavan Patel at 6 p.m. The members introduced themselves.

I. APPROVAL OF THE AGENDA

MOTION: Stephen McCorquodale made a motion to approve the agenda.

SECOND: Tyrone Simon

VOTE: Unanimous (5-0)

II. APPROVAL OF THE CONSENT AGENDA TO INCLUDE THE MINUTES FROM THE SEPTEMBER 10, 2024, MEETING

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

SECOND: Stephen McCorquodale

VOTE: Unanimous (5-0)

III. LEGISLATIVE HEARING

Mr. Patel discussed the aspects of the evidentiary hearing. Ms. Harper performed the oath for all of the speakers for the variance cases. Mr. Patel inquired if any board members had conflicts of interest or ex parte communication related to the evening's agenda items, and none were reported.

A24-40. Variance request for a Residential Identification Sign, located at 5649 Bragg Boulevard (REID #0419117547000), owned by Macpherson, LLC.

Demetrios Moutos presented case A24-40, concerning a property located at 5649 Bragg Boulevard, owned by MacPherson, LLC. The owners are seeking approval to increase the maximum size of their identification sign. The subject property, situated at the intersection of Bragg Boulevard and Santa Fe Drive, is currently zoned as Mixed Residential 5 (MR-5). According to Mr. Moutos, the Future Land Use Plan designates this area as a high-use residential and neighborhood mixed-use. The front portion of the property is used by Choo Choo Homes, while the properties to the east are commercial. Mr. Moutos presented the board with the site plan submitted by the applicant, emphasizing that the request is for an increase in the allowable sign area from 32 square feet to 41.25 square feet. He then provided the board with their voting options.

Mr. Patel opened the evidentiary hearing for case A24-40.

Speaker in favor:

Mark Gardner, Gardner Creative Group, PO Box 1889, Huntersville, NC 28070

- Mr. Gardner is representing the apartment community.
- He said the signage would be beneficial to be the requested size.
- The client loves the architectural features of this sign.
- They designed the entire interior package. He said the first impression is the best impression and this first impression is good for this area.
- The increase allows for the logo, so they are requesting this increase in size.

Mr. Gardner presented the board with detailed drawings illustrating the framework for the proposed sign construction. He was informed that the board would need to retain the drawings as part of the official record, to which he had no objection. The board members then took a few moments to review the drawings carefully.

Mr. Patel closed the evidentiary hearing for case A24-40.

Mr. Herbe asked whether the applicant was seeking any additional variances beyond the length of the sign, such as its height. Mr. Moutos clarified that the only variance requested was for the sign's square footage, as the height met the Unified Development Ordinance (UDO) requirements.

Mr. Hight sought confirmation that the applicant was proposing one sign and inquired about its placement, referencing the subject property and site plan. Mr. Gardner confirmed that there would be only one sign, located as shown on the site map and in compliance with the site plan. When Mr. Hight asked which side of the sign would be adjusted if the board required a size reduction, Mr. Gardner explained that they would need to reduce the overall dimensions of the sign.

Mr. McCorquodale then remarked that, considering Fayetteville's gateway corridors, the proposed sign was appropriate for the residential nature of the area. He further noted that such a sign would be desirable at the entrance of an apartment community situated along this key gateway corridor.

Mr. Patel closed the evidentiary hearing for case A24-40.

MOTION: Pavan Patel made a motion to approve the variance request for case A24-40 based on the following five findings of fact:

1. Strict application of the Ordinance requirements would create practical difficulties and unnecessary hardships, as evidenced by the following: The proposed sign will serve as an effective and easily recognizable marker for the apartment community, enhancing visibility without posing any security concerns.
2. Any practical difficulties or unnecessary hardships arise from unique circumstances specific to the property and are not the result of actions taken by the landowner, as evidenced by the following: Given the scale of the 30-acre development, the proposed sign is appropriately sized to meet the needs of this family-oriented community.
3. The requested variance is the minimum action necessary to enable reasonable use of the land or structures, as evidenced by the following: An increase in the sign's size will enhance public navigation along Santa Fe Drive and is appropriate for an apartment complex of this size. A larger sign will provide clear visibility and improve wayfinding for residents and visitors alike.

4. The variance aligns with the general purpose and intent of the Ordinance and upholds its spirit, as demonstrated by the following: Significant time and resources were invested in creating a thoughtfully designed sign that complements the character of the area. As noted by Mr. McCorquodale, this sign would add value to Fayetteville, particularly enhancing the visual appeal and functionality of this key corridor.

5. In granting the variance, public safety and welfare have been fully considered and substantial justice achieved, as demonstrated by the following: Based on the evidence presented, there is no indication that this sign poses any risk to public safety. The design and placement adhere to safety standards, ensuring that the sign will not obstruct visibility or create hazards, while effectively serving its intended purpose.

SECOND: Stephen McCorquodale

VOTE: Unanimous (5-0)

A24-42. Variance request for a Church Sign, located at 7763 Cliffdale Road (REID #9487879970000), owned by Cliffdale Community Church, Inc.

Demetrios Moutos presented case A24-42 concerning the property located at 7763 Cliffdale Road, identified as the Cliffdale Community Church. The majority of the area is zoned Agricultural Residential (AR), with a smaller portion zoned Single-Family Residential 6 (SF-6). According to the Future Land Use Map, the area is designated for low-density residential use. The property is bordered by residential apartments and single-family homes to the west, while the land to the north remains rural.

Mr. Moutos provided the board with photos showing both the old and new signs, as well as details on the setbacks and visual comparisons of the signage. He informed the board that the applicant is requesting to modify the allowable sign area from 32 square feet to 48 square feet and increase the maximum height from 6 feet to 12 feet. Mr. Moutos also pointed out that the property has a slope of approximately 10 to 15 feet, which may impact the sign's visibility. He then presented the board with their voting options for consideration.

Mr. Patel opened the hearing for case A24-42.

Speakers in favor:

Roger Dale Paschall, Cliffdale Community Church, 7763 Cliffdale Road, Fayetteville, NC 23814

- Mr. Paschall said the church sign is about twenty years old and does not view well at night.
- They said the sign should not be a danger to anyone in the Cliffdale Community.
- They do a lot of work to assist the community. The sign will serve as an extension of their commitment to help improve the community.
- Mr. Paschall handed out information about the technical aspects of the sign to the board members.

Jess Kajiwarra, Cliffdale Community Church, 7763 Cliffdale Road, Fayetteville, NC 28314

- Mr. Kajiwarra noted that the church is requesting a new sign for the church that will exceed the allowable size permitted by City ordinance.
- The area is agricultural residential and allows for only a 32 square foot sign, and they are requesting a sign that is 42 square feet and 12 feet in height.
- Mr. Kajiwarra explained that the church is requesting this variation from the standard sign size because of the elevation and setback of the church and the fact that the 45 speed limit allows drivers only a few seconds to view the sign when passing the church.

- He noted the intersections east and west of the road, and the location of the old sign in regards to the property.
- Mr. Kajiware said the new sign would be 50 feet east of the previous sign.
- He provided several visuals as evidence of how the elevation of the land obscures the church signage from drivers passing by who are driving at 45 speed and looking ahead, which prohibits their ability to notice the sign. Additionally, he provided visuals comparisons of the new and old signage. He assured the board that the sign would be not appear gaudy.

Mr. Simon inquired about the design and functionality of the sign, to which Mr. Kajiware responded that the sign would be used to display messages related to church programming.

Mr. Hight expressed his support for the signage request, noting that the actual size of the proposed sign was smaller than what was depicted in the diagrams provided by Mr. Kajiware to the board.

Mr. Patel closed the hearing for case A24-42.

Mr. McCorquodale highlighted the size and height of the proposed signage in relation to the Unified Development Ordinance (30-5.L.7. Signs Permitted with a Sign Permit) requirements for bulletin boards. He noted that, based on these regulations, the applicant might need to request a Special Use Permit from the City Council to obtain approval for the sign. However, Mr. Moutos assured the board that a Special Use Permit would not be required.

The board discussed the matter further, and Ms. Harper requested to review the specific ordinance. Mr. McCorquodale provided her with the document, explaining that he sought clarification on how the ordinance applied to the applicant's request. After examining the language, Ms. Harper noted that the sign may exceed 32 square feet in area if it is placed on private property belonging to a coliseum, convention center, college or university, or hospital, but not for a church. Based on this, she confirmed that the applicant would not need to seek a Special Use Permit from City Council.

