

P20-23F. Request to rezone property from Single Family Residential 6 (SF-6) to Community Commercial (CC), located at 4643 Yadkin Road, near its intersection with Castle Hayne Road (Tax Map # 0418-13-6911), containing 0.23927 +/- acres, represented by George Turner and being the property of Joseph Orsak.
(Craig Harmon)

ZONING COMMISSION STAFF REPORT

TO: Zoning Commission Members

THRU: Taurus Freeman – Planning & Zoning Divisional Manager

FROM: Craig Harmon, CZO – Planner II

DATE: July 14, 2020

RE:

P20-23F. Request to rezone property from Single Family Residential 6 (SF-6) to Community Commercial (CC), located at 4643 Yadkin Road, near its intersection with Castle Hayne Road (Tax Map # 0418-13-6911), containing 0.23927 +/- acres, represented by George Turner and being the property of Joseph Orsak. (Craig Harmon)

COUNCIL DISTRICT(S):

9 – Yvonne Kinston

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, George Turner, on behalf of the owner Joseph Orsak, has submitted a request to rezone 0.23927 +/- acres from Single Family 6 (SF-6) to Community Commercial (CC). This property is split zoned between three different districts. This request would increase the amount of CC zoning already on this property. No proposed development plans have been submitted with this request.

Background:

This property is located on Yadkin Road, across from Jim's Pawn Shop, near its intersection with Castle Hayne Road. This double frontage parcel also fronts on the All American Expressway. However, this property does not have access to use the expressway. The parent parcel is identified as 0418-13-6911, which currently has several buildings on it, including an auto sales lot.

Applicant: George Turner, Turner Realty Company

Owners: Joseph Orsak

Requested Action: Rezoning 0.23927 +/- acres from SF-6 to CC

Property Addresses: 4643 Yadkin Road

Council District: 9 – Yvonne Kinston

Status of Properties: Car Sales

Size: 0.23927 of 2.24 acres

Adjoining Land Use & Zoning:

- North: CC – Jim’s Pawn Shop
- South: SF-6 –Single Family & Commercial
- West: CC & SF-6 – Single Family & Commercial
- East: CC & LC – Commercial

Traffic Count: 16,000 on Ramsey Street per day.

Letters Mailed: 15

2040 Comprehensive Plan and Future Land Use Map

The 2040 Future Land Use Plan and Map were adopted in 2020. The plan and map covers the entirety of Fayetteville’s incorporated limits and Municipal Influence Area (MIA). Hence, the plan contains some recommendations, which are broad concepts applicable to all development within those areas.

According to Future Land Use Plan Map, this area should develop as a Regional Center. These areas encourage more intense uses, greater mix of uses and denser residential types in key focal areas.

Issues/Analysis:

The subject property is within an area that makes up Fayetteville’s major retail corridor. It is bordered to the west by the All American Expressway, which forms a buffer from the developing commercial area along Lake Valley Drive.

This property was already split zoned into three districts when the city annexed it. The section fronting Yadkin Road is zoned CC. The bulk of the remainder is zoned SF-6. In the southwest corner is a small sliver of SF-10 that borders the All American Expressway. The owner wishes to extend the CC zoning an additional 65.8 feet to the south.

According to the County’s tax records, this additional 65.8 feet has been taxed as commercial property for many years, although the commercial zoning did not extend to this area. Please see the attached “Proposed Rezoning Map” (Attachment 7) for a scale drawing of this request.

There is a small hole of residential zoning districts between Yadkin Road and All American. Outside of this residential hole is almost exclusively some type of commercial zoning. The parcels to the north are zoned Community Commercial (CC); whereas, the parcels to the south are zoned residential (SF-6). To the west and east is mainly commercial (CC) zoning.

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 Single Family 6 (SF-6) to Community Commercial (CC).

The purpose of the CC zoning district is “established and intended to accommodate a diverse range of medium- to high-intensity retail, service, and office uses that provide goods and services serving the residents and businesses in the community at large—e.g., shopping centers, convenience stores, retail sales establishments, and heavier commercial uses (subject to approval of a Special Use Permit (see Section 30-2.C.7)). The district is typically located along major arterials, at the intersection of arterials, and along growth corridors identified in City plans. Higher-density residential uses are encouraged on the upper floors of nonresidential establishments, and may exist as stand-alone buildings as part of a larger horizontal mixed- use development. The district is subject to standards intended to ensure development is compatible with surrounding uses as well as the design standards in Article 30-5: Development Standards.”

The reclassification of land to a straight zoning district allows all of the business/office/residential 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 2040 Future Land Use Plan and Map, this area is best served as a Regional Center. These centers encourage more intense uses, greater mix of uses and denser residential types in key focal areas.

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

- This proposed zoning map amendment implements the policies adopted in the Unified Development Ordinance and 2040 Future Land Use Plan and Map. This district type is intended to accommodate a diverse range of medium- to high-intensity retail, service, and office uses that provide goods and services serving the residents and businesses in the community at large—e.g., shopping centers, convenience stores, retail sales establishments, and heavier commercial uses. and;
- 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, uses surrounding this property and the recommendations of the 2040 Future Land Use Plan; 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.
2. Approval of the map amendment/rezoning to a more restrictive zoning district.
3. Deny the rezoning request.

Recommended Action:

The Staff recommends that the Zoning Commission recommend approval of the requested rezoning to CC (Community Commercial) as presented by Staff and based on the information provided above and all attachments.

- The amendment is consistent with applicable plans because: 1) the City's Unified Development Ordinance and 2040 Future Land Use Plan supports community commercial zoning district uses in the area; 2) the uses surrounding this property are a mix of mainly commercial uses which are compatible with the proposed zoning; and 3) the proposed zoning is reasonable and in the public interest because the proposed zoning fits the character of the overall area.

Attachments:

1. Application
2. Aerial Notification map
3. Zoning Map
4. Land Use Plan Map
5. Subject Properties Photos
6. Surrounding Properties Photos
7. Affidavit of Ownership
8. Proposed Rezoning Map
9. Elevation and Contour
10. UDO Table of Uses

Project Overview

#359436

Project Title: 4643 Yadkin Road Rezoning Request
Application Type: 5.1) Rezoning (Map Amendment)
Workflow: Staff Review

Jurisdiction: City of Fayetteville
State: NC
County: Cumberland

Project Location

Project Address or PIN: 4643 YADKIN RD PIN: 0418-13-6911 (Unverified)

GIS Verified Data

Property Owner:	Acreage:
Zoning District:	Subdivision Name:
Fire District:	Airport Overlay District:
Hospital Overlay District:	Coliseum Tourism District:
Cape Fear District:	Downtown Historic District:
Haymount Historic District:	Floodway:
100 Year Flood:	500 Year Flood:
Watershed:	

General Project Information

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

Previous Amendment Case #:

Acreage to be Rezoned: 0.23927

Water Service: Public

A) Please describe all existing uses of the land and existing structures on the site, if any: Proposed Rezoning request site currently is in use by Legacy Auto Imports (a pre-owned auto sales lot). Use is retail sale of pre-owned automobiles. There is a 1 story Pre-Engineered Steel Frame building on the site currently occupied by Legacy Auto Imports.

Previous Amendment Approval Date:

Proposed Zoning District: CC

Is this application related to an annexation?: No

Sewer Service: Public

B) Please describe the zoning district designation and existing uses of lands adjacent to and across the street from the subject site.: Currently the car lot site is zoned CC. The dimensions are 158.4 ft x 82.7 ft. This rezoning request proposes to increase the depth of the CC zoning from 82.7 to 148.5 feet, adding an additional 10,422.72 square feet (approximately 1/4 Acre) of CC to the rear boundary of the car lot. This is to provide additional space for more cars and allow for the car lot operator to request a building permit for a proposed covered shed for the purpose of detailing cars for sale. The 10,422.72 sq-ft of additional CC zoning would come from an area currently zoned SF-6 where the property owner currently maintains a residence. In fact the 158.4 ft x 148.5 feet of property has been taxed at the Commercial square footage rate for decades due to an error in

Cumberland County's tax mapping. The additional 10,422 square feet would only correct the zoning to match what we have been paying in Commercial Zoning Rate taxes for decades.

