

**AGENDA
CITY OF FAYETTEVILLE
ZONING COMMISSION
COUNCIL CHAMBERS
1ST FLOOR, CITY HALL
ELECTRONIC/ZOOM MEETINGS
MAY 26, 2020 @ 4:00 P.M.**

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1ST FLOOR, CITY HALL
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MAY 26, 2020 @ 4:00 P.M.**

- I. APPROVAL OF AGENDA**
- II. INTRODUCTION OF COMMISSION MEMBERS**
- III. APPROVAL OF MINUTES FROM MARCH 10, 2020, MEETING**
- IV. PUBLIC HEARINGS**

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

P20-12F. Rezoning of thirty-six properties located on Candlelight Drive off of Kenwood Drive from Single-Family Residential 6 (SF-6) to Mixed Residential 5 (MR-5), totaling 9.82 acres ± and being the properties of Measamer Construction Co. Inc and Westco Properties, LLC, represented by Tim Clark of McKim and Creed. (Jennifer Baptiste)

P20-18F. Request to rezone property from Mixed Residential 5 (MR-5) to Limited Commercial (LC), located on Raeford Road at its intersection with private road Spotted Horse Lane (Tax Map # 9476-87-9366), containing 15 +/- acres, represented by Charles Morris and being the property of Robert Gregory Family LLLP. (Craig Harmon)

P20-15F. The request is for a Special Use Permit to build a multi-family duplex in an area zoned Single Family Residential 6 (SF-6), located at 1805 Bragg Blvd (Tax Map # 0427-79-0942), 0.22 acres ±, represented by Rodney Davis of RE Davis Builders and being the property of Mary Ann Capps. (Craig Harmon)

P20-19F. The request is for a Special Use Permit to reduce the required 500 feet distance separation between a Warehouse Storage use and residential uses, zoned Heavy Industrial (HI), located at 601 Hillsboro Street (Tax Map # 0437-48-3320), 8.03 acres ±, represented by Bryan Welborn of NSE and being the property of M M Smith Storage Warehouse, Inc. (Jennifer Baptiste)

P20-20F. The request is for a Special Use Permit to build multi-family townhouse units in an area zoned Single Family Residential 6 (SF-6), located on Bluffside Drive, near the intersection with Cape Point Drive (Tax Map # (0447-35-7569), 6.29 acres ±, represented by Jeffrey Nobles of Larry King & Assoc. and being the property of Anthony Cimaglia, River Bluff Partners, LLC. (Craig Harmon)

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
MARCH 10, 2020 @ 6:00 P.M.**

MEMBERS PRESENT

David Baran, Vice Chair
Willie Dorman Jr
Roger Shah
Bryant S. Edwards (arrived late during recess)
Dineen Morton

STAFF PRESENT

David Steinmetz, Assistant Director
Taurus Freeman, Planning & Zoning Division Manager
Jennifer C. Baptiste, Senior Planner
Craig Harmon, Planner II
Alicia Moore, Planner II
Hadley Joseph, Planner II
Lachelle Pulliam, Assistant City Attorney
Catina Evans, Office Assistant II

The March 10, 2020, Zoning Commission Meeting was called to order by Vice Chairman David Baran at 6:00 p.m. Baran asked each member to announce themselves and each member stated their name. Baran asked if board members had any conflicts and each member confirmed they did not have a conflict. Baran stated that if anyone wanted to speak they had to be sworn in and speakers were sworn in by David Steinmetz.

Mr. Freeman asked for a five-minute recess with Vice Chair Baran. Following the recess, Baran requested a motion to approve the agenda and postpone case P20-12F until May 13, 2020.

I. APPROVAL OF AGENDA

MOTION: Roger Shah motioned to approve the meeting agenda and postpone case P20-12F until May 13, 2020.

SECOND: Dineen Morton

VOTE: Unanimous (5-0)

II. MINUTES FOR FEBRUARY 11, 2020, MEETING

MOTION: Willie Dorman Jr. motioned to approve the minutes from the February 11, 2020, meeting.

SECOND: Roger Shah

VOTE: Unanimous (4-0) Edwards abstained because he was not at the previous meeting.

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.

P20-09F. Jennifer Baptiste presented a special use permit to allow a paint and body shop in a former automotive parts shop. The property is zoned Community Commercial (CC) and Heavy Industrial (HI). It is currently located south of East Russell Street and east of Alexander Street. According to the 2010 Land Use Map, this property should be identified as open space, and it has been previously used as commercial space. The applicant wants to rent out the space and provide parking behind the facility. Additionally, the front of the property will be office space and storage along with an auto body business. A vacant industrial site is located to the south and an auto machine shop and commercial developments are located east of the property. The owner plans to have adequate parking and an area in the back to store vehicles.

Staff recommended approval of the request on the condition that it must meet the following developmental conditions per Section 30-4.C.1:

- In districts where the use is permitted, the use shall be located at least 250-feet from any residential building, educational facility (except vocational schools), or child care center. When the use is allowed subject to a special use permit, the appropriate distance can be determined based on site conditions.
- Vehicles shall not be parked as a source of parts or for the purpose of sale or lease/rent.
- Repair and storage of all vehicles shall occur within an enclosed building. Temporary outdoor vehicle storage may be allowed in an outdoor storage area that is not larger than 25 percent of the buildable area of the lot, located behind or to the side of the principal structure, and screened with a wooden fence or masonry wall in accordance with Section 30-5.D, Fences and Walls.
- Vehicles that are repaired and are awaiting removal shall not be stored or parked for more than 30 consecutive days. In cases where a vehicle is abandoned by its lawful owner before or during the repair process, the vehicle may remain on site as long as is necessary after the 30-day period, provided the owner or operator of the establishment demonstrates steps have been taken to remove the vehicle from the premises using the appropriate legal means.

Staff recommended approval based on:

- The 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.

Baptiste asked if there were any questions for the staff. Shah asked if the adjoining property is owned by the applicants and Baptiste said yes. Baran opened the public hearing.

Speakers in favor were as follows:

Edgar Quinones, 2348 Cleveland Avenue, Fayetteville, NC 28312

Since there were no questions for Mr. Quinones, Baran closed the hearing and requested a motion.

MOTION: Baran moved to approve the special use permit based on the following findings:

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

According to Section 30-4.C.4.k.1 *Automotive Painting/Body Shop*, “shall comply with the following standards:

- a. In districts where the use is permitted, the use shall be located at least 250 feet from any residential building, educational facility (except vocational schools), or child care center. When the use is allowed subject to a special use permit, the appropriate distance can be determined based on site conditions.
- b. Vehicles shall not be parked as a source of parts or for the purpose of sale or lease/rent.
- c. Repair and storage of all vehicles shall occur within an enclosed building. Temporary outdoor vehicle storage may be allowed in an outdoor storage area that is not larger than 25 percent of the buildable area of the lot, located behind or to the side of the principal structure, and screened with a wooden fence or masonry wall in accordance with Section **30-5.D, Fences and Walls**.
- d. Vehicles that are repaired and are awaiting removal shall not be stored or parked for more than 30 consecutive days. In cases where a vehicle is abandoned by its lawful owner before or during the repair process, the vehicle may remain on site as long as is necessary after the 30-day period, provided the owner or operator of the establishment demonstrates steps have been taken to remove the vehicle from the premises using the appropriate legal means.

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

The proposed use is similar to the previous development uses of this site. In addition, the use directly adjacent to this site is an automotive machinist shop that has been in operation since the 1990s. These uses have operated in this area without conflicting with the other neighboring business and without impeding traffic.