MOTION: Stephen McCorquodale made a motion to grant the variance request for case A24-40 to allow for a 48 square foot sign face and a height of 12 feet as the applicant has requested based on the following five findings of fact:

1. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships as shown by the following evidence: The applicant explained that the terrain where the sign would be located is 10 to 15 feet higher than the surrounding area along Cliffdale Road, making a smaller sign difficult to see. Given the topography and the speed limit on the road, a larger sign with LED lighting would significantly improve visibility, enhancing public safety and reducing potential hazards for drivers.

2. Any practical difficulties or unnecessary hardships result from unique circumstances related to the land and are not the result of actions by the landowner, as shown by the following evidence: The unique elevation and terrain along the highway near Cliffdale Road create visibility challenges for signage. The topography of the area will remain unchanged, and the church itself is set back 300 feet from the road. As noted by the applicant, many people are unaware of the church's presence due to its distance from the main road, which further supports the need for a larger sign.

3. The variance is the minimum action that will make possible a reasonable use of the land or structures, as shown by the following evidence: The applicant indicated that AR zoning restrictions render the proposed smaller sign nearly invisible due to the property's elevation, terrain, and the speed of traffic on Cliffdale Road. The

variance request seeks to improve visibility and ensure safer navigation for passing drivers, making the sign more effective in guiding the public.

4. The variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit, as shown by the following evidence: The applicant emphasized that Cliffdale Road has evolved from a two-lane road into a busy four-lane highway with significant commercial development. Both the existing and proposed signs are consistent with the changing character of the area and support the growth of the church and the surrounding community, aligning with the spirit of the Ordinance.

5. In the granting of the variance, public safety and welfare have been assured and substantial justice has been done, as shown by the following evidence: The proposed sign will be positioned safely away from the road and driveway, as indicated by the applicant. The sign will not obstruct motorists' views, and the LED display will be more legible, especially during low-visibility conditions, improving both driver safety and overall public welfare.

SECOND: Kevin Hight

VOTE: Unanimous (5-0)

Mr. Patel discussed the aspects of the legislative hearing. Ms. Harper performed the oath for the speakers. Mr. Patel inquired if any board members had conflicts of interest or ex parte communication related to the evening's agenda items, and none were reported.

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

Criag Harmon presented the case P24-39. He noted that Sophia Rickard is present to speak on this case, and she is requesting that the property located at 411 Jefferson Drive be rezoned from Single-Family Residential 10 (SF-10) to Mixed Residential 5 (MR-5). The land is approximately 0.32 acres, which is only feasible under the current zoning to build one duplex on the property, but the property could accommodate up to five units under MR-5 zoning. Mr. Harmon stated that the property is off of Raeford Road near Enterprise Rental and is zoned SF-10. The Future Land Use Map calls for the area to be designated as low density residential. Mr. Moutos noted that the surrounding properties are 70s ranch style houses. According to the City land use plan, the request for the property to be zoned as Mixed Residential 5 would not be in keeping with the surrounding zoning or the proposed use. Prior to submitting this request, the applicant did speak with Mr. Harmon and Mr. Moutos on separate occasions about this request and was advised that it would be difficult to get the MR-5 rezoning request, but the applicant chose to go through this process anyway. The Staff recommended denial of the request based on the Future Land Use Plan and the fact that the proposed uses are inappropriate for the immediate area of land to be reclassified due to the existing zoning and uses surrounding the property. Mr. Harmon provided the board with their voting options.

Pavan Patel opened the hearing for case P24-39.

Speaker in favor:

Sophia Rickard, 24311 Leachwood Drive, Katy, TX 77493

- Ms. Rickard stated that she lived in Texas and obtained the property in July of this year. She requested the rezoning because the lot fell short of the required 900 square feet to obtain a special use permit. This is why she is requesting the rezoning.
- The intent is for her to build a duplex that maintains the look and integrity of the neighborhood. The homes in this community were brick ranch style homes built in the 1950s and the current size of the lot would support the proposed two-story duplex and would fall within the City restrictions.
- Ms. Rickard highlighted a few lots that were identified that are medium residential 5, located half a mile north of the proposed property.
- She noted that the area allows for low residential use, and the proposed duplex would fall under this guideline while maintain the integrity of the neighborhood in regard to the current structures built in the area.
- Ms. Rickard stated that the guidelines encourage redevelopment within corridors, and the area south below Raeford Road within the last 15 years has grown with infrastructure in areas to include the Cross Creek Mall. Her goal is to put more units in an area that has a high demand for housing in proximity to the growth within the surrounding area.
- The Land Use Plan point 1 and 2 aligns with the request and point 7 allows for detached units within the area.
- Ms. Rickard said the request aligns with the intent of the Land Use Plan without detracting from the original intent of the neighborhood.

Mr. Hight inquired about the square footage of each unit, and Mr. Rickard said the units would not exceed 1300 square feet. She acknowledged that she would have to submit plans to the City that would have to be approved by the City. She confirmed that each unit would not exceed 1300 square feet in accordance with the ordinance requirements. She said she could put a 25 feet in width duplex on the property. Mr. Hight asked if the units would have a driveway in the front of the property. She said there would be a dual driveway on each property. Mr. Hight inquired if Ms. Rickard had a rendering of the driveway, and she replied that she has a picture that she could show them, but Mr. Hight said they would need a hard copy of the rendering for evidence purposes. Mr. Harmon interjected that this request is a straight rezoning for which the board would make any recommendations. Mr. Hight reiterated that he wanted to see renderings of the proposed site that would help in the board making this recommendation.

Mr. Harmon noted that Ms. Rickard is taking the first step to obtaining a rezoning and after approval create any site plans for the proposed duplexes. Mr. Simon asked if the duplex would be two levels, and Ms. Rickard said it would be two levels to be within the setback requirements of the City ordinance. Mr. Simon inquired for clarification that the proposed unit would not be a quad but a duplex with an upstairs, and Ms. Rickard confirmed that it would be two family units. Mr. Herbe asked how long the property was vacant, and Ms. Rickard could not answer this question. Mr. Herbe inquired when she purchased the house, and Ms. Rickard said in July or rather the end of June. Mr. Herbe asked Ms. Rickard what she would gain from rezoning from SF-6 to MR-5 or rather what would she lose if it was left at SF-6 zoning, and Ms. Rickard stated that she would still have to get a special use permit if the land remained SF-6 with a timing of one year to build, and with a MR-5 zoning she could immediately build on the property.

Mr. Herbe asked Ms. Rickard if she had an intention of building on or selling the property. Ms. Rickard said her intention is to build on the property. Mr. Herbe asked her if she had previously built on the property, and she said she has never built a property just owned real estate in the City of Fayetteville. Her last property on Morganton Road she gutted and was supposed to live in it and she could have built a brand-new property in the time it took her to remodel it. Mr. Hight asked Mr. Rickard if she had a contractor, and she responded that she currently does

not have a contractor. Mr. McCorquodale said that in her previous testimony that MR-5 is less restrictive than the SF-6 zoning. She noted that the land was 900 feet short to apply for a special use permit.

Ms. Rickard said the duplex has to have 7500 square feet of which she fell short of to apply for the special use permit. Mr. Patel asked her how soon she would be able to occupy the property if approved for the rezoning, and she said by January 2025 she needs to meet with an architect and a builder, which she has already chosen these individuals. She would give herself 90-120 days before she could build the development. She would need 6 to 8 months to complete the proposed structures. Mr. Patel asked the difference between SF-10 and MR-5 in how many units could be built under UDO guidelines. Mr. Harmon stated that under the current SF-10 zoning, she had about 950 additional square feet on the lot she could apply for a special use permit. Mr. Harmon stated that she had one year to submit the building permit. Mr. Harmon clarified that under the SF-6, Ms. Rickard would need a special use permit to build the units, but under the MR-5 designation she could build the units without the special use permit. The board discussed the case with Mr. Herbe suggesting conditions and Mr. Harmon clarifying that this is a straight rezoning.

MOTION: Kevin Hight made a motion to approve the recommendation for the rezoning to MR-5 as proposed because it follows the Land Use Policy because he thinks it is consistent with the Land Use Plan and it does align with the consistency and reasonableness statement as amended.

SECOND: Tyrone Simon

VOTE: Unanimous (5-0)

IV. OTHER BUSINESS

Mr. Harmon said the rezoning case P24-39 would go to City Council as a consent item unless otherwise suggested by the Council. Mr. Harmon said the changes would be made to the documents and sent back to the Chair for sign off. Mr. Harmon said the board needed to vote on a new Chair and Vice Chair. He noted that Mr. Alex Keith is now on the Planning Commission, and they have not acquired the needed two members for the Zoning Commission because of a lack of applicants. Mr. McCorquodale inquired if the alternates could be moved into permanent status on the board. He would like the board to check on this matter. Mr. Harmon asked for nominations for Chair and Vice Chair.