To the east the area is bordered by a multi-unit retail sales facility which is zoned LC.

To the west the area is bordered by retail sales facility currently occupied by "MadVapes, LLC", currently zoned CC.

To the north across the street is "Jim's Pawn Shop & Gun Jobbery", a pawn shop and indoor shooting range. It is currently zoned CC.

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

A) State the extent to which the proposed amendment is consistent with the comprehensive plan and all other applicable long-range planning documents.: The Yadkin Road corridor is considered a commercial location, not suitable for residential uses any longer. This request is merely an extension of the existing zoning to allow the current business to function and cure an existing non-conforming use.

B) Are there changed conditions that require an amendment? : An existing non-conforming use.

C) State the extent to which the proposed amendment addresses a demonstrated community need.: Retail sales of pre-owned automobiles at Legacy Auto Imports, LLC are increasing. The proposed 10,422 square feet addition of CC Zoning will benefit the surrounding community by offering additional affordable transportation options for sale.

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 subject land would be a 10,422 square foot addition to the current use of the adjacent land which has been in use as a pre-owned auto sales lot since 1974. It is the appropriate zoning district due to the history of previous use, the benefit to the community, and the increase in local commerce. In fact the property has been taxed at the commercial square footage rate for decades due to an error in Cumberland County's tax mapping. The additional 10,422 square feet would only correct the zoning to match what we have been paying in Commercial Zoning taxes for decades.

E) State the extent to which the proposed amendment results in a logical and orderly development pattern.: The proposed amendment is an increase in size of CC Zoning to allow for growth of retail sales of pre-owned automobiles. The land has been in use as a car lot for many years and this proposed amendment would add enough space for organic growth of the car lot.

F) State the extent to which the proposed amendment might encourage premature development.: We are unaware of any reason the proposed amendment would encourage premature development as it is a small increase in size of a land use which has been in operation for many years.

G) State the extent to which the proposed amendment results in strip-style commercial development.: The proposed amendment does not result in any strip-style commercial development as it is a stand alone business.

H) State the extent to which the proposed amendment results in the creation of an isolated zoning district unrelated to adjacent and surrounding zoning districts.: The proposed amendment does not result in the creation of an isolated zoning district unrelated to adjacent and surrounding zoning districts as the surrounding parcels are of the same or similar zoning.

I) State the extent to which the proposed amendment results in significant adverse impacts on the property values of surrounding lands.: The proposed amendment does not result in significant adverse impacts on the property values of surrounding lands as they are currently in use as the same or very similar land uses.

In fact the property has been taxed at the commercial square footage rate for decades due to an error in Cumberland County's tax mapping. The additional 10,422 square feet would only correct the zoning to match what we have been paying in Commercial Zoning taxes for decades.

J) State the extent to which the proposed amendment results in significantly adverse impacts on the natural environment.: The proposed amendment does not result in in significantly adverse impacts on the natural environment as it is only a small increase in area and the only additional proposed construction will be to place a covering over an already existing concrete pad.

Primary Contact Information

Project Contact - Agent/Representative

George Turner
Turner Realty Company
1300 Pamalee Drive
Fayetteville, NC 28303
P:910-263-0803
georgeturner@hotmail.com

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

Project Owner

Joseph Orsak
7132 Asheway Dr
Holly Springs, NC 27540
P:9193466685
w4wn@arrl.net

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**

7/14/20

Case #: P20-23F

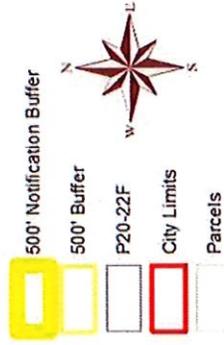
Request:
Rezoning (Map Amendment)
To CC

Location:
4643 Yadkin Road

Pins:
0418-13-6911

Acreage to be Rezoned:
0.23927 acres +/-

Legend

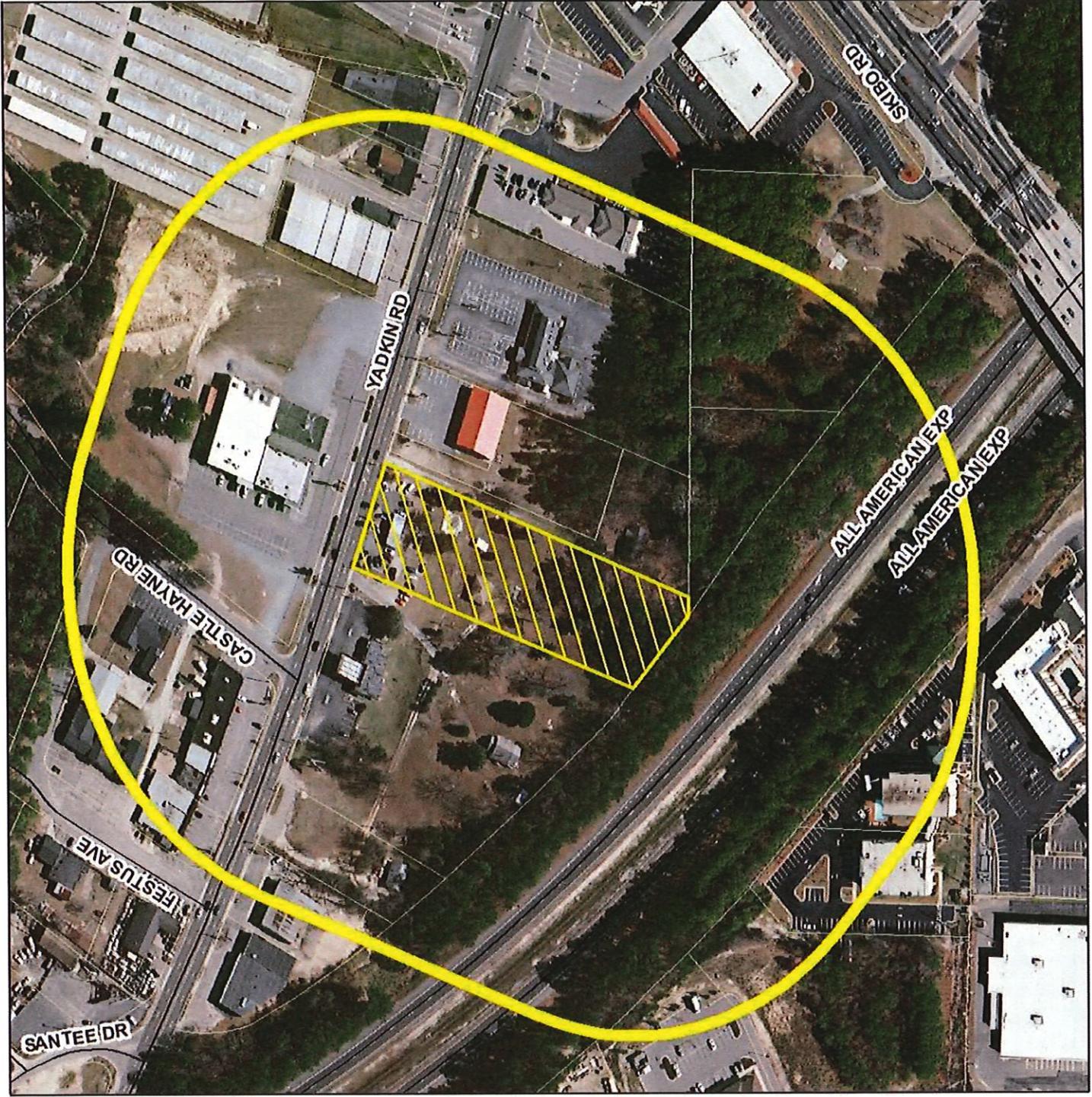


Letters are being sent to all property owners within the 500' buffer. Subject property is shown in the hatched pattern.