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 major thoroughfare and will not require new ingress and egress points to accommodate the proposed use.

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 site is being established to a similar previous use and is consistent with the overall area. 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.

SECOND: Willie Dorman

VOTE: Unanimous (5-0)

David Baran opened the hearing for case P20-13F.

P20-13F. Craig Harmon presented a special use permit to allow a communications tower to be located in a Community Commercial (CC) zoning district. The applicant had to resubmit their request because the previous special use permit expired. The property is surrounded by farmland and woods in the county jurisdiction. The cell tower would be placed behind the main structure.

Staff required the SUP meet the following development conditions:

- The use shall be located at least 250 feet from any residential district, school, or child care center;
- No heavy equipment display shall be located within a required setback or perimeter buffer;
- The use shall not have more than one heavy equipment display pad for every 100 feet of street frontage;
- No heavy equipment shall be displayed on the top of a building; and
- 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.

Staff recommended approval of the request with the conditions as follows:

1. Compliance with the attached site plan, with final review and approval by the TRC, including the reduction in the required tower yard setbacks identified previously.

Staff recommended approval of the SUP based on the following:

- The tower would be located in a commercial area that is away from other development.
- The tower would still be in compliance if a setback reduction is granted.
- The conditions listed above.
- The proposal meets all of the use-specific standards listed above.
- The proposal meets all eight findings of fact.

Harmon asked if there were questions for the staff. Since there were no speakers in favor or opposition and the applicant was not present, Baran closed the hearing and called for a motion.

MOTION: Edwards moved to recommend approval of the request for the SUP based on the conditions that it is in compliance with the attached site plan, with final review and approval by the TRC, including the reduction in the required tower yard setbacks identified previously and it meets the fact findings as follows:

1. The special use complies with all applicable standards in Section 30-4.C.3.i, Use-Specific Standards; The owners request a reduction in the setback requirements as shown on the site plan and in the Issues/Analysis section above.

Use-Specific Standards:

Freestanding Towers

4. *Freestanding Towers*

Freestanding telecommunications towers, whether as a principal or accessory use, shall comply with the following standards:

a. *Safety*

1. Before obtaining a Building Permit, the applicant shall submit to the City Manager engineering drawings for the tower, sealed by a licensed engineer, that include a statement that the tower will meet all applicable local, State, and Federal building codes and structural standards.
2. Every two years after construction of a tower, the owner shall submit to the City Manager a statement on the tower's structural soundness that is signed and sealed by an engineer. Every sixth year, the statement shall be signed and sealed by an independent, registered, and licensed engineer.

b. *Height*

The height of a telecommunications tower, including any building or structure atop which the tower is located, shall not exceed 450 feet.

c. *Aesthetics*

1. A monopole shall be used unless a different structure is explicitly approved by City Council.
2. Towers shall either maintain a galvanized steel finish or be painted.
3. Towers shall be camouflaged with the surrounding area, through paint, incorporation into architectural design/structure, or other means, to the maximum extent practicable.
4. The exterior appearance of ground-based accessory structures located within a residential zoning district shall be designed to look like a residential structure typical of the district (e.g., with a pitched roof and frame or brick siding).
5. Photo imagery shall be used to illustrate the appearance of the facility and its visual impact on the area.

d. *Lighting*

If lighting is required by the Federal Aviation Administration (FAA), it shall comply with FAA standards. To the extent allowed by the FAA, strobe lights shall not be used for nighttime lighting and lighting shall be oriented so as not to project directly onto any surrounding residentially-zoned property. Documentation from the FAA that the lighting is the minimum lighting it requires shall be submitted to the City Manager before issuance of any building permit for the tower.

e. *Setbacks*

1. Except as provided in subsection iii., telecommunications towers shall be set back from abutting property lines the distance equal to or exceeding that in Table 30-4.C.3, Freestanding Telecommunications Tower Setback Standards.
2. Buildings associated with a telecommunications facility shall meet the minimum setback requirements for the zoning district where located.
3. When a tower, building or other structure is being added to an existing telecommunications tower site that was in existence prior to the adoption of the setback requirements under subsection b.i. and ii. above and the existing site does not comply with the setback requirements of subsection b.i. and ii., the Council, upon good cause shown by the applicant and evidence provided by a North Carolina registered professional engineer regarding the safety of the proposed setback, may reduce the setback requirements for the tower, building or other structure to be added to the existing site.

f. *Separation from Other Towers*

New telecommunication towers shall not be located within 1,500 feet of an existing telecommunications tower. This standard shall not apply to a telecommunications tower placed out of view in a building or other structure. The 1,500-foot standard may be reduced or waived through the special use permit process based on mitigating circumstances which may include, but are not limited

to, topographical or transportation facility barriers (such as rivers, railways, and major highways), degree or extent of separation from other such uses, and surrounding neighborhood characteristics.

g. *Collocation*

1. No freestanding telecommunications tower shall be allowed unless it is demonstrated that no suitable existing tower, building, or other structure within the coverage area is available for the collocation of antennas.
2. New freestanding telecommunications towers shall be designed to accommodate the present and future needs of the owner and at least two comparable users. Unused space on an existing telecommunications tower shall be made available to other users at a fair market rental unless mechanical, structural, or regulatory factors prevent collocation. In determining fair market rental, the rent paid by a current collocater under a swapping agreement need not be considered.

h. *Buffer and Screening*

A Type D buffer (see Section 30-5.B.4.d, Property Perimeter Landscape,) shall be provided around the perimeter of a freestanding telecommunications tower facility (including equipment structures and guy anchor supports).

i. *Security Fencing*

Towers, guy anchor supports, and ground-based equipment buildings shall be enclosed by security fencing not less than ten feet in height.

j. *Interference*

No telecommunications tower, antenna, or supporting equipment shall disturb or diminish radio or television or similar reception on adjoining residentially zoned land.

k. *Use of Associated Buildings*

Building and structures associated with a telecommunications tower shall not be used as an employment center for any worker. This does not prevent the periodic maintenance, inspection, and monitoring of equipment and instruments, or renovation of the facility.

l. *No Outdoor Storage*

No outdoor storage shall be allowed on a telecommunications tower site.

m. *Compliance with State or Federal Laws and Regulations*

Towers and antennas shall meet or exceed current standards and regulations of the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), and any other agency of the State or Federal government that regulates telecommunications towers and antennas.

n. *Replacement of Existing Towers*

Existing freestanding towers may be replaced with a new tower that increases the number of collocation opportunities, subject to the following standards:

1. The height of the replacement tower shall not exceed 110 percent of the height of the replaced tower.
2. The replacement tower shall be located within 100 feet of the replaced tower, unless the City Manager determines that a farther distance furthers the purpose and intent of this Ordinance.
3. The replacement tower shall comply with all the standards of this section.

o. *Nonconforming Telecommunications Towers*

Nonconforming telecommunications towers shall be allowed to remain and be maintained in accordance with the standards in Article 30-7: Nonconformities. Additional equipment may be added to the tower provided that such additions do not increase the degree of nonconformity.

p. *Discontinued Use*

If a telecommunications tower is not used for a period of six consecutive months, the City Manager

may send the tower owner notice indicating that the tower must be removed within 90 days from the date of notice.