V. VOTE FOR CHAIR

MOTION: Stephen McCorquodale nominated Kevin Hight for Chair of the Zoning Commission.

SECOND: Justin Herbe

VOTE: Unanimous (5-0)

MOTION: Kevin Hight nominated Stephen McCorquodale for Vice Chair of the Zoning Commission.

SECOND: Pavan Patel

VOTE: Unanimous (5-0)

V. ADJOURNMENT

MOTION: Stephen McCorquodale made a motion to adjourn the October 8, 2024, meeting.

SECOND: Kevin Hight

VOTE: Unanimous (5-0)

The meeting adjourned at 7:31 p.m.



City of Fayetteville

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

City Council Action Memo

File Number: 24-4301

Agenda Date: 11/12/2024

Version: 1

Status: Agenda Ready

In Control: Zoning Commission

File Type: Public Hearing
(Public & Legislative)

Agenda Number: 4.01

TO: Mayor and Members of City Council

THRU: Zoning Commission

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

DATE: November 12, 2024

RE:

P24-43. Rezoning from Single Family Residential 10 (SF-10) to Neighborhood Commercial (NC) located at 202 Hope Mills Road (0416194844000) totaling 2.62 acres ± and being the property of Saint Matthews United Methodist Church.

COUNCIL DISTRICT(S):

5 - Lynne Greene

Relationship To Strategic Plan:

Strategic Operating Plan FY 2022

Goals 2027

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

- Objective 2.1 - To ensure a diverse City tax base

Goal III: City invested in Today and Tomorrow

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

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

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

Executive Summary:

The applicant has requested to rezone 202 Hope Mills Road from Single Family Residential 10 (SF-10) to Neighborhood Commercial (NC). The property is the site of Saint Matthews United Methodist Church.

Background:

Owner: Saint Matthews United Methodist Church

Applicant: Mary McLeod

Requested Action: SF-10 to NC

REID #: 0416194844000

Council District: 5 - Lynne Greene

Status of Property: Church

Size: 2.62 acres

Adjoining Land Use & Zoning:

- North: CC - Automotive parts and installation

- South: SF-10 and LC - Single family house and automotive sales
- East: LC - Retail stores
- West: SF-10 - Single family houses

Annual Average Daily Traffic: Hope Mills Road: 28,000

Letters Mailed: 117

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 Neighborhood Mixed Use. Neighborhood Mixed Use is defined as neighborhood-scale commercial uses with a horizontal mix of uses and buildings that are generally one to three stories.

Issues/Analysis:

History:

The subject property is located near the corner of Raeford Road and Hope Mills Road was annexed into the city in 1999. Per Cumberland County tax records, the main church structure was built in 1974. The subject property contains a church, church thrift store, and two single family houses. The thrift shop faces Banyan Road and the two houses face Eucalyptus Road. Previously, there were up to 5 houses along Eucalyptus Road.

Surrounding Area:

The surrounding area has a variety of residential and commercial uses. The areas to the north and east are primarily commercial in nature. The uses range from Autozone and Sherwin Williams to smaller offices and a few restaurants. To the south along Hope Mills Road, there are additional commercial businesses including multiple automotive dealerships. The area to the west is a large residential subdivision, Lafayette Village.

Rezoning Request:

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

Straight Zoning:

The request is for a rezoning from Single Family Residential 10 (SF-10) to Neighborhood Commercial.

The Neighborhood Commercial (NC) District is established and intended to accommodate small-scale, low-intensity, and "convenience" retail and service uses that

provide goods and services serving the residents of the immediately surrounding neighborhood.

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

Land Use Plan Analysis:

According to the Future Land Use Map & Plan, this general area is recommended to be developed as Neighborhood Mixed Use. Neighborhood Mixed Use is defined as neighborhood-scale commercial uses with a horizontal mix of uses and buildings that are generally one to three stories.

According to the 2040 Future Land Use Plan, this proposed development falls within Goal #1: Focus value and investment around infrastructure and strategic nodes, Goal #2: Promote compatible economic and commercial development in key identified areas, and Goal #4: Foster safe, stable, and attractive neighborhoods.

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

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

- 1.2: Encourage more intense uses, greater mix of uses and denser residential types in key focal areas
- 1.7: Encourage a logical progression of housing development and discourage "leapfrog" development.

LUP 2: Encourage strategic economic development

- 2.5: Partner to determine specific uses that could be supported through adaptive reuses and redevelopment opportunities.

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

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

Consistency and Reasonableness Statements:

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

Conclusion:

The request to rezone the property to Neighborhood Commercial would address the church's desire to allow a commercial daycare to be located within the church but operated by a separate entity. The Neighborhood Commercial district allows for all

current and proposed uses - single family residential, church, daycare, and thrift store.

The rezoning will not result in any visible changes to the property as the church, thrift store, and houses are all preexisting. The proposed daycare will be located within the existing church structure.

All other uses permitted in the Neighborhood Commercial district would also be in keeping with the surrounding area which hosts a variety of low to medium intensity commercial uses as well as residential uses.

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 NC 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 NC based on the following:

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

The uses permitted by the proposed change in zoning district classification and standards apply to such uses are appropriate in the immediate area of the land to be reclassified due to the existing zoning and uses surrounding this property; and

There are no other factors that will substantially affect public health, safety, morals, or general welfare.

Attachments:

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

4. Land Use Plan Map
5. Subject Property
6. Surrounding Property Photos
7. Consistency and Reasonableness Statement

Project Overview

#1231627

Project Title: Lafayette Village**Jurisdiction:** City of Fayetteville**Application Type:** 5.1) Rezoning (Map Amendment)**State:** NC**Workflow:** Staff Review**County:** Cumberland**Project Location****Project Address or PIN:** 202 HOPE MILLS RD
(0416194844000)**Zip Code:** 28304**Is it in Fayetteville? If you're not sure, click this link:** [Cumberland County Tax Office GIS system](#)**GIS Verified Data****Project Address:** 202 HOPE MILLS RD**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:** O&I**Acreage to be Rezoned:** 2.62**Is this application related to an annexation?:** No**Water Service:** Public**Sewer Service:** Public**A) Please describe all existing uses of the land and existing structures on the site, if any:****B) Please describe the zoning district designation and existing uses of lands adjacent to and across the street from the subject site.:**

Our church is on the lot. There is also a Thrift shop building on the lot.

The area is primarily O&I

Amendment Justification - Answer all questions on this and all pages in this section (upload additional sheets as needed).**A) State the extent to which the proposed amendment is consistent with the comprehensive plan and all other applicable long-range planning documents.:**

We are applying for rezoning to Office and Industrial so that we may use our existing classrooms to operate a daycare/preschool care for 2-4 year old children.

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

Yes

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

NC as a whole needs childcare. There are lots of statistics available online regarding this and the Lafayette Village area is no different. We wish to serve the community in providing safe, affordable childcare.

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 area surrounding the church is either retail and office on the front and sides and residential in the rear. It is appropriate that we can be considered for Office and Industry as well.

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

We already meet the requirements for the daycare center and have the facility in place.

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

The proposed amendment should not affect the surrounding area.

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

We are not in a strip style development and we are proposing no physical changes to our facility.

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 amendment does not result in an isolated area of unrelated zoning.

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

The proposed amendment has no affect on the surrounding property values

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

The proposed amendment has no environmental impact

Primary Contact Information

Contractor's NC ID#:

Project Owner

Mary McLeod
St. Matthews United Methodist Church
202 Hope Mills Road
Fayetteville , NC 28304
P:910-425-0401
allofthegrayspace@icloud.com

Project Contact - Agent/Representative

Mary McLeod
St. Matthews United Methodist Church
202 Hope Mills Road
Fayetteville , NC 28304
P:910-425-0401
allofthegrayspace@icloud.com

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

NC State General Contractor's License Number:

NC State Electrical Contractor #1 License Number:

NC State Electrical Contractor #2 License Number:

NC State Electrical Contractor #3 License Number:

NC State Mechanical Contractor's #1 License Number:

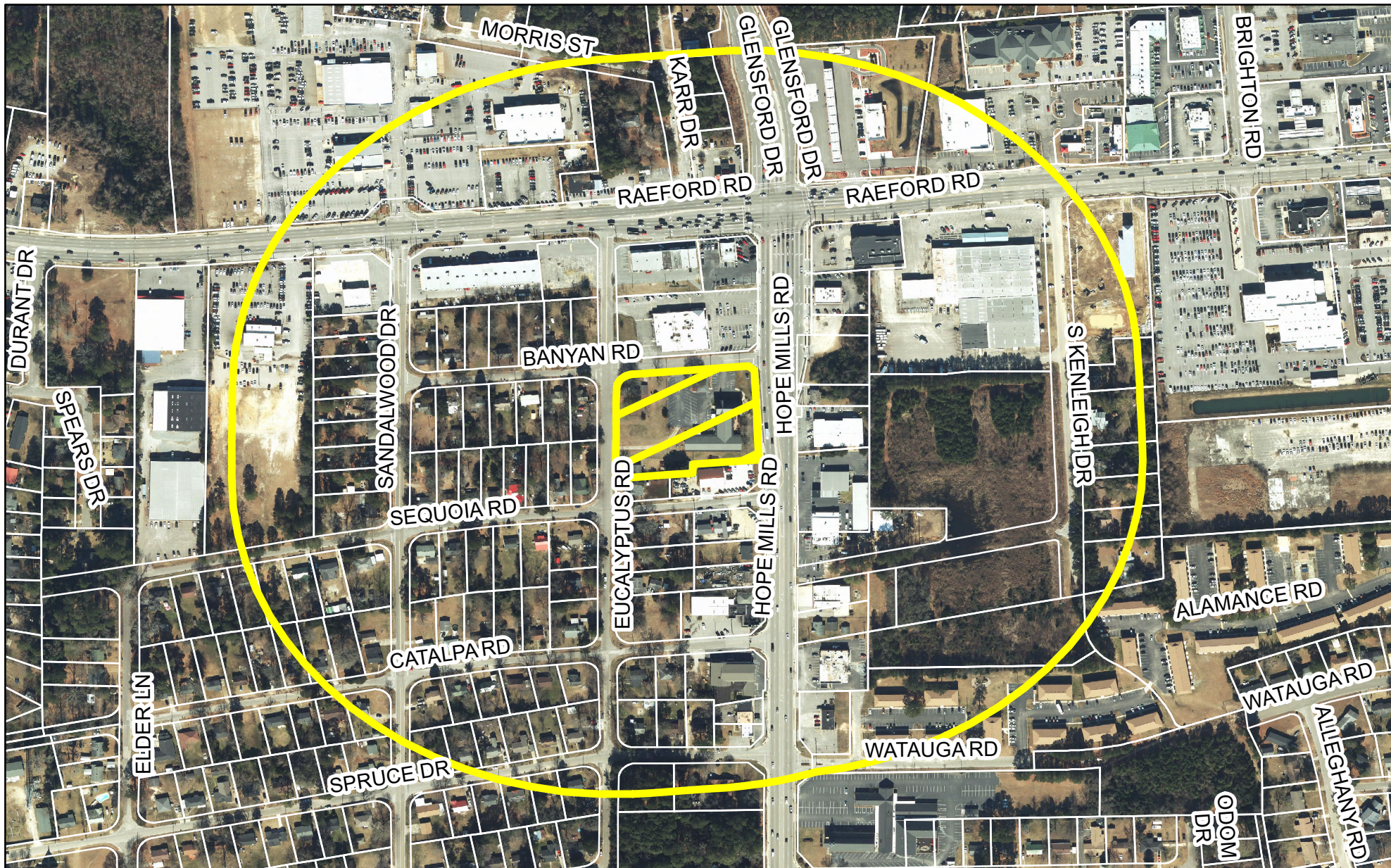
NC State Mechanical Contractor's #2 License Number:

NC State Mechanical Contractor #3 License Number:

NC State Plumbing Contractor #1 License Number:

NC State Plumbing Contractor #2 License Number:

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



Aerial Notification Map

Case #: P24-43

Request: Rezoning

Single Family Residential 10 (SF-10)
to Neighborhood Commercial (NC)

Location: 202 Hope Mills Road

Legend



Subject Property

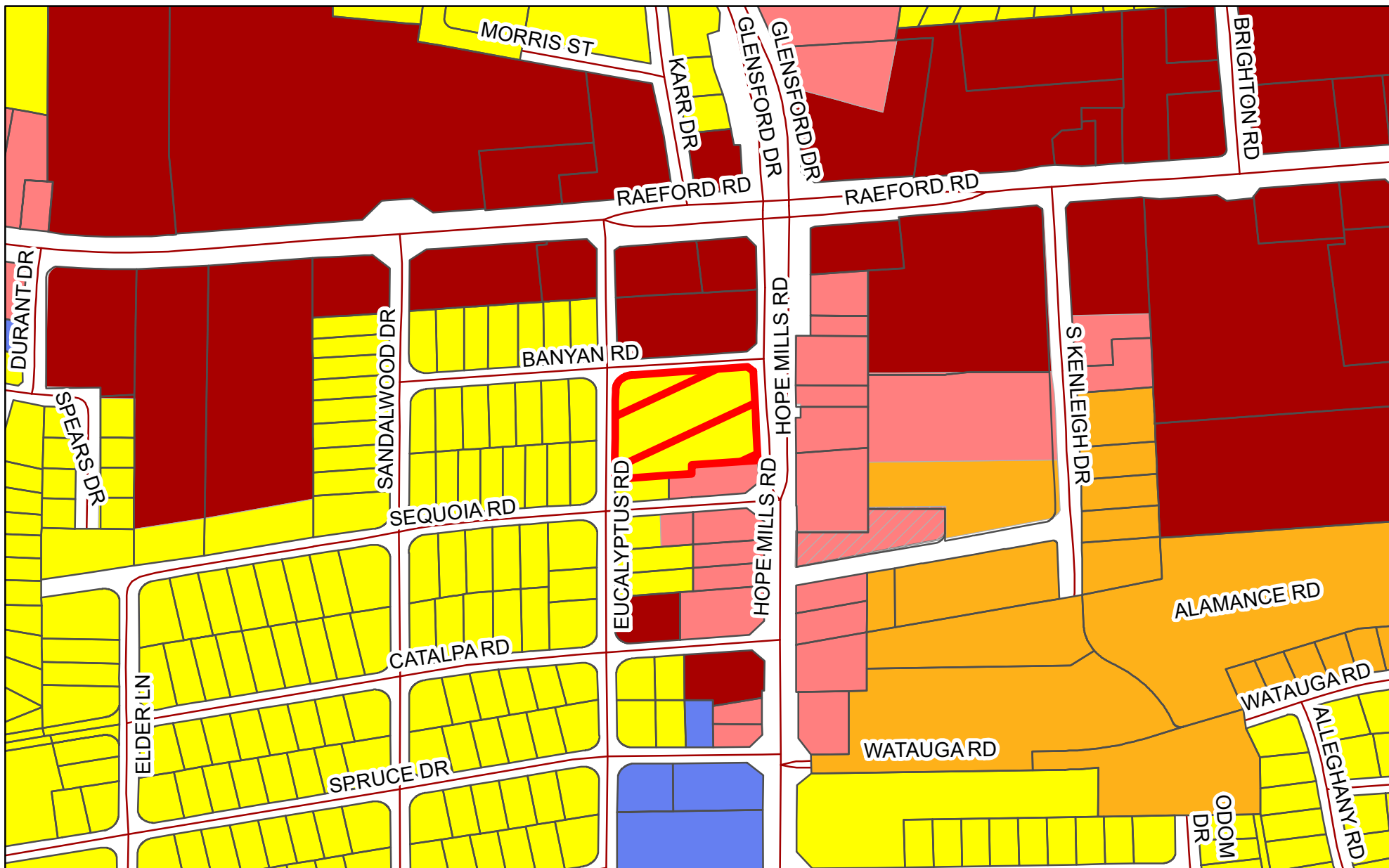


Notification Radius



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





Zoning Map









Case #: P24-43

Request: Rezoning

Single Family Residential 10 (SF-10)
to Neighborhood Commercial (NC)