Recommendation: Approval

Disposition Date: 7/14/20

Final Action:



Zoning Map

Zoning Commission
07/14/2020

Case #: P20-23F

Request:
Rezoning (Map Amendment)
To CC

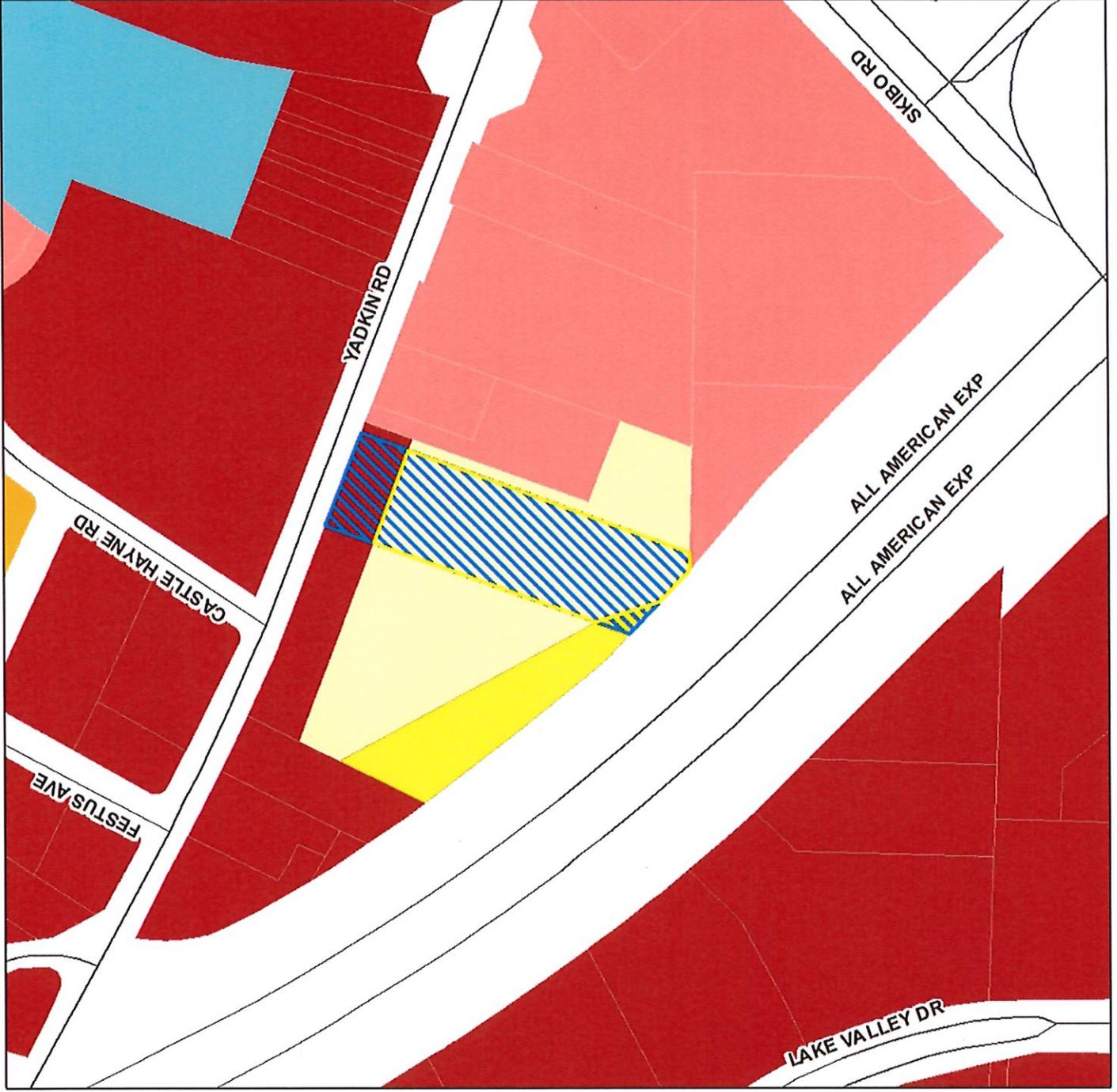
Location:
4643 Yadkin Road

Pins:
0418-13-6911

Acreeage to be Rezoned:
0.23927 acres +/-



- CC - Community Commercial
- LC - Limited Commercial
- LI - Light Industrial
- MR-5 - Mixed Residential 5
- SF-6 - Single-Family Residential 6
- SF-10 - Single-Family Residential 10
- City Limits



**2040 Future Land
Use Plan Map**

Zoning Commission
07/14/2020

Case #: P20-23F

Request:
Rezoning (Map Amendment)
To CC

Location:
4643 Yadkin Road

Pins:
0418-13-6911

Acreage to be Rezoned:
0.23927 acres +/-



Legend

2040 FUTURE LAND USE

Catagories

 RC - REGIONAL CENTER





Subject Property





Adjacent Properties



AFFIDAVIT OF OWNERSHIP

I, JOSEPH D. ORSAK, being duly sworn, deposes and says:

1. That I am the owner of the property/properties located at 4643 YADKIN ROAD in the City of Fayetteville, a political subdivision of the State of North Carolina.

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

3. This authority is only granted for the application to be submitted on 3/5/20.

Joseph D. Orsak
Signature of Affiant

Joseph D. Orsak
Signature of Affiant

Cumberland County, North Carolina

Sworn to and subscribed before me this day on the 5th day of March, 2020

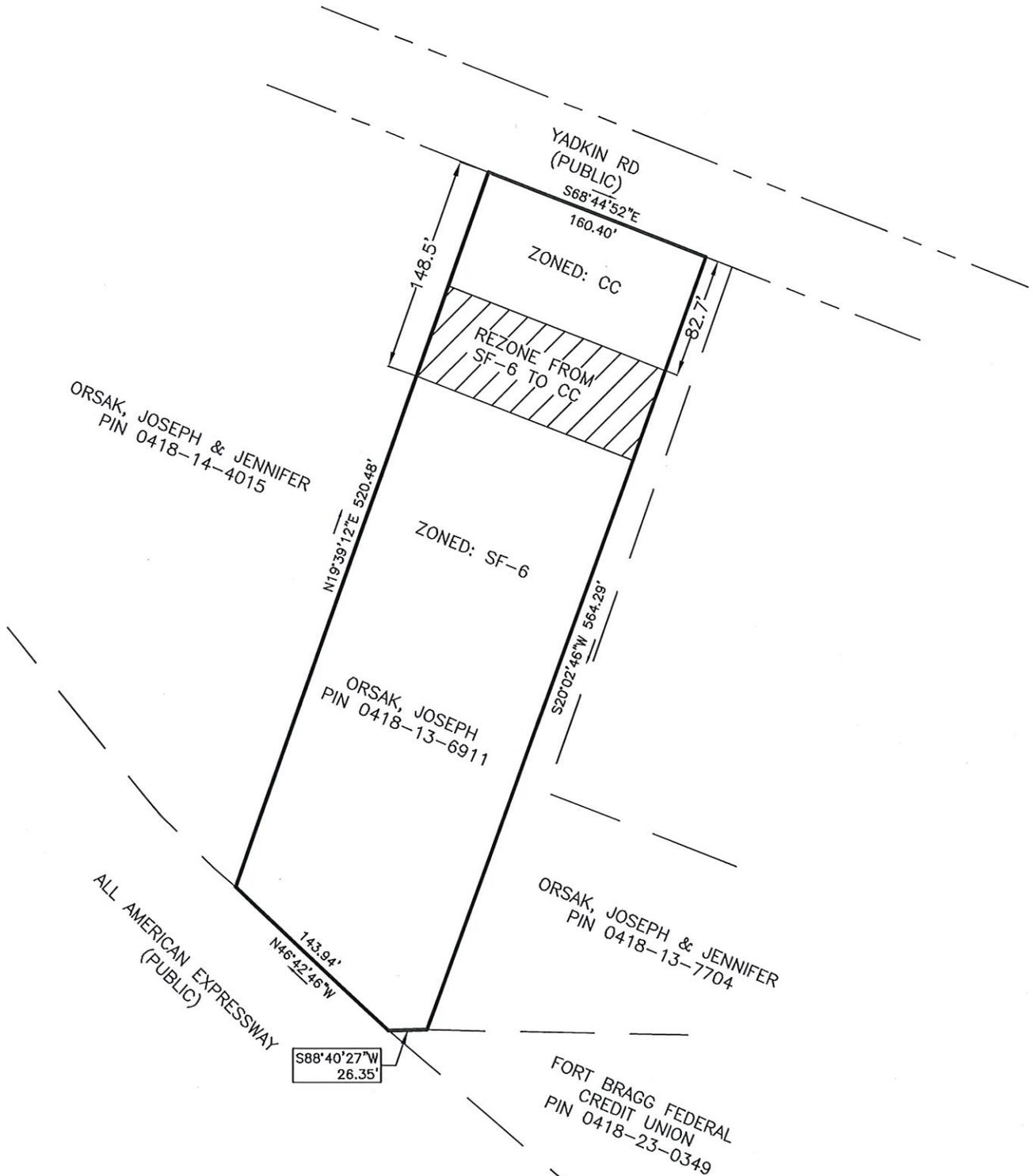
Kelly A Sweet
Signature of Notary Public