5. *Collocation of Antennas on Existing Towers*

Antennas may be collocated on existing towers if they comply with the following standards:

- a. It is demonstrated the tower can accept the additional structural loading created by the collocation.
- b. Any modification of an existing tower to accommodate the collocation of additional antenna shall comply with the height limit established for freestanding telecommunications towers in Section 30-4.C.3.i.4.b, Height.
- c. Antennas and associated equipment shall comply with the safety, lighting, interference, and regulatory compliance standards for telecommunications towers included within this subsection.

6. *Placement of Antennas on an Existing Buildings*

An antenna may be attached to any business or multi-family residential building in accordance with the following standards:

- a. *Height*
The antenna shall not extend above a height 20 percent higher than the highest point of the building or structure.
- b. *Other Standards*
Antennas and associated equipment shall comply with the safety, lighting, interference, and regulatory compliance standards for telecommunications towers included within this sub-section.
- c. *Screening*
 1. Antennas visible from the street shall be omni-directional, be screened, or be camouflaged, to the maximum extent practicable, to minimize their appearance.
 2. All other equipment shall be located within the building or screened in some other fashion to prevent off-site views.

SECOND: Dineen Morton

VOTE: Unanimous (5-0)

IV. OTHER BUSINESS

Freeman stated that five cases are up for review next month by the Zoning Commission. Within the next two months the staff will be conducting administrative rezoning with the local institutions. Additionally, the staff is working to expand the downtown rezoning boundaries. This is based on the Downtown Urban Design Plan.

V. ADJOURNMENT

MOTION: Baran moved to adjourn the meeting.

SECOND: Roger Shah

The March 10, 2020, meeting adjourned at 6:42 p.m.

Respectfully submitted by Catina Evans

P20-12F. Rezoning of thirty-six properties located on Candlelight Drive off of Kenwood Drive from Single-Family Residential 6 (SF-6) to Mixed Residential 5 (MR-5), totaling 9.82 acres ± and being the properties of Measamer Construction Co. Inc and Westco Properties, LLC, represented by Tim Clark of McKim and Creed. The applicant requested postponement of this case. (Jennifer Baptiste)

P20-18F. Request to rezone property from Mixed Residential 5 (MR-5) to Limited Commercial (LC), located on Raeford Road at its intersection with private road Spotted Horse Lane (Tax Map # 9476-87-9366), containing 15 +/- acres, represented by Charles Morris and being the property of Robert Gregory Family LLLP.
(Craig Harmon)

ZONING COMMISSION STAFF REPORT

TO: Zoning Commission Members

THRU: Taurus Freeman – Planning & Zoning Divisional Manager

FROM: Craig Harmon, CZO – Planner II

DATE: May 26, 2020

RE:

P20-18F. Request to rezone a portion of a property from Mixed Residential 5 (MR-5) to Limited Commercial (LC), located on Raeford Road intersecting with private road Spotted Horse Lane (Tax Map # 9476-87-9366), containing 15 +/- acres, represented by Charles Morris and being the property of Robert Gregory Family LLLP. (Craig Harmon)

COUNCIL DISTRICT(S):

8 – Courtney Banks-McLaughlin

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, Charles Morris, has submitted a request to rezone 15 acres ± of a 27 acre ± tract from Mixed Residential 5 (MR-5) to Limited Commercial (LC). No proposed development plans have been submitted with this request.

Background:

This property is located on the western part of Raeford Road intersecting with private road Spotted Horse Lane. The parent parcel is identified as 9476-87-9366, which is currently vacant.

Applicant: Charles Morris

Owners: Robert Gregory Family LLLP

Requested Action: Rezoning 15 acres ± from MR-5 to LC

Property Addresses: Raeford Road at its intersection with private road Spotted Horse Lane

Council District: 8 – Courtney Banks-McLaughlin

Status of Properties: Undeveloped

Size: 15 acres ± (of 27 acres)

Adjoining Land Use & Zoning:

- North: SF-6 & 15 – Undeveloped
- South: MR-5, AR & CC – Undeveloped, Single-Family & Dentist Office
- West: MR-5 & LC – Multi-family & Undeveloped
- East: CC & AR – Power Station, School, Auto Service & Tractor Supply

Traffic Count: 28,000 on Raeford Road per day.

Letters Mailed: 46

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 this plan and the draft Future Land Use Plan, this area should develop as a mixture of heavy to moderate commercial as well as with multi-family.

Issues/Analysis:

The subject property and the surrounding area were annexed into the City of Fayetteville in 2005. Currently, the property in question is undeveloped. It is bordered to the south by Raeford Road, which forms a buffer from the single-family development and multi-family zoning across four lanes of divided highway.

There is a mixture of zoning districts in the area. The parcels to the north are zoned as Single-Family Residential 6 & 15 (SF-6 & SF-15); whereas, the parcels to the east are zoned Community Commercial (CC) with a small tract of Agricultural Residential (AR), which is a power station. To the west is both Limited Commercial (LC) and Mixed Residential 5 (MR-5) Zoning Districts.

The applicant owns 27 acres of undeveloped land. If rezoned, 12 acres would remain in MR-5 zoning. This property is just west of Cliffdale Road, on Raeford Road.

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 Limited Commercial (LC).

The purpose of the LC zoning district is to “establish and intended to accommodate a wider range of moderate-intensity general retail, business, and service uses that serve groups of neighborhoods instead of just an individual neighborhood—e.g., grocery stores, drugstores, large restaurants, gas stations, and higher order retail uses like specialty stores. The district is not intended to accommodate intensive commercial or

other business uses. High density residential (multi-family) development is also encourage in this district.”

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 2010 Land Use Plan, this area is best served as Multi-family residential. However Commercial zoning and uses abuts this property from the east and west. Multi-family development will still be allowed in the LC district.

The City Planning Staff recommends APPROVAL of the map amendment to LC 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 wider range of moderate-intensity general retail, business, and service uses that serve groups of neighborhoods instead of just an individual neighborhood, along with high density residential—e.g., grocery stores, drugstores, large restaurants, gas stations, and higher order retail uses like specialty stores. 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 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 LC.
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 LC (Limited 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 supports limited commercial uses in the area; 2) the uses surrounding this property are a mix of 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.

- If approved, this proposed amendment would serve as an official update to the current land use plan.

Attachments:

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

Project Overview

#366541

Project Title: Gregory Property

Jurisdiction: City of Fayetteville

Application Type: 5.1) Rezoning (Map Amendment)

State: NC

Workflow: Staff Review

County: Cumberland

Project Location

Project Address or PIN: 9476-87-9366 (Unverified)

GIS Verified Data

Property Owner:

Acreage:

Zoning District:

Subdivision Name:

General Project Information

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

Previous Amendment Approval Date:

Previous Amendment Case #:

Proposed Zoning District: LC Limited Commercial

Acreage to be Rezoned: 15

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: Request to rezone approximately 15 acres of the 27 acre parent tract.

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

Area to be rezoned:

Northeast - Single Family Residential

Raeford Road frontage approximately - 1,315 feet

West along Raeford Road - vacant/wooded - zoning LC with

Approximate depth - 600 feet

Multi-Family Residential behind the commercial that fronts

Total acres to be rezoned - 15

Raeford Road

Property is wooded (majority of trees are small to medium in size)

East along Raeford Road - Commercial - zoning CC also a utility substation directly abutting the property with Single Family Residential behind the commercial that fronts Raeford Road
 Across Raeford Road a mix of Single Family Residential, Agricultural, and NC Commercially zoned property as well as a vacant/wooded tract that is zoned MR5/CZ.

