

**AGENDA
CITY OF FAYETTEVILLE
ZONING COMMISSION
CITY COUNCIL CHAMBERS
1ST FLOOR, CITY HALL
FEBRUARY 11, 2020 @ 6:00 P.M.**

**AGENDA
CITY OF FAYETTEVILLE
ZONING COMMISSION
COUNCIL CHAMBERS
1ST FLOOR, CITY HALL
FEBRUARY 11, 2020 @ 6:00 P.M.**

- I. APPROVAL OF AGENDA**
- II. INTRODUCTION OF COMMISSION MEMBERS**
- III. APPROVAL OF MINUTES FROM JANUARY 14, 2020**
- IV. PUBLIC HEARINGS**

VARIANCE(S) / SPECIAL USE PERMIT(S) / REZONING(S):

P20-05F. Request for a Special Use Permit to allow warehouse distribution to be located in a Community Commercial (CC) zoning district, located at 2016 Sapona Road (Tax Map # 0446-78-5201), containing 0.91± acre and being the property of Stricklands Portion Pak Inc. (Craig Harmon)

P20-06F. Request for a Special Use Permit for the existing Sunbelt Rentals site as well as allow the expansion of the site to include a repair shop with a wash bay, zoned as Community Commercial Zoning District (CC), located at 318 Eastern Boulevard and unaddressed Eastern Boulevard (Tax Map # 0437-90-7639 & 0437-90-7308), totaling 3.02 acres ± and being the properties of Monomoy Properties NC, LLC., represented by Scott Brown of 4D Site Solutions, Inc. (Jennifer Baptiste)

P20-07F. Request for a Special Use Permit to allow a duplex to be located in a Single Family 10 (SF-10) zoning district, located at 440 McPhee Drive (Tax Map # 0427-33-9125), containing 0.38± acre and being the property of Patrick Gibney, Sandymount Properties. (Craig Harmon)

P20-08F. Rezoning of three properties from Mixed Residential 5 (MR-5) to Office & Institutional (OI), located on Weiss Avenue, (Tax Map# 0427-90-3386, 0427-90-4461, and 0427-90-3332) totaling 1.35 acres ± and being the properties of Billy G. Tharpe, Troy McDuffie and Rendric Nicholson, represented by Billy G. Tharp. (Jennifer Baptiste)

P20-04F. Conditional Rezoning of a property from a split zoning of Single Family Residential 6 (SF-6) and Neighborhood Commercial (NC) to Community Commercial/Conditional Zoning (CC/CZ), located at 409 Mayview Street, (Tax Map # 0436-16-8813) containing 0.34 acres ± and being the property of Simmons Masonry, INC., represented by James Simmons. (Jennifer Baptiste)

V. OTHER BUSINESS

VI. ADJOURNMENT

Please be advised that the City of Fayetteville Zoning Commission will conclude its meeting at 10:00 p.m. or after all business is completed, whichever comes first. If the Zoning Commission is in the midst of a case at 10:00 p.m., it is our intention to finish that case before adjournment. Cases yet to be heard will be continued to a date certain. Thank you for keeping your comments brief.

**MINUTES
CITY OF FAYETTEVILLE
ZONING COMMISSION
COUNCIL CHAMBERS
JANUARY 14, 2020 @ 6:00 P.M.**

MEMBERS PRESENT

Kevin Hight, Chair
David Baran, Vice Chair
Willie Dorman Jr.
Roger Shah

STAFF PRESENT

David Steinmetz, Assistant Director
Taurus Freeman, Planning & Zoning Division Manager
Jennifer C. Baptiste, Senior Planner
Craig Harmon, Planner II
Lisa Harper, Assistant City Attorney
Catina Evans, Office Assistant II

The January 14, 2020, Zoning Commission Meeting was called to order by Chairman Keith Hight at 6:03 p.m. Hight asked each member to announce themselves and each member stated their name. Hight asked if board members had any conflicts and each member stated no.

I. APPROVAL OF AGENDA

MOTION: David Baran moved to approve the meeting agenda.

SECOND: Roger Shah

VOTE: Unanimous (4-0)

II. MINUTES FOR DECEMBER 10, 2019 MEETING

MOTION: Roger Shah moved to approve the minutes from the December 10, 2019, meeting.

SECOND: Willie Dorman Jr.

VOTE: Unanimous (4-0)

III. PUBLIC HEARINGS

The Zoning Commission is charged with the review of applications for rezoning, conditional rezoning, variances, and special use permits. We review according to standards put forth in the unified development ordinance and ultimately make recommendations to the city council. The burden of demonstrating that an application complies with applicable standards is on the applicants. Our job is to listen to the testimony from both sides, be objective and fair at all times. Ultimately our goal is to preserve the character and integrity of our neighborhoods. The findings of tonight's hearings will be voted upon by this commission, and the result and recommendations passed on to the city council. The extent of which any person feels aggrieved or hurt by our recommendation, they have the right to appeal to the city council, within 10 days of the recommendation. With respect to your presentation each side has a total of 15 minutes to present their case either for or against the applicant's request. However, this rule does not apply to Special Use Permits. The clock you see to your left will monitor the amount of time you are using. The time used in responding to questions asked by the commission will not be counted against you. The Special Use Permit process and the Variance process are Quasi-Judicial processes so those testifying will not have a time limit and will be sworn in.

No members of the Zoning Commission required/requested recusal from any case being presented.

Hight opened the public hearing. Craig Harmon requested if the Commission would wait for the arrival of the applicant before beginning case P20-02F. Hight asked the Commission if they wanted to wait or proceed and the Commission agreed to proceed.

P20-02F. Craig Harmon presented the case for the rezoning of two properties from a Single Family 6 (SF-6) to Limited Commercial (LC) zoning district, located at 1410 Haywood Street. There is an auto repair business and a car dealership zoned Heavy Industrial (HI) along with a lumber and salvage yard near the aforementioned properties. Land zoned Limited Commercial (LC) is located near the area as well. The auto repair business and car dealership are across the street from a neighborhood, a salvage yard and heating and air contractor is to the south, and a vacant home is located to the west. Staff recommended the approval of the rezoning of the properties based on its use being appropriate for the surrounding area and in alignment with the requirements established through the United Development Ordinance (UDO) amendments. Furthermore, the rezoning of the properties would not pose a safety issue.

Kevin Hight asked if there were any speakers and there were none. He posed the question if there was anything needed for the wooded area. Harmon stated that the applicant is aware that he would need a fence near the wooded area. Hight closed the public hearing, noting that it was unusual for the Commission to consider a request from an absent applicant. Hight requested a motion for P20-02F.

MOTION: Roger Shah motioned to approve the rezoning from Single Family 6 (SF-6) to Limited Commercial (LC).

SECOND: David Baran

VOTE: Unanimous (4-0)

Kevin Hight opened the hearing for case P20-03F and requested that speakers come forward to be sworn in. The speakers were sworn in by David Steinmetz.

P20-03F. Craig Harmon presented the request for a Special Use Permit (SUP) by Dismas Charities in order to build a half-way house, located in the Office and Institutional (OI) zoning district and on properties fronting Tally Ho Drive and Cain Road east of Bragg Boulevard. The lot is slightly under 3 acres. Everything in the area is heavy commercial and medium density housing. The staff recommended approval because the property is located in an Office and Institutional (OI) district, fits with the character of the area, and it would comply with the following:

1. The SUP will comply with the standards in Section 30-4.C, Use Specific Standards
2. It is compatible with the character of the surrounding lands and uses permitted in the zoned area
3. It avoids significant adverse impact to the surrounding lands in regards to service delivery, parking , loading, odors, noise, glare and vibration
4. It is configured to minimize adverse effects to include visual impacts of the proposed use on adjacent lands
5. It avoids significant deterioration of water and air resources, wildlife habitat, scenic resources and other natural resources
6. It maintains safe ingress and egress onto the site and safe road conditions around the site
7. It allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district
8. It complies with all other relevant City, State, and Federal laws and regulations.

Hight asked Harmon if there were other businesses in the area. Harmon stated that there had not been any businesses operating in the area for over a year. Harmon noted that the original site plan had two entrances but the City of Fayetteville wanted only one entrance into the property (to regulate the flow of traffic). The current entrance is across from Imperial Road. The owners planned to develop to the south, leaving a wooded buffer and a dry pond in place. The surrounding area would include residential properties and Bragg Boulevard. The staff recommended the addition of a roof gable on the building to add to the overall appeal of the surrounding location. Furthermore, the staff recommended the approval of the SUP to build the half-way house with the following three (3) provisions:

1. Development must follow the attached site plan, unless a proposed element is in conflict with the City's UDO standards.
2. Add roof gables and façade treatments to the building design to better fit with the character of the adjacent residential neighborhood.
3. Preserve a 100-foot or greater wooded area between their facility and the single-family residential subdivision to the north to minimize any adverse effects on the adjacent properties.

The speaker in favor was as follows:

Johnathan Charleston—The Charleston Group, 201 Hay Street, 200, Fayetteville, NC 28301

Attorney Charleston stated that the property use would be consistent with the vision of the City of Fayetteville which advocated for the rehabilitation and integration of incarcerated individuals back into society. He noted that similar requests in the past yielded an 8-2 vote by the City Council. Additionally, the organization would operate under a prison contract with a professional staff and would meet federal standards. Charleston added that Dismas is a nonprofit that has successfully implemented this project in Greensboro, NC; Louisville, KY; and West Virginia. He stated that it would serve as a community service because individuals would have the opportunity to be successfully reintegrate into the community through this program. Through a partnership with Fayetteville Technical Community College (FTCC), participants could seek educational opportunities. Charleston reiterated that previous programs like this one had been approved by the City Council, and he stated that the proposed program would replace a previous program that had operated for years without any issues (to his recollection).

Hight asked if anyone had any questions for the witness. Roger Shah asked how long do individuals remain in the facility. Steve Vice (2125 Edgehill Road, Louisville, KY), owner of the Dismas Charities in Kentucky, responded by stating that the participants stay in the facility 90 to 100 days.

In response to Hight's inquiry concerning if family members could stay with residents at the facility, Vice responded by stating that the participants could only have visitors.

The Chairman inquired to the Assistant City Attorney Lisa Harper if the additional speakers could answer questions instead of each person speaking since there was only four speakers. Harper stated that it was up to the speakers and he would have to ask them.

Charleston responded that the speakers came to answer any questions. Hight asked if there were any more questions. There were none, so Hight closed the hearing and asked for a motion on P20-03F.

MOTION: David Baran moved to approve the request for the Special Use Permit to build the half-way house because the use complied with the findings as follows:

1. The SUP will comply with the standards in Section 30-4.C, Use Specific Standards
2. It is compatible with the character of the surrounding lands and uses permitted in the zoned area
3. It avoids significant adverse impact to the surrounding lands in regards to service delivery, parking , loading, odors, noise, glare and vibration
4. It is configured to minimize adverse effects to include visual impacts of the proposed use on adjacent lands
5. It avoids significant deterioration of water and air resources, wildlife habitat, scenic resources and other natural resources
6. It maintains safe ingress and egress onto the site and safe road conditions around the site
7. It allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district
8. It complies with all other relevant City, State, and Federal laws and regulations.

Roger Shah included the three staff recommendations for the SUP as follows:

1. Development must follow the attached site plan, unless a proposed element is in conflict with the City's UDO standards.
2. Add roof gables and façade treatments to the building design to better fit with the character of the adjacent residential neighborhood.
3. Preserve a 100-foot or greater wooded area between their facility and the single-family residential subdivision to the north to minimize any adverse effects on the adjacent properties.

SECOND: Willie Morton Jr.

VOTE: Unanimous (4-0)

SECOND: Willie Morton Jr.

VOTE: Unanimous (4-0)

A20-01F. Hight noted that based on the 80% (four-fifths) rule five members must be present to hear the variance A20-01F. He suggested that they could table it until next month or they could choose to hear the case. It would be up to the applicants. He added that if the Commission heard the case and did not vote unanimously for the variance, the case would be disapproved. Yet, the applicants could choose to wait until there were five members to hear the case. The applicants chose to move forward with the case and the speakers were sworn in by Steinmetz.

Jennifer Baptiste presented the case A20-01F requesting a variance to reduce the side-yard setback from 10 ft. to 4 ft. to allow for the construction of a carport at 2522 Sourwood Drive. The property is located near Murchison Road near the railroad tracks. The current zoning is MR-5 and the area is residential. Baptiste stated that under the Murchison Road Plan of 2008, this parcel should have been zoned single family. Baptiste added that the carport will be on the left side of the house near the driveway and the owners meet the front yard setback. Baptiste noted that across the street from the property is a wooded vacant lot to the south, a plaited road to the west and a residential area to the east. Hight asked if anyone used the road and the applicant, Harvey

Stewart, stated that no one used it. Baptiste stated that the staff recommended the approval of the variance request because the findings had been met as follows:

1. This property is a double frontage lot that has two front yard setbacks of 25 feet;
2. The property owner did not subdivide the property to create the hardship;
3. This proposed change is in accordance with the existing and proposed plans for the area; and
4. There are no other factors which will substantially affect the public health, safety, morals, or general welfare.

Hight asked Baptiste to confirm where the carport will be located and she stated that it would be behind the car (pictured in the PowerPoint presentation). Hight stated that if no one had any further questions, he would let the Board vote.

Mr. Harvey Rose Stewart of 2522 Sourwood Drive, Fayetteville, NC 28301, stated that the house was located in an area where there once was a lake. Therefore, the applicant installed sump pumps under the house to avert standing water. The Chairman asked how they fared during the floods, and Harvey stated that they had pipes that run to avoid flooding. Hight stated that they would take this information into consideration when the Commission voted. He requested a motion on P20-01F.

MOTION: Roger Shah made a motion to approve the variance based on the findings as follows:

- 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:**

Although the roadway to the north of the property is unimproved, the roadway is still a platted roadway and has the potential of being opened. Hence, the property is subject to a double front yard setback of 25 feet. One front yard setback to the north and another to the east of the existing home. This double setback reduces the options for development to the sides of the building.

- 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 property owner did not subdivide the property, but purchased the property as platted by the original developer of the subdivision.

- 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:**

A Variance is requested by the homeowner to reduce the side yard setback from 10 feet to 4 feet to allow the construction of a carport. The alternative would be to deny construction of the carport.

- 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 development is consistent with the area and is in harmony with the general purpose and intent of this Ordinance. Since the carport will not be an enclosed structure and will remain outside of the front yard setbacks, road visibility will not be impaired.

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

There is no evidence that the granting of this variance would harm the public safety, welfare, and substantial justice would be insured.

SECOND: Kevin Hight

VOTE: Unanimous (4-0)

IV. OTHER BUSINESS

The Chairman posed additional questions and remarks concerning the ordinance regarding the double front yard issue. Freeman stated that this was the standard and they could see if it could be revised. It would have to go before the City Council.

Hight had additional concerns regarding the attendance of members and alternates. Attorney Lisa Turner stated that they would check with the City Clerk regarding the number of absentees allowable.

V. ADJOURNMENT

MOTION: Kevin Hight moved to adjourn the meeting.

SECOND: Roger Shah and David Baran

The January 14, 2020, meeting adjourned at 7:06 p.m.

Respectfully submitted by Catina Evans

P20-04F. Conditional Rezoning of a property from a split zoning of Single Family Residential 6 (SF-6) and Neighborhood Commercial (NC) to Community Commercial/Conditional Zoning (CC/CZ), located at 409 Mayview Street, (Tax Map # 0436-16-8813) containing 0.34 acres ± and being the property of Simmons Masonry, INC., represented by James Simmons.
(Jennifer Baptiste)

ZONING COMMISSION STAFF REPORT

TO: Zoning Commission Members

THRU: Taurus Freeman – Planning & Zoning Divisional Manager

FROM: Jennifer C Baptiste, CFM – Senior Planner

DATE: February 11, 2020

RE:

P20-04F. Conditional Rezoning of a property from a split zoning of Single Family Residential 6 (SF-6) and Neighborhood Commercial (NC) to Community Commercial/Conditional Zoning (CC/CZ), located at 409 Mayview Street, (Tax Map # 0436-16-8813) containing 0.34 acres ± and being the property of Simmons Masonry, INC., represented by James Simmons.

COUNCIL DISTRICT(S):

2 – Shakeyla Ingram

Relationship to Strategic Plan 2030:

2030 Goals, Goal II:

Objective B: Implement strategies that diversify the city's tax base and increase the industrial and commercial tax bases.

Executive Summary:

The applicant, James Simmons, has submitted a request to rezone a property from Single Family Residential 6 to Community Commercial/Conditional Zoning for the purpose of providing parking and outdoor storage for the existing neighboring business.

Background:

This property is between Camden Road to the west and Southern Avenue to the east. The subject property is a vacant lot that is approximately .34 acres.

Applicant/Owner: James Simmons

Requested Action: Rezoning from SF-6 and NC to CC/CZ

Property Addresses: 409 Mayview Street

Council District: 2

Status of Property: Vacant

Size: 0.34 acres ±

Adjoining Land Use & Zoning:

- North: CC & NC – County Maintenance Facility & Repair Shop
- South: NC – Hardware Store
- West: CC – Masonry Shop
- East: NC – Vacant

Traffic Count: Approximately 9,900 on Southern Avenue per day (2016).

Letters Mailed: 24

Massey Hill Community Redevelopment Plan:

The Massey Hill Community Redevelopment Plan was prepared in 2003. The plan roughly covered the area bounded by Martin Luther King Jr. Freeway to the north, Blount's Creek to the west, S. Eastern Boulevard to the east, and Owen Drive to the south.

According to the plan, this area should be encouraged to develop as 1) a commercial center for local service and convenience retail and 2) medium density residential.

Issues/Analysis:

The subject property and the surrounding area were annexed into the City of Fayetteville in 1959. It is located south of Mayview Road between Camden Road and Southern Avenue.

Simmons Masonry, Inc. is a masonry contracting business that has been in service since 1987 and specializes mainly in commercial construction. The main operational site for the company is located at 435 Mayview Street. The site is enclosed partially by a chain link fence and partially by a masonry wall.

The applicant, on behalf of Simmons Masonry, Inc., purchased this property in 2017. At the time of purchase, there was a residential home located on the site. The applicant has since demolished the home, graded the lot, and has maintained the property.

The applicant is proposing to keep the parcel undeveloped, but use the site for overflow employee and equipment parking as well as outdoor storage. Since outdoor storage is not allowed by right in the Community Commercial zoning district, one of the conditions of the rezoning is to allow the use in the CC district.

Outdoor storage as a principal use is allowed in the CC zoning district as a Special Use Permit and has additional development standards associated with the use. According to Section 30-4.C.5.e.1, "lots used for outdoor storage shall be fully enclosed with a fence or masonry wall no less than eight feet high in accordance with Section 30-5.D, Fencing Standards. The height of materials and equipment stored shall not exceed the height of the screening fence or wall. Customers and vehicles shall be allowed to circulate through the area used for outdoor storage." However, the applicant is not intending to have the storage area opened to the general public.

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

Conditional Zoning:

The request is for a conditional zoning from Single-Family – 6 (SF-6) and Neighborhood commercial (NC) to Community Commercial/Conditional Zoning (CC/CZ).

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

Specifics of this Conditional Rezoning:

The applicant is seeking to expand the existing adjacent masonry shop located at 435 Mayview Street by adding additional employee and equipment parking as well as outdoor storage on the 409 Mayview Street site.

Outdoor storage as a principal use in the Community Commercial zoning district requires that the storage be enclosed by an eight feet high chain link or masonry wall and that the material stored do not exceed the height of the fence.

Land Use Plan Analysis:

According to the Massey Hill Small Area Plan, this area should be encouraged to develop as 1) a commercial center for local service and convenience retail and 2) medium density residential.

The City Planning Staff recommends APPROVAL of the map amendment to CC/CZ based on the following:

- This proposed zoning map amendment implements the policies adopted in the Unified Development Ordinance. This district type is intended to provide options to landowners by allowing low to medium intensity uses that would not traditional be allowed in a zoning district;
- The uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified due to the existing zoning and uses surrounding this property;
- The proposed change is in accordance with the existing or proposed plans for the area; and
- There are no other factors which will substantially affect the public health, safety, morals, or general welfare.

Budget Impact:

There is not an immediate budgetary impact but there may be an economic impact associated with this rezoning that will occur over the next decade.