(Official Seal)

Kelly A Sweet, Notary Public
Printed Name of Notary Public

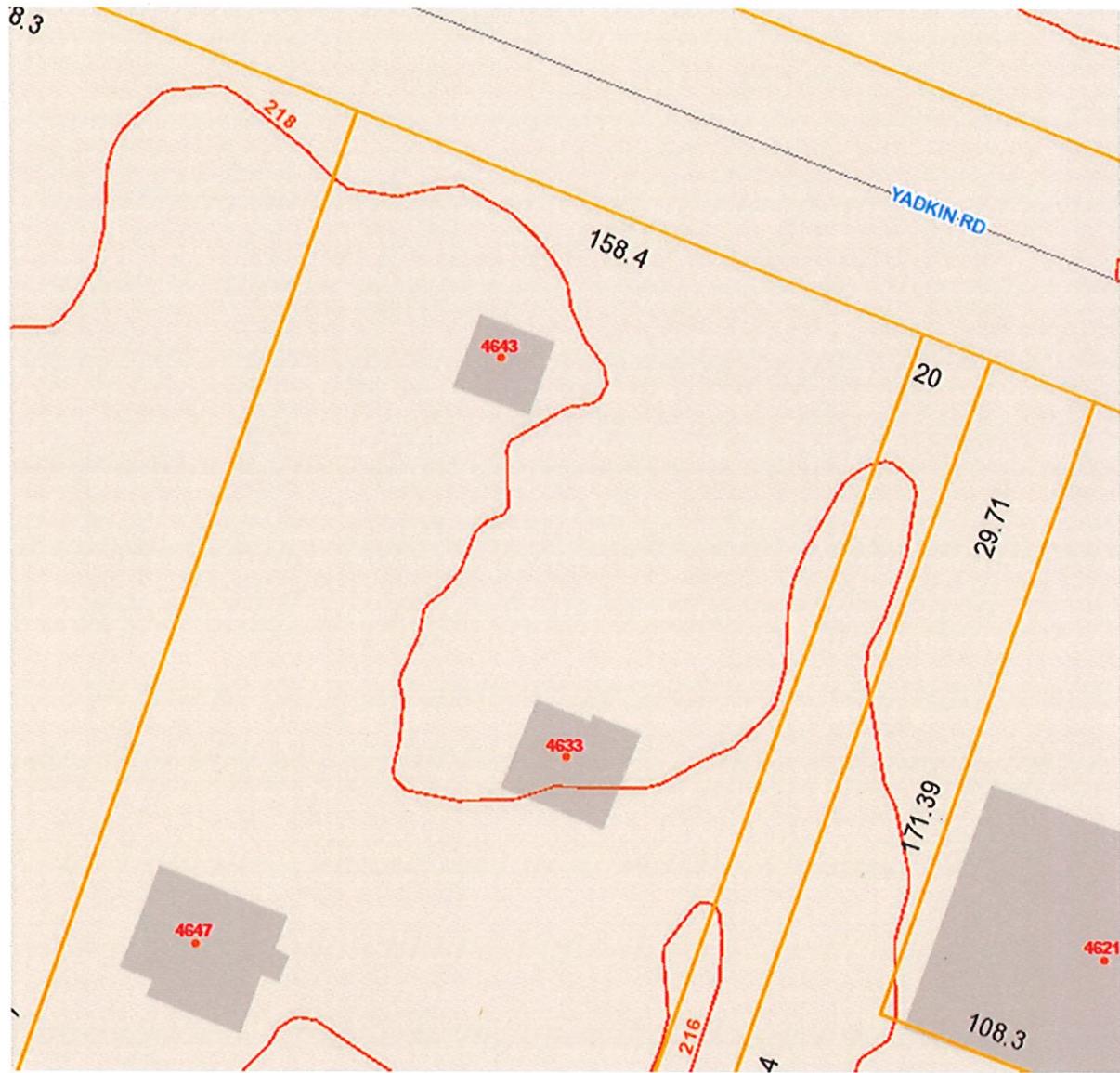


My Commission Expires: Feb. 1, 2021



ZONING REQUEST FROM SF-6 TO CC
SCALE 1"=100'

4643 Yadkin Road Elevation Contour



P20-12F. Rezoning of all or portions of properties located on Candlelight Drive off Kenwood Drive and on Arbor Road from Single-Family Residential 6 (SF-6), Single-Family Residential 10, and Limited Commercial (LC) to Mixed Residential 5 (MR-5), totaling 8.82 acres ± and being the properties of Measamer Construction Co. Inc and Westco Properties, LLC, represented by Tim Clark of McKim and Creed. (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: July 14, 2020

RE:

P20-12F. Rezoning of all or portions of properties located on Candlelight Drive off Kenwood Drive and on Arbor Road from Single-Family Residential 6 (SF-6), Single-Family Residential 10, and Limited Commercial (LC) to Mixed Residential 5 (MR-5), totaling 8.82 acres ± and being the properties of Measamer Construction Co. Inc and Westco Properties, LLC, represented by Tim Clark of McKim and Creed.

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, Tim Clark, has submitted a request to rezone thirty – five (35) properties from Single-Family Residential 10, Single-Family Residential 6, and Limited Commercial to Mixed Family Residential 5.

Background:

The properties are located off of Candlelight Drive and Arbor Road just west of Ramsey Street. The subject properties are undeveloped and total 8.82 acres ±.

Applicant: Tim Clark

Owners: Measamer/West, LLC and Westco Properties, LLC.

Requested Action: Rezoning from SF-10, SF-6 and LC to MR-5

Property Addresses: 5215 Arbor Road & 2920 thru 3046 Candlelight Drive

Council District: 2

Status of Properties: Undeveloped

Size: 8.82 acres ±

Adjoining Land Use & Zoning:

- North: SF-6 – Apartment Complex
- South: SF-10 – Single Family Residential
- West: SF-6 – Single Family Residential
- East: LC – Commercial Strip Shopping Center

Traffic Count: Between 28,000 and 34,000 on Ramsey Street per day (2016).