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 requested zoning is consistent with the mix of zoning in the area:

West: LC Commercial

West at the intersection of Raeford and Hoke Loop Road is LC Commercial

East: CC Commercial

East at the Intersection of Raeford and Cliffdale Road is a mix of LC and CC Commercial
There is no Approved plan for this area that I am aware of.

B) Are there changed conditions that require an amendment? : The existing mix of commercial zoning in the area, the older and new commercial construction in the area, the extension of Hwy 295, and the Raeford Road Improvement Plan are all conditions that support commercial zoning of this property. Raeford Road, especially this area between Hoke Loop Road and Cliffdale Road intersections is conducive to commercial uses fronting the major corridor and gateway into the City with residential in the rear, behind the commercial frontage.

C) State the extent to which the proposed amendment addresses a demonstrated community need.: The property is currently zoned MR5; to rezone the property fronting Raeford Road to commercial will allow the transition from commercial, along the major corridor/gateway to residential in the rear, behind the commercial frontage, similar to the land uses already in this area. Raeford Road is a major gateway and would support commercial uses in this area.

D) State the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land, and why it is the appropriate zoning district for the land.: There is a mix of zoning and land uses in the area that range from small amounts of agricultural, a mix of residential (SF15, SF10 - low density) to (MR5 - high density), small amounts of O&I office/institutional, and large amounts of commercial to include NC, LC, and CC.

The property is currently zoned MR5; to rezone the property fronting Raeford Road to commercial will allow the transition from commercial fronting the major corridor/gateway to residential in the rear behind the commercial, similar to the land uses already in this area.

The continuation of Hwy 295 and the Raeford Road Improvement Project promote commercial uses in this area.

E) State the extent to which the proposed amendment results in a logical and orderly development pattern.: To rezone the property fronting Raeford Road to commercial will allow the transition from commercial, along the major corridor/gateway into the City, to residential in the rear behind the commercial and further away from the four lane road/major gateway.

Typical zoning practice is to transition from commercial along major corridors to less intense or residential uses in the rear, away from the major corridors.

F) State the extent to which the proposed amendment might encourage premature development.: There is older and newer development around the subject property as well as a MR5/Conditional Zoning property across the street (with an approved MFR plan).

With the Raeford Road Improvement Project and the continuation of Highway 295 vacant property in the area will continue to develop. Both these projects support continued development and are projects intended to assist and improve the movement of traffic that will result from the continued development.

G) State the extent to which the proposed amendment results in strip-style commercial development.: Commercial development along the major corridor and residential in the rear is a normal zoning transition.

Any new development is required to comply with the Unified Development Ordinance which has standards that promote walkability, connectivity, and beautification through building design and landscaping.

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 rezoning will not result in zoning inconsistent with the surrounding zoning.

There is a mix of zoning in the area and a mix of uses in the area to include new commercial and residential. There is LC zoning to the west and CC zoning to the east. There is existing commercial zoning and development fronting Raeford Road with residential development behind the commercial frontage; this is the same zoning and type of development that is being requested for this property.

I) State the extent to which the proposed amendment results in significant adverse impacts on the property values of surrounding lands.: The rezoning will be consistent with zoning in the area and will allow similar uses to those already in the area and those that will be constructed in the area on the adjacent commercial and residential properties.

The property values will not be adversely affected by the rezoning as any new development will be required to comply with all State and Local development regulations that will include stormwater management and UDO standards for landscaping and design/appearance.

J) State the extent to which the proposed amendment results in significantly adverse impacts on the natural environment.: No adverse impacts on the environment; all new development must comply with all applicable Federal, State, and Local regulations.

Primary Contact Information

Project Contact - Agent/Representative

Charles Morris

831 Arsenal Ave
Fayetteville, NC 28305
P:9103233161
charlescmorris@gmail.com

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

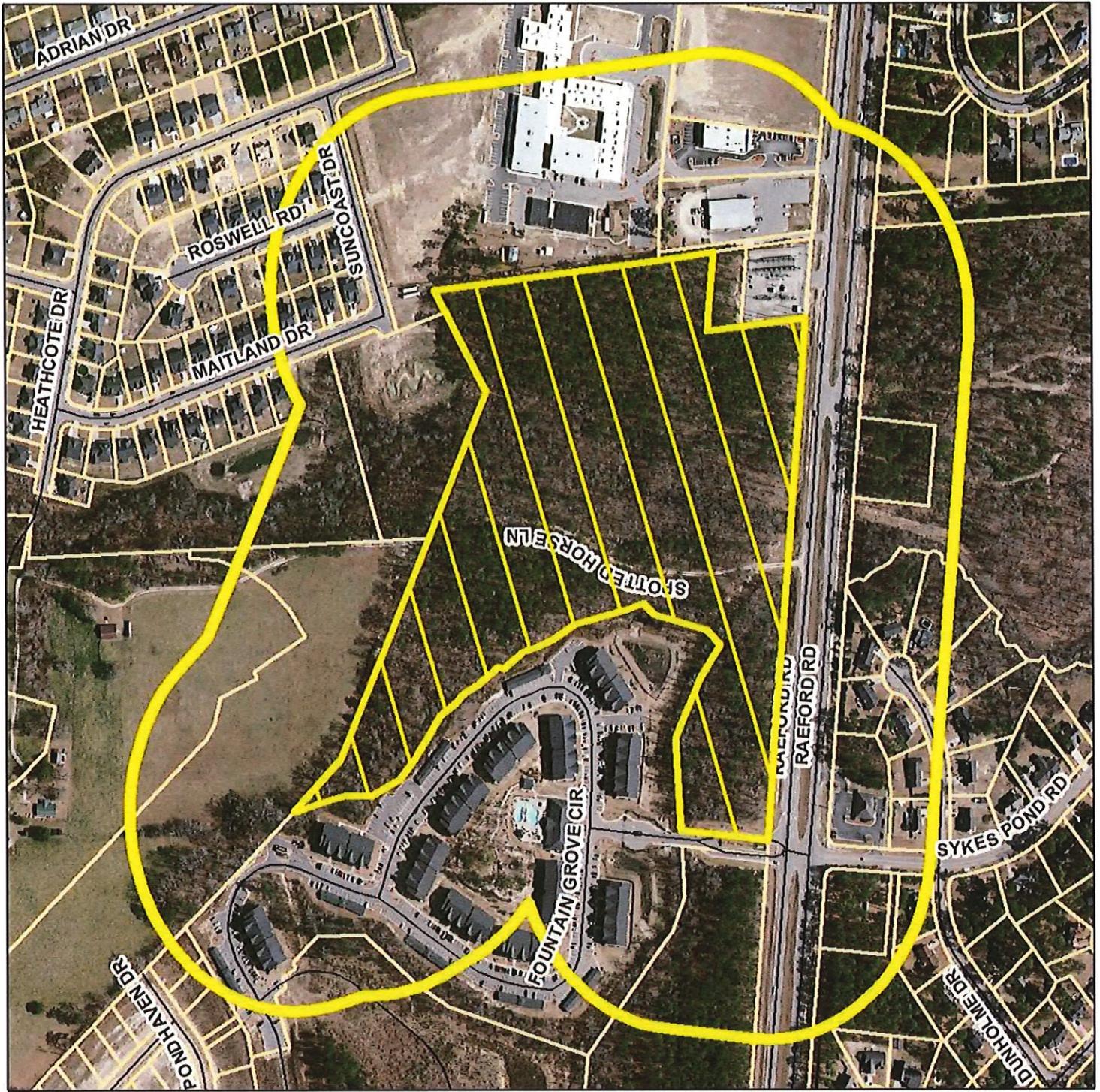
Project Owner

Robert Gregory Family LLLP

4036 Lavender Pt
Gainesville, GA 30504
P:9109773438
charlescmorris@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
5/26/2020