Options:

1. Approval of the map amendment/rezoning to CC/CZ with the condition of allowing outdoor storage with the required development standards.
(Recommended)
2. Approval of the map amendment/rezoning to CC/CZ with the condition of allowing outdoor storage with the required development standards as well as additional development standards.
3. Deny the rezoning request.

Recommended Action:

The Planning Staff recommends that the Zoning Commission move for APPROVAL of the requested rezoning to CC/CZ (Community Commercial/Conditional Zoning). The amendment is consistent with the overall neighborhood.

Attachments:

1. Application
2. Aerial Notification map
3. Zoning Map
4. Land Use Plan Map
5. Site Photos
6. UDO Table of Uses

Project Overview #353445

Project Title: 409 Mayview Street	Jurisdiction: City of Fayetteville
Application Type: 5.1) Rezoning (Map Amendment)	State: NC
Workflow: Staff Review	County: Cumberland

Project Location

Project Address or PIN: 409 MAYVIEW ST (0436-16-8813-)

GIS Verified Data

Property Owner: Parcel	Acreage: Parcel
<ul style="list-style-type: none"> 409 MAYVIEW ST: SIMMONS MASONRY INC 	<ul style="list-style-type: none"> 409 MAYVIEW ST: 0.34000000000000002
Zoning District:	Subdivision Name: Parcel
	<ul style="list-style-type: none"> 409 MAYVIEW ST: NOT APPLICABLE

General Project Information

<p>Has the land been the subject of a map amendment application in the last five years?: No</p> <p>Previous Amendment Case #:</p> <p>Acreage to be Rezoned: .34</p> <p>Water Service: Public</p> <p>A) Please describe all existing uses of the land and existing structures on the site, if any: 409 Mayview Street is next to the office of Simmons Masonry, Inc. (435 Mayview Street). This lot was purchased by us in 2018, and we would like to request for it to be re-zoned from Residential to Commercial, so that we can use it as part of our Masonry Yard. Currently it is an empty lot, which we maintain.</p>	<p>Previous Amendment Approval Date:</p> <p>Proposed Zoning District: Commercial</p> <p>Is this application related to an annexation?: No</p> <p>Sewer Service: Public</p> <p>B) Please describe the zoning district designation and existing uses of lands adjacent to and across the street from the subject site.: The lot is directly next to Simmons Masonry, Inc. (435 Mayview Street), which is zoned commercial - and directly across the street from the Cumberland County Maintenance Facility (426 Mayview Street), which is also zoned commercial.</p>
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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.: N/A

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

C) State the extent to which the proposed amendment addresses a demonstrated community need.: It is currently a residential lot in the middle of commercial properties.

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.: It is a residential lot in the middle of commercial properties, and would not be appropriate to ever be used as a residential lot to build a home on.

- E) State the extent to which the proposed amendment results in a logical and orderly development pattern.: It would be used as part of our Masonry Yard, and we would not be building a structure on the property at this time.
- F) State the extent to which the proposed amendment might encourage premature development.: N/A
- G) State the extent to which the proposed amendment results in strip-style commercial development.: N/A
- H) State the extent to which the proposed amendment results in the creation of an isolated zoning district unrelated to adjacent and surrounding zoning districts.: N/A
- I) State the extent to which the proposed amendment results in significant adverse impacts on the property values of surrounding lands.: N/A
- J) State the extent to which the proposed amendment results in significantly adverse impacts on the natural environment.: N/A

Primary Contact Information

Project Contact - Agent/Representative

James Simmons
Simmons Masonry, Inc.
435 Mayview Street
Fayetteville, NC 28306
P:9104254550
mary@simmonsmasonry.com

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

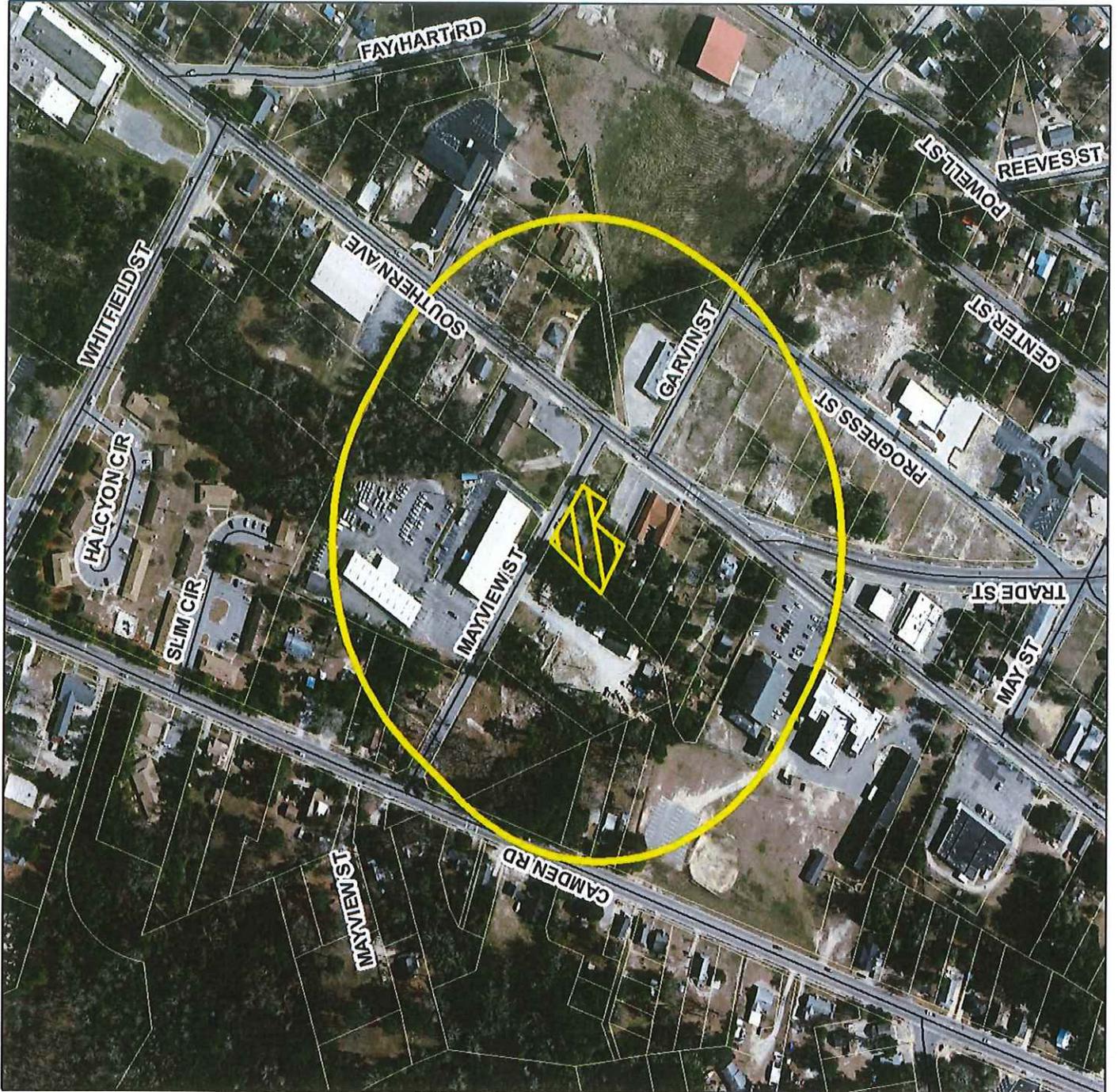
Project Owner

James Simmons
Simmons Masonry, Inc.
435 Mayview Street
Fayetteville, NC 28306
P:9104254550
mary@simmonsmasonry.com

NC State License Number:

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

P20-04F



Aerial Notification Map
Zoning Commission
02/11/2020

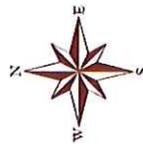
Case #: P20-04F

Request:
Rezoning (Map Amendment)
SF-6 & NC to CC/CZ

Location:
409 Mayview Street

Pins:
0436-16-8813

Acreeage to be Rezoned:
0.34 acres



Legend

-  P20-04F
-  Buffer
-  Parcels



Letters are being sent to all property owners within the 500' buffer. Subject property is shown in the hatched pattern.

Recommendation:

Disposition Date:

Final Action:

Zoning Map

Zoning Commission
02/11/2020

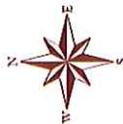
Case #: P20-04F

Request:
Conditional Rezoning
(Map Amendment)
SF-6 & NC to CC/CZ

Location:
409 Mayview Street

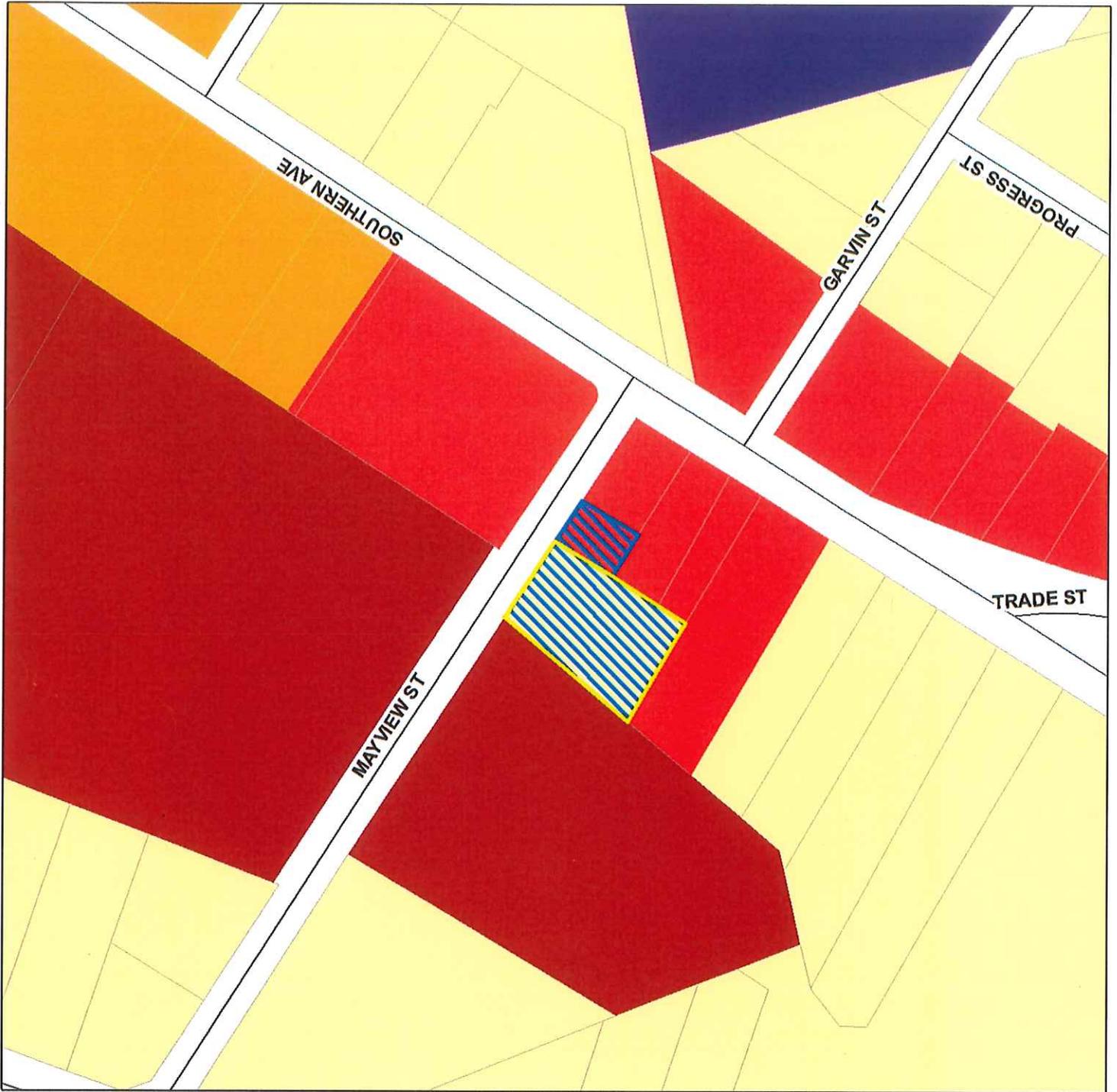
Pin:
0436-16-8813

Acreage:
0.34 acres



Legend

- CC - Community Commercial
- HI - Heavy Industrial
- MR-5 - Mixed Residential 5
- NC - Neighborhood Commercial
- SF-6 - Single-Family Residential 6



Land Use Map

Zoning Commission
02/11/2020

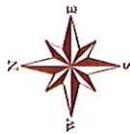
Case #: P20-04F

Request:
Conditional Rezoning
(Map Amendment)
SF-6 to CC/CZ

Location:
409 Mayview Street

Pin:
0436-16-8813

Acres to be Rezoned:
0.34 acres +/-



- Legend
- Alirport Overlay
 - Cape Fear River District Overlay
 - Downtown
 - Heavy Industrial



Subject Property



A20-05F. Request for a Special Use Permit to allow warehouse distribution to be located in a Community Commercial (CC) zoning district, located at 2016 Sapona Road (Tax Map # 0446-78-5201), containing 0.91± acre and being the property of Stricklands Portion Pak Inc. (Craig Harmon)

ZONING COMMISSION STAFF REPORT

TO: Zoning Commission Members
THRU: Taurus Freeman – Planning & Zoning Divisional Manager
FROM: Craig M. Harmon, CZO – Planner II
DATE: February 11, 2020

RE:

P20-05F. Request for a Special Use Permit to allow warehouse distribution to be located in a Community Commercial (CC) zoning district, located at 2016 Sapona Road (Tax Map # 0446-78-5201), containing 0.91± acre and being the property of Stricklands Portion Pak Inc.

COUNCIL DISTRICT(S):

2 – Shakeyla Ingram

Relationship to Strategic Plan:

2030 Goals, Goal II

Objective A: Sustain a favorable development climate through continual improvement of internal process and by providing redevelopment tools to encourage business growth.

Executive Summary:

The property in question is currently developed and zoned for commercial uses. The owners of this property is seeking a Special Use Permit (SUP) to allow them to expand their distribution business.

Background:

Owner: Strickland's Portion Pak, Inc. - Marshall Spain

Applicant: Harold Trogden

Requested Action: SUP – Warehouse Distribution

Property Address: 2016 Sapona Road

Council District: 2 – Shakeyla Ingram

Status of Property: Developed – Strickland's Portion-Pak

Size: 0.91 acres +/-

Adjoining Land Use & Zoning:

North – SF-6 & CC – Single Family Residential & Commercial

South – SF-6 – Single Family

West – SF-6 – Single Family

East – SF-6 & CC – Single Family Residential & Commercial

Letters Mailed: 43

Transportation: Annual Average Daily Traffic (AADT) 2,700 at the intersection of Sapona Road and Plymouth Street.

Land Use Plan: Medium Density Residential

Issues/Analysis:

Proposal

According to the applicant, Strickland's Portion Pak is a food distribution business. They supply food and related products to restaurants, schools, healthcare facilities, and daycares throughout the region. Strickland's is not a processor or packer, only a distributor. They have been conducting business at the subject location since 1960. Currently, they are looking to expand their current distribution operation by adding an additional freezer, which is approximately 40x60 feet.

Strickland's currently has 18 employees; however, this proposed addition would give them increased capacity and allow for an expanded workforce. Currently, the business serves approximately 350 customers per week. Adding this freezer space will give them an opportunity to increase their customer base as well.

Surrounding Development

This property is zoned Community Commercial (CC). Directly across the street from this business are three properties. One is also zoned CC and is a commercial upholstery shop. The other two properties are owned by the Stricklands and are zoned SF-6. Of the two properties, one is a vacant lot, and the other is a rental house. Most of the other surrounding properties are zoned SF-6. Kinlaw's Supermarket and Welcome Grill, which are zoned CC, are located less than a quarter mile from this location on Sapona Road.

Site/Building

As a Special Use, reasonable and related conditions can become part of any action to approve. The site is already heavily developed. The proposed expansion would consist of a 2,400 square foot cooler that would replace the existing duplex house on the southern portion of the property, as shown on the attached site plan.

The parking and driveway areas are existing and will not be changed. According to the site plan, the developers look to replace the existing duplex house with a cooler building.

Transportation

The owners state that the addition to this commercial facility will not create any significant traffic impacts on Sapona Road. Sapona Road is a two lane road and is classified as a Major Collector.

Collectors serve a critical role in the roadway network by gathering traffic from Local Roads and funneling them to the Arterial network. Within the context of functional classification, Collectors are broken down into two categories: Major Collectors and Minor Collectors. Until recently, this division was considered only in the rural environment. Currently, all Collectors, regardless of whether they are within a rural area or an urban area, may be sub-stratified into major and minor categories. The determination of whether a given Collector is a Major or a Minor Collector is frequently one of the biggest challenges in functionally classifying a roadway network.

Use-Specific Standards

The Unified Development Ordinance (UDO) requires a Special Use Permit to operate a warehouse distribution in the CC District. The additional development standards for warehouse distribution are as follows:

Definition: A use engaged in distribution of manufactured products, supplies, and equipment.

Since this use has been located adjacent to a residential district for the past 60 years, the owners seek a reduction in the 500 foot separation standard listed in number "a" below. All of the other requirements listed below are already in place.

Parcel Services, Truck or Freight Terminal, Warehouse (Distribution or Storage) Parcel services, truck or freight terminals, or warehouses (distribution or storage) shall comply with the following standards:

- a. The use shall be located at least 500 feet from any residential district, school, or child care center.
- b. The use shall not locate storage areas within a required setback or perimeter buffer.
- c. The use shall locate outdoor storage areas to the rear of the principal structure and screen them with a wooden fence or masonry wall no less than eight feet in height in accordance with Section 30-5.D, Fencing Standards.
- d. The use shall be designed to ensure proper functioning of the site as related to vehicle stacking, circulation, and turning movements.
- e. The use shall have direct access onto an arterial or major collector street.

The SUP must meet the following findings of facts:

(1) The special use complies with all applicable standards in Section 30-4.C, Use-Specific Standards;

The owners of this existing business seek a reduction in the required 500 foot separation standard from residential districts. This reduction can be granted by the City Council during the SUP approval process. All other Use-Specific Standards will be met.

(2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands;

Yes, the property is surrounded by a mix of single-family residential and heavy commercial. The property is zoned CC, which the UDO calls for to be used as the City's heaviest commercial district.

(3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;

The proposed site plan would ensure that the project would avoid significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration.

Ingress and egress to the site will be thru the entrance/exit areas that have served this property of 60 years.

(4) **The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands;**

The proposed site plan would ensure that the project would minimize adverse effects, including visual impacts of the proposed use on adjacent lands. The plan calls for the removal of an existing duplex that was built in the 1960's.

The site is already developed with other buildings that are part of Stricklands Portion-Pak. This new cooler will also take the place of an aging duplex that's located on the property.

(5) **The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;**

The proposed site plan would ensure that the project would avoid significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.

(6) **The special use maintains safe ingress and egress onto the site and safe road conditions around the site;**

This property is located on a major collector with existing ingress and egress points.

(7) **The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; and**

There has been no evidence presented that property values and the ability of neighboring lands to develop would negatively impacted.

(8) **The Special use complies with all other relevant City, State, and Federal laws and regulations.**

The applicant will be required to meet all applicable standards.

Planning Staff recommends Approval of the proposed SUP based on:

- This proposed SUP implements the policies adopted in the Unified Development Ordinance;
- The redevelopment of a portion of this property is allowed in the Community Commercial (CC) district and will not detract from the overall area;
- The proposed SUP ensures that new development is compatible with the current zoning, UDO and growth pattern of the area;
- The attached site plan, evidence provided by the developer and the conditions recommended above; and
- There are no other factors which will substantially affect the public health, safety, morals, or general welfare.

Budget Impact:

This action should result in no increase in City services.

Options:

- 1) Approval of the SUP with any conditions listed above (Recommended).
- 2) Approval of the SUP with additional conditions.
- 3) Approval of the SUP without conditions.