Letters Mailed: 98

Land Use Plans

With the adoption of the City of Fayetteville's Future Land Use Plan on May 26, 2020 by the Fayetteville City Council, all properties within the city limits of the City of Fayetteville as well as properties identified as being in the Municipal Influence Area (MIA) are subject to this plan.

Issues/Analysis:

History

The majority of properties in this area were annexed into the City of Fayetteville between 1970 and 1990. This area is close to the major thoroughfare of Ramsey Street and has a variety of zoning districts in the immediate area. Zoning districts range from various commercial and residential districts to the east along Ramsey Street to low and medium density residential zoning districts between Stacy Weaver Drive to the south and Ridgeway Drive to the north.

In 2005, the Candlewick Townhomes were presented to the City for initial approval and was granted approval for a 112 unit townhome community. Of those originally approved 112 units, 18 units have been completed between 2006 and 2007. With the granting of the initial building permits, the site became vested according to the ordinance in effect at the time which had less stringent site design requirements in regards to landscaping, road design, etc. The site, as presented in 2005, is vested and development can proceed as originally presented.

However, on December 18, 2019, the project was submitted for a preliminary site plan review by the Technical Review Committee. This review was to evaluate the site for the possibility of changing from a townhome on individual lots to an apartment complex community. During this evaluation, the comments received were generic comments regarding fire hydrants, power transformers, landscaping, lighting, etc.

Surrounding Area

To the north of the property are two apartment complexes – Cobblestone Apartments and Tallstone Apartments. According to the Cumberland County Tax Assessors' Office, Cobblestone Apartments was recorded in 1986 and has 134 apartment units. Tallstone Apartments was recorded in 1995 and has 12 apartment units.

Single-family residential subdivisions surround the location to the south and the west. College Lake Subdivision is to the south and Revere's Run subdivision is to the west. To the east of the property along Ramsey Street are several commercial developments.

Proposed Rezoning Project

The currently submitted rezoning application is a request to rezone property currently zoned as Single-Family Residential 10 (SF-10), Single-Family Residential 6 (SF-6), and Limited Commercial (LC) to Mixed Residential (MR-5). There are multiple parcels associated with this rezoning request due to the fact that some of the individual lots identified with the original townhome community were platted with the Cumberland County Tax Office. Each parcel's identification numbers are identified in the chart below along with the approximate acreage associated with each parcel. Prior to development all parcels and portions will have to be combined into a single parcel. The applicant has also submitted a preliminary plat with the metes and bounds that illustrate the accurate boundaries of the land to be recombined

Kenwood Apartment Site Breakdown					
Parcel ID Number	Description	Acreage	Parcel ID Number	Description	Acreage
0530-53-7891	Unplatted area	6.832	0530-53-6638	Lot 40	0.048
0530-53-4791	Portion of Lot 23	0.004	0530-53-6741	Lot 41	0.048
0530-53-5703	Lot 24	0.046	0530-53-6753	Lot 42	0.048
0530-53-5717	Lot 25	0.048	0530-53-6765	Lot 43	0.046
0530-53-5729	Lot 26	0.048	0530-53-6778	Lot 44	0.048
0530-53-5832	Lot 27	0.048	0530-53-6882	Lot 45	0.048
0530-53-5844	Lot 28	0.048	0530-53-6894	Lot 46	0.046
0530-53-5857	Lot 29	0.048	0530-53-7806	Lot 47	0.048
0530-53-5960	Lot 30	0.048	0530-53-7819	Lot 48	0.048
0530-53-5973	Lot 31	0.046	0530-53-7921	Lot 49	0.048
0530-53-5985	Lot 32	0.048	0530-53-7945	Lot 50	0.046
0530-53-5997	Lot 33	0.048	0530-53-7947	Lot 51	0.048
0530-54-6000	Lot 34	0.048	0530-54-7050	Lot 52	0.048
0530-54-6024	Lot 35	0.047	0530-54-7062	Lot 53	0.048
0530-54-6036	Lot 36	0.046	0530-54-7075	Lot 54	0.059
0530-54-6048	Lot 37	0.048	0530-53-6465	Portion of Lot 56	0.009
0530-54-6141	Lot 38	0.048	0530-53-6361	Lot 57	0.481
0530-54-6164	Lot 39	0.059	New Kenwood Apartment Acreage		8.823

Although it is not required for a straight rezoning application, the applicant has submitted a proposed site development plan as well as the proposed building elevation. The proposed site development plan shows the proposed configuration of the site with the proposed roadway connections and building locations. According to the application, the owners are seeking to develop the site into a multi-family townhome style apartment community consisting of approximately 81 units.

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 Single Family Residential 10, Single Family Residential 6, and Limited Commercial to Mixed Family Residential 5.

The purpose of the MR-5 zoning district is to “establish and intended to meet the diverse housing needs of City residents by accommodating a wide variety of residential housing types and arrangements at moderate to high densities, including single-family detached dwellings, two- to four- family dwellings, and other residential development that may include single-family attached dwellings, and zero lot line development subject to the requirements of this Ordinance.”

The reclassification of land to a straight zoning district allows all of the 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 Future Land Use Plan Map, this area should develop as a Medium Density Residential (MDR). These areas encourage single family residential neighborhoods with small lots (3 – 6 dwellings per acre), duplex or townhomes interspersed as well as low-rise apartments possible with walkable neighborhoods and destinations.

The City Planning Staff recommends APPROVAL of the map amendment to MR-5 based on the following:

- This proposed zoning map amendment implements the policies adopted in the Unified Development Ordinance. This district type is intended to meet the diverse housing needs of City residents by accommodating a wide variety of residential housing types and arrangements at moderate to high densities, including single-family detached dwellings, two- to four- family dwellings, multi-family dwellings, and other residential development that may include single-family attached dwellings, and zero lot line development;
- 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 MR-5.
2. Approval of the map amendment/rezoning to MR-5 with added conditions.
3. Deny the rezoning request.

Recommended Action:

The Staff recommends that the Zoning Commission recommend approval of the requested rezoning to MR-5 (Mixed Residential 5) as presented by Staff and based on the information provided above and all attachments.

- The amendment is consistent with applicable plans because: 1) the City's Unified Development Ordinance and 2040 Future Land Use Plan supports mixed residential zoning district uses in the area; 2) the uses surrounding this property are a mix of mainly multi-family residential as well as single family residential uses which are compatible with the proposed zoning; and 3) the proposed zoning is reasonable and in the public interest because the proposed zoning fits the character of the overall area.

Attachments:

1. Application
2. Aerial Notification map
3. Zoning Map
4. Land Use Plan Map
5. Subject Properties
6. Preliminary Site Plan
7. Proposed Building Elevation
8. UDO Table of Uses

Project Overview #348444

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

Project Location

Project Address or PIN: 2920 CANDLELIGHT DR (0530-53-7831-)

GIS Verified Data

Property Owner: Parcel	Acreage: Parcel
<ul style="list-style-type: none"> 2920 CANDLELIGHT DR: MEASAMER/WEST LLC 	<ul style="list-style-type: none"> 2920 CANDLELIGHT DR: 8.0399999999999991
Zoning District: Zoning District	Subdivision Name: Parcel
<ul style="list-style-type: none"> 2920 CANDLELIGHT DR: SF-6 	<ul style="list-style-type: none"> 2920 CANDLELIGHT DR: CANDLEWICK TOWNHOMES