Case #: P20-18F

Request:
Rezoning
To Limited Commercial

Location:
West of 8086 Raeferd Rd

Pin:
9476-87-9366

Acreage:
15 acres +/-



Legend



PLANNING

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
5/26/2020

Case #: P20-18F

Request:
Rezoning
To Limited Commercial

Location:
West of 8086 Raeford Rd

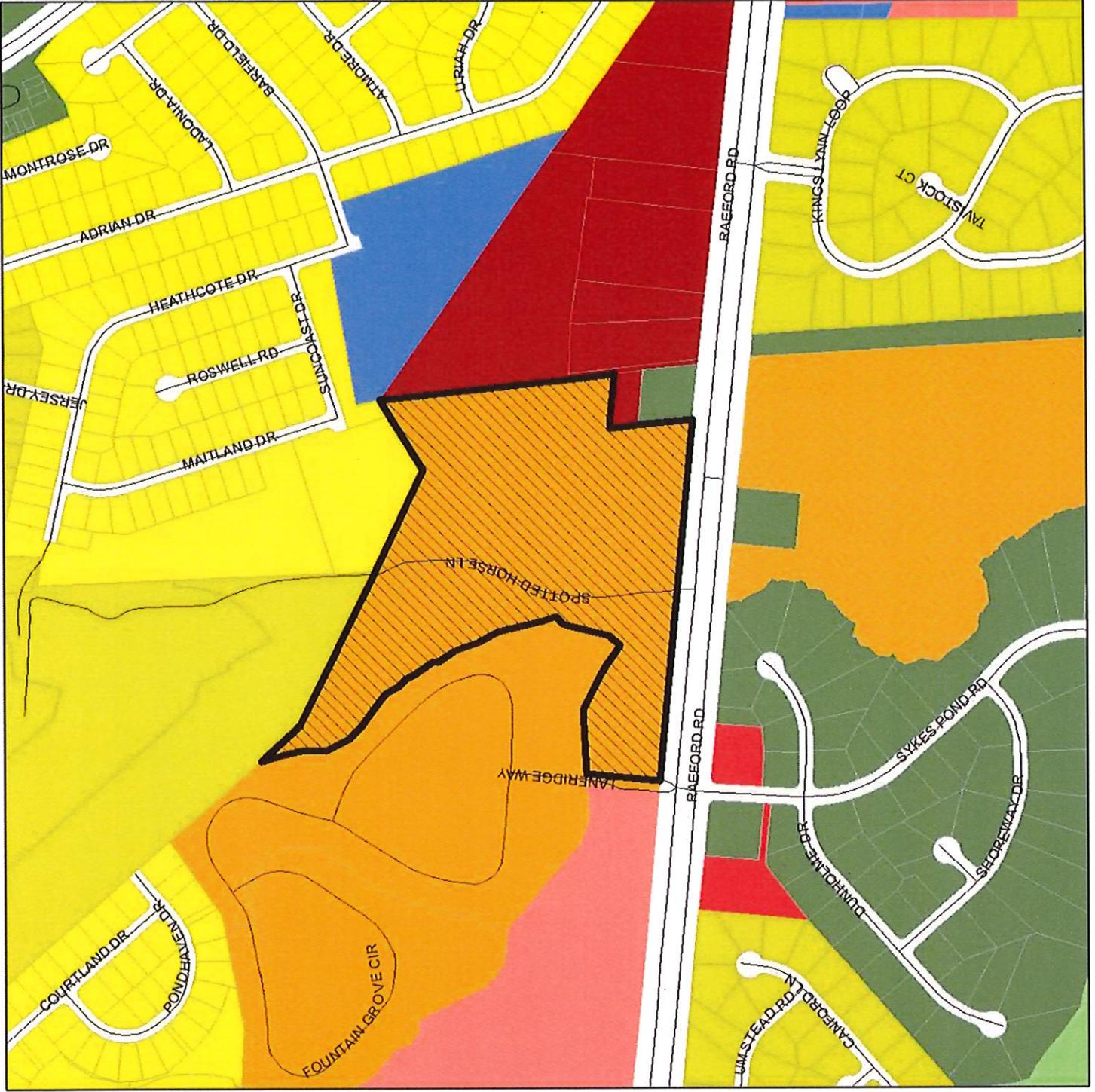
Pin:
9476-87-9366

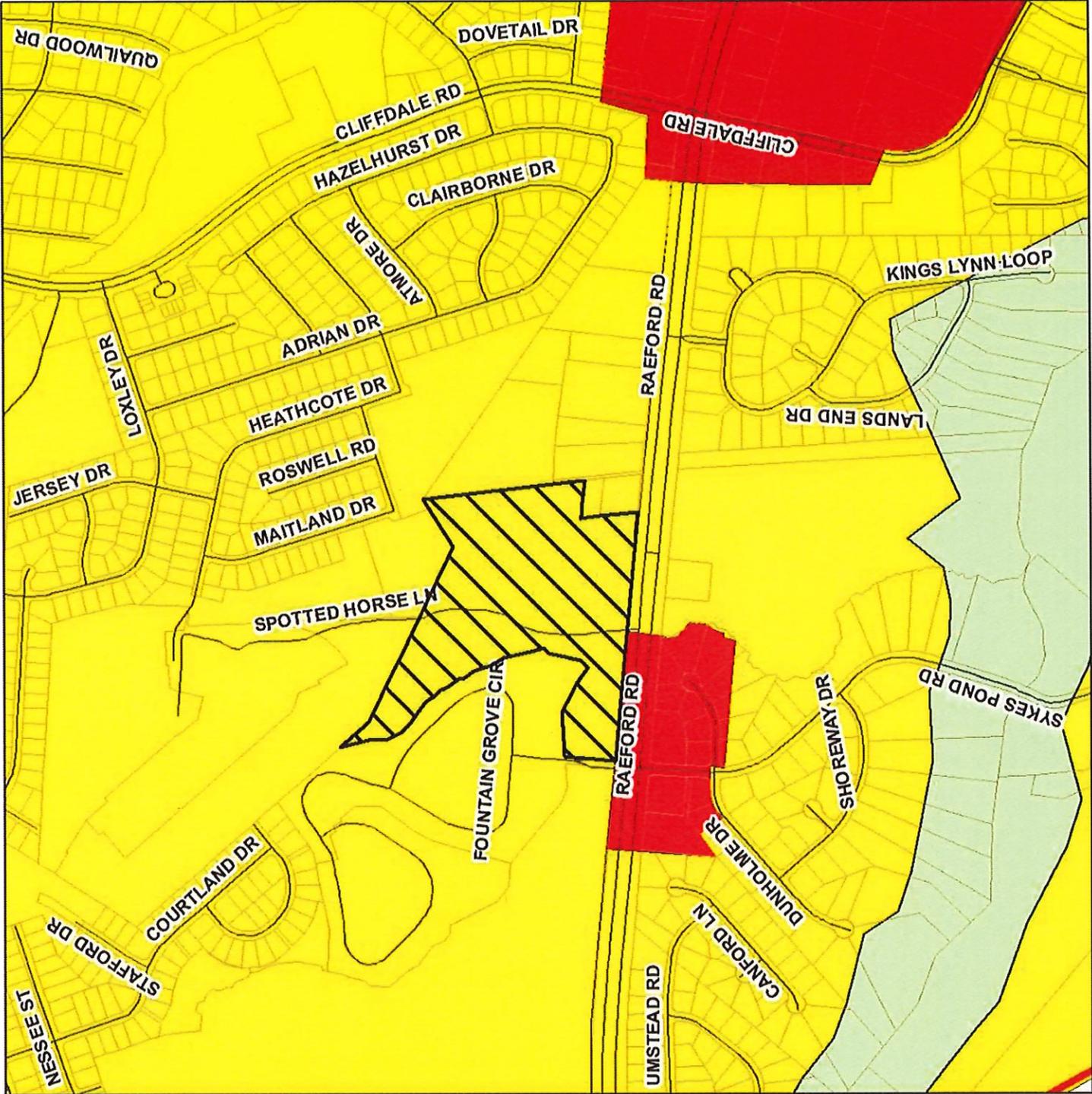
Acreage:
15 acres +/-



Legend

Zoning District	Description
AR	Agricultural-Residential
CC	Community Commercial
CD	Conservation District
LC	Limited Commercial
MR-5	Mixed Residential 5
MR-5/CZ	Conditional Mixed Residential 5
NC	Neighborhood Commercial
OI	Office & Institutional
SF-10	Single-Family Residential 10
SF-15	Single-Family Residential 15