4) Denial of the SUP

Recommended Action:

OPTION 1

I move to APPROVE the Special Use Permit (SUP) to allow warehouse distribution within the Community Commercial (CC) District to operate on the subject property as depicted on the attached site plan, as presented by staff, based on the standards of the City's development code and the evidence presented during this hearing. And that the application is consistent with applicable plans because: (1) the development is located in an Community Commercial (CC) district and (2) that this use complies with the findings listed below and (3) the proposed permit is in the public interest because the proposed SUP does fit with the character of the area.

[Applicable to Motion to Approve] If approved, this Special Use Permit shall become effective ten days after its approval by the City Council, which is April 2, 2020. The SUP shall expire one year from its effective date if a building permit is not issued within that time.

*For a motion to approve, all eight findings below must be met.

- (1) The special use will comply with all applicable standards in Section 30-4.C, Use-Specific Standards; [insert supporting facts]
- (2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands; [insert supporting facts]
- (3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration; [insert supporting facts]
- (4) The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands; [insert supporting facts].
- (5) The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources; [insert supporting facts]
- (6) The special use maintains safe ingress and egress onto the site and safe road conditions around the site; [insert supporting facts].
- (7) The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; [insert supporting facts]
- (8) The special use complies with all other relevant City, State, and Federal laws and regulations. [insert supporting facts]

OPTION 2

I move to DISAPPROVE the Special Use Permit (SUP) to allow warehouse distribution within the Community Commercial (CC) District to operate on the subject property as depicted on the attached site plan, as presented by staff, based on the standards of the City's development code and the evidence presented during this hearing. And that the application does not meet the finding(s) of fact listed below. More specifically finding(s) #____.]

[Applicable to Motion to Deny] If denied this action shall become effective ten days after its denial by the City Council, which is April 2, 2020.

* For a motion to deny only one of the findings shown below needs to not apply.

(1) The special use will comply with all applicable standards in Section 30-4.C, Use-Specific Standards; [insert supporting facts]

(2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands; [insert supporting facts]

(3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration; [insert supporting facts]

(4) The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands; [insert supporting facts].

(5) The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources; [insert supporting facts]

(6) The special use maintains safe ingress and egress onto the site and safe road conditions around the site; [insert supporting facts].

(7) The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; [insert supporting facts]

(8) The special use complies with all other relevant City, State, and Federal laws and regulations. [insert supporting facts]

Attachments:

1. Application
2. Aerial Map
3. Zoning Map
4. Land Use Plan Map
5. Subject Property
6. Surrounding Property
7. Site Plan
8. Proposed Cooler Location

Project Overview **#351791**

Project Title: Stricklands Portion Pak	Jurisdiction: City of Fayetteville
Application Type: 5.3) Special Use Plan Review	State: NC
Workflow: Staff Review	County: Cumberland

Project Location

Project Address or PIN: 2016 SAPONA RD (0446-78-5201-)

GIS Verified Data

Property Owner: Parcel <ul style="list-style-type: none"> 2016 SAPONA RD: SPAIN, ROBERT W JR & WIFE LAVETTA S 	Acreage: Parcel <ul style="list-style-type: none"> 2016 SAPONA RD: 0.9100000000000003
Zoning District:	Subdivision Name: Parcel <ul style="list-style-type: none"> 2016 SAPONA RD: STRICKLANDS PORTION PAK INC

Written Description of Special Use

Is the proposed project for a cell tower?: No

A) Provide a written description of the proposed special use, including summary of existing uses and the proposed use/activity in detail. Also include hours and days of operation, number of employees, number of clients, etc.:
 Strickland's Portion Pak is a food distribution business. We supply food and related products to restaurants, schools, healthcare facilities, and daycares throughout the region. Strickland's is not a processor or packer, only a distributor. We have been conducting our business at this location since 1960, and would like to expand our current use of the property. We would like to add an additional freezer, approximately 40x60 feet.

We currently have 18 employees, however this proposed addition will give us increased capacity and allow us to expand our workforce. And we currently serve approximately 350 customers per week. Adding this freezer space will give us an opportunity to increase that as well.

In addition, we are a Woman Owned Small Business, although we have never requested certification as a WOSB.

B) Please provide a description of the Zoning District designations and existing uses on adjacent properties, including across the street.: Our zoning is CC. Directly across

the street from us are three properties. One is also zoned CC and is a commercial upholstery shop. The other two properties are owned by us (Lavetta Strickland Spain) and are zoned SF-6. One of these is a vacant lot, and the other is a rental house. Most of the other surrounding properties are zoned SF-6. And we are located just down from Kinlaw's Supermarket and Welcome Grill, which are zoned CC.

Special Use Justification. Answer all questions on this and the following pages (upload additional sheets as needed).

Indicate how the special use complies with all applicable use-specific standards in the City Code of Ordinances.: Per Table 30-4.A.2 in Part II of the City of Fayetteville Code of Ordinances, Warehouse (Distribution) is permitted as a Special Use of property that is zoned CC. This is the use we have had for the past 60 years. We want to continue that same use with a small expansion.

Describe how the special use is compatible with the character and uses permitted in the zoning district(s) of surrounding lands.: We aren't planning on changing the use of the property. We want to continue operating as we have at this location since 1960.

This will, however, be an aesthetic improvement. Currently, there is a small 1960s era duplex apartment sitting in the footprint of the proposed freezer addition. It is maintained, but it's also old and somewhat unsightly. The new freezer will look much nicer than this building that is currently sitting on the property.

Indicate how the special use avoids significant adverse impact on surrounding lands regarding service delivery, parking and loading, odors, noise, glare, and vibration.: I don't expect this to have any adverse impact on surrounding properties. This is just a small extension of what we are already doing. The only additional noise would be that of a freezer compressor, which makes a sound similar to a household air conditioner unit. I don't think this would even be noticed, and certainly would not have a negative impact. And there would be no impact on service delivery, parking and loading, odors, glare, vibration, etc.

Demonstrate how the special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands.: The visual impact will be minimal, but it will be an improvement. We want to remove the old duplex apartment that is currently sitting in this footprint, and replace it with a new freezer. The freezer panels will be constructed to make it appear that it is surrounded by a metal building (although it will not be). This type of panel is aesthetically pleasing, and the visual impact will be positive.

Explain how the special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.: This is a very small project. And ultimately, we will be replacing a small building with a slightly larger building. There will be no negative impact on our natural resources.

Indicate how the special use maintains safe ingress and egress onto the site and safe road conditions around the site.: This addition would have no effect on our ingress and egress or road conditions.

Demonstrate how the special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district.: This is a small addition, and it should not have any negative impact on property values. Nor should it impact the ability of neighboring lands to develop the uses permitted.

The special use complies with all other relevant City, State, and Federal laws and regulations.: Yes, the requested special use complies with all other relevant City, State, and Federal laws and regulations.

Primary Contact Information

Project Contact - Agent/Representative

Harold Trogden
Harold Trogden
2125 A Swift Creek Rd
Smithfield, NC 27577
P:9199610081
txfrigcooling@gmail.com

Project Owner

Marshall Spain
Strickland's Portion Pak, Inc
PO Box 20102
Fayetteville, NC 28301
P:9104836788
M.Spain@StricklandsPortionPak.com

Indicate which of the following project contacts should be

included on this project:

Project Contact - Primary Point of Contact for the Contractor

Harold Trogden
Harold Trogden
2125 A Swift Creek Rd
Smithfield, NC 27577
P:9199610081
txfrigcooling@gmail.com

NC State License Number:

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



Aerial Notification Map

Zoning Commission
2/11/2020

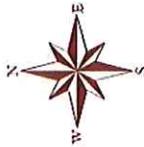
Case #: P20-05F

Request:
Special Use Permit
Warehouse Distribution

Location:
2016 Sapona Road

Pin:
0446-78-5201

Acreage:
0.91 acres



Legend

-  500' Notification Area
-  Parcels



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

Recommendation:

Disposition Date:

Final Action:

Zoning Map

Zoning Commission
2/11/2020

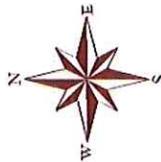
Case #: P20-05F

Request:
Special Use Permit
Warehouse Distribution

Location:
2016 Sapona Road

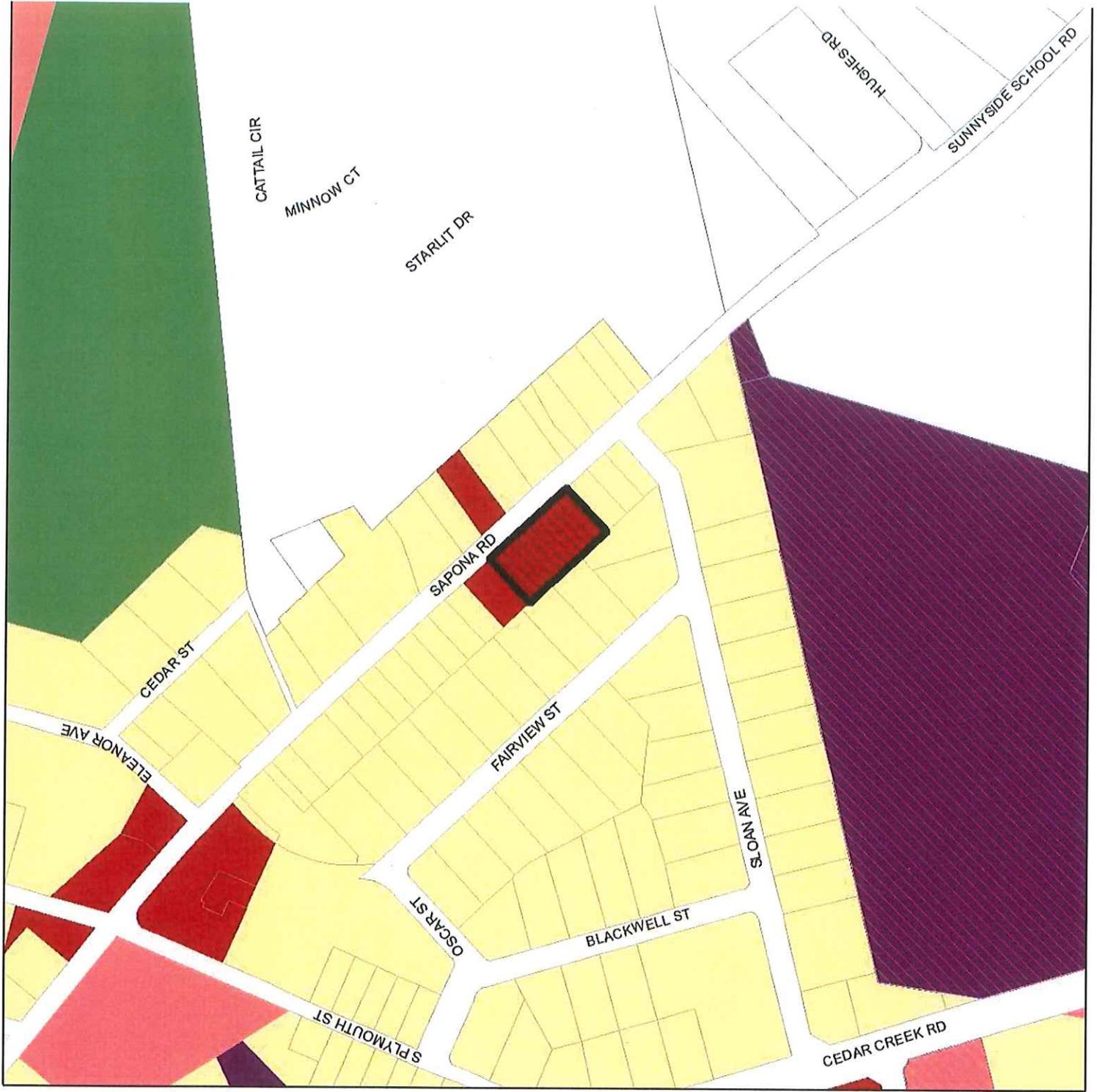
Pin:
0446-78-5201

Acreage:
0.91 acres



Legend

- Zoning District**
- AR - Agricultural-Residential
 - CC - Community Commercial
 - LC - Limited Commercial
 - LC/CZ - Conditional Limited Commercial
 - MU - Mixed-Use
 - MU/CZ - Conditional Mixed-Use
 - SF-6 - Single-Family Residential 6
 - County



Land Use Map

Zoning Commission
2/11/2020

Case #: P20-05F

Request:
Special Use Permit
Warehouse Distribution

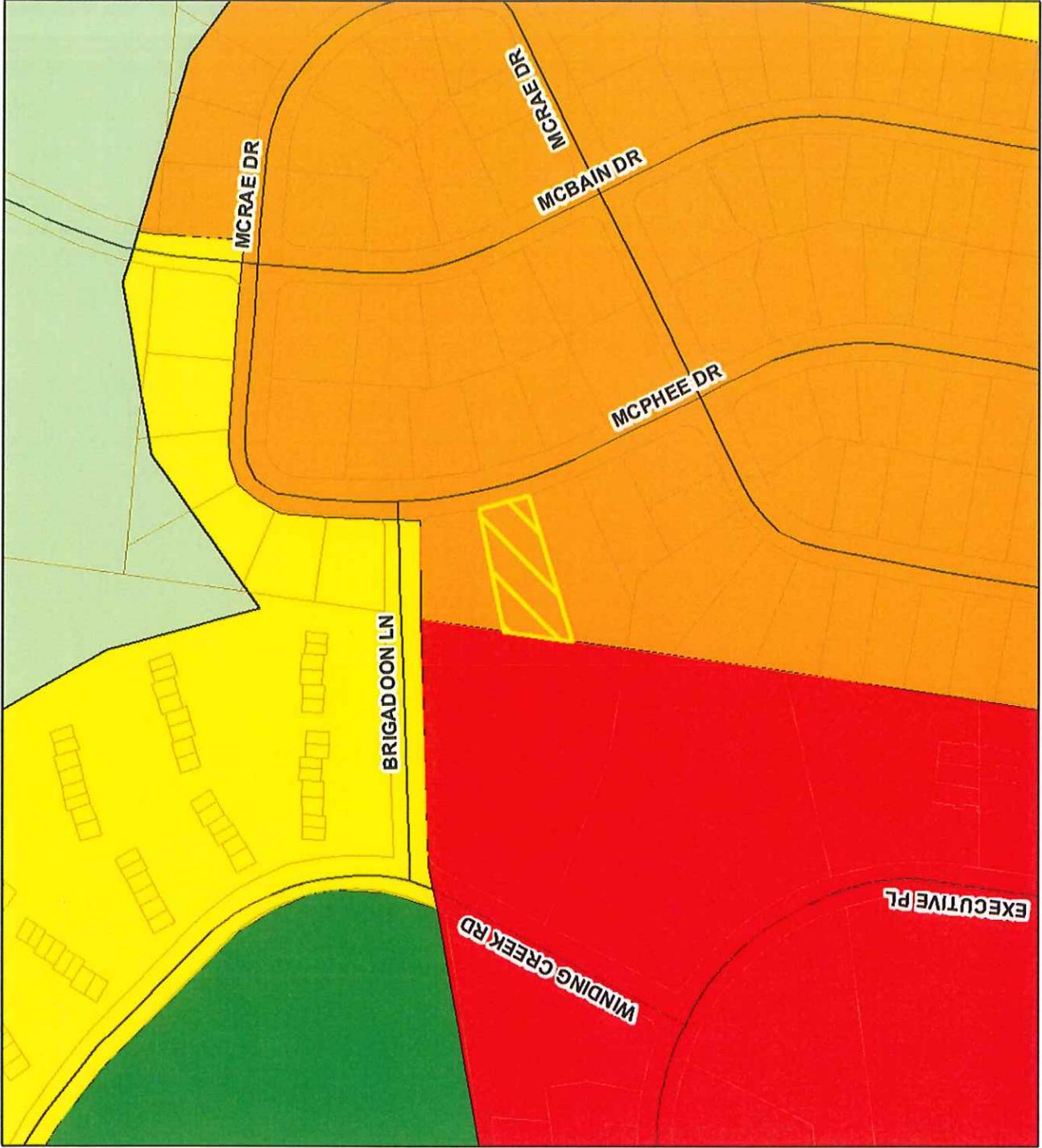
Location:
2016 Sapona Road

Pin:
0446-78-5201

Acreeage:
0.91 acres



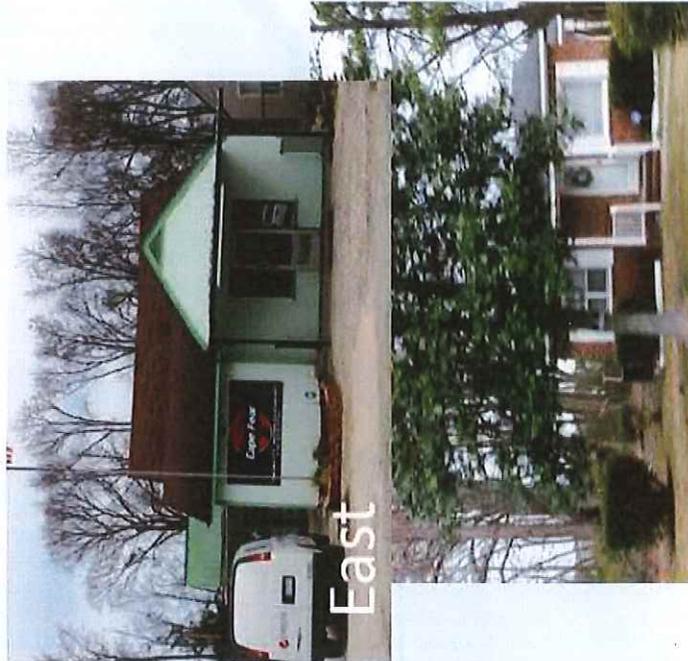
- Low Density Residential
- Medium Density Residential
- Heavy Commercial
- Governmental
- Open Space



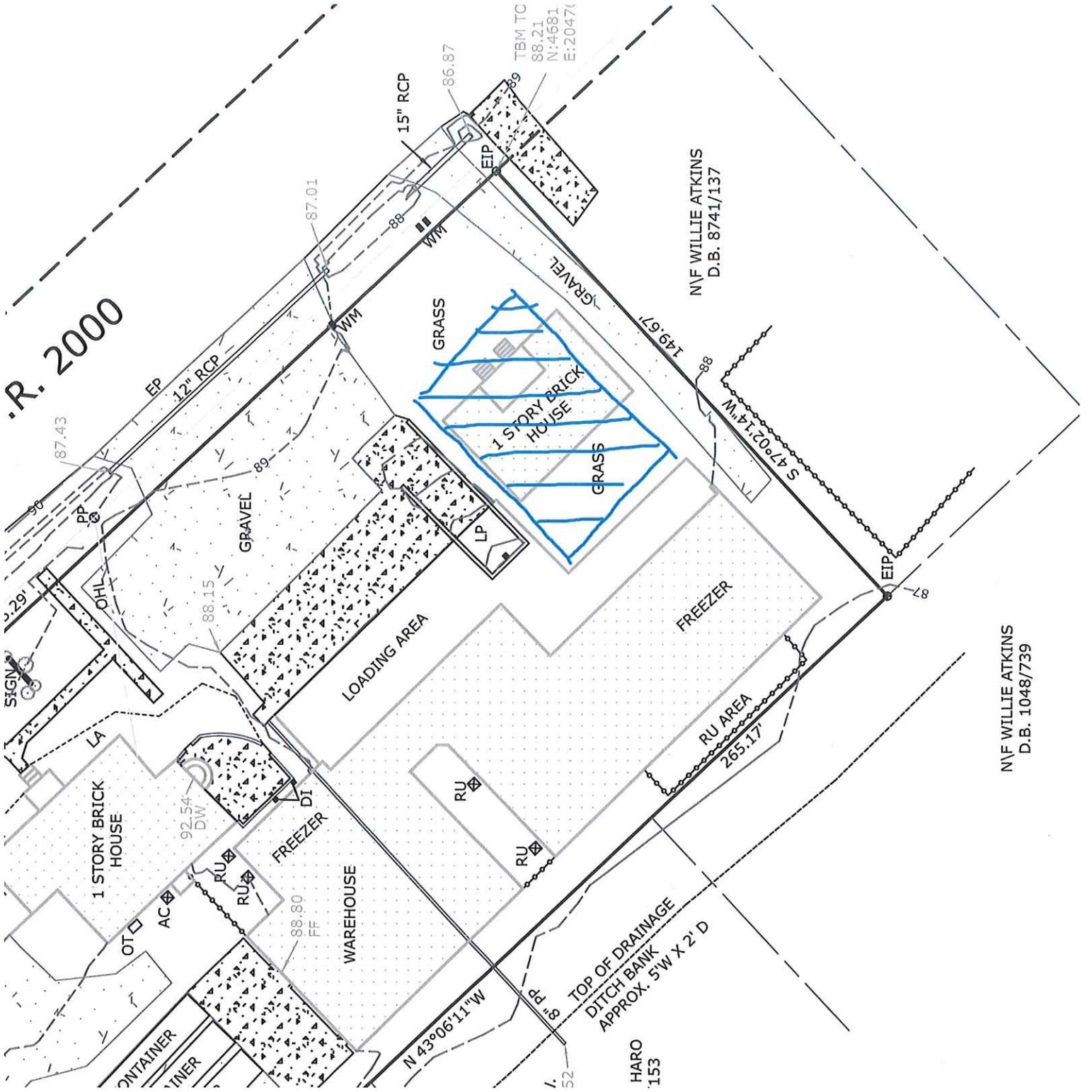
Subject Property



Surrounding Properties



•R. 2000



N/F WILLIE ATKINS
D.B. 8741/137

N/F WILLIE ATKINS
D.B. 1048/739

HARO
153

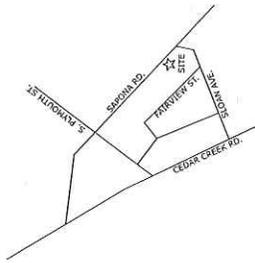
TOPOGRAPHIC SURVEY FOR:

ROBERT W. SPAIN & LAVETTA S. SPAIN

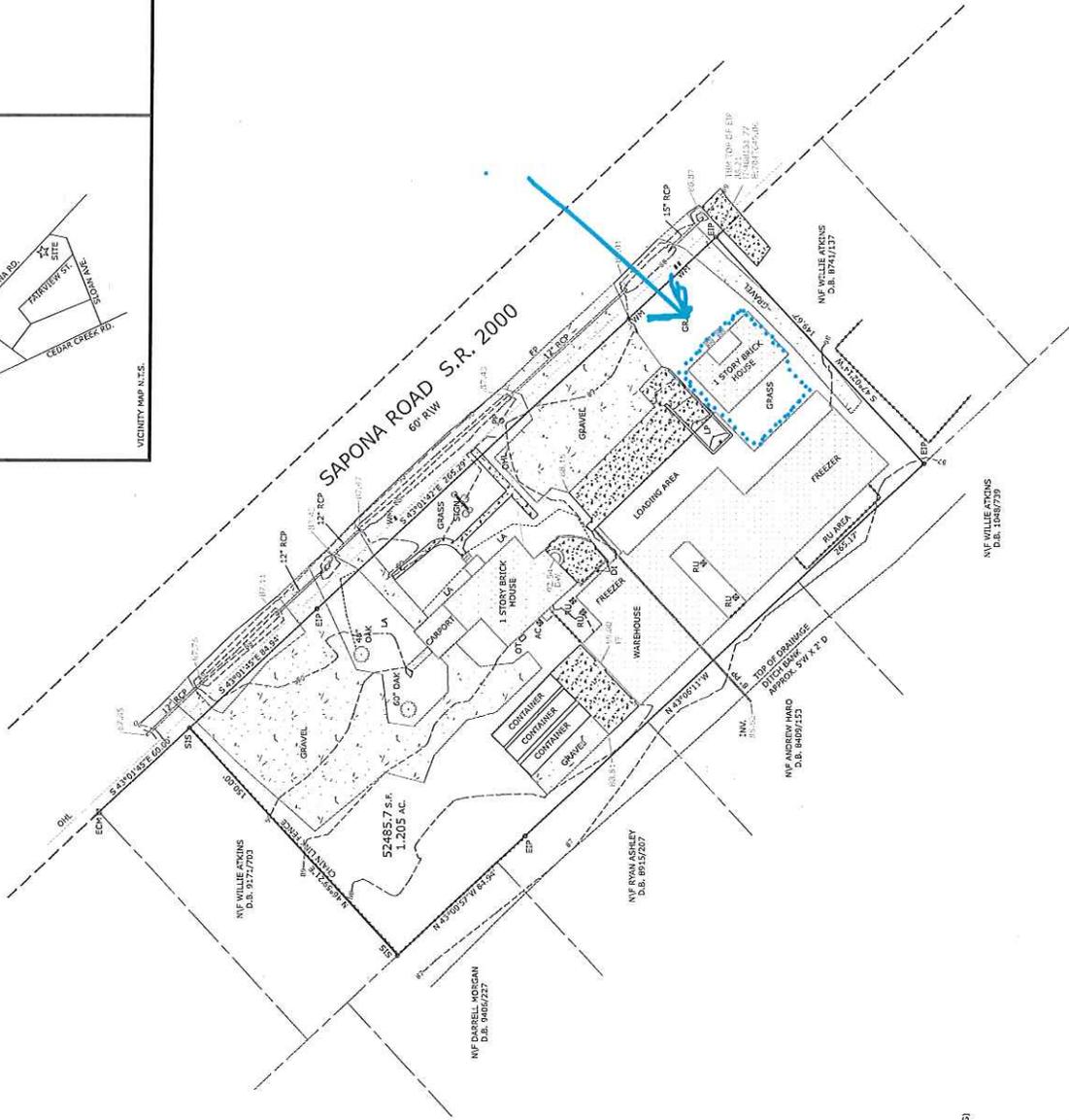
DEED REFERENCES: 1. 6/6/01/54
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NOTES:
1. NO TITLE SEARCH WAS MADE BY THIS SURVEYOR DURING THE COURSE OF THIS SURVEY.
2. THE SURVEYOR HAS NOT BEEN ADVISED OF THE EXISTENCE OR LOCATION OF ANY UNDERGROUND FEATURES (TANKS, UTILITIES, ETC.).
3. THIS PROPERTY IS SUBJECT TO ALL EASEMENTS OF RECORD AFFECTING SUBJECT PROPERTY.

LEGEND
EPB EXPOSED IRON PIPE
SIS SOLID IRON SET
LA LAMP
PF FINISH FLOOR
RU REFRIGERATION UNIT
RAW RIGHT OF WAY
PVA PAVEMENT
LP LOADING PFT
INV INVERT
RCP REINFORCED CONCRETE PIPE
OT OIL TANK
ACF AS CONDITIONING
EP EXPOSED PIPE
DZF DROP PANEL
OHK OVERHEAD LINE
WM WATER METER



VICINITY MAP N.T.S.



CERTIFICATE OF SURVEY AND ACCURACY
I, MICHAEL A. CAIN, CERTIFY THAT THIS PLAN WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (OTHERS) THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN AND OF PRECISION FOUND IN BOOK G.S. 17-10.000. FURTHER, THIS PLAN WAS PREPARED IN ACCORDANCE WITH G.S. 17-39 AS AMENDED. WITNESS MY HAND AND SEAL THIS 31ST DAY OF OCTOBER, A.D., 2019.
Michael A. Cain
PROFESSIONAL LAND SURVEYOR
LICENSE NUMBER 3403

NAD 83 (2011)



I, MICHAEL A. CAIN, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:
CLASS OF SURVEY: A
POSITIONAL ACCURACY: 0.05" H, 0.10" V
DATE OF SURVEY: 10/23/2019
METHODS USED: STATIC (POST PROCESSING)
CONTROL: NATIONAL GEODETIC SURVEY
GRID MODEL: GEOID 18
UNITS: US SURVEY FOOT
VERTICAL POSITION: NAVD 83



P20-06F. Request for a Special Use Permit for the existing Sunbelt Rentals site as well as allow the expansion of the site to include a repair shop with a wash bay, zoned as Community Commercial Zoning District (CC), located at 318 Eastern Boulevard and unaddressed Eastern Boulevard (Tax Map # 0437-90-7639 & 0437-90-7308), totaling 3.02 acres ± and being the properties of Monomoy Properties NC, LLC., represented by Scott Brown of 4D Site Solutions, Inc. (Jennifer Baptiste)

ZONING COMMISSION STAFF REPORT

TO: Zoning Commission Members
THRU: Taurus Freeman – Planning & Zoning Divisional Manager
FROM: Jennifer C. Baptiste, Senior Planner
DATE: February 11, 2020

RE:

P20-06F. The request is to issue a Special Use Permit for the existing Sunbelt Rentals site as well as allow the expansion of the site to include a repair shop with a wash bay, zoned as Community Commercial Zoning District (CC), located at 318 Eastern Boulevard and 442 Eastern Boulevard (Tax Map # 0437-90-7639 & 0437-90-7308), totaling 5.031 acres ± and being the properties of Monomoy Properties NC, LLC., represented by Scott Brown of 4D Site Solutions, Inc.

COUNCIL DISTRICT(S):

2 – Shakeyla Ingram

Relationship to Strategic Plan:

2030 Goals, Goal II

Objective A: Sustain a favorable development climate through continual improvement of internal process and by providing redevelopment tools to encourage business growth.

Executive Summary:

This property is the current site of Sunbelt Rentals. Sunbelt Rentals primarily provide tools and equipment rentals for commercial, residential, industrial, and municipal needs. The owners of this property are seeking to bring the current site into compliance with the current Unified Development Ordinance as well as expand the current operations of the facility by constructing a 60'x60' repair shop with a wash bay.

Background:

Owner: Monomoy Properties NC 2 SPV, LLC

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

Requested Action: SUP

Properties Addresses: 318 & 442 Eastern Boulevard

Council District: 2 – Shakeyla Ingram

Status of Properties: Commercial equipment rental site/undeveloped

Size: Approximately 5.031 acres +/-

Adjoining Land Use & Zoning:

- North - CC – Community Commercial
- South - CC – Community Commercial
- West – CC & MR-5 – Community Commercial & Mixed Residential
- East – HI – Industrial

Letters Mailed: 31

Land Use Plan: Downtown

Additional Reviews:

Technical Review Committee (TRC) – A preliminary review has been conducted as part of the Special Use Permit application process. In general development comments were received, but specific comments were also provided. Specific comments included:

1. A recombination plat shall be required prior to the issuance of any building permits. This use is an accessory use and cannot be on an individual lot without a primary use.
2. A Landscape Plan meeting the standards of the Unified Development Ordinance will be required for the new development only.

A full TRC review will be conducted if the Special Use Permit approved.

Issues/Analysis:

Sunbelt Rentals has been in operation at the 318 Eastern Boulevard site since the 1990s. When the site was developed, it was developed according to the standards of the City of Fayetteville’s Ordinance in effect at the time. With the adoption of the Unified Development Ordinance in 2013, the heavy equipment sales, rental or storage use was identified in the Use Table as a use requiring the issuance of a Special Use Permit in the Community Commercial (CC) zoning district. Hence, this site having a legal, non-conforming use in the CC zoning district. The use continues to operate as it existed prior to the adoption of the UDO.

The applicant has submitted this Special Use Permit application requesting two actions. First, the applicant is seeking to bring the current building site, 318 Eastern Boulevard, into compliance with the UDO by obtaining a Special Use Permit; thus, removing the existing nonconforming status of the property. This action would not only legitimize the use, it would also allow the use to redevelop in the event of a substantial loss.

Secondly, the applicant is requesting a SUP to expand business operations onto a portion 442 Eastern Boulevard. The applicant is interested in constructing a 60’ x 60’ repair shop and wash bay on a two acre portion of the 4.647 acres ± site. This expansion will allow the applicant to repair, service, and clean equipment rented through the business. The shop will be accessed from within the existing site and not accessible to the general public. To prevent public access, a new six foot chain link fence will be erected to block access from Eastern Boulevard and will continue along the new property line to the south and the west.

Since this use is an accessory use to the main heavy equipment sales, rental or storage use, the two acre portion of the 442 Eastern Boulevard site that will be developed will have to be subdivided out of the parcel and combined with the current building site. This SUP will only apply to the two acres which is the subject of this application and identified on the submitted site plan. If the applicant wishes to expand into the

remaining 3.647 acres ± of the 442 Eastern Boulevard site, then another SUP application will need to be submitted and approved.

The SUP must meet the following findings of facts:

(1) The special use complies with all applicable standards in Section 30-4.C, Use-Specific Standards;

Since this use has been located adjacent to a residential district for almost 30 years, the owners seek a reduction in the 250 feet separation listed in letter "a" below. All of the other requirements listed below are already in place.

According to Section 30-4.C.5.b.2. *Heavy Equipment Sales, Rental, or Storage*, "uses primarily involving the sales, rental, or storage of heavy equipment shall comply with the following standards:

- a. The use shall be located at least 250 feet from any residential district, school, or child care center.
- b. No heavy equipment display shall be located within a required setback or perimeter buffer.
- c. The use shall not have more than one heavy equipment display pad for every 100 feet of street frontage.
- d. No heavy equipment shall be displayed on the top of a building.
- e. All lights and lighting shall be designed and arranged so no source of light is directly visible from any residential district or existing residential use.

(2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands;

The use is an existing development that has been in the same location since the 1990s and is located next to other commercial development including a pest & termite control business. To the west of the property is a Mixed Residential zoning district and the applicant is seeking a reduction of the 250 feet separation.

(3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;

The current site is existing and any additions to the site will have to meet the requirements of the UDO.

(4) The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands;

The proposed site plan demonstrates how this property will be expanded and secured from public use and access.

(5) The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;

This property is already developed and the proposed site plan demonstrates how this property meets the requirements of the UDO.

- (6) **The special use maintains safe ingress and egress onto the site and safe road conditions around the site;**

This property is located on a frontage road and will not require new ingress and egress points to accommodate the existing or proposed uses.

- (7) **The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; and**

This is an existing use and no documentation has been submitted showing that property values would be negatively affected.

- (8) **The Special use complies with all other relevant City, State, and Federal laws and regulations.**

The applicant will be required to meet all applicable standards.

Planning Staff recommends Approval of the proposed SUP based on:

- This proposed SUP implements the policies adopted in the Unified Development Ordinance;
- The expansion of this use is allowed in the Community Commercial (CC) district and will not detract from the overall area;
- The proposed SUP ensures that new development is compatible with the 2010 Land Use Plan; and
- There are no other factors which will substantially affect the public health, safety, morals, or general welfare.

Budget Impact:

This action should result in no increase in City services.

Options:

- 1) Approval of the SUP with any conditions listed above (Recommended).
- 2) Approval of the SUP with additional conditions.
- 3) Approval of the SUP without conditions.
- 4) Denial of the SUP

Recommended Action:

OPTION 1

I move to APPROVE the Special Use Permit (SUP) to allow an existing nonconforming use to conform to the current Unified Development Ordinance standards and allow the business to expand onto a portion of an adjoining site as depicted on the attached site plan, as presented by staff, based on the standards of the City's development code and the evidence presented during this hearing. And that the application is consistent with applicable plans because: (1) the development is located in a Community Commercial district and (2) that this use complies with the findings listed below and (3) the proposed permit is in the public interest because the proposed SUP does fit with the character of the area.

[Applicable to Motion to Approve] If approved, this Special Use Permit shall become effective ten days after its approval by the City Council, which is April 2, 2020. The SUP shall expire one year from its effective date if a building permit is not issued within that time.

*For a motion to approve, all eight findings below must be met.

- (1) The special use will comply with all applicable standards in Section 30-4.C, Use-Specific Standards; [insert supporting facts]
- (2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands; [insert supporting facts]
- (3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration; [insert supporting facts]
- (4) The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands; [insert supporting facts].
- (5) The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources; [insert supporting facts]
- (6) The special use maintains safe ingress and egress onto the site and safe road conditions around the site; [insert supporting facts].
- (7) The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; [insert supporting facts]
- (8) The special use complies with all other relevant City, State, and Federal laws and regulations. [insert supporting facts]

OPTION 2

I move to DISAPPROVE the Special Use Permit (SUP) to allow an existing nonconforming use to conform to the current Unified Development Ordinance standards and allow the business to expand onto a portion of an adjoining site as depicted on the attached site plan, as presented by staff, based on the standards of the City's development code and the evidence presented during this hearing. And that the application does not meet the finding(s) of fact listed below. More specifically finding(s) #____.]

[Applicable to Motion to Deny] If denied this action shall become effective ten days after its denial by the City Council, which is April 2, 2020.

* For a motion to deny only one of the findings shown below needs to not apply.

- (1) The special use will comply with all applicable standards in Section 30-4.C, Use-Specific Standards; [insert supporting facts]
- (2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands; [insert supporting facts]
- (3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration; [insert supporting facts]
- (4) The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands; [insert supporting facts].

(5) The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources; [insert supporting facts]

(6) The special use maintains safe ingress and egress onto the site and safe road conditions around the site; [insert supporting facts].

(7) The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; [insert supporting facts]

(8) The special use complies with all other relevant City, State, and Federal laws and regulations. [insert supporting facts]

Attachments:

1. Application
2. Aerial Map
3. Zoning Map
4. Land Use Plan Map
5. Subject Property
6. Site Plan I
7. Site Plan II

Project Overview **#354898**

Project Title: Sunbelt Rentals Expansion	Jurisdiction: City of Fayetteville
Application Type: 5.3) Special Use Plan Review	State: NC
Workflow: Staff Review	County: Cumberland

Project Location

Project Address or PIN: 318 EASTERN BLV (0437-90-7639-)

GIS Verified Data

Property Owner: Parcel	Acreage: Parcel
<ul style="list-style-type: none"> 318 EASTERN BLV: MONOMOY PROPERTIES NC 2 SPV LLC 	<ul style="list-style-type: none"> 318 EASTERN BLV: 3.02
Zoning District:	Subdivision Name: Parcel
	<ul style="list-style-type: none"> 318 EASTERN BLV: NOT APPLICABLE

Written Description of Special Use

Is the proposed project for a cell tower?: No

A) Provide a written description of the proposed special use, including summary of existing uses and the proposed use/activity in detail. Also include hours and days of operation, number of employees, number of clients, etc.:
 The existing Sunbelt Rentals site was never approved for a SUP permit. The site is grandfathered. The CC zoning requires a SUP for heavy equipment rental, sales, storage, etc. We are adding a new 60'x60' repair shop with a wash bay. The new shop will be access from within the existing site and not accessible to the public.

B) Please provide a description of the Zoning District designations and existing uses on adjacent properties, including across the street.: The existing property and surrounding property is zoned CC. The property is adjacent to the Eastern Boulevard service road. The property across the street is zoned HI.

Special Use Justification. Answer all questions on this and the following pages (upload additional sheets as needed).

Indicate how the special use complies with all applicable use-specific standards in the City Code of Ordinances.: The SUP will follow the UDO requirements for the CC zoning district.

Describe how the special use is compatible with the character and uses permitted in the zoning district(s) of surrounding lands.: The property has been the location of Sunbelt Rentals for several years. The surrounding property is zoned commercial or heavy industrial. The proposed building will be an accessory building to support the existing equipment rental business.

Indicate how the special use avoids significant adverse impact on surrounding lands regarding service delivery, parking and loading, odors, noise, glare, and vibration.: The special use will follow all local and state guidelines. The proposed building is an accessory to the existing business and is not expected to generate any additional traffic and parking and should create minimal noise in comparison to the surroundings.

Demonstrate how the special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands.: The special use will have a 15' streetscape buffer along the immediate frontage. There is existing vegetation in the rear of the property. The new building size will be smaller than the existing buildings on the surrounding properties.

Explain how the special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.: The special use should not have any adverse impacts on the environment. The special use will follow all local and state requirements.

Indicate how the special use maintains safe ingress and egress onto the site and safe road conditions around the site.: The special use will utilize the existing driveway for Sunbelt Rentals. The proposed building will not generate additional traffic to or from the site. The building will allow the user to make equipment repairs on site in lieu of sending the equipment off site for repairs.

Demonstrate how the special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district.: The surrounding property is similar zoned and already developed. The Sunbelt Rental business has existed for several years. The SUP will allow the site to be conforming in lieu of considered non conforming.

The special use complies with all other relevant City, State, and Federal laws and regulations.: Yes, the special use will comply with all other regulations.