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: 8.03</p> <p>Water Service: Private</p> <p>A) Please describe all existing uses of the land and existing structures on the site, if any: THE REZONING AREA IS VACANT LAND. ORIGINALLY A PORTION OF THE CANDLEWICK TOWNHOME DEVELOPMENT, THIS AREA HAD NO TOWNHOMES CONSTRUCTED. THERE DOES EXIST AN EXTENSION OF CANDLE LIGHT DRIVE AND PUBLIC UTILITIES ACROSS A PORTION OF THE REZONING AREA. THERE ARE 35 INDIVIDUALLY PLATTED LOTS (UNDER 2-DIFFERING OWNERSHIPS) AND UNDEVELOPED LAND UNDER A 3RD OWNERSHIP. THE MAKEUP OF THE REZONING AREA IS OPEN, LIGHTLY VEGETATED, VACANT LAND, AND DENSELY VEGETATED VACANT LAND. THE CANDLEWICK TOWNHOME DEVELOPMENT IS ADJACENT TO BUT NOT A PARTY TO THE REZONING.</p>	<p>Previous Amendment Approval Date:</p> <p>Proposed Zoning District: MR-5</p> <p>Is this application related to an annexation?: No</p> <p>Sewer Service: Private</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 PROJECT SITE ADJACENT LANDS CONSISTS OF SINGLE FAMILY LOTS TO THE WEST ZONED SF-10, MULTIFAMILY (COBBLE STONE APARTMENTS) TO THE NORTH ZONED SF-6, A RETAIL CENTER (VARIOUS SHOPS), BOWLING ALLEY (NORTH VIEW LANES) AND STORAGE FACILITY (AMERICAN FLAG STORAGE) TO THE SOUTH ZONED LC, AND CANDLEWICK TOWNHOMES DEVELOPMENT SPLIT ZONED SF-6 & SF-10. THE OPPOSITE SIDE OF KENWOOD DRIVE IS SINGLE FAMILY LOTS ZONED SF-10</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.: THE FUTURE LAND USE PLAN DESIGNATES THE PROJECT SITE AS "MDR - MEDIUM DENSITY" WHICH IS CHARACTERIZED AS "PRIMARILY SINGLE FAMILY RESIDENTIAL NEIGHBORHOODS WITH SMALL LOTS (3-6 DWELLINGS PER ACRE), DUPLEX OR TOWNHOMES INTERSPERSED; LOW-RISE APARTMENTS POSSIBLE. MOSTLY AUTO-ORIENTED, BUT SOME WALKABLE NEIGHBORHOODS AND DESTINATIONS". THE MR-5 ZONING DISTRICT IS CONSISTENT WITH THE INTENT OF THE MDR DESIGNATION. ADDITIONALLY THE MR-5 ZONING DISTRICT IS RELEVANT TO THE INTENT OF THE CURRENT SF-6 ZONING DISTRICT AS BOTH ARE RESIDENTIAL IN NATURE.

B) Are there changed conditions that require an amendment? : THERE ARE NO CHANGED CONDITIONS THAT REQUIRE AN AMENDMENT.

C) State the extent to which the proposed amendment addresses a demonstrated community need.: THE PROJECT SITE IS A PORTION OF A PARTIALLY DEVELOPED TOWNHOME COMMUNITY KNOWN AS CANDLEWICK TOWNHOMES. THE ORIGINAL PLANS, APPROVED IN 2005, PROPOSED A TOWNHOME COMMUNITY FOR THE ENTIRE TRACT OF LAND. UNFORTUNATELY THE PROJECT STALLED MID-CONSTRUCTION DURING THE RECESSION, RESULTING IN ONLY 5 COMPLETED TOWNHOME BUILDINGS WITH ASSOCIATED ROADWAYS AND INFRASTRUCTURE. SINCE THE COMPLETION OF THE 5 TOWNHOME BUILDINGS SOME TIME AROUND 2006/2007 THE PROJECT HAS NOT MOVED FORWARD. THE UNDEVELOPED PORTION OF THE PROPERTY CURRENTLY LIES AS OPENSOURCE AND 35-VACANT PLATTED TOWNHOME LOTS. THIS AREA HAS BECOME HOME TO MISCHIEF AND DRUG USE (AS DESCRIBED BY A RESIDENT OF THE AREA) PRESENTING SAFETY CONCERNS TO EXISTING, ADJACENT COMMUNITIES. THE INCOMPLETE NATURE OF THE DEVELOPMENT PROVIDES EASY ACCESS TO A SECLUDED AREA IN THE MIDDLE OF A DEVELOPED COMMUNITY. THE MR-5 ZONING DISTRICT ALLOWS FOR GREATER FLEXIBILITY OF RESIDENTIAL DEVELOPMENT PROVIDING GREATER OPPORTUNITY FOR THE DEVELOPMENT OF THIS VACANT LAND AND ELIMINATE COMMUNITY SAFETY CONCERNS.

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.: AS MENTIONED ABOVE, THE ADJACENT USES AND ZONING DISTRICTS CONSIST OF SF-10, SF-6, AND LC, WITH TOWNHOMES, SINGLE FAMILY, MULTIFAMILY AND VARIOUS RETAIL/COMMERCIAL USES. THE MAJORITY OF THE SURROUNDING AREA IS RESIDENTIAL USES/ZONING DESIGNATIONS, AS IS THE PROPOSED MR-5 DESIGNATION, ASSERTING COMPATIBILITY WITH THE EXISTING USES/ZONING DESIGNATIONS. MR-5 IS MORE APPROPRIATE FOR THE PROJECT AREA AS THIS GENERALLY HIGHER DENSITY ZONING DESIGNATION CAN PROVIDE FOR A MORE LINEAR TRANSITION FROM THE LC ZONING TO THE SOUTH TO THE SF-6 TO THE NORTH. COBBLE STONE APARTMENTS TO THE EAST CURRENTLY HAS A DENSITY OF 10.72 UNITS/ACRE (134 UNITS / 12.5 AC FROM ONLINE RECORDS) IN EXCESS OF THE SF-6 ZONING ALLOWANCE. THIS DENSITY IS MORE IN LINE WITH THE MR-5 ZONING DESIGNATION, FURTHER SUPPORTING THE MR-5 DESIGNATION FOR THE PROJECT SITE.

E) State the extent to which the proposed amendment results in a logical and orderly development pattern.: A LOGICAL AND ORDERLY DEVELOPMENT PATTERN CAN BE CHARACTERIZED AS ONE THAT PROVIDES FOR GRADUAL CHANGES IN DENSITY AND USES. AS MENTIONED ABOVE IN SECTION D, THE MR-5 DESIGNATION PROVIDES FOR A MORE GRADUAL TRANSITION IN ZONING DESIGNATIONS AS IT RELATES TO THE SURROUNDING AREA.

F) State the extent to which the proposed amendment might encourage premature development.: THE PROJECT SITE WILL NOT ENCOURAGE PREMATURE DEVELOPMENT AS THE COMMUNITY AROUND IT IS MOSTLY DEVELOPED. IT IS LIKELY BEST CATEGORIZED AS UNDER DEVELOPED AS IT IS A VACANT TRACT OF LAND IN A DEVELOPED AREA AND WAS ANTICIPATED TO BE A COMPLETED DEVELOPMENT AROUND 2007. THE NEW ZONING DESIGNATION SHOULD ENCOURAGE DEVELOPMENT DUE TO ITS GREATER FLEXIBILITY IN PERMITTED USES.

G) State the extent to which the proposed amendment results in strip-style commercial development.: THE PROPOSED AMENDMENT WILL LIKELY NOT RESULT IN A STRIP-STYLE COMMERCIAL DEVELOPMENT. GIVEN THE COMPOSITION, ACCESSIBILITY AND UNEXPOSED NATURE OF THE PROPERTY, IT IS NOT LIKELY A DESIRABLE LOCATION FOR A STRIP-STYLE COMMERCIAL DEVELOPMENT. THE MR-5 DESIGNATION DOES INCLUDE PROVISIONS FOR USES ASSOCIATED WITH STRIP-STYLE COMMERCIAL DEVELOPMENT HOWEVER, IT WILL REQUIRE A SPECIAL USE PERMIT.