Land Use Map

Zoning Commission
5/26/2020

Case #: P20-18F

Request:
Rezoning
To Limited Commercial

Location:
West of 8086 Raeford Rd

Pin:
9476-87-9366

Acreage:
15 acres +/-

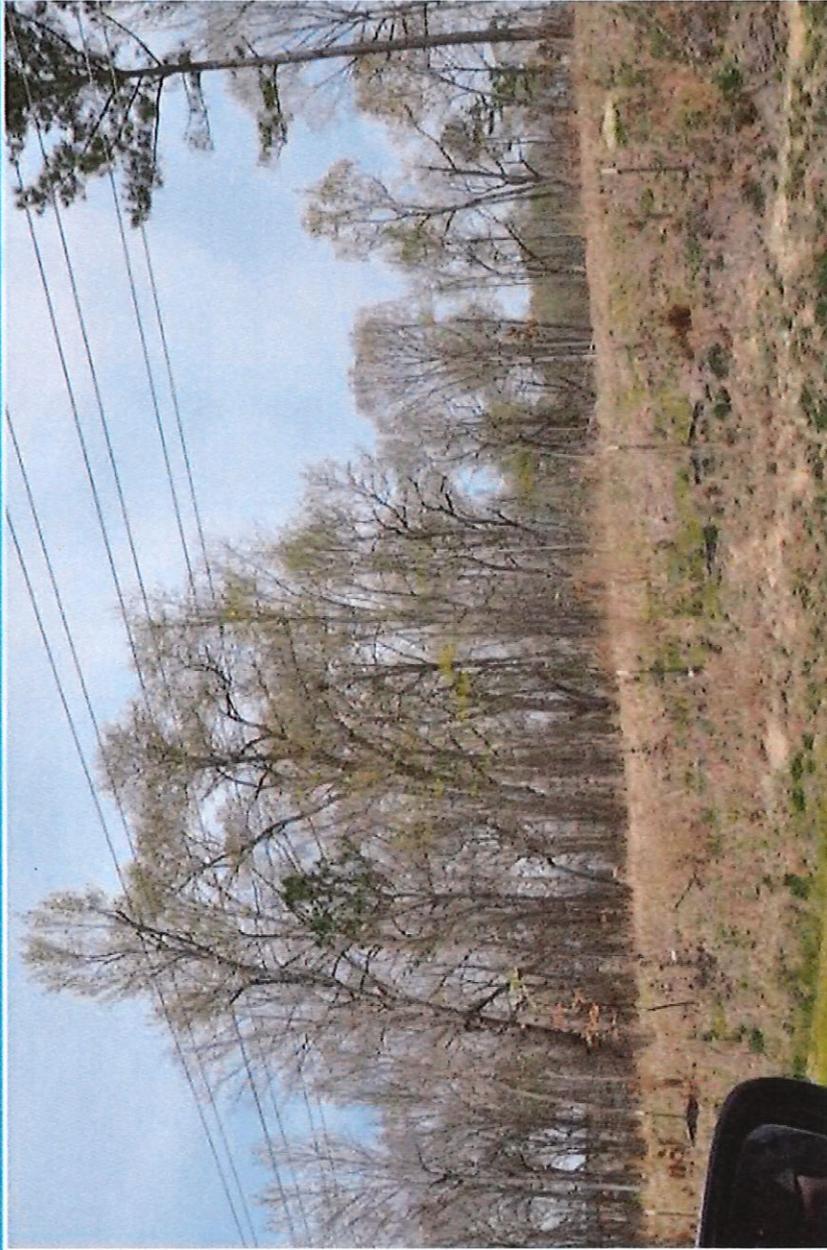


- Low Density Residential
- Heavy Commercial
- Open Space



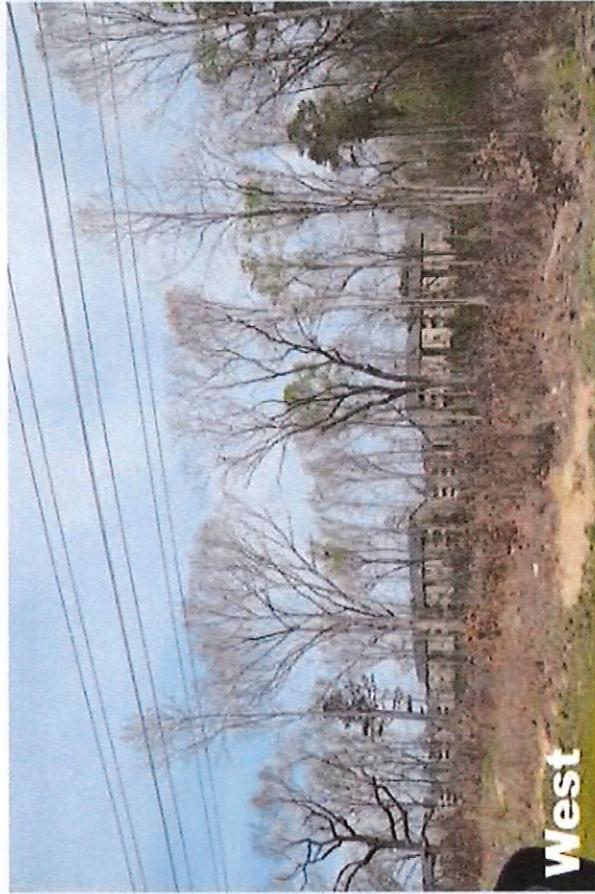


Subject Property

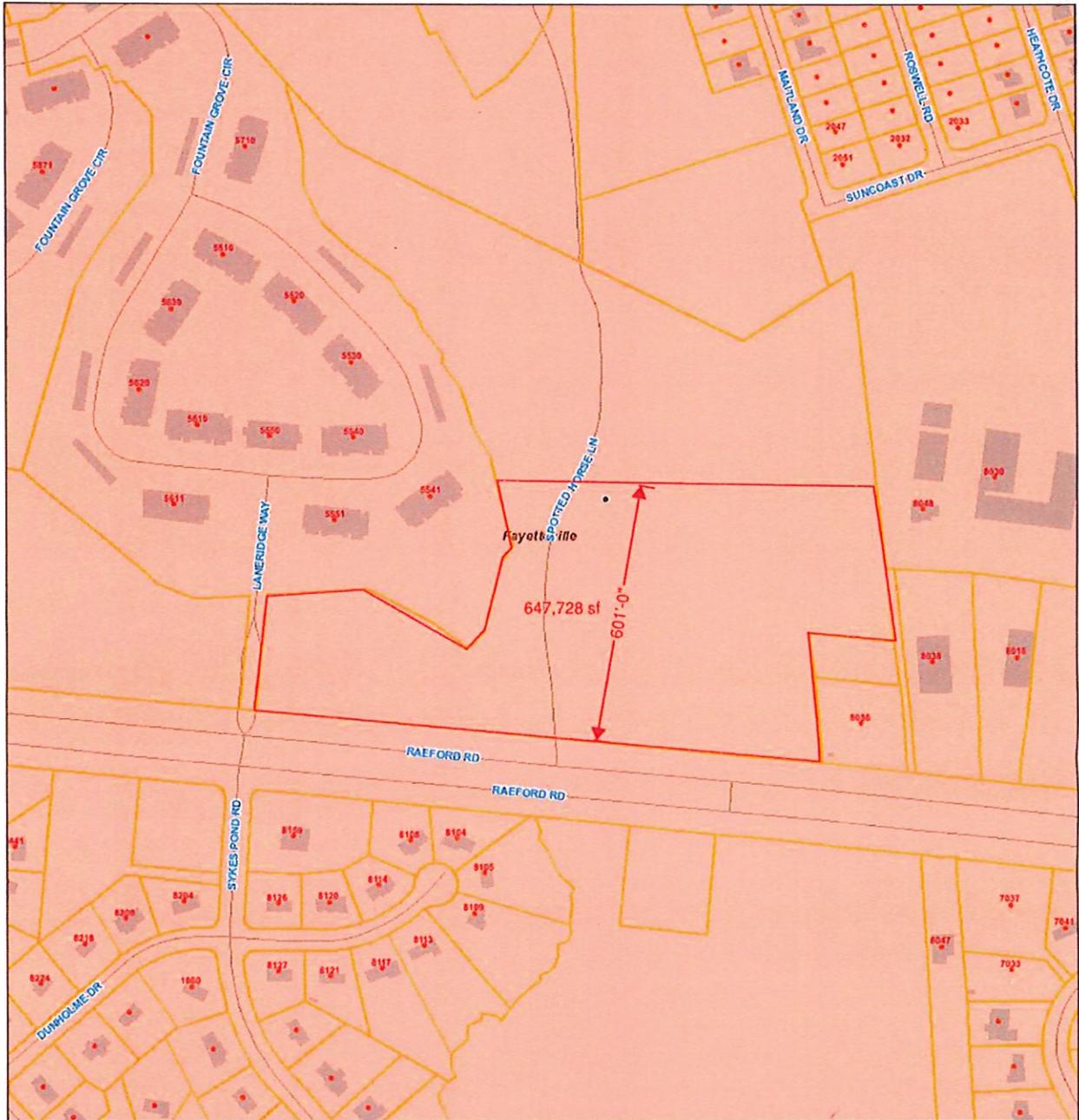




Surrounding Properties



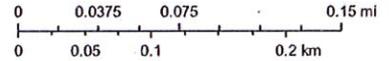
ArcGIS Web Map



2/18/2020, 9:49:45 AM

1:3,326

- Address
 - Parcels
 - Buildings
 - Street_Centerlines
 - Wade
 - HydroPolygons
 - HydroPolygons
- Municipal Boundaries**
- Fayetteville
 - Hope Mills
 - Spring Lake
 - Eastover
 - Falcon
 - Godwin
 - Linden
 - Stedman



CCGIS \ ESRI Charlotte
CCGIS

P20-15F. The request is for a Special Use Permit to build a multi-family duplex in an area zoned Single Family Residential 6 (SF-6), located at 1805 Bragg Blvd (Tax Map # 0427-79-0942), 0.22 acres ±, represented by Rodney Davis of RE Davis Builders and being the property of Mary Ann Capps. (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: May 26, 2020

RE:

P20-15F. The request is for a Special Use Permit to build a two-family dwelling (duplex) in an area zoned Single Family Residential 6 (SF-6), located at 1805 Bragg Blvd (Tax Map # 0427-79-0942), 0.22 acres ±, represented by Rodney Davis of RE Davis Builders and being the property of Mary Ann Capps...

COUNCIL DISTRICT(S):

5 – Johnny Dawkins

Relationship to Strategic Plan:

2024 Goals, Goal II: Diverse and Viable Economy

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 was previously developed as single family residential. The former home has recently been demolished. The owners wish to build a duplex on this now vacant property.

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: Mary Ann Capps
Applicant: Rodney Davis, RE Davis Builders
Requested Action: SUP – Two to Four family dwelling (duplex)
Property Address: 1805 Bragg Blvd
Council District: 5 – Johnny Dawkins
Status of Property: Single-Family Residential
Size: 0.22 acres +/-

Adjoining Land Use & Zoning:

- North – SF-6 & MR-5 – SingleFamily Residential, Apartments & Bragg Blvd
- South – SF-6 – Single-Family Land Use?
- West – SF-6 – Single-Family Land Use?
- East – SF-6 – Single- Family Land Use?

Letters Mailed: 60

Transportation: Annual Average Daily Traffic (AADT) 28,000 on Bragg Blvd.