Location: 202 Hope Mills Road

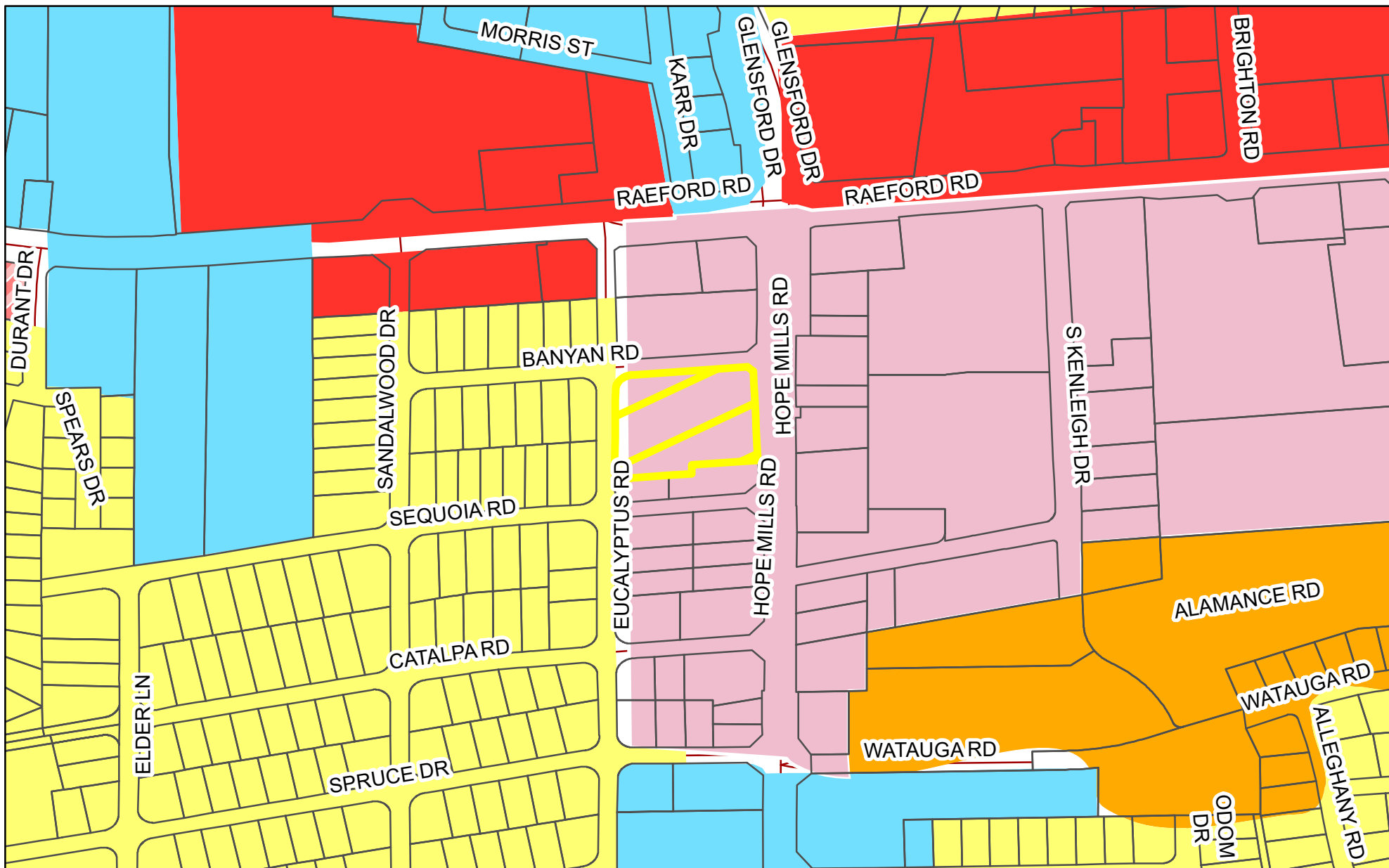
Legend

	Subject Property		CC - Community Commercial
			LC - Limited Commercial
			LC/CZ - Conditional Limited Commercial
			MR-5 - Mixed Residential 5
			OI - Office & Institutional
			SF-10 - Single-Family Residential 10



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





Land Use Map

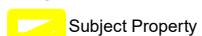
Case #: P24-43

Request: Rezoning

Single Family Residential 10 (SF-10)
to Neighborhood Commercial (NC)

Location: 202 Hope Mills Road

Legend



Subject Property

Land Use Plan 2040

Character Areas

LDR - LOW DENSITY

HDR - HIGH DENSITY RESIDENTIAL

NMU - NEIGHBORHOOD MIXED USE

CSR - COMMERCIAL STRIP REDEVELOPMENT

HC - HIGHWAY COMMERCIAL

OI - OFFICE / INSTITUTIONAL



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







Consistency and Reasonableness Statement

Map Amendments

Pursuant N.C.G.S. Sections 160D-604 and -605, the Zoning Commission finds that the proposed zoning map amendment in case P24-43 is consistent with the City of Fayetteville's Future Land Use Map and Plan (Comprehensive Plan). The following analysis examines the proposed amendment relative to the goals and land-use policies and strategies of the Comprehensive Plan:

Consistency

1. GOALS

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

2. LAND USE POLICIES AND STRATEGIES:

LAND USE POLICIES AND STRATEGIES	CONSISTENT	INCONSISTENT
LUP 1: Encourage growth in areas well-served by infrastructure and urban services, including roads, utilities, parks, schools, police, fire, and emergency services.	X	
1.2: Encourage more intense uses, greater mix of uses and denser residential in key focal areas	X	
1.7: Encourage a logical progression of housing development and discourage "leapfrog" development.	X	
LUP 2: Encourage strategic economic development	X	
2.5: Partner to determine specific uses that could be supported through adaptive reuses and redevelopment opportunities.	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:

<input checked="" type="checkbox"/>	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.
<input checked="" type="checkbox"/>	The proposed designation, as requested, would permit uses that are complimentary to those existing on adjacent tracts.	OR		The proposed designation, as requested, would permit uses that are incongruous to those existing on adjacent tracts.

Reasonableness

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

- ☒ The 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):

November 12, 2024
Date

Chair Signature

Print



City of Fayetteville

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

City Council Action Memo

File Number: 24-4305

Agenda Date: 11/12/2024

Version: 1

Status: Agenda Ready

In Control: Zoning Commission

File Type: Public Hearing
(Public & Legislative)

Agenda Number: 4.02

TO: Mayor and Members of City Council

THRU: Zoning Commission

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

DATE: November 12, 2024

RE:

P24-44. Rezoning request from Neighborhood Commercial (NC) to Limited Commercial (LC), located at 822 Hope Mills Rd. (REID #: 0416175053000), owned by Robert Wayne Johnson and Pamela F. Johnson.

COUNCIL DISTRICT(S):

5 - Lynne Greene

Relationship To Strategic Plan:

Strategic Operating Plan FY 2022

Goals 2027

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

- Objective 2.1 - To ensure a diverse City tax base

Goal III: City invested in Today and Tomorrow

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

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

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

Executive Summary:

The applicant has requested to rezone 822 Hope Mills Road from Neighborhood Commercial (NC) to Limited Commercial (LC). The property is the site of Wayne's Wheels.

Background:

Owners: Robert Wayne Johnson and Pamela F. Johnson

Applicant: Wayne Johnson

Requested Action: NC to LC

REID #: 0416175053000

Council District: 5 - Lynne Greene

Status of Property: Wayne's Wheels - Used Car Dealer

Size: ± 0.82 acres

Adjoining Land Use & Zoning:

- North: NC - Angel's Home Health / Optimistic Beauty Salon & Suites
- South: OI & NC (Across Ponderosa Dr.) - ARC Consulting Group (Computer Consultant)
- East: NC & SF-10 (Across Hope Mills Road - CJ Billiards & Dart Supplies / JW Coon Elementary School
- West: SF-10 - Single Family Houses

Annual Average Daily Traffic: Hope Mills Road: 28,000

Letters Mailed: 183

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 and properties identified as being in the Municipal Influence Area (MIA) are subject to this plan. According to the Plan, this portion of the City is characterized as Commercial Strip Redevelopment, a concept that refers to a commercial mixed-use area that encourages higher-density residential redevelopment as part of the land use mix to spur private investment. Target areas are clusters of underutilized commercial strip properties.

Issues/Analysis:

History:

The subject property is located at the corner of Ponderosa Drive and Hope Mills Road and was annexed into the city in 1999. According to Cumberland County tax records, the structure is a pre-engineered steel frame building constructed in 2010. Prior to this, two structures were on the site, and the property has been used as a car lot since between 1982 and 1995, as indicated by GIS aerial imagery. The current recorded plat for the property (Book 0125, Page 0048) was filed in September 2009.

A General Warranty Deed (Book 9700, Page 0767) was recorded in Cumberland County on August 6, 2015. This deed was filed by Attorney Charles H. Gardner and processed by the Gardner Law Firm, PLLC. The deed signifies a property transfer from Robert Wayne Johnson (also known as Robert W. Johnson) and his wife, Pamela F. Johnson, who are listed as both Grantors and Grantees. This transfer appears to be a self-conveyance, likely for restructuring purposes rather than a sale to another party.

Surrounding Area:

The adjoining land use and zoning around the property vary in designation. To the north is a mix of Neighborhood Commercial (NC) uses, including Angel's Home Health and Optimistic Beauty Salon & Suites. To the south, across Ponderosa Drive, the area is categorized as Office and Institutional (OI) and Neighborhood Commercial (NC), housing the ARC Consulting Group, a computer consulting firm. To the east, beyond Hope Mills Road, the zoning includes NC and Single Family Residential 10 (SF-10), where you'll find CJ Billiards and Dart Supplies and JW Coon Elementary School. Finally, to the west, the surroundings are primarily designated as SF-10, characterized by single-family houses.