Primary Contact Information

Project Contact - Agent/Representative

Scott Brown
4D Site Solutions, Inc
409 Chicago Drive, Suite 112
Fayetteville, NC 28306
P:(910) 4266777
sbrown@4dsitesolutions.com

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

Project Contact - Primary Point of Contact for the Contractor

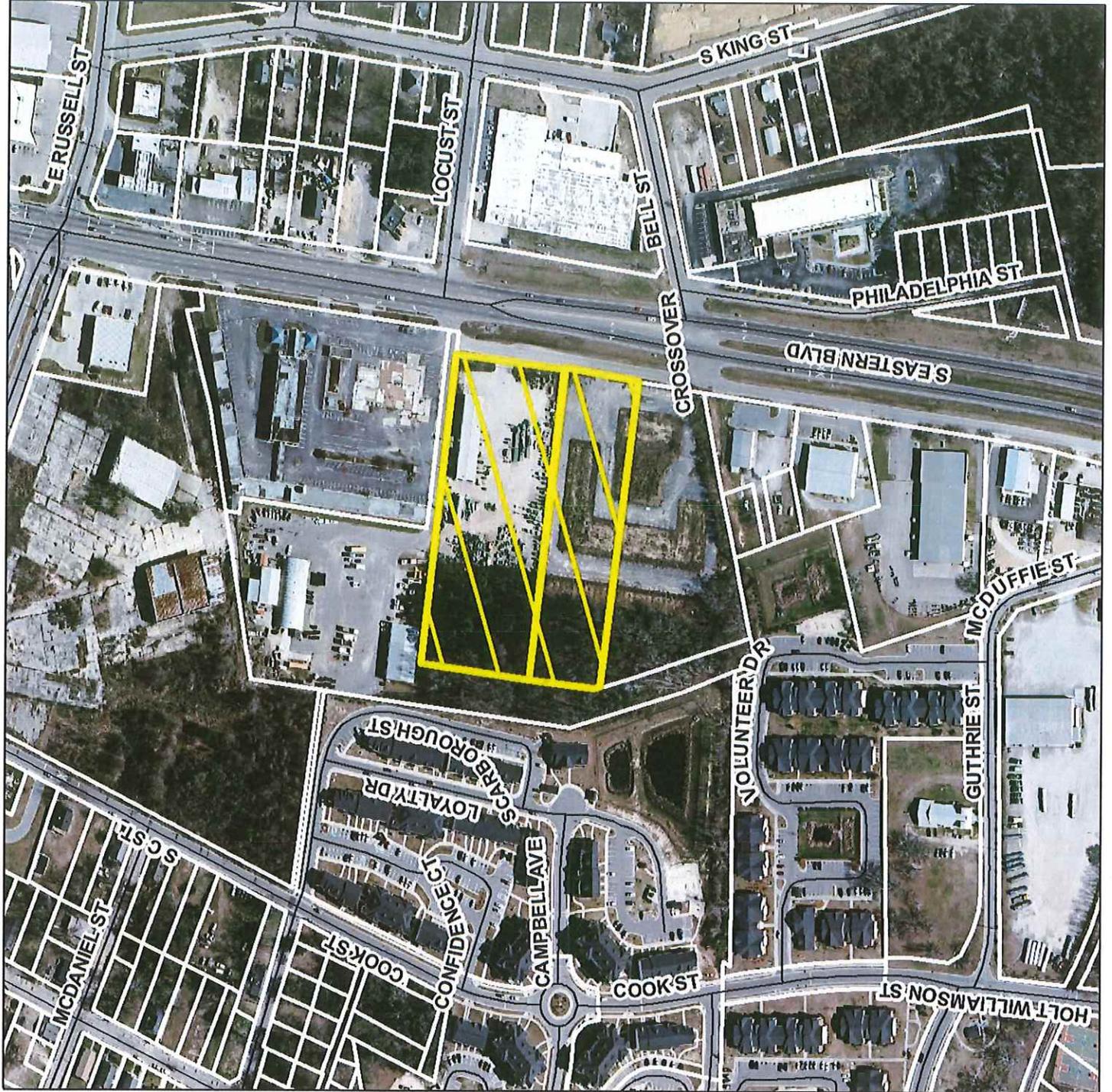
Justin Lane
TD Goodwin Construction
PO Box 3462
Greenville, NC 27836
P:252-321-7732
F:866-372-0714
jlane@tdgoodwin.com

Project Owner

Christopher Robins
Sunbelt Rentals
318 S. Eastern Boulevard
Fayetteville, NC 28301
P:910-323-4416
pcm021@sunbeltrentals.com

NC State License Number: 70280

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



Aerial Notification Map

Zoning Commission

02/11/2020

Case #: P20-06F

Request:
Special Use Permit

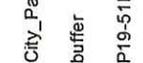
Location:
318 & 442 EASTERN BOULEVARD

Pin:
0437-90-7639
0437-90-7308

acreage:
5.031 total acres +/-



Legend

-  City_Parcel_Buffer2
-  buffer
-  P19-51F
-  Parcels



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

Recommendation:

Disposition Date:

Final Action:

Zoning Map

Zoning Commission
02/11/2020

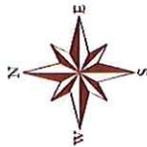
Case #: P20-06F

Request:
Special Use Permit

Location:
318 Eastern Blvd & 442 Eastern Blvd

Pin:
0437-90-7639
0437-90-7308

acreage:
5.031 total acres +/-



ZONING

- CC - Community Commercial
- DT - Downtown
- HI - Heavy Industrial
- LC - Limited Commercial
- MR-5 - Mixed Residential 5
- NC/CZ - Neighborhood Commercial/Condi... Zoning
- OI - Office & Institutional



Land Use Map

Zoning Commission

02/11/2020

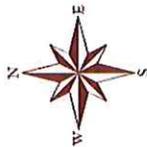
Case #: P20-06F

Request:
Special Use Permit

Location:
318 Eastern Blvd & 442 Eastern Blvd

Phone:
0437-90-7639
0437-90-7308

acreage:
5.031 total acres +/-



Legend

Parcels

CLASS

Downtown

Heavy Industrial

Open Space

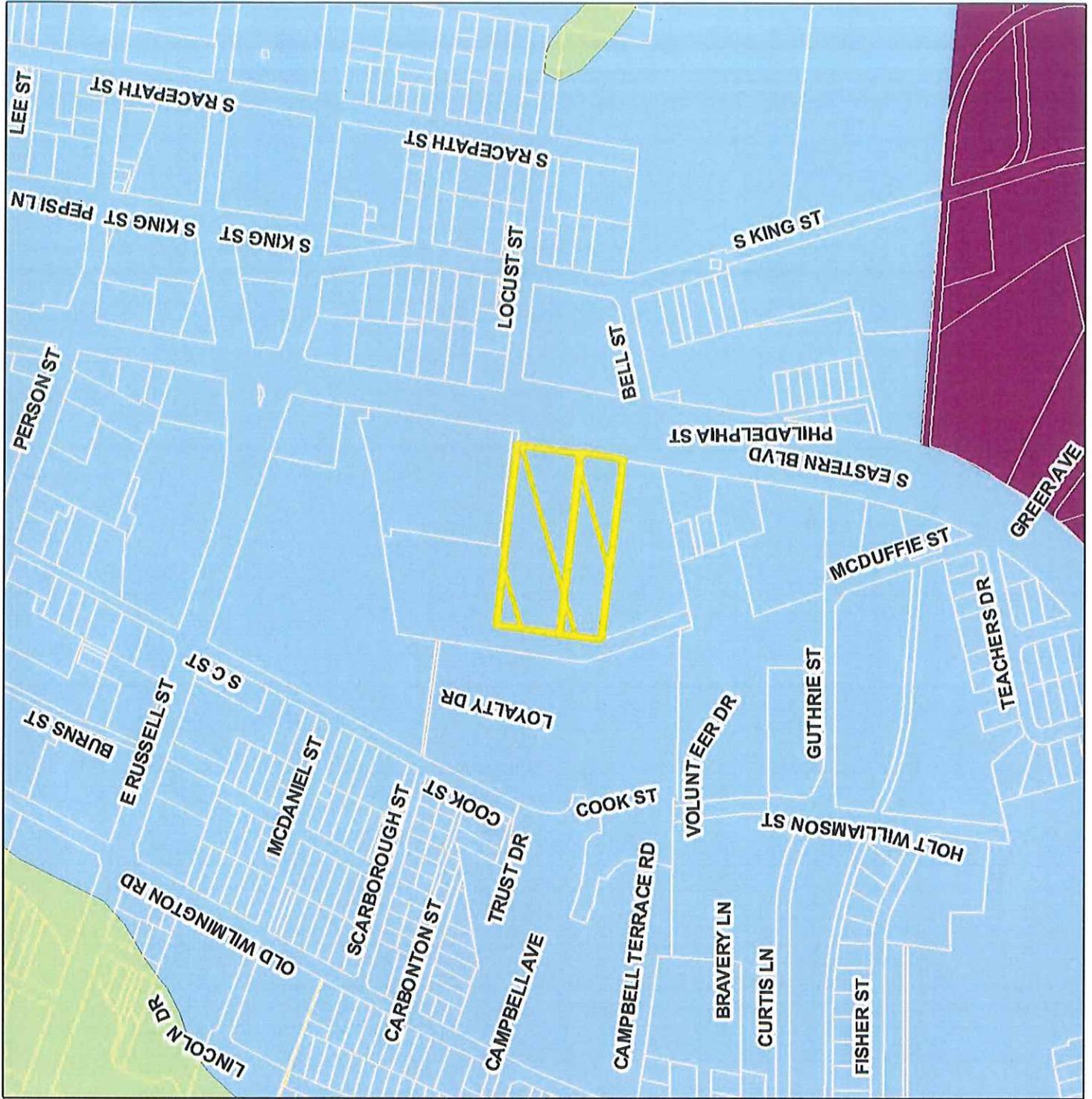
Historical District-Fort Bragg

Buffer

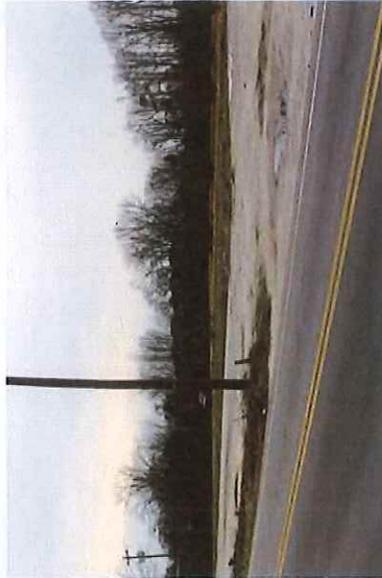
P20-06F



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



Subject Properties



442 S. Eastern Boulevard



318 S. Eastern Boulevard

FINAL DRAWING
 FOR REVIEW PURPOSES ONLY

PROJECT NAME
SUNBELT RENTALS EXPANSION

SITE PLAN

CLIENT
TD GOODWIN CONSTRUCTION, LLC

3000 Hubbard Road
 Greenwood, North Carolina 27034
 Phone: (336) 475-0765

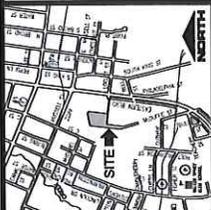
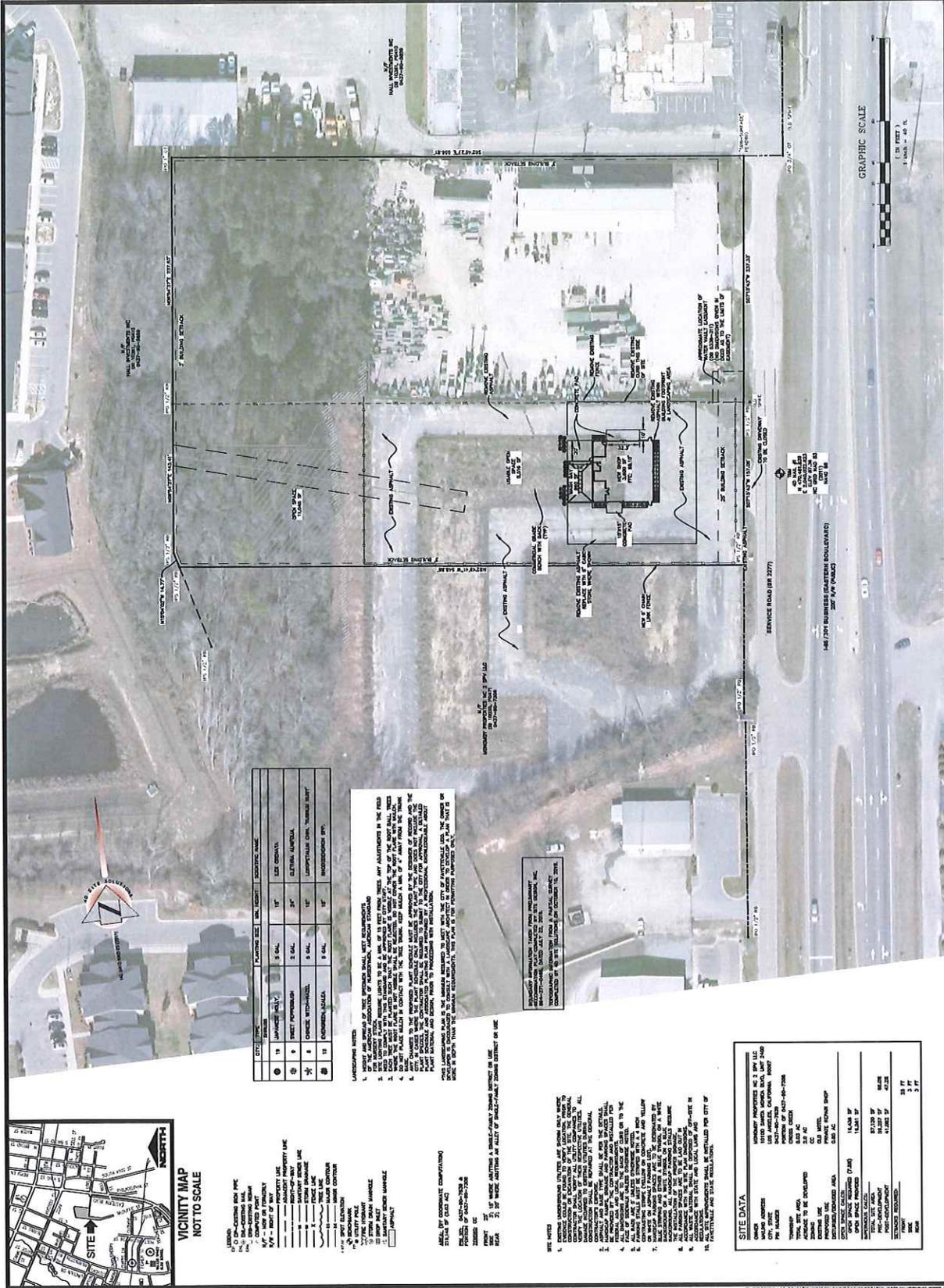
PROJECT INFORMATION

DESIGNED BY:	SCOTT
CHECKED BY:	SCOTT
PROJECT NO.:	1000
PROJECT NAME:	1000

DRAWING SCALE
 HORIZONTAL: 1"=40'

DATE RELEASED
 JANUARY 14, 2020

SHEET NUMBER
 C-1.0



VICINITY MAP
 NOT TO SCALE

LEGEND

1" = 40'	PROPERTY LINE
1" = 40'	SETBACK LINE
1" = 40'	EXISTING UTILITY
1" = 40'	PROPOSED UTILITY
1" = 40'	EXISTING DRIVE
1" = 40'	PROPOSED DRIVE
1" = 40'	EXISTING SIDEWALK
1" = 40'	PROPOSED SIDEWALK
1" = 40'	EXISTING CURB
1" = 40'	PROPOSED CURB
1" = 40'	EXISTING DRIVEWAY
1" = 40'	PROPOSED DRIVEWAY
1" = 40'	EXISTING LOT
1" = 40'	PROPOSED LOT
1" = 40'	EXISTING EASEMENT
1" = 40'	PROPOSED EASEMENT
1" = 40'	EXISTING FENCE
1" = 40'	PROPOSED FENCE
1" = 40'	EXISTING WALL
1" = 40'	PROPOSED WALL
1" = 40'	EXISTING SIGN
1" = 40'	PROPOSED SIGN
1" = 40'	EXISTING LIGHT FIXTURE
1" = 40'	PROPOSED LIGHT FIXTURE
1" = 40'	EXISTING TREE
1" = 40'	PROPOSED TREE
1" = 40'	EXISTING LANDSCAPE
1" = 40'	PROPOSED LANDSCAPE

EXISTING UTILITIES

UTILITY	DEPTH	DIA.	MATERIAL	LOCATION
1	18"	12"	CONCRETE	WEST SIDE OF LOT
2	18"	12"	CONCRETE	EAST SIDE OF LOT
3	18"	12"	CONCRETE	NORTH SIDE OF LOT
4	18"	12"	CONCRETE	SOUTH SIDE OF LOT
5	18"	12"	CONCRETE	CENTRAL LOT
6	18"	12"	CONCRETE	CENTRAL LOT
7	18"	12"	CONCRETE	CENTRAL LOT
8	18"	12"	CONCRETE	CENTRAL LOT
9	18"	12"	CONCRETE	CENTRAL LOT
10	18"	12"	CONCRETE	CENTRAL LOT

NOTES

- EXISTING UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY DATA. THE LOCATION AND DEPTH OF UTILITIES MAY VARY FROM THE SHOWN INFORMATION. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF UTILITIES PRIOR TO CONSTRUCTION.
- ALL UTILITIES SHALL BE DELETED AND THE AREA REGRADED TO ORIGINAL GRADE.
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SITE DATA

PROPERTY ADDRESS	1461 27th BUSINESS (EASTERN BOULEVARD)
SECTION	1000
TOWNSHIP	1000
COUNTY	1000
STATE	1000
ZIP CODE	1000
TOTAL SITE AREA	1000 SQ. FT.
TOTAL IMPROVEMENT AREA	1000 SQ. FT.
TOTAL IMPROVEMENT COST	1000
DATE	1000
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SCALE	1000
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DESIGNER	1000
DATE	1000
SCALE	1000
PROJECT NO.	1000
PROJECT NAME	1000
CLIENT	1000
DESIGNER	1000
DATE	1000
SCALE	1000</

THIS OFFICE HAS REVIEWED THE PLANS AND SPECIFICATIONS AND HAS FOUND THEM TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE ZONING AND SUBDIVISION ACTS AND THE SUBDIVISION ACTS. THE OFFICE HAS REVIEWED THE PLANS AND SPECIFICATIONS AND HAS FOUND THEM TO BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE ZONING AND SUBDIVISION ACTS AND THE SUBDIVISION ACTS.



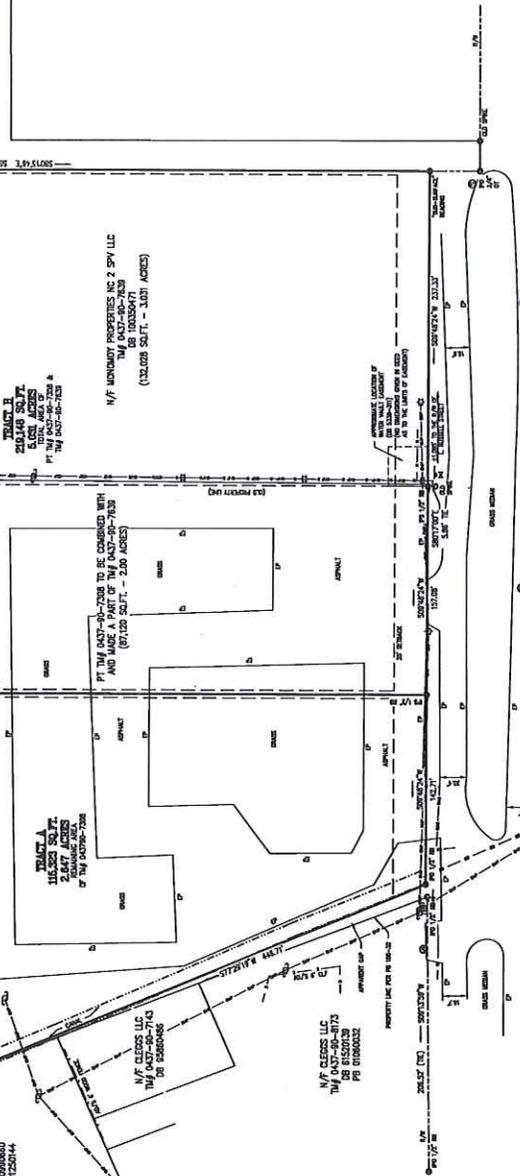
NOT TO SCALE

THESE PLANS, SPECIFICATIONS AND CONDITIONS ARE THE PROPERTY OF THE ENGINEER AND ARE NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF THE ENGINEER. THE ENGINEER'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED AND DOES NOT EXTEND TO ANY OTHER MATTER. THE ENGINEER'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED AND DOES NOT EXTEND TO ANY OTHER MATTER.