Land Use Plan: Medium Density Residential

Issues/Analysis:

Proposal

The subject property is zoned Single-Family 6 (SF-6) and is located along a Principal Arterial, Bragg Boulevard, 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 to build a new two-story duplex, which is allowed in the SF-6 Zoning District through the Special Use Permit (SUP) process. The previous use of the property was a single-family dwelling.

This property is zoned SF-6 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 mostly single-family detached residences.

Based on the site plan submitted, the proposed building would be situated on the site so that it to meets the required setbacks for this district. The position of the building would allow for parking in the front, facing the street. The proposed front facade contains the required building articulation, features and elements, including a covered porch, recessed entrance, eaves, and multiple windows with a minimum 4-inch wide trim.

Surrounding Development

The properties located on the south side of Bragg Boulevard are zoned for single-family use and multi-family development with an approved Special Use Permit. The uses are predominately single family.

While single-family housing is most prevalent on the south side of Bragg Boulevard, to the north are apartments and commercial development.

Site/Building

As a Special Use, the City may impose “reasonable and related conditions” as part of the permit. 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 conflicts with City standards. In case of conflict, City standards will prevail.

The proposed duplex building will be two stories, with just over 1,908 square feet. Per the submitted elevations, the building would imitate the appearance of single-family residential construction.

The parking and driveway area will be designed with separate ingress and egress points off Bragg Boulevard. Parking spaces will be located between the building and the public right-of-way.

Transportation

Bragg Boulevard is a six-lane roadway divided by a landscaped median, and it is classified as a Principal Arterial. This type of roadway serves major centers of metropolitan areas, provides a high degree of mobility, and can provide mobility through rural areas. Unlike their access-controlled counterparts, Principal Arterials can serve abutting land uses directly. Bragg Boulevard also serves as part of North Carolina Highway 24.