Rezoning Request:

The Unified Development Ordinance (UDO) generally classifies land within the city as being within one of many base zoning districts. However, per Section 30-2.C, land may be reclassified to one of several comparable zoning districts.

Straight Zoning:

This request seeks to rezone the property from Neighborhood Commercial (NC) to Limited Commercial (LC).

The Limited Commercial (LC) District is designed to accommodate a variety of moderate-intensity retail, business, and service uses that serve multiple neighborhoods rather than just one. Such uses include grocery stores, pharmacies, large restaurants, gas stations, and higher-end retail options like specialty shops. This district is not intended for intensive commercial activities or other heavy uses. Residential units are encouraged on the upper floors of non-residential buildings. Additionally, the district must adhere to specific standards to ensure that development is compatible with the surrounding residential neighborhoods.

Reclassifying land to a base zoning district without any conditions permits all the uses listed in the Use Table from the UDO. The Zoning Commission cannot impose conditions or restrictions on the allowable uses, usage standards, development intensities, or other relevant regulations.

Land Use Plan Analysis:

According to the Future Land Use Map & Plan, this general area is designated **Commercial Strip Redevelopment**. This designation promotes commercial and higher-density residential uses, aiming to redevelop underutilized commercial strips to spur private investment and community vibrancy.

According to the 2040 Future Land Use Plan, this proposed rezoning aligns with:

- **Goal #1:** Focus value and investment around infrastructure and strategic nodes.
- **Goal #2:** Promote compatible economic and commercial development in critical areas.
- **Goal #3:** Encourage redevelopment of strip commercial areas.
- **Goal #4:** Foster safe, stable, and attractive neighborhoods.

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

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

- **1.2:** Encourage more intense uses, a greater mix of uses, and denser residential types in key focal areas, particularly along established commercial corridors like Hope Mills Road.
- **1.6:** Adequate infrastructure must be in place before or in tandem with new development. The area is already well-served by roads and utilities, making it suitable for a zoning designation encouraging more intensive commercial uses.

LUP 2: Encourage strategic economic development.

- **2.1:** Focus economic development in designated areas, which include Commercial Strip Redevelopment corridors. The rezoning supports a broader range of commercial uses that could help attract diverse businesses and increase

local employment opportunities.

- 2.5: Partner to determine specific uses that could be supported through adaptive reuse and redevelopment opportunities. This site's existing structure and visibility make it well-suited for commercial redevelopment, aligning with the area's strategic economic goals.

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

- 3.1: Identify targeted redevelopment and infill areas throughout the city. The rezoning from Neighborhood Commercial (NC) to Limited Commercial (LC) encourages redevelopment by permitting a wider array of commercial activities, which could attract investment and improve the area's commercial viability.
- 3.2: Address potential barriers to redevelopment. Rezoning to LC removes restrictions that may have limited business opportunities under NC zoning, facilitating more robust commercial activity.

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

- 4.1: Ensure new development meets basic site design standards, including connected streets, sidewalks, high-quality building materials, and landscaping. Rezoning to LC supports standards that enhance walkability and visual appeal, creating a more attractive environment for residents and visitors.
- 4.2: Encourage context-sensitive site design that enhances walkability. LC zoning promotes site designs that facilitate pedestrian connections, aligning to create a more accessible and inviting commercial area.

LUP 6: Encourage development standards that result in quality neighborhoods.

- 6.1: Encourage quality neighborhood design by maintaining and improving standards for streets, sidewalks, stormwater, and open space. The LC zoning district supports higher design standards, which can benefit the surrounding residential areas by improving neighborhood quality.

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

- 7.1: Allow a mix of housing, including attached and multi-family homes, to create diverse neighborhoods, especially within or near commercial centers. LC zoning allows for residential units above commercial spaces, promoting a diverse and vibrant mix of uses that enhances housing options and supports local businesses.

LUP 9: Plan for a connected system of open space and greenways.

- 9.1: Improve access to parks and greenways. Although this rezoning is focused on commercial development, improved walkability, and potential pedestrian pathways can contribute to a more connected and accessible community, indirectly supporting access to recreational areas.

LUP 10: Support land use, site design, and capital improvement initiatives that increase resiliency and reduce impacts from flooding and natural disasters.

- 10.1: Encourage on-site stormwater control measures to mitigate the impacts of

development. The LC zoning district typically requires stormwater management and other site design standards that reduce environmental impacts, which is beneficial for an area that may experience increased commercial activity.

Consistency and Reasonableness Statements:

The Future Land Use Plan sets goals, policies, and strategies that encourage strategic growth. This application aligns with the city's vision for compatible growth in underutilized commercial corridors. The LC zoning designation provides opportunities for moderate-intensity businesses and mixed-use developments, supporting commercial and residential growth.

Conclusion:

The request to rezone the property at **822 Hope Mills Road** from NC to LC is consistent with Fayetteville's 2040 Future Land Use Plan, which emphasizes revitalizing commercial strips. The Limited Commercial zoning designation accommodates a broader range of commercial uses-such as higher-end retail, restaurants, and services-that would align well with surrounding properties and meet community needs. The LC zoning also allows potential for mixed-use developments, including upper-story residential units, further supporting the area's designation for strategic redevelopment.

This rezoning will complement the existing neighborhood by bringing increased commercial variety and enhanced opportunities for local services while remaining compatible with nearby residential and commercial uses. The LC designation thus promotes a vibrant, economically diverse community, encourages private investment in an underutilized commercial area, and aligns with Fayetteville's broader goals of improving quality neighborhoods, enhancing connectivity, and supporting sustainable growth.

Budget Impact:

While there is no immediate budgetary impact, the rezoning will have future economic consequences due to increased tax revenue.

Options:

1. Approval of the map amendment to LC as presented is recommended based on the evidence submitted. The rezoning is consistent with the Future Land Use Plan, as demonstrated by the attached consistency and reasonableness statement.
2. Recommends the approval of the map amendment to a more restrictive zoning district based on the submitted evidence and finds that the map amendment is consistent with the Future Land Use Plan and an amended consistency statement.
3. Denies the map amendment request due to the evidence provided and determines that the map amendment conflicts with the Future Land Use Plan.

Recommended Action:

The Professional Planning Staff recommends that the Zoning Commission approve the

proposed amendment to the zoning map, changing the designation to LC. This recommendation is based on the following reasons:

- The proposed zoning map amendment not only aligns with the policies outlined in the Future Land Use Plan (FLUP) but also with those established in the Unified Development Ordinance (UDO), providing a clear path for future development.
- The uses allowed by the proposed change in zoning district classification are appropriate for the immediate area, considering the existing zoning and surrounding land uses.
- No significant factors would adversely affect public health, safety, morals, or general welfare.

Attachments:

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

Project Overview

#1506184

Project Title: 822 hope mills rd**Jurisdiction:** City of Fayetteville**Application Type:** 5.1) Rezoning (Map Amendment)**State:** NC**Workflow:** Staff Review**County:** Cumberland**Project Location****Project Address or PIN:** 822 HOPE MILLS RD
(0416175053000)**Zip Code:** 28304**Is it in Fayetteville? If you're not sure, click this link:** [Cumberland County Tax Office GIS system](#)**GIS Verified Data****Project Address:** 822 HOPE MILLS RD**General Project Information****Has the land been the subject of a map amendment application in the last five years?:** No**Previous Amendment Approval Date:****Previous Amendment Case #:****Proposed Zoning District:** LC**Acreage to be Rezoned:** .8**Is this application related to an annexation?:** No**Water Service:** Public**Sewer Service:** Public**A) Please describe all existing uses of the land and existing structures on the site, if any:****B) Please describe the zoning district designation and existing uses of lands adjacent to and across the street from the subject site.:**

Used car dealership. Metal building with three offices, show room, clean up bay and garage area with lifts. Automotive repairs.

Upon purchase it was zoned commercial. With out our knowledge it was changed to NC (neighborhood commercial). Would like it to be changed to LC (limited commercial). Across Ponderosa Drive is a consulting business. Next door has been many businesses but currently a barber shop/beauty salon. Across the street is a billiards sales store and an elementary school. Also a fire station across street.

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.:**

For rental income purposes.

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

Yes. Rental income purposes

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

Automotive repair center

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.:

Currently a used car dealership. There is a repair shop, Cumberland Motor Works less than .2 of a mile currently operational. Again for rental income purposes.

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

Currently a used car dealership doing minor automotive repairs. Building was built to continue this type of business. Showroom, offices, garage with lifts. Again repair shop less than .2 mile from our locatin

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

Not applicable. Building is already built.