H) State the extent to which the proposed amendment results in the creation of an isolated zoning district unrelated to adjacent and surrounding zoning districts.: THE PROPOSED MR-5 ZONING DESIGNATION DOES NOT CREATE AN ISOLATED ZONING DISTRICT UNRELATED TO THE ADJACENT AND SURROUNDING USES. MR-5 ZONING IS A RESIDENTIAL DISTRICT AS IS A MAJORITY OF THE ADJACENT ZONING DISTRICTS. ADDITIONALLY ALLOWABLE USES WITHIN MR-5 ARE RATHER CONSISTENT WITH THE ADJACENT USES. PATCHES OF MR-5 ARE ALSO EVIDENT IN THE SURROUNDING AREA.

I) State the extent to which the proposed amendment results in significant adverse impacts on the property values of surrounding lands.: THE PROPOSED AMENDMENT SHOULD NOT RESULT IN SIGNIFICANT ADVERSE IMPACTS ON THE PROPERTY VALUES AS THE PROPOSED DESIGNATION IS COMPATIBLE AND SIMILAR TO THE ADJACENT ZONING DISTRICTS. AS MENTIONED ABOVE IN SECTION C THERE ARE EXISTING SAFETY CONCERNS WITH THIS AREA AND THE PROPOSED ZONING DESIGNATION CAN PROVIDE GREATER OPPORTUNITY FOR DEVELOPMENT, THEREFORE ELIMINATING CONCERNS AND POTENTIALLY HAVING POSITIVE IMPACTS TO ADJACENT PROPERTY VALUES.

J) State the extent to which the proposed amendment results in significantly adverse impacts on the natural environment.: THE PROPOSED AMENDMENT DOES NOT RESULT IN SIGNIFICANTLY ADVERSE IMPACTS TO THE NATURAL ENVIRONMENT. A GREAT MAJORITY OF THE PROJECT SITE IS BARREN EXPOSED SOIL WITH SPARSE VEGETATION. THE STORMWATER MANAGEMENT SYSTEM APPEARS TO BE FAULTY AND INCOMPLETE. THERE ARE NO WETLANDS PRESENT ON SITE. THE MR-5 ZONING DESIGNATION SHOULD NOT NEGATIVELY IMPACT THE NATURAL FUNCTIONS OF THE ENVIRONMENT ANY MORE THAN THE CURRENT DESIGNATION. DEVELOPMENT OF THIS PROPERTY WOULD REQUIRE THE STABILIZATION OF EXPOSED SOILS AND CORRECTIVE MEASURES ENACTED FOR THE DEFUNCT STORMWATER SYSTEM. CHANGING THE DESIGNATION TO A MORE FLEXIBLE RESIDENTIAL ZONING DESIGNATION SHOULD ENCOURAGE DEVELOPMENT AND IMPROVE THE PROJECT SITE AND SURROUNDING NATURAL ENVIRONMENT.

Primary Contact Information

Project Contact - Agent/Representative

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

Architect,Attorney,Developer,Engineer,Landscape Architect

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Project Owner

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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. :

Project Contact - Primary Point of Contact for Engineer

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Landscape Architect

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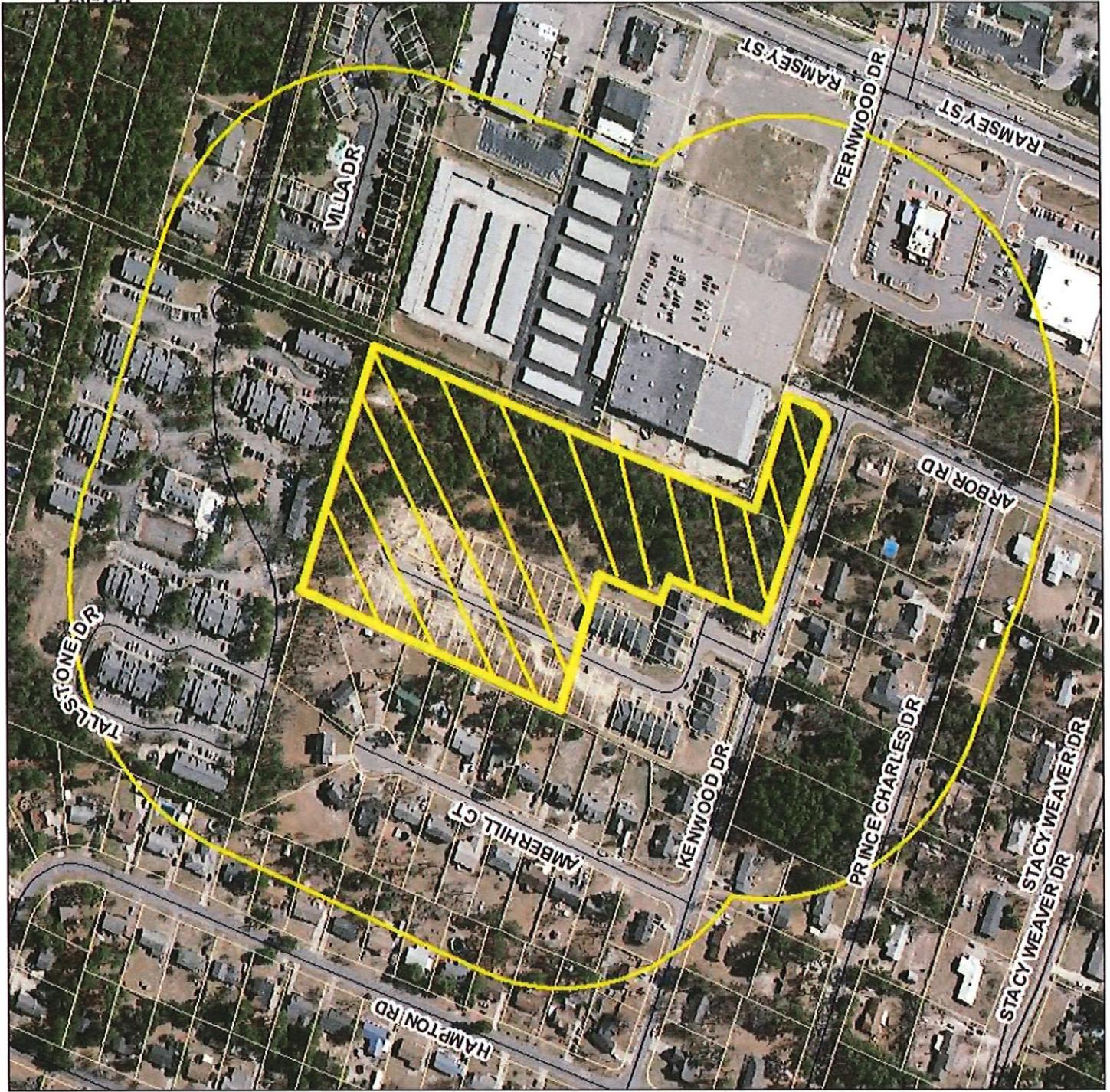
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Aerial Notification Map