KEITH A. MARSHALL, P.E.
S.C. REG. NO. L-5243

N/F S HALL INVESTMENTS INC
TWP 0437-90-5559
DB 100310410



TRACT B
240,148 SQ. FT.
6.08 ACRES
PT TWP 0437-90-208 &
PT TWP 0437-90-763

N/F MONRODY PROPERTIES INC 2 SPV, LLC
TWP 0437-90-208 &
DB 100350471
(132,008 SQ. FT. - 3.03 ACRES)

PT TWP 0437-90-208 TO BE COMBINED WITH
AND MADE A PART OF TWP 0437-90-763
(87,120 SQ. FT. - 2.00 ACRES)

N/F FAYETTEVILLE METROPOLITAN
TWP 0437-90-320
DB 80909680
PT 01252614

N/F CLEGG LLC
TWP 0437-90-873
DB 80909680
PT 01252614

N/F CLEGG LLC
TWP 0437-90-873
DB 80909680
PT 01252614

S. EASTERN BOULEVARD
(PUBLIC R/W)

REVIEW OFFICIAL
DATE:

LEGEND
1. BOUNDARY LINE
2. EXISTING BUILDING
3. PROPOSED BUILDING
4. DRIVEWAY
5. DRIVEWAY
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100. DRIVEWAY

RECOMMENDATION PLAN FOR
MONRODY PROPERTIES INC 2 SPV, LLC
CUMBERLAND COUNTY, NORTH CAROLINA
443 S EASTERN BLVD
TWP 0437-90-208 & 209
7/22/13



1100 WILSON STREET, SUITE 200
FAYETTEVILLE, NC 28404
TEL: 704.336.1100
WWW.SITEDSIGN.COM

KEY PLAN
2008 THE PLANNERS INC., P/E
FAYETTEVILLE, NC 28404

KEY PLAN
2008 THE PLANNERS INC., P/E
FAYETTEVILLE, NC 28404

P20-07F. Request for a Special Use Permit to allow a duplex to be located in a Single Family 10 (SF-10) zoning district, located at 440 McPhee Drive (Tax Map # 0427-33-9125), containing 0.38± acre and being the property of Patrick Gibney, Sandymount Properties. (Craig Harmon)

ZONING COMMISSION STAFF REPORT

TO: Zoning Commission Members
THRU: Taurus Freeman – Planning & Zoning Divisional Manager
FROM: Craig M. Harmon, CZO – Planner II
DATE: February 11, 2020

RE:

P20-07F. Request for a Special Use Permit to allow a duplex to be located in a Single-Family 10 (SF-10) zoning district, located at 440 McPhee Drive (Tax Map # 0427-33-9125), containing 0.38± acre and being the property of Patrick Gibney, Sandymount Properties.

COUNCIL DISTRICT(S):

5 – Johnny Dawkins

Relationship to Strategic Plan:

2024 Goals, Goal II: Sustain a favorable development climate through continual improvement of internal process and by providing redevelopment tools to encourage business growth.

Executive Summary:

The property in question is currently developed as single family residential. The existing home is in disrepair and the owners wish to redevelop the property with a duplex (Two-to Four-Family Dwelling).

According to the Unified Development Ordinance (UDO), a duplex is defined as a Two-to Four-Family Dwelling, which is a residential building containing two, three, or four individual dwelling units located on a single lot. Such units may be part of a single structure, or may be attached by one or more common walls.

Background:

Owner: Patrick Gibney, Sandymount Properties
Applicant: Delbert Soucier - Critical Path Solutions, Inc
Requested Action: SUP – Two to Four family dwelling (duplex)
Property Address: 440 McPhee Drive
Council District: 5 – Johnny Dawkins
Status of Property: Single Family Residential
Size: 0.38 acres +/-
Adjoining Land Use & Zoning:
North – SF-10 – Single Family Residential & Apartments
South – SF-6 – Single Family

West – LC – Office Buildings

East – SF-10 –Single Family Residential

Letters Mailed: 59

Transportation: Annual Average Daily Traffic (AADT) No Traffic Counts available for McPhee Drive.

Land Use Plan: Medium Density Residential

Issues/Analysis:

Proposal

The subject property is zoned Single Family 10 (SF-10) and is located along a local road in a single family residential neighborhood. There are apartments to the north of this property and commercial/office uses to the west.

According to the applicant, the project is building a new duplex with an accessory building. The existing use of the property is a single-family dwelling.

This property is zoned SF-10 and is for principally single-family detached residential development. The district also allows for two to four family dwellings designed to appear as single-family homes. Currently, the surrounding properties are all single-family detached residences.

Also, according to the applicant, the project is a duplex, which is allowed in SF-10 Zoning District. It is situated on the site so that it meets the required setbacks for this district, as shown on the attached site plan. The position of the building allows for parking to be located in front with access to the attached garages. Parking Spaces are 9x18 feet with room for bumper overhang. All parking has been located so that there is at least 10-feet from the building façade to allow for sidewalks, landscaping and plantings. The driveway is 12-feet wide. Landscaping will be provided as required. The building is situated on site with the "front" facing the street. The front facade contains building articulation, features and elements that are required on the primary entrance façade, including a covered porch, recessed entrance, eaves with a minimum 6-inches projection, multiple windows with a minimum 4-inches wide trim, and a center post.

Surrounding Development

This property represents the boundary change in zoning from SF-6 to the south and LC to the west. All of the properties located on McPhee Drive are zoned for single-family use.

While single family housing is most prevalent on McPhee Drive, to the north along Brigadoon Lane and Winding Creek Road is a large apartment complex and to the west Winding Creek Road is vacant commercial property and Cumberland County Offices.

Site/Building

As a Special Use, reasonable and related conditions can become part of any action to approve. The City Staff suggests that conditions be placed on this request requiring the developer to build according to the submitted site plan and elevations unless some part is in conflict with City standards. In case of conflict, City standards will be followed.

The proposed duplex will be two-story, 2,978 heated square feet, excluding the attached garages. The building will be built as shown on the attached elevations. The

submitted elevations are meant to resemble single family residential construction. A 576 square foot accessory building is also being proposed. This accessory building would be located in the rear of the lot and would have a ten-foot paved drive.

The parking & driveway area will be designed with one entrance off of McPhee Drive. Two attached garages and two additions onsite parking places are also included. A new six-foot privacy fence will be install across the rear of the property and to the north side. The existing fencing along the south side will remain in place.

Transportation

McPhee Drive is classified as a local Road. The roadway has two lanes the entire length of the street. Locally classified roads account for the largest percentage of all roadways in terms of mileage. They are not intended for use in long distance travel, except at the origin or destination end of the trip, due to their provision of direct access to abutting land. Bus routes generally do not run on Local Roads. They are often designed to discourage through traffic. As public roads, they should be accessible for public use throughout the year.

UDO Use-Specific Standards

The Unified Development Ordinance (UDO) requires a Special Use Permit to build a duplex, two to four Family dwelling, in an SF-10 District. The additional development standards for duplex are as follows:

Two to four-family dwellings in an SF-15, SF-10, or SF-6 district shall comply with the following standards:

- a. Except for circular driveways, no two- to four-family dwelling lot shall be served by more than one driveway on the same block face.
- b. Three and four-family dwellings on lots shall be served by a single entrance on any individual building façade.
- c. Ground based, roof-based, and wall-mounted electrical equipment, HVAC equipment, and other utility connection devices shall be ganged and screened, or located outside the view from any adjacent public street.
- d. Two- to four-family dwellings shall comply with Section 30-5.G, Single-family and Two-family Design Standards or 30-5.H Multifamily Design Standards, as appropriate.

Staff recommended conditions:

1. Approval is based on the submitted site plan, elevations and floor plans (Exhibits 7, 8, 9, 10, 11 & 12). In case of any conflict, City standards will be followed.

The SUP must meet the following findings of facts:

(1) The special use complies with all applicable standards in Section 30-4.C, Use-Specific Standards;

The proposed use meets the applicable standards. Use-Standards a through e listed above appear to have been met.

(2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning districts(s) of surrounding lands;

This is a residential community and this plan keeps the feel of single-family development. There will be no commercial activities. The fresh new home will

replace an existing residence that shows signs of deterioration.

- (3) **The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;**

The proposed site plan would ensure that the project would avoid significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration.

This duplex should bring no adverse impact to the community. The use is residential and in keeping with the residential neighborhood. Noises should only include those of cars, families with kids and normal day to day home activity. Individual trash cans will be provided for each family so there will not be any additional noises from dumpster pickup. There will be no deliveries, loading noise, glare or vibrations that would not be associated with everyday family activities.

- (4) **The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands;**

The proposed site plan would ensure that the project would minimize adverse effects, including visual impacts of the proposed use on adjacent lands.

The new building includes four of the required design standards that are intended to give the façade a balanced and well-designed appearance, promoting human scale and fostering pedestrian environment. Parking has been located to provide access to the attached garage and provides a 15' street yard buffer.

- (5) **The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;**

The proposed site plan would ensure that the project would avoid significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.

This special use avoids significant deterioration of water and air resources, wildlife habitat and other natural resources by using a previously developed lot instead of developing a green field. It maximizes the use of space by allowing 2 units on the property instead of one which eliminates the need to develop other undeveloped sites.

- (6) **The special use maintains safe ingress and egress onto the site and safe road conditions around the site;**

The property is located on a minor arterial with two proposed ingress and egress points.

The driveway into this site is similar to those at each house in the neighborhood. Because of the arrangement of parking, cars will always be pulling into the street and will not be backing onto the street which should allow for much safer movement of vehicular traffic.

- (7) **The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; and**

There has been no evidence presented that property values and the ability of neighboring lands to develop would negatively impacted.

Replacing an older aging home with a new well designed home will bring a fresh look to the neighborhood. By upgrading the quality of an existing property the neighborhood property values should not be impacted.

(8) The Special use complies with all other relevant City, State, and Federal laws and regulations.

The applicant will be required to meet all applicable standards.

Planning Staff recommends Approval of the proposed SUP based on:

- This proposed SUP implements the policies adopted in the Unified Development Ordinance;
- The development of this use is allowed in the Single Family 10 district and will not detract from the overall area;
- The proposed SUP ensures that new development is compatible with the current zoning, UDO and overall growth pattern of the area;
- The attached site plan, elevations, evidence provided by the developer and the conditions recommended above; and
- There are no other factors which will substantially affect the public health, safety, morals, or general welfare.

Budget Impact:

This action should result in no increase in City services.

Options:

- 1) Approval of the SUP with any conditions listed above (Recommended).
- 2) Approval of the SUP with additional conditions.
- 3) Approval of the SUP without conditions.
- 4) Denial of the SUP

Recommended Action:

OPTION 1

I move to APPROVE the Special Use Permit (SUP) to allow a Two- to Four-Family Dwelling, duplex, within the Single Family 10 (SF-10) District to be built on the subject property as depicted on the attached site plan and elevations, as presented by staff, based on the standards of the City's development code and the evidence presented during this hearing. And that the application is consistent with applicable plans because: (1) the development is located in an Single Family 10 (SF-10) district and (2) that this use complies with the findings listed below and (3) the proposed permit is in the public interest because the proposed SUP does fit with the character of the area.

[Applicable to Motion to Approve] If approved, this Special Use Permit shall become effective ten days after its approval by the City Council, which is April 2, 2020. The SUP shall expire one year from its effective date if a building permit is not issued within that time.

*For a motion to approve, all eight findings below must be met.

- (1) The special use will comply with all applicable standards in Section 30-4.C, Use-Specific Standards; [insert supporting facts]
- (2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands; [insert supporting facts]
- (3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration; [insert supporting facts]
- (4) The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands; [insert supporting facts].
- (5) The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources; [insert supporting facts]
- (6) The special use maintains safe ingress and egress onto the site and safe road conditions around the site; [insert supporting facts].
- (7) The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; [insert supporting facts]
- (8) The special use complies with all other relevant City, State, and Federal laws and regulations. [insert supporting facts]

OPTION 2

I move to DISAPPROVE the Special Use Permit (SUP) to allow a Two- to Four-Family Dwelling, duplex, within the Single Family 10 (SF-10) District to build on the subject property as depicted on the attached site plan, as presented by staff, based on the standards of the City's development code and the evidence presented during this hearing. And that the application does not meet the finding(s) of fact listed below. More specifically finding(s) #_____.]

[Applicable to Motion to Deny] If denied this action shall become effective ten days after its denial by the City Council, which is April 2, 2020.

* For a motion to deny only one of the findings shown below needs to not apply.

- (1) The special use will comply with all applicable standards in Section 30-4.C, Use-Specific Standards; [insert supporting facts]
- (2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands; [insert supporting facts]
- (3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration; [insert supporting facts]
- (4) The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands; [insert supporting facts].
- (5) The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources; [insert supporting facts]
- (6) The special use maintains safe ingress and egress onto the site and safe road conditions around the site; [insert supporting facts].

(7) The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; [insert supporting facts]

(8) The special use complies with all other relevant City, State, and Federal laws and regulations. [insert supporting facts]

Attachments:

1. Application
2. Aerial Map
3. Zoning Map
4. Land Use Plan Map
5. Subject Property
6. Surrounding Property
7. Site Plan
8. Front Elevation
9. Front Elevation 2
10. Rear Elevation
11. 1st Floor Layout
12. 2nd Floor Layout

Project Overview

#345391

Project Title: Sandymount Duplex
Application Type: 5.3) Special Use Plan Review
Workflow: Staff Review

Jurisdiction: City of Fayetteville
State: NC
County: Cumberland

Project Location

Project Address or PIN: 440 MCPHEE DR (0427-33-9125-)

GIS Verified Data

Property Owner: Parcel

- 440 MCPHEE DR: SHAFFER, DAVID R

Zoning District: Zoning District

- 440 MCPHEE DR: LC

Acreage: Parcel

- 440 MCPHEE DR: 0.38

Subdivision Name: Parcel

- 440 MCPHEE DR: HIGHLAND HOMES

Written Description of Special Use

Is the proposed project for a cell tower?: No

A) Provide a written description of the proposed special use, including summary of existing uses and the proposed use/activity in detail. Also include hours and days of operation, number of employees, number of clients, etc.:

This project is a new duplex with an accessory building. The existing use of the property is a single family dwelling.

B) Please provide a description of the Zoning District designations and existing uses on adjacent properties, including across the street.: This property is zoned SF-10 and is for principally single-family detached residential development. The district also allows for 2 to 4 family dwellings designed to appear as single family homes. The current surrounding properties all are currently single-family detached residences.

Special Use Justification. Answer all questions on this and the following pages (upload additional sheets as needed).

Indicate how the special use complies with all applicable use-specific standards in the City Code of Ordinances.: This project is a duplex which is allowed in SF-10 Zoning District. It is situated on the site so that it meets the required setbacks for this district as shown on the plan. The building is situated so that the parking is out front with access to the attached garages. Parking Spaces are 9x18 with room for bumper overhang. All parking has been located so that there is at least 10' from the building façade to allow for sidewalks, landscaping and plantings. The driveway is 12' wide. Landscaping will be provided as required.

The building is situated on site with the "front" facing the street. The front facade contains building articulation, features and elements that are required on the primary entrance façade. including a covered porch, recessed entrance, eaves with a minimum 6" projection, multiple windows with a minimum 4" wide trim, and a center post.

Open space is not required as this lot is less than an acre.

Describe how the special use is compatible with the character and uses permitted in the zoning district(s) of surrounding lands.: This is a residential community and this special use is also a residential use. There will be no commercial activities. This new project will help build a sense of community by bringing in new families and fresh new façade to the street.

Indicate how the special use avoids significant adverse impact on surrounding lands regarding service delivery, parking and loading, odors, noise, glare, and vibration.: This special use should bring no adverse impact to the community. The use is residential in keeping with the residential neighborhood. Noises should only include those of cars, families with kids and normal day to day home activity. Individual trash cans will be provided for each family so there will not be any additional noises from dumpster pickup. There will be no deliveries, loading noise, glare or vibrations that would not be associated with everyday family activities

Demonstrate how the special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands.: The new building includes four of the required design standards that are intended to give the façade a balanced and well-designed appearance, promoting human scale and fostering pedestrian environment. Parking has been located to provide access to the attached garage and provides a 15' street yard buffer. The owner would also like to place a fence along the side lot line and at the "rear" of the building to promote privacy.

Explain how the special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.: This special use avoids significant deterioration of water and air resources, wildlife habitat and other natural resources by using a previously developed lot instead of developing a green field. It maximizes the use of space by allowing 2 units on the property instead of one which eliminates the need to develop other greenfield sites. The use of materials for the combined units will be less than those required to build two individual houses.

Indicate how the special use maintains safe ingress and egress onto the site and safe road conditions around the site.: The driveway into this site is similar to those at each house in the neighborhood. It is shown only 12 feet wide. Because of the arrangement of parking, cars will always be pulling into the street and will not be backing onto the street which should allow for much safer movement of vehicular traffic.

Demonstrate how the special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district.: Replacing an older aging home with a new well designed energy efficient building will bring a fresh new face to the neighborhood. By upgrading the quality of an existing property the neighborhood property value improves and allows and encourages others to either improve and/or replace their properties.

The special use complies with all other relevant City, State, and Federal laws and regulations.: This special use complies with City, State and Federal laws and regulations.