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

Not applicable. Single business

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.:

Not applicable.

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

These type of businesses already exist in this area. No adverse impact with change

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

Building already meets EPA guidelines. No negative impact on the environment would result from zoning change

Primary Contact Information

Contractor's NC ID#:

Project Owner

Wayne Johnson
Wayness Wheels
822 hope Mills Rd
Fayetteville , NC 28304
P:9104249191
.....
Cars@wayneswheelsnc.com

Project Contact - Agent/Representative

Wayne Johnson
Wayness Wheels
822 hope Mills Rd
Fayetteville , NC 28304
P:9104249191
.....
Cars@wayneswheelsnc.com

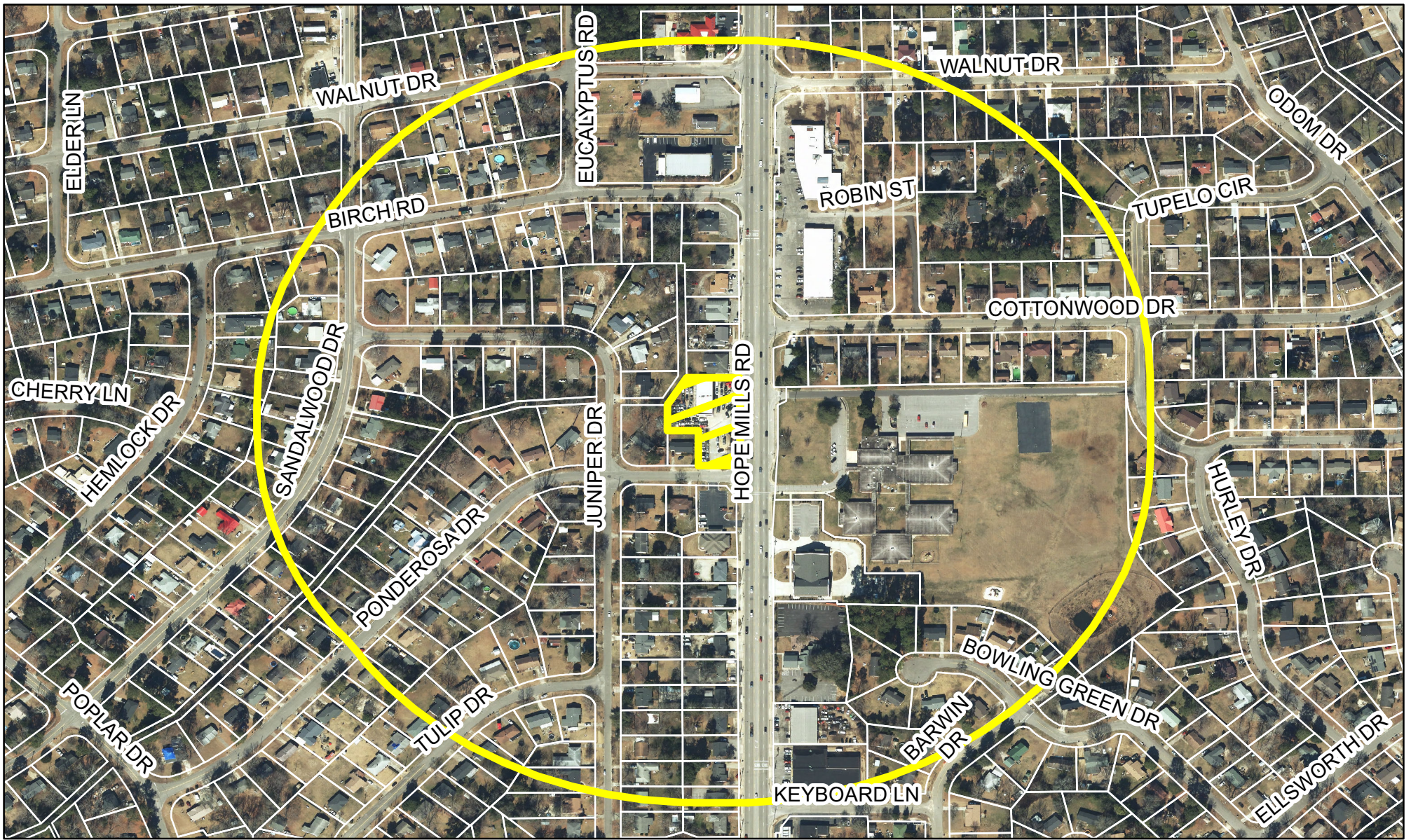
As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$40,000. :

NC State General Contractor's License Number:

NC State Electrical Contractor #1 License Number:

NC State Electrical Contractor #2 License Number:
NC State Electrical Contractor #3 License Number:
NC State Mechanical Contractor's #1 License Number:
NC State Mechanical Contractor's #2 License Number:
NC State Mechanical Contractor #3 License Number:
NC State Plumbing Contractor #1 License Number:
NC State Plumbing Contractor #2 License Number:

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



Aerial Notification Map

Case #: P24-44

REQUEST: REZONING FROM NC
TO LC

LOCATION: 822 HOPE MILLS RD
REID: 0416175053000



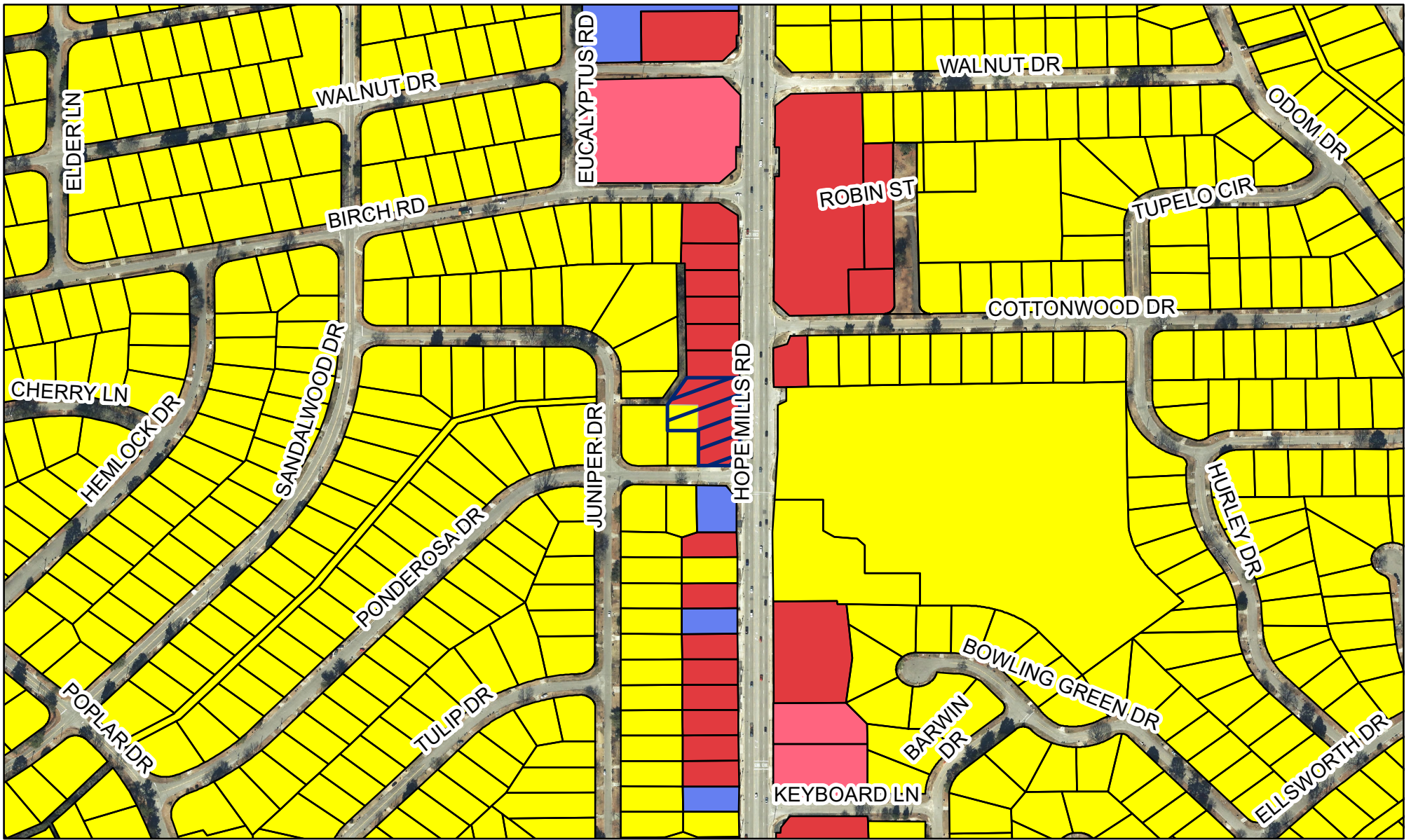
P24-44 Buffer



P24-44

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





Zoning Map

Case #: P24-44

REQUEST: REZONING FROM NC
TO LC

LOCATION: 822 HOPE MILLS RD
REID: 0416175053000



P24-44



LC - Limited Commercial



NC - Neighborhood Commercial



OI - Office & Institutional

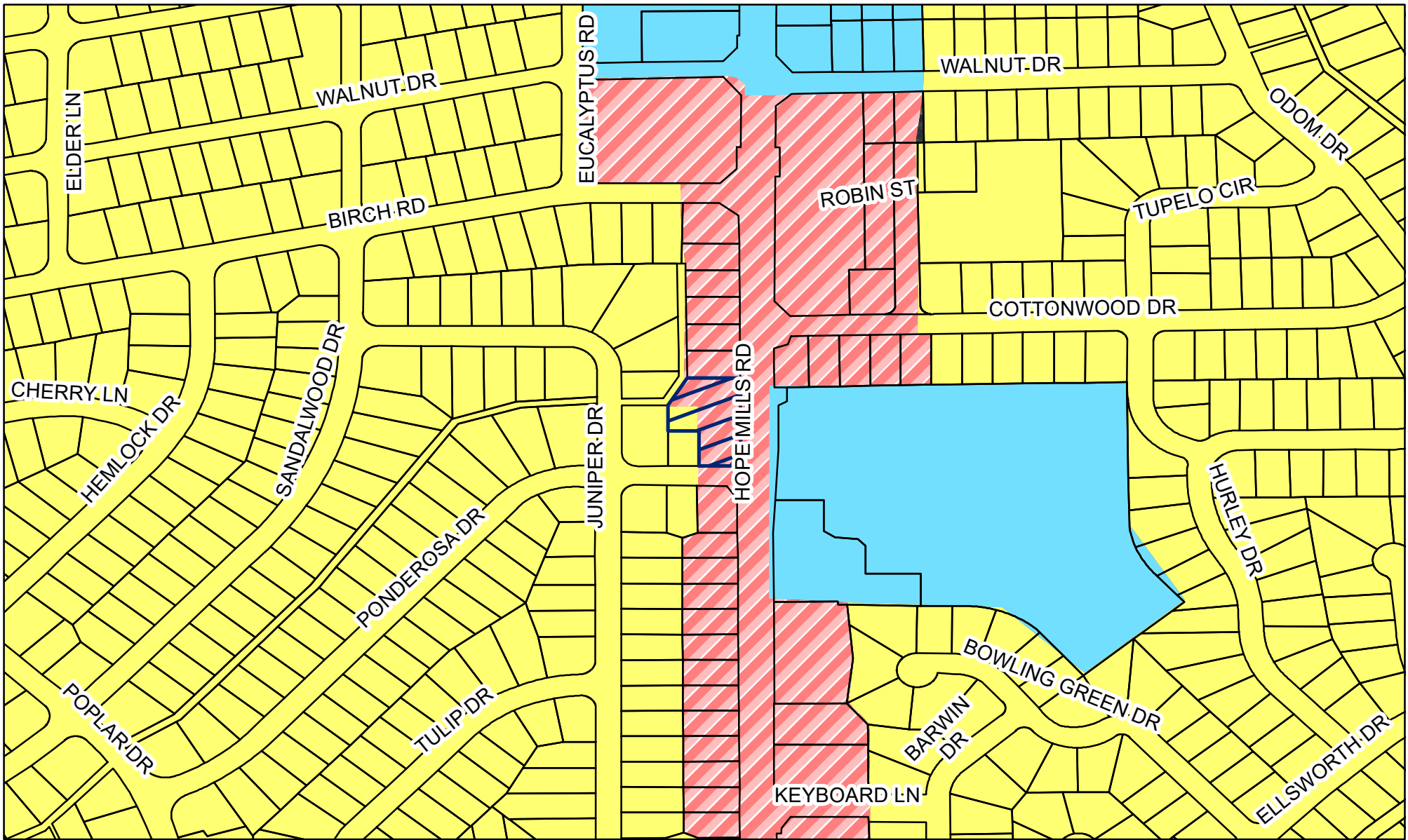


SF-10 - Single-Family Residential 10

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

N





Future Land Use Map

Case #: P24-44

REQUEST: REZONING FROM NC
TO LC

LOCATION: 822 HOPE MILLS RD
REID: 0416175053000



P24-44



LDR - LOW DENSITY



CSR - COMMERCIAL STRIP REDEVELOPMENT



OI - OFFICE / INSTITUTIONAL

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





Surrounding Properties



Consistency and Reasonableness Statement
Map Amendments

Pursuant to N.C.G.S. Sections 160D-604 and -605, the Zoning Commission finds that the proposed zoning map amendment in case P24-44 is consistent with the City of Fayetteville's Future Land Use Map and Plan (Comprehensive Plan). The following analysis examines the proposed amendment relative to the goals and land-use policies and strategies of the Comprehensive Plan:

Consistency

1. GOALS

GOAL(S)	CONSISTENT	INCONSISTENT
Goal #1: Focus value and investment around infrastructure and strategic nodes	X	
Goal #2: Promote compatible economic and commercial development in key identified areas	X	
Goal #3: Encourage redevelopment of strip commercial areas.	X	
Goal #4: Foster safe, stable, and attractive neighborhoods	X	

2. LAND USE POLICIES AND STRATEGIES:

LAND USE POLICIES AND STRATEGIES	CONSISTENT	INCONSISTENT
LUP 1: Encourage growth in areas well-served by infrastructure and urban services, including roads, utilities, parks, schools, police, fire, and emergency services.	X	
1.2: Encourage more intense uses, a greater mix of uses, and denser residential types in key focal areas, particularly along established commercial corridors like Hope Mills Road.	X	
1.6: Adequate infrastructure must be in place before or in tandem with new development. The area is already well-served by roads and utilities, making it suitable for a zoning designation that encourages more intensive commercial use.	X	
LUP 2: Encourage strategic economic development	X	
2.1: Focus economic development in designated areas, which include Commercial Strip Redevelopment corridors. The rezoning supports a broader range of commercial uses that could help attract diverse businesses and increase local employment opportunities.	X	
2.5: Partner to determine specific uses that could be supported through adaptive reuses and redevelopment opportunities.	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	

3.2: Address potential barriers to redevelopment. Rezoning to LC removes restrictions that may have limited business opportunities under NC zoning, facilitating more robust commercial activity.	X	
LUP 4: Create well-designed and walkable commercial and mixed-use districts.	X	
4.1: Ensure new development meets basic site design standards, including connected streets, sidewalks, high-quality building materials, and landscaping. Rezoning to LC supports standards that enhance walkability and visual appeal, creating a more attractive environment for residents and visitors.	X	
4.2: Encourage context-sensitive site design that enhances walkability. LC zoning promotes site designs that facilitate pedestrian connections, aligning to create a more accessible and inviting commercial area.	X	
LUP 6: Encourage development standards that result in quality neighborhoods.	X	
6.1: Encourage quality neighborhood design by maintaining and improving standards for streets, sidewalks, stormwater, and open space. The LC zoning district supports higher design standards, which can benefit the surrounding residential areas by improving neighborhood quality.	X	
LUP 7: Encourage a mix of housing types for all ages and incomes.	X	
7.1: Allow a mix of housing, including attached and multi-family homes, to create diverse neighborhoods, especially within or near commercial centers. LC zoning allows for residential units above commercial spaces, promoting a diverse and vibrant mix of uses that enhances housing options and supports local businesses.	X	
LUP 9: Plan for a connected system of open space and greenways.	X	
9.1: Improve access to parks and greenways. Although this rezoning is focused on commercial development, improved walkability, and potential pedestrian pathways can contribute to a more connected and accessible community, indirectly supporting access to recreational areas.	X	
LUP 10: Support land use, site design, and capital improvement initiatives that increase resiliency and reduce impacts from flooding and natural disasters.	X	
10.1: Encourage on-site stormwater control measures to mitigate the impacts of development. The LC zoning district typically requires stormwater management and other site design standards that reduce environmental impacts, which is beneficial for an area that may experience increased commercial activity.	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.
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X	The proposed designation, as requested, would permit uses that are complimentary to those existing on adjacent tracts.	OR		As requested, the proposed designation would permit uses incongruous to those existing on adjacent tracts.
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Reasonableness

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

 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):

November 12, 2024

Chair Signature

Date

Print