Zoning Commission
7/14/2020

Case #: P20-12F

Request:
Map Amendment

Location:
2920 Candlelight Drive

Pin:
Multiple

Acreage:
8.82 acres



Legend

-  P20-12F
-  Buffer
-  Parcels



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

Zoning Map

Zoning Commission
07/14/2020

Case #: P20-12F

Request:
Map Amendment
SF-10 to MR-5

Location:
2920 Candlelight Drive

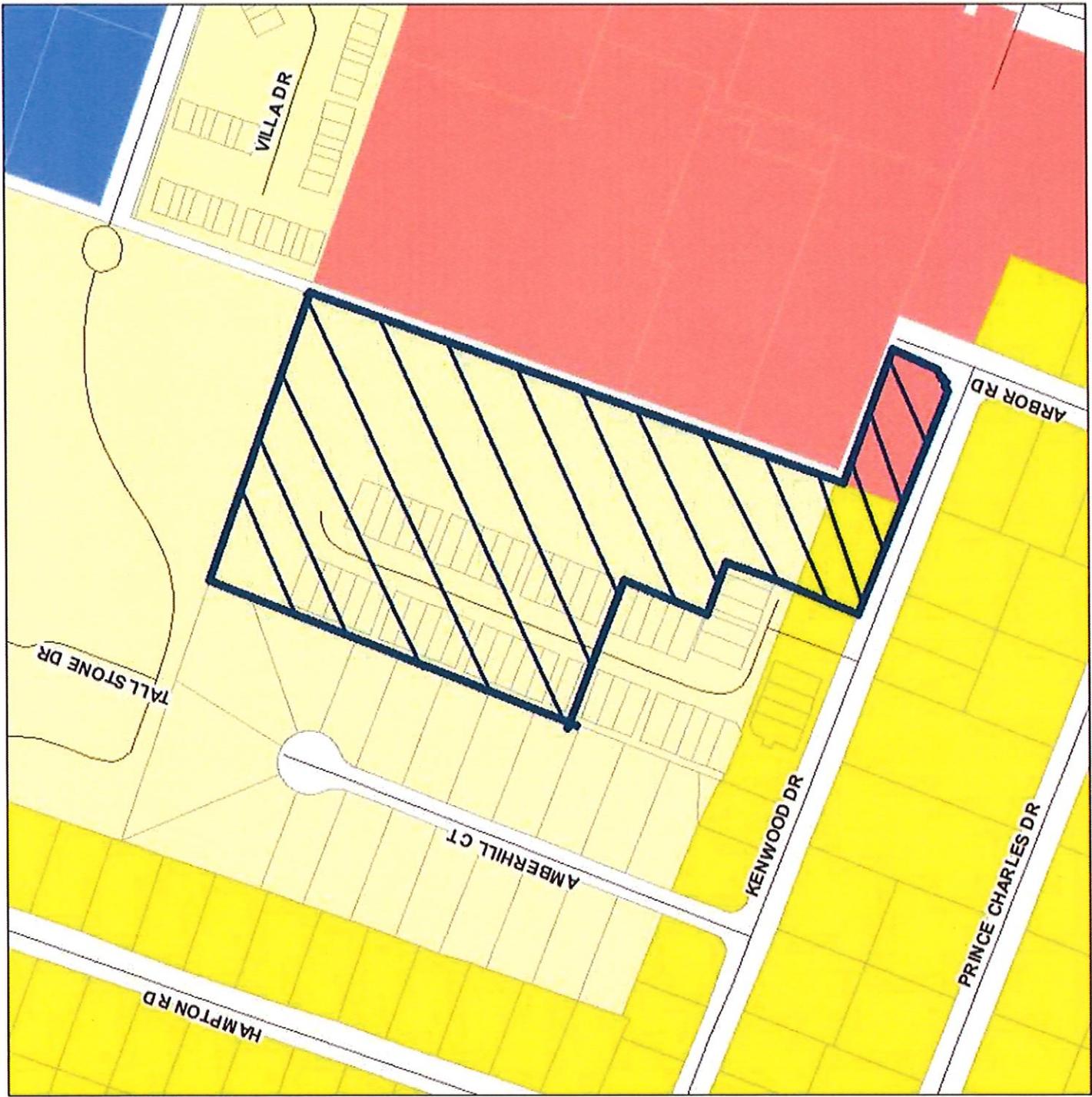
Pin:
Multiple

Acreege:
8.82 acres



Legend

-  LC - Limited Commercial
-  OI - O'ffice & Institutional
-  SF-6 - Single-Family Residential 6
-  SF-10 - Single-Family Residential 10



Land Use Map
Zoning Commission
07/14/2020

Case #: P20-12F

Request:
Map Amendment
SF-10 to MR-5

Location:
2920 Candlelight Drive

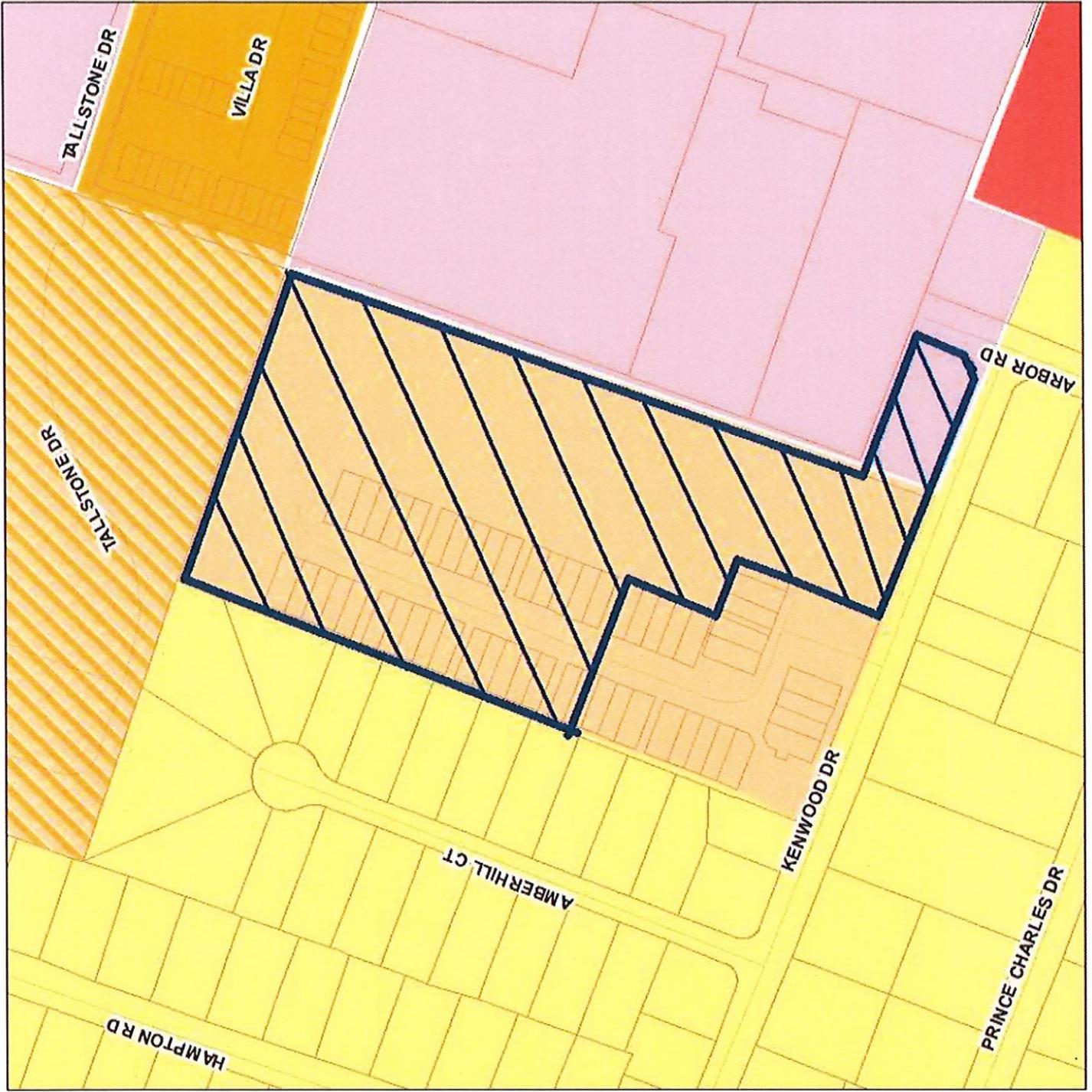
Pin:
Multiple

Acres:
8.82 acres



FUTURE LAND USE

-  LOW DENSITY
-  MEDIUM DENSITY
-  NEIGHBORHOOD IMPROVEMENT
-  HIGH DENSITY RESIDENTIAL
-  NEIGHBORHOOD MIXED USE
-  HIGHWAY COMMERCIAL



Subject Properties