Primary Contact Information

Project Contact - Agent/Representative

Delbert Soucier
Critical Path Solutions, Inc
P.O. Box 42753
Fayetteville, NC 28309
P:9103039087
d.soucier@criticalpath.solutions

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

Project Contact - Primary Point of Contact for the Contractor

Delbert Soucier
Critical Path Solutions, Inc
P.O. Box 42753
Fayetteville, NC 28309
P:9103039087
d.soucier@criticalpath.solutions

Project Owner

Patrick Gibney
Sandymount Properties
206 Oakview Dr
Raeford, NC 28376
P:1 919 489 1311
paddygibney@hotmail.com

NC State License Number: 82711

As an unlicensed contractor, I am aware that I cannot enter

into a contract that the total amount of the project exceeds
\$30,000. :

Aerial Notification Map

Zoning Commission
2/11/2020

Case #: P20-07F

Request:
Special Use Permit
Duplex

Location:
440 McPhee Drive

Pin:
0427-33-9125

Acreage:
0.38 acres



Legend

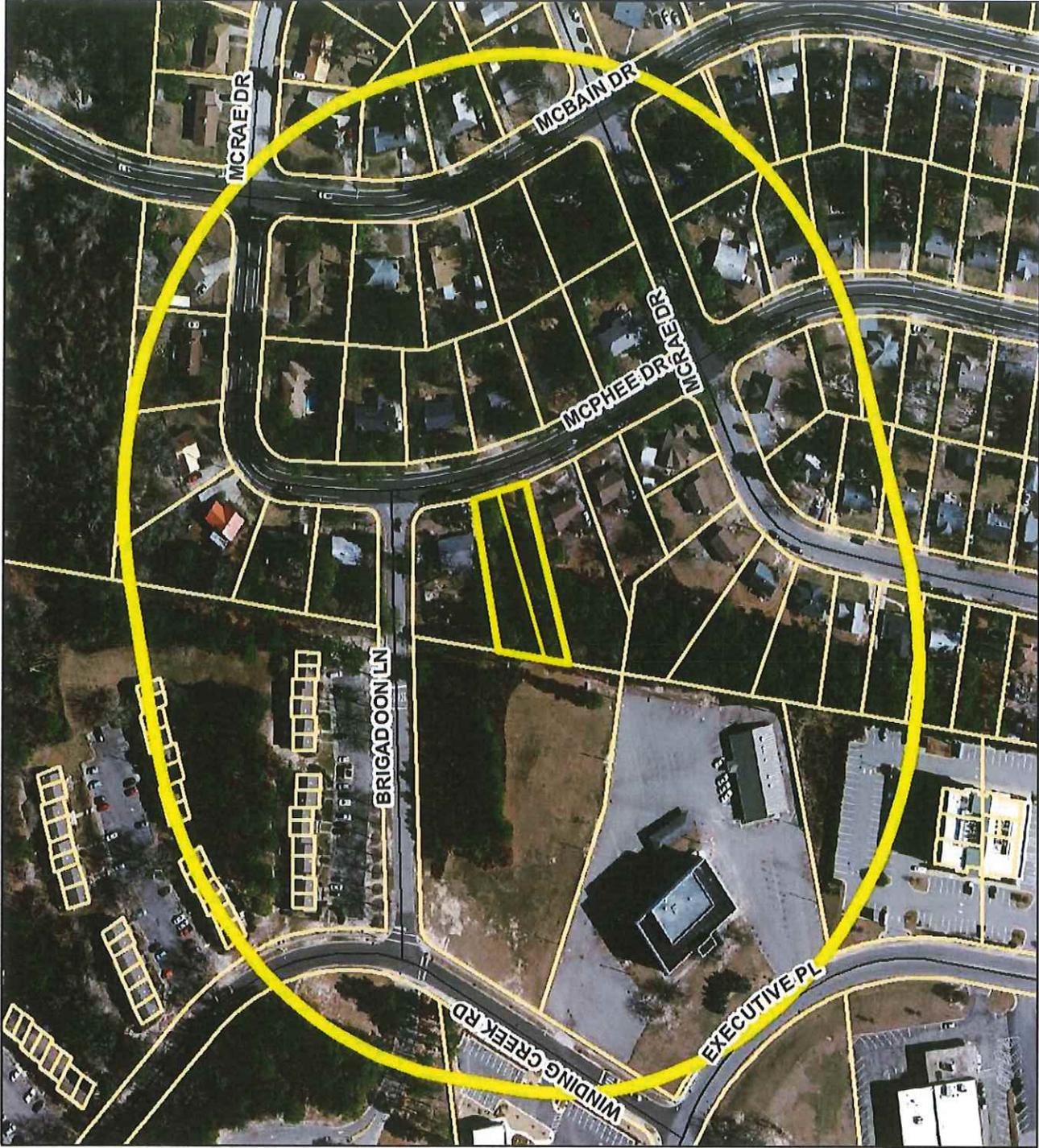


PLANNING
Letters are being sent to all property owners within the 300' buffer. Subject property is shown in the hatched pattern.

Recommendation:

Disposition Date:

Final Action:



Zoning Map

Zoning Commission
2/11/2020

Case #: P20-07F

Request:
Special Use Permit
Duplex

Location:
440 McPhee Drive

Pin:
0427-33-9125

Acreage:
0.38 acres



Legend

Zoning District

- CC - Community Commercial
- LC - Limited Commercial
- MR-5 - Mixed Residential 5
- SF-6 - Single-Family Residential 6
- SF-10 - Single-Family Residential 10
- SF-15 - Single-Family Residential 15



Land Use Map

Zoning Commission
2/11/2020

Case #: P20-07F

Request:
Special Use Permit
Duplex

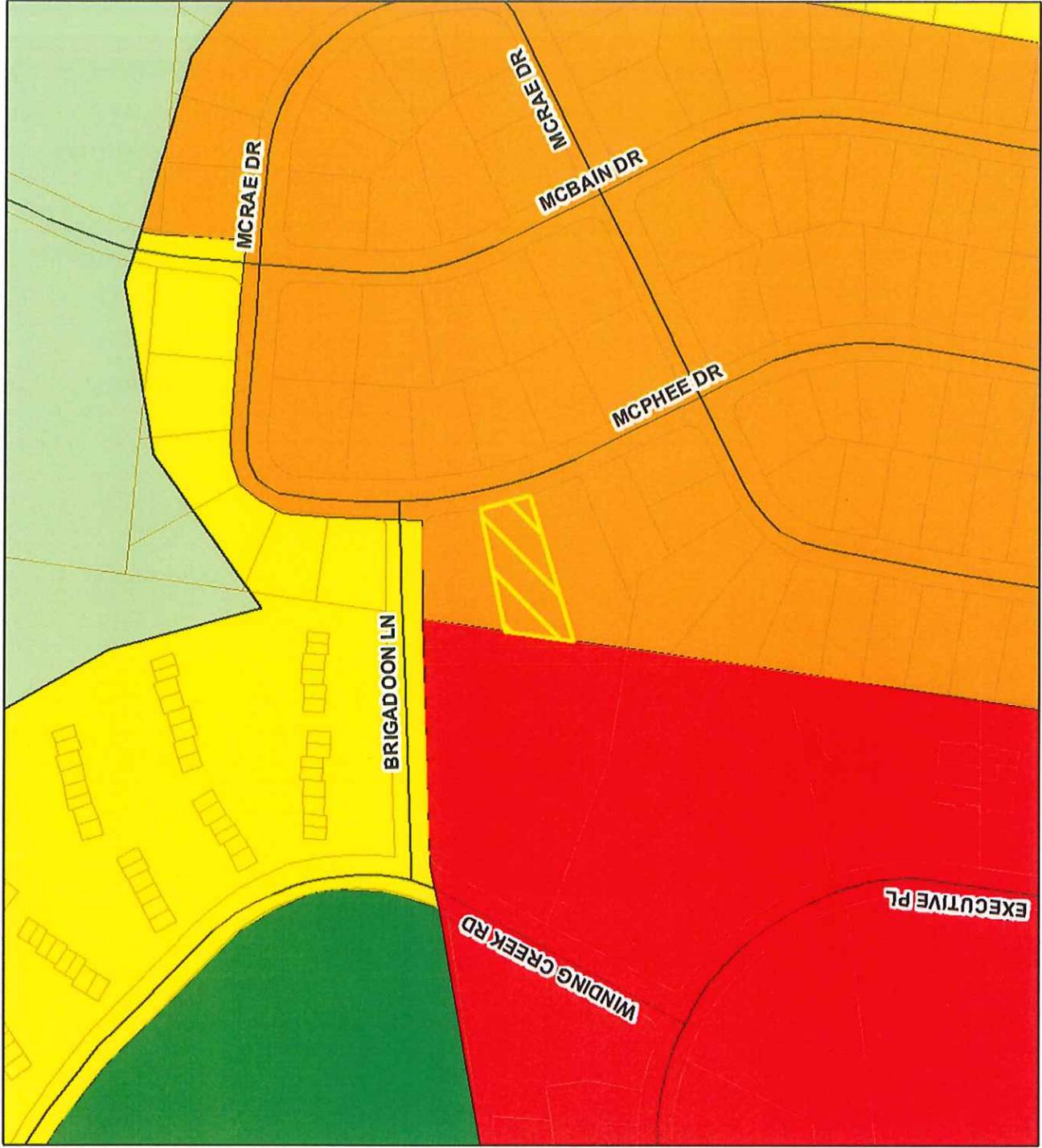
Location:
440 McPhee Drive

Pin:
0427-33-9125

Acreage:
0.38 acres



- Legend
- Low Density Residential
 - Medium Density Residential
 - Heavy Commercial
 - Governmental
 - Open Space



Subject Property



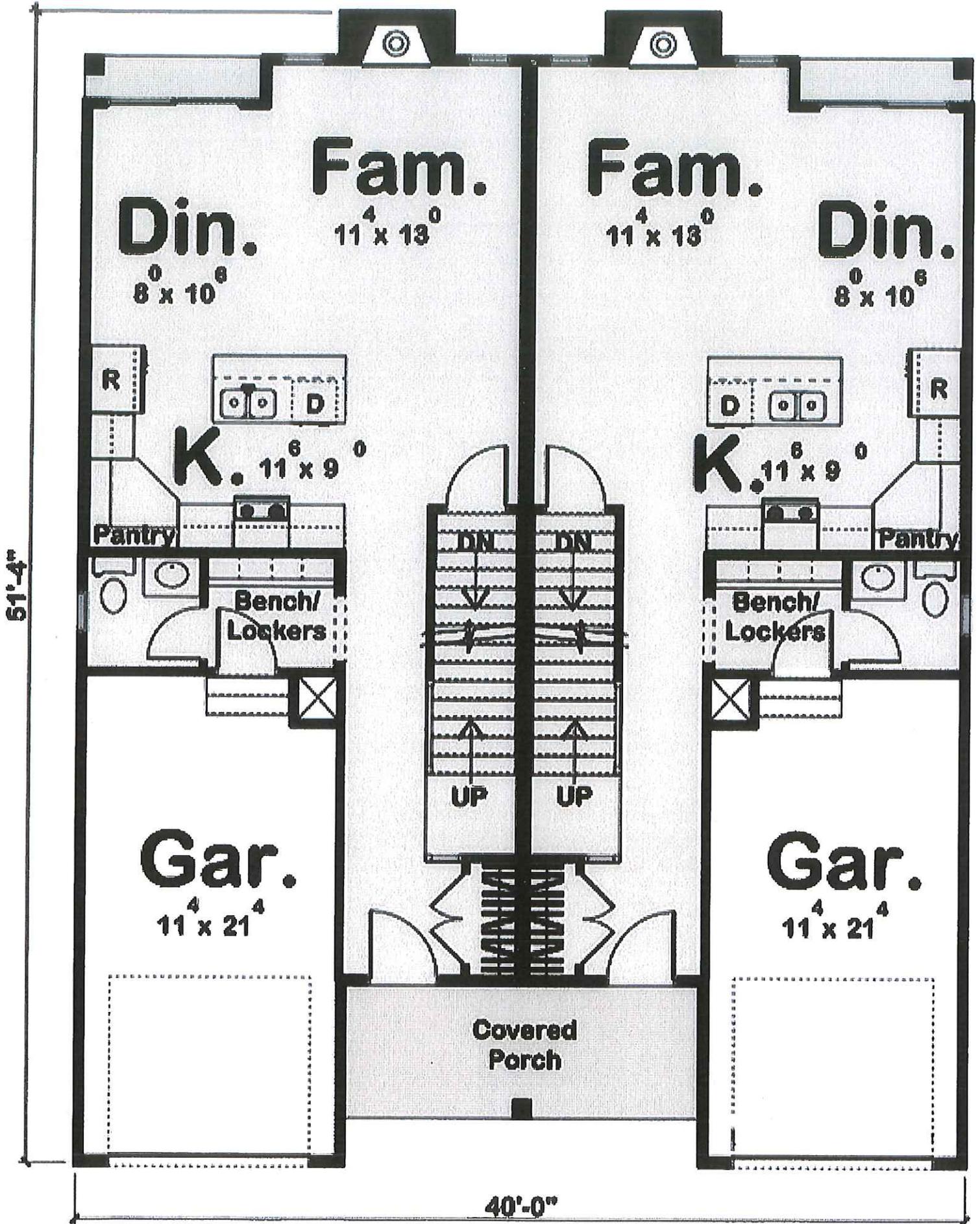
Adjacent Properties

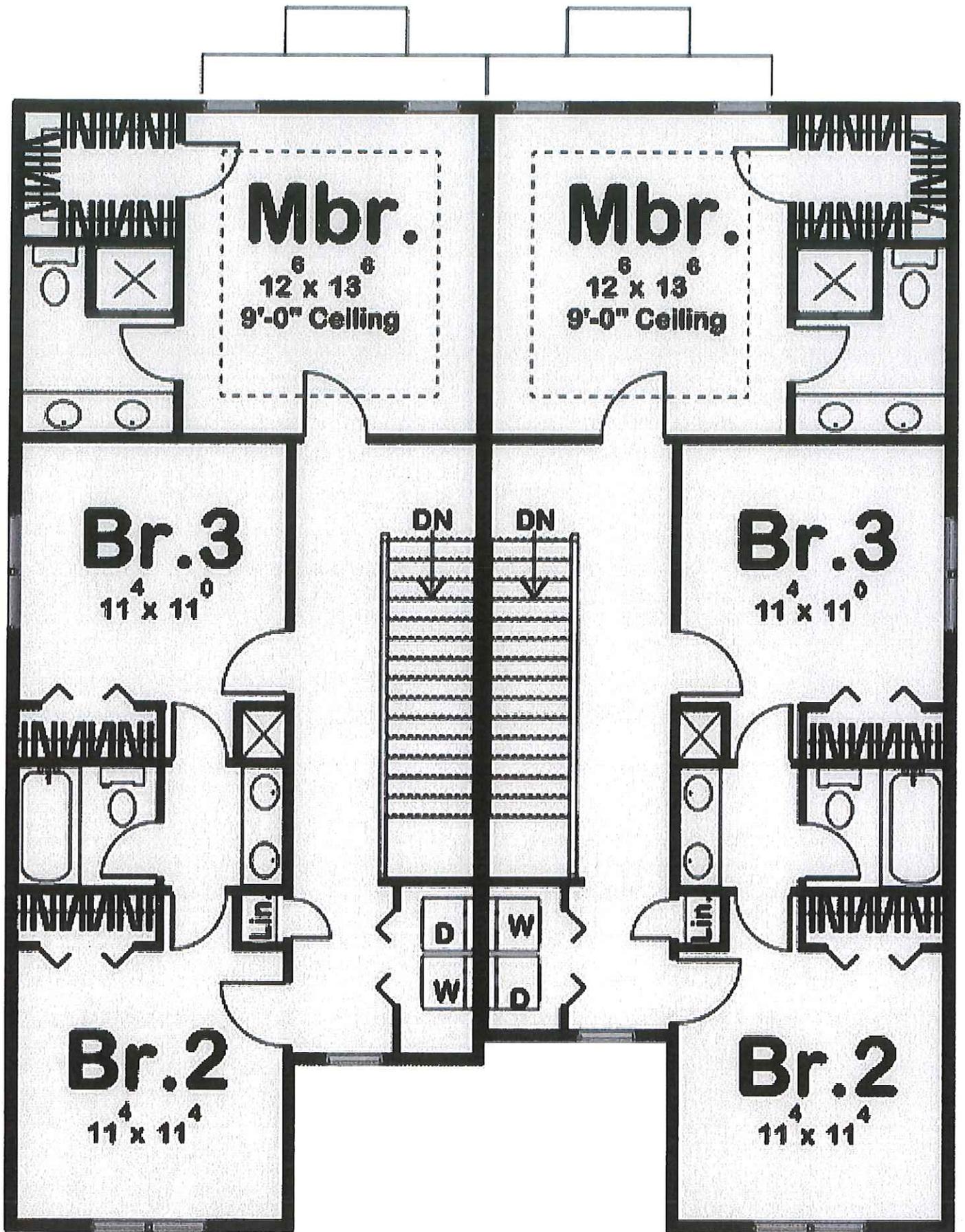












P20-08F. Rezoning of three properties from Mixed Residential 5 (MR-5) to Office & Institutional (OI), located on Weiss Avenue, (Tax Map# 0427-90-3386, 0427-90-4461, and 0427-90-3332) totaling 1.35 acres ± and being the properties of Billy G. Tharpe, Troy McDuffie and Rendric Nicholson, represented by Billy G. Tharp.
(Jennifer Baptiste)

ZONING COMMISSION STAFF REPORT

TO: Zoning Commission Members

THRU: Taurus Freeman – Planning & Zoning Divisional Manager

FROM: Jennifer C Baptiste, CFM – Senior Planner

DATE: February 11, 2020

RE:

P20-08F. Rezoning of three properties from Mixed Residential 5 (MR-5) to Office & Institutional (OI), located on Weiss Avenue, (Tax Map# 0427-90-3386, 0427-90-4461, and 0427-90-3332) totaling 1.35 acres ± and being the properties of Billy G. Tharpe, Troy McDuffie and Rendric Nicholson, represented by Billy G. Tharp.

COUNCIL DISTRICT(S):

2 – Shakeyla Ingram

Relationship to Strategic Plan 2030:

2030 Goals, Goal II:

Objective B: Implement strategies that diversify the city's tax base and increase the industrial and commercial tax bases.

Executive Summary:

The applicant, Billy Tharpe, has submitted a request to rezone three properties from Mixed Residential 5 (MR-5) to Office & Institutional (OI) for the purpose of a Theological School/University.

Background:

These properties are located on Weiss Avenue just north of Robeson Street. Two parcels identified as 0421-90-4461 and 0427-90-3330 are currently vacant. The other property is located at 1014 Weiss Avenue (Tax Map # 0427-90-3386) and has a duplex home on the site. Combined, all three parcels total 1.35 acres ±.

Applicant: Billy Tharpe

Owners: Billy Tharpe, Troy McDuffie & Rendric D Nicholson

Requested Action: Rezoning from MR-5 to OI

Property Addresses: 1014 Weiss Avenue and 2 unaddressed parcels

Council District: 2

Status of Properties: 1 parcel developed with a duplex and two parcels are undeveloped

Size: 1.35 acres ±

Adjoining Land Use & Zoning:

- North: MR-5 – Undeveloped
- South: MR-5 – Undeveloped
- West: MR-5 – Undeveloped
- East: CC – Undeveloped & Church

Traffic Count: 33,000 on Robeson Road per day (2016).

Letters Mailed: 26

2010 Land Use Plan

The 2010 Land Use Plan was prepared in 1996. The plan covered the entirety of Cumberland County. Hence, the plan contains some recommendations which are broad concepts applicable to all development in Cumberland County.

According to the plan, this area should develop as a mixture of heavy commercial along Robeson Street, open space along Branson Creek, and high density residential north of the creek.

Issues/Analysis:

The subject properties and the surrounding area were annexed into the City of Fayetteville in 1969. Of the three parcels, only one parcel, Tax Map # 0427-90-3386, is developed with a residential dwelling unit. The remaining two parcels are undeveloped parcels.

The subject properties are bordered to the north by Branson Creek. Branson Creek provides a natural buffer between the residential neighborhood to the north, the subject properties, and the commercial developments to the south along Robeson Street.

There is a mixture of zoning districts in the area. The parcels to the north along Weiss Avenue are zoned Mixed Residential 5 (MR-5), the parcels across Weiss Avenue to the east are zoned Community Commercial (CC), to the south the parcels are zoned either MR-5 or CC.

The applicant owns and operates a church on a parcel at the corner of Weiss Avenue and Fledger Street. The applicant is requesting the rezoning to OI for the possibility of opening a Theological School/University to support the church's teachings and the community. The applicant is proposing to use the existing structure on Tax Map # 0427-90-3386 as the school site with parking for the being on one of the other two parcels.

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

Straight Zoning:

The request is for a straight zoning from Mixed Residential 5 (MR-5) to Office & Institutional (OI).

The purpose of the OI zoning district is to “establish and intended to accommodate a mix of small-scale, low-intensity professional and business offices and institutions, together with limited personal service and supporting retail, single-family detached, single-family attached, and multi-family residential uses in close proximity to one another, subject to design and compatibility standards. The districts are generally near residential neighborhoods and often serve as a buffer or transition between neighborhoods and more intense business districts. Uses in the districts are subject to the design standards in Article 30-5: Development standards. In many cases, OI districts are evolving from land that was once primarily residential in character, and as such, office and institutional uses should be configured for consistency with surrounding residential uses in physical design, scale, and character.”

The reclassification of land to a straight zoning district allows all of the business/office uses that are shown on the attached Use Table taken from the UDO. The City Council may not consider conditions or restrictions on the range of allowable uses, use standards, development intensities, development standards, and other regulations that are applicable.

Land Use Plan Analysis:

According to the 2010 Land Use Plan, this area is best served as open space.

The City Planning Staff recommends APPROVAL of the map amendment to OI based on the following:

- This proposed zoning map amendment implements the policies adopted in the Unified Development Ordinance. This district type is intended to accommodate a mix of small-scale, low intensity professional and business offices and institutions, together with limited personal services and supporting retail uses, single –family detached, single-family attached, and multi-family residential uses in close proximity to one another, subject to design and compatibility standards;
- The uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified due to the existing zoning and uses surrounding this property; and
- There are no other factors which will substantially affect the public health, safety, morals, or general welfare.

Budget Impact:

There is not an immediate budgetary impact but there may be an economic impact associated with this rezoning that will occur over the next decade.

Options:

1. Approval of the map amendment/rezoning to OI.
2. Approval of the map amendment/rezoning to OI with added conditions.
3. Deny the rezoning request.

Recommended Action:

The Planning Staff recommends that the Zoning Commission move for APPROVAL of the requested rezoning to OI (Office & Institutional). The amendment is consistent with the overall neighborhood.

Attachments:

1. Application
2. Aerial Notification map
3. Zoning Map
4. Land Use Plan Map
5. Site Photos
6. Site Plan I
7. Site Plan II
8. UDO Table of Uses

Project Overview #351164

Project Title: Weiss Ave	Jurisdiction: City of Fayetteville
Application Type: 5.1) Rezoning (Map Amendment)	State: NC
Workflow: Staff Review	County: Cumberland

Project Location

Project Address or PIN:

- 1014 WEISS AVE (0427-90-3386-)
- 0427-90-4461 (Unverified)
- 0427-90-3386 (Unverified)

GIS Verified Data

Property Owner: Parcel	Acreage: Parcel
<ul style="list-style-type: none"> • 1014 WEISS AVE: THARPE, BILLY G 	<ul style="list-style-type: none"> • 1014 WEISS AVE: 0.4699999999999997
Zoning District: Zoning District	Subdivision Name: Parcel
<ul style="list-style-type: none"> • 1014 WEISS AVE: MR-5 	<ul style="list-style-type: none"> • 1014 WEISS AVE: NOT APPLICABLE

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: OI
Acreage to be Rezoned: .47	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: There is one building on the site and it is a multi-purpose training building.	B) Please describe the zoning district designation and existing uses of lands adjacent to and across the street from the subject site.: Across the street is a Local Church assembly and is zoned CC/ Commerical.

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

A) State the extent to which the proposed amendment is consistent with the comprehensive plan and all other applicable long-range planning documents.: This building and property has been used for several years as a Multi-purpose building and now will be used as a Bible College for the community. Most of the surrounding properties is commercial in nature.

B) Are there changed conditions that require an amendment? : Yes. It has been used commercially for years and just found out recently that it was not classified as commercial property.

C) State the extent to which the proposed amendment addresses a demonstrated community need.: Without this rezoning commitment the college will not be able to provide classes for the community in whom some are already committed to attend.

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 previous usage has been compatible with the surrounding usage especially across the street. The present usage will have the same compatible uses to what is being used across the street as well. Also looking at the map the creek dividing the property has a natural buffer between the residential area and the land that is zoned commercial already.

E) State the extent to which the proposed amendment results in a logical and orderly development pattern.: The proposed amendment will be an logically and orderly development pattern of the surrounding area because of the area that is zoned commercially already across the street from the proposed area. It seems as though that area would be consistent with across the street with both areas divided by a creek.

F) State the extent to which the proposed amendment might encourage premature development.: This proposed amendment might encourage future premature development by it be zoned commercially and also observing other commercial construction going up in the area.

G) State the extent to which the proposed amendment results in strip-style commercial development.: This proposal will not result in strip-style commercial development.

H) State the extent to which the proposed amendment results in the creation of an isolated zoning district unrelated to adjacent and surrounding zoning districts.: This proposed area would fall on one complete side of a creek with serves as a natural buffer to a large residential living area.

I) State the extent to which the proposed amendment results in significant adverse impacts on the property values of surrounding lands.: This proposed amendment will not have a significant adverse impact on the property values of surrounding lands.

J) State the extent to which the proposed amendment results in significantly adverse impacts on the natural environment.: This proposed amendment would not have an adverse impact on the natural environment.

Primary Contact Information

Project Contact - Agent/Representative

Billy Tharpe

599 Judsin Church Rd
Fayetteville, NC 28312
P:910-494-8430
bgtharpe@hotmail.com

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

Project Contact - Primary Point of Contact for the Contractor (Unlicensed)

Billy Tharpe

599 Judsin Church Rd
Fayetteville, NC 28312
P:910-494-8430
bgtharpe@hotmail.com

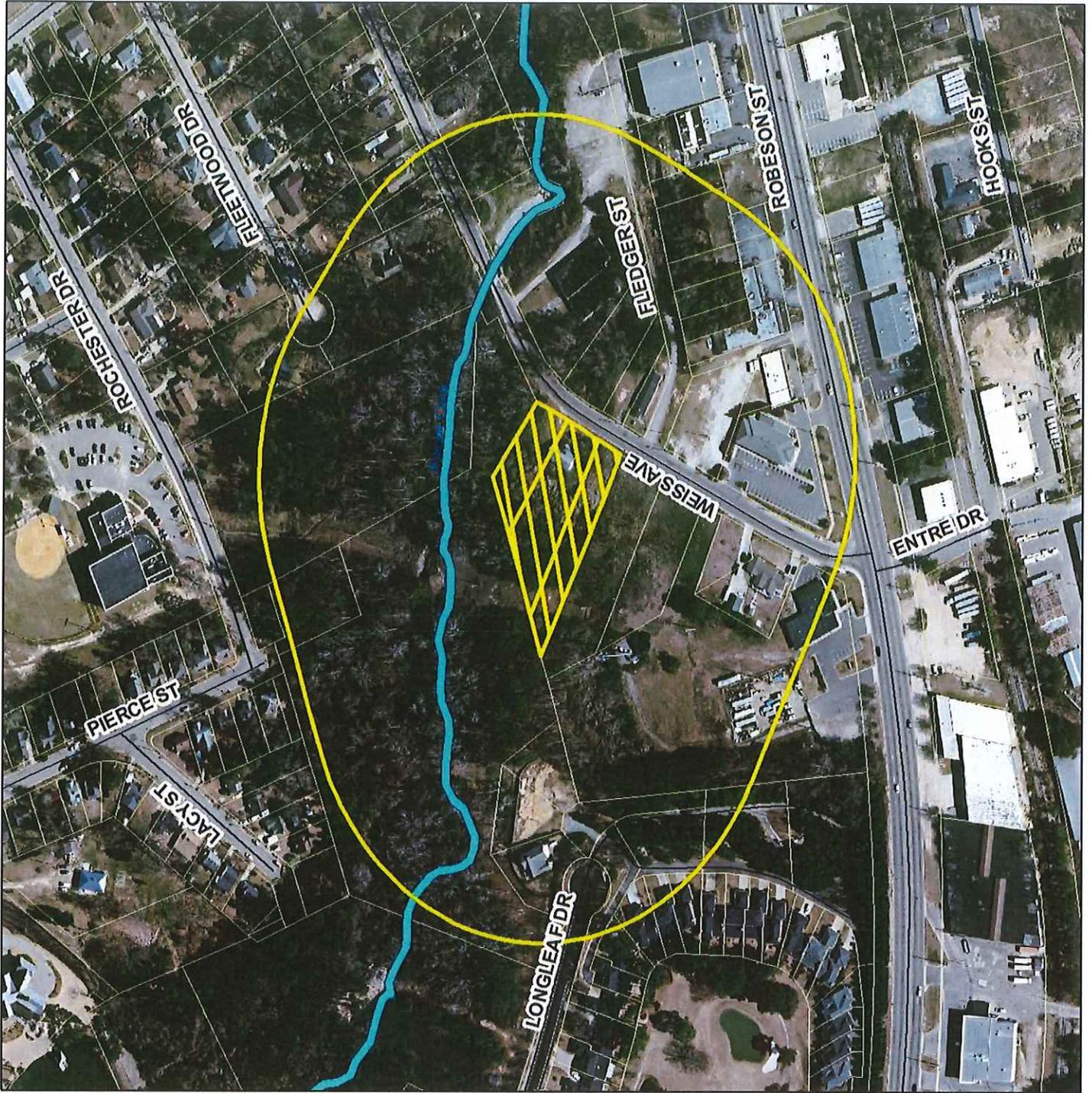
Project Owner

Billy Tharpe

599 Judsin Church Rd
Fayetteville, NC 28312
P:910-494-8430
bgtharpe@hotmail.com

NC State License Number:

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



Aerial Notification Map

Zoning Commission
02/11/2020

Case #: P20-08F

Request:
Rezoning (Map Amendment)
MR-5 to OI

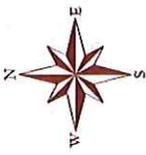
Location:
1014 Weiss Avenue
unaddressed Weiss Avenue
unaddressed Weiss Avenue

Pins:
0427-90-3386
0427-90-4461
0427-90-3332

Acreage to be Rezoned:
1.35 acres +/-

Legend

-  Buffer
-  P20-08F
-  River
-  Parcels




Letters are being sent to all property owners within the 500' buffer. Subject property is shown in the hatched pattern.

Recommendation:

Disposition Date:

Final Action:

Zoning Map

Zoning Commission
02/11/2020

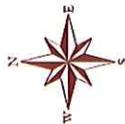
Case #: P20-04F

Request:
Conditional Rezoning
(Map Amendment)
SF-6 & NC to CC/CZ

Location:
409 Mayview Street

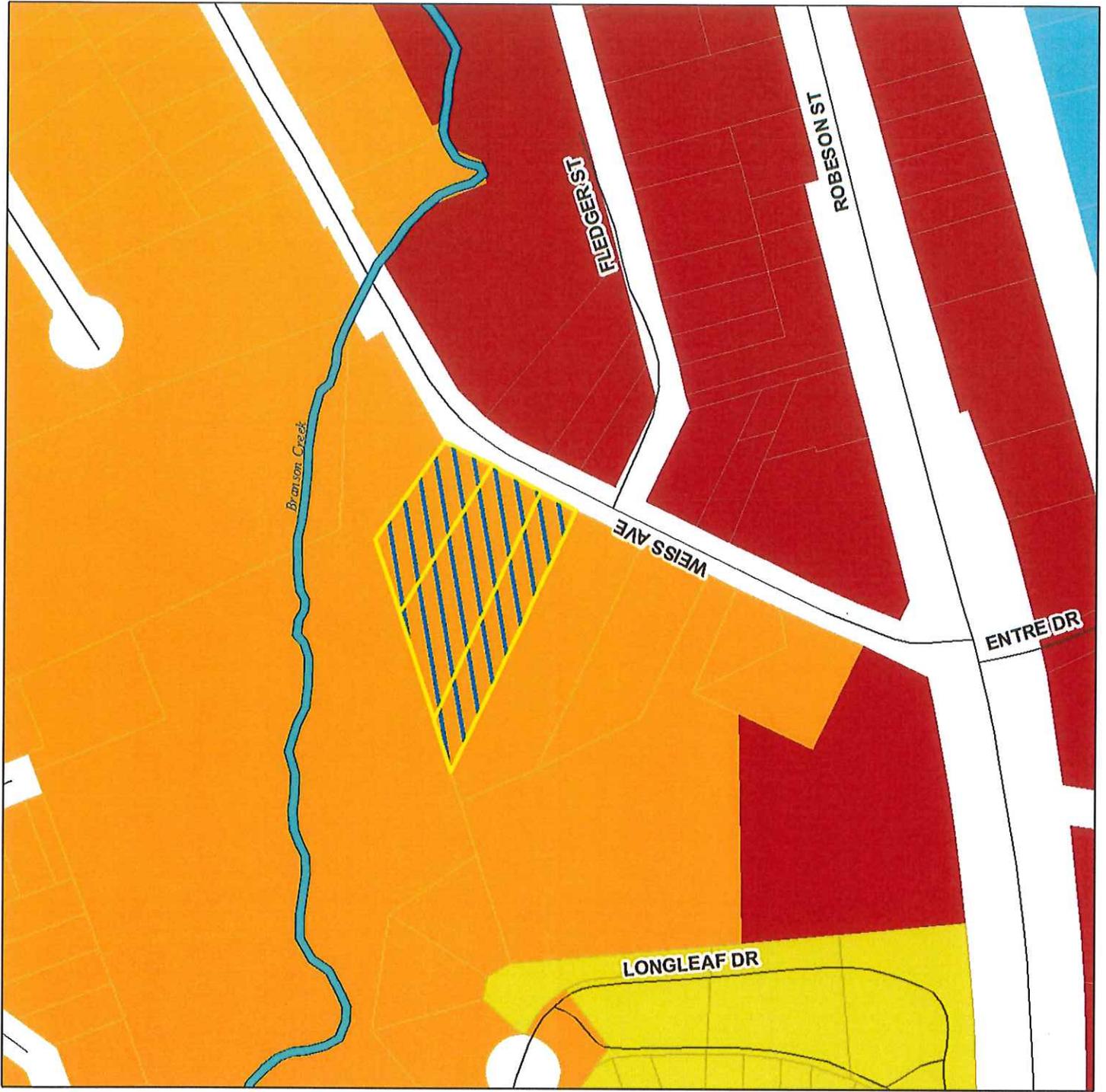
Pin:
0436-16-8813

Acreage:
0.34 acres



Legend

-  P20-08F
-  CC - Community Commercial
-  LI - Light Industrial
-  MR-5 - Mixed Residential 5
-  SF-15 - Single-Family Residential 15



Land Use Map

Zoning Commission
02/11/2020

Case #: P20-08F

Request:
Rezoning
(Map Amendment)
MR-5 to OI

Location:
1014 Weiss Avenue
2 unaddressed parcels Weiss Avenue

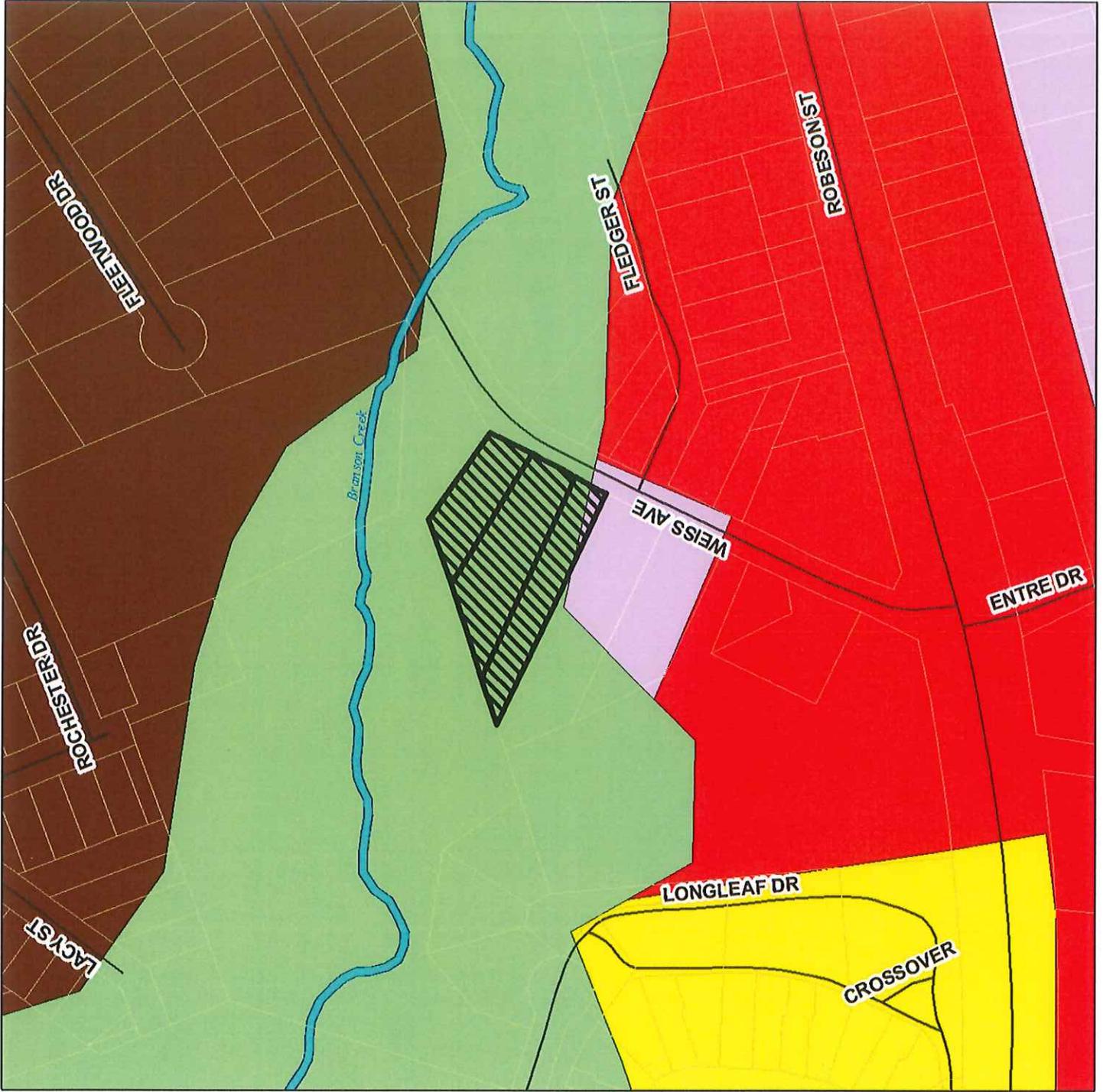
Parcel ID:
0427-90-3386
0427-90-4461
0427-90-3332

Area to be Rezoned:
1.35 acres +/-



Legend

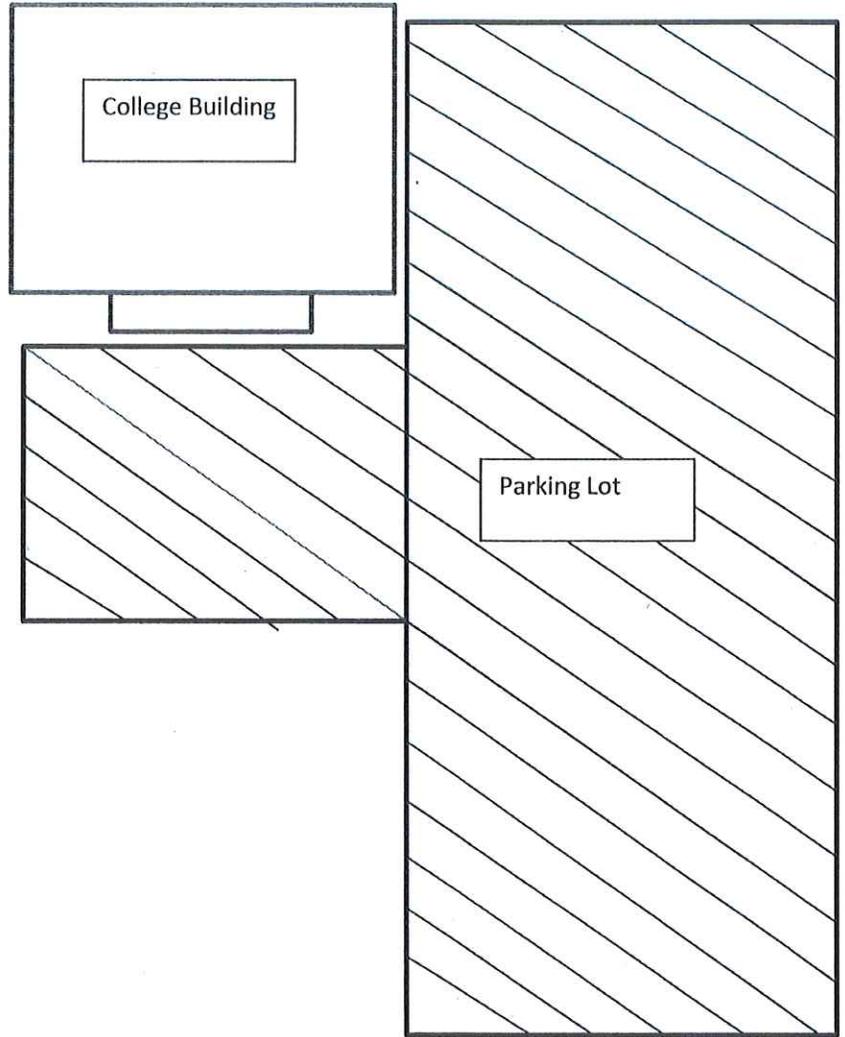
- P20-08F
- Low Density Residential
- High Density Residential
- Heavy Commercial
- Light Industrial
- Open Space



Subject Properties



College Site Phase I



College Site Phase II