UDO Use-Specific Standards

The Unified Development Ordinance (UDO) requires a Special Use Permit (SUP) 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. In case of any conflict between the submitted plans and City standards, 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 the proposed plan keeps the feel of single-family development. There will be no commercial activities. The fresh new home

will replace the previous residence that was demolished.

(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 building should bring no adverse impact to the community. The use is residential and in keeping with the residential neighborhood. Noises should only include those typical of cars, families with kids, and normal day-to-day home activities. 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 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 front entrances.

(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 major thoroughfare with two proposed ingress and egress points, via a circular driveway.

The driveway into this site is similar to others in the neighborhood. Because of the arrangement of parking, cars will always be pulling forward onto the street, not backing onto it, which provides for 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 the demolished home with a new well-designed home will aesthetically enhance the neighborhood. By upgrading the quality of an existing property, the neighborhood property values should not be 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 development of this use is allowed in the "Single Family 6" 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; or
- 4) Denial of the SUP.

Recommended Action:

The Staff recommends that the Zoning Commission recommend approval of the requested Special Use Permit to build a two-family dwelling (duplex) in an area zoned Single Family Residential 6 (SF-6), 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 supports two-family dwelling (duplex) in an SF-6 district; 2) the uses surrounding this property are a mix of 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 Map
3. Zoning Map
4. Land Use Plan Map
5. Subject Property
6. Surrounding Property
7. Survey
8. Applicant packet – letter, site plan & elevations

Project Overview

#373423

Project Title: 1805 Bragg Blvd
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: 1805 BRAGG BLVD (0427-79-0942-)

GIS Verified Data

Property Owner: Parcel
 • 1805 BRAGG BLVD: CAPPS, MARY ANN STRICKLAND

Acreage: Parcel
 • 1805 BRAGG BLVD: 0.22

Zoning District:

Subdivision Name: Parcel
 • 1805 BRAGG BLVD: LAFAYETTE HEIGHTS

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.:
 Rental Property

B) Please provide a description of the Zoning District designations and existing uses on adjacent properties, including across the street.: SF6, Residential

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.: For a duplex, lot area has 10,106 square feet

Describe how the special use is compatible with the character and uses permitted in the zoning district(s) of surrounding lands.: House plan fits area and lot size. Complies for a duplex.

Indicate how the special use avoids significant adverse impact on surrounding lands regarding service delivery, parking and loading, odors, noise, glare, and vibration.: n/a

Demonstrate how the special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands.: A new property that aesthetically fits the neighborhood.

Explain how the special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.: It's replacing an existing home.

Indicate how the special use maintains safe ingress and egress onto the site and safe road conditions around the site.: two drives and a parking area.

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.: Will increase property values.

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

Primary Contact Information

Project Contact - Agent/Representative

Rodney Davis
RE Davis Builders
802 Hope Mills Rd
Fayetteville, NC 28304
P:910-426-1800
redavisbldrs1800@gmail.com

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

Project Contact - Primary Point of Contact for the Contractor

Rodney Davis
RE Davis Builders
802 Hope Mills Rd
Fayetteville, NC 28304
P:910-426-1800
redavisbldrs1800@gmail.com

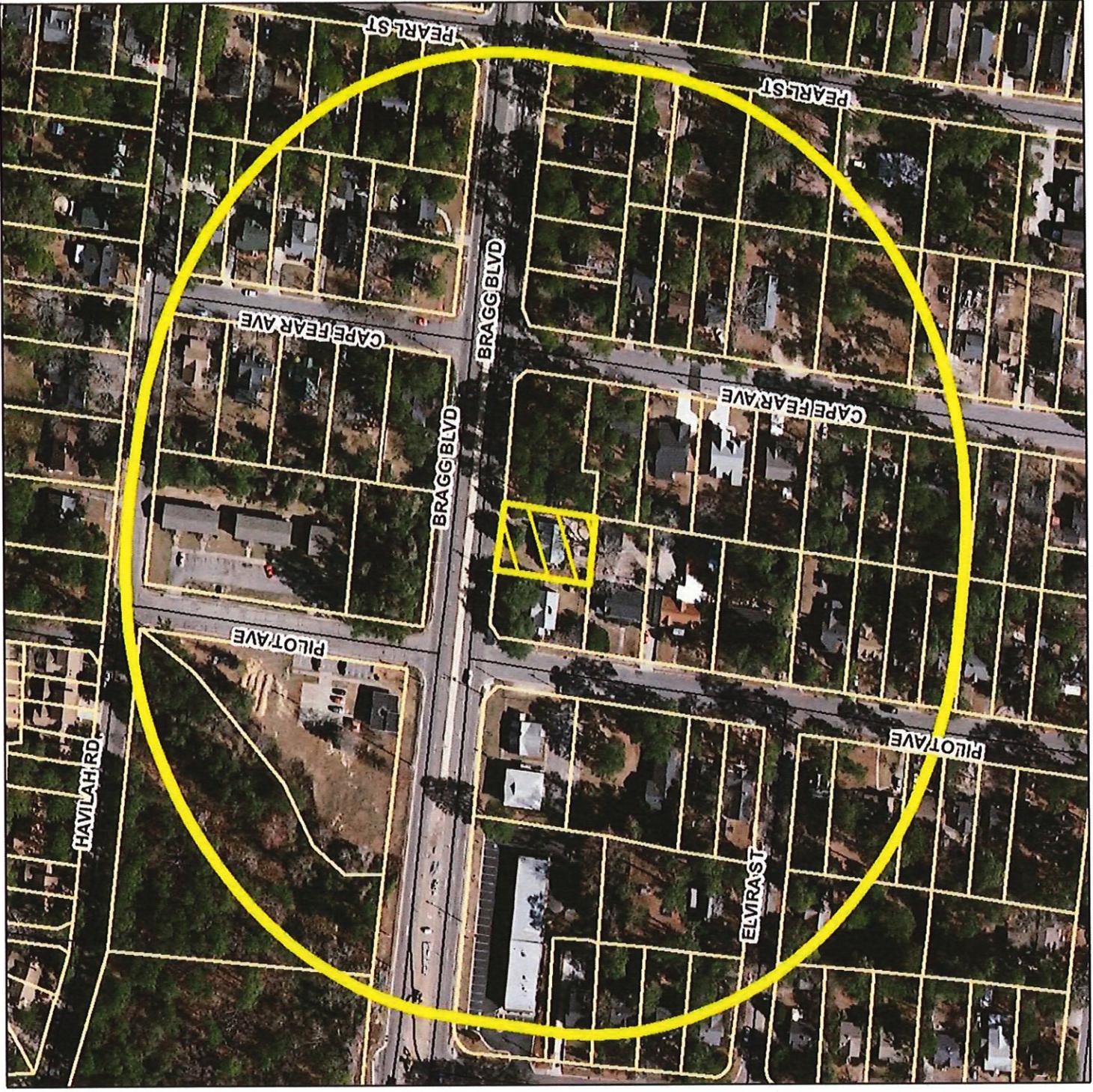
Project Owner

Mary Ann Capps

1805 Bragg Blvd
Fayetteville, NC 28303
P:910-271-4127
redavisbldrs1800@gmail.com

NC State License Number: 16972

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
5/26/2020

Case #: P20-15F

Request:
Special Use Permit
To Limited Commercial

Location:
1805 Bragg Blvd

Pin:
0427-79-0942

Acreage:
0.23 acres +/-



Legend

-  500' Notification Area
-  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
5/26/2020

Case #: P20-15F

Request:
Special Use Permit
Duplex

Location:
1805 Bragg Blvd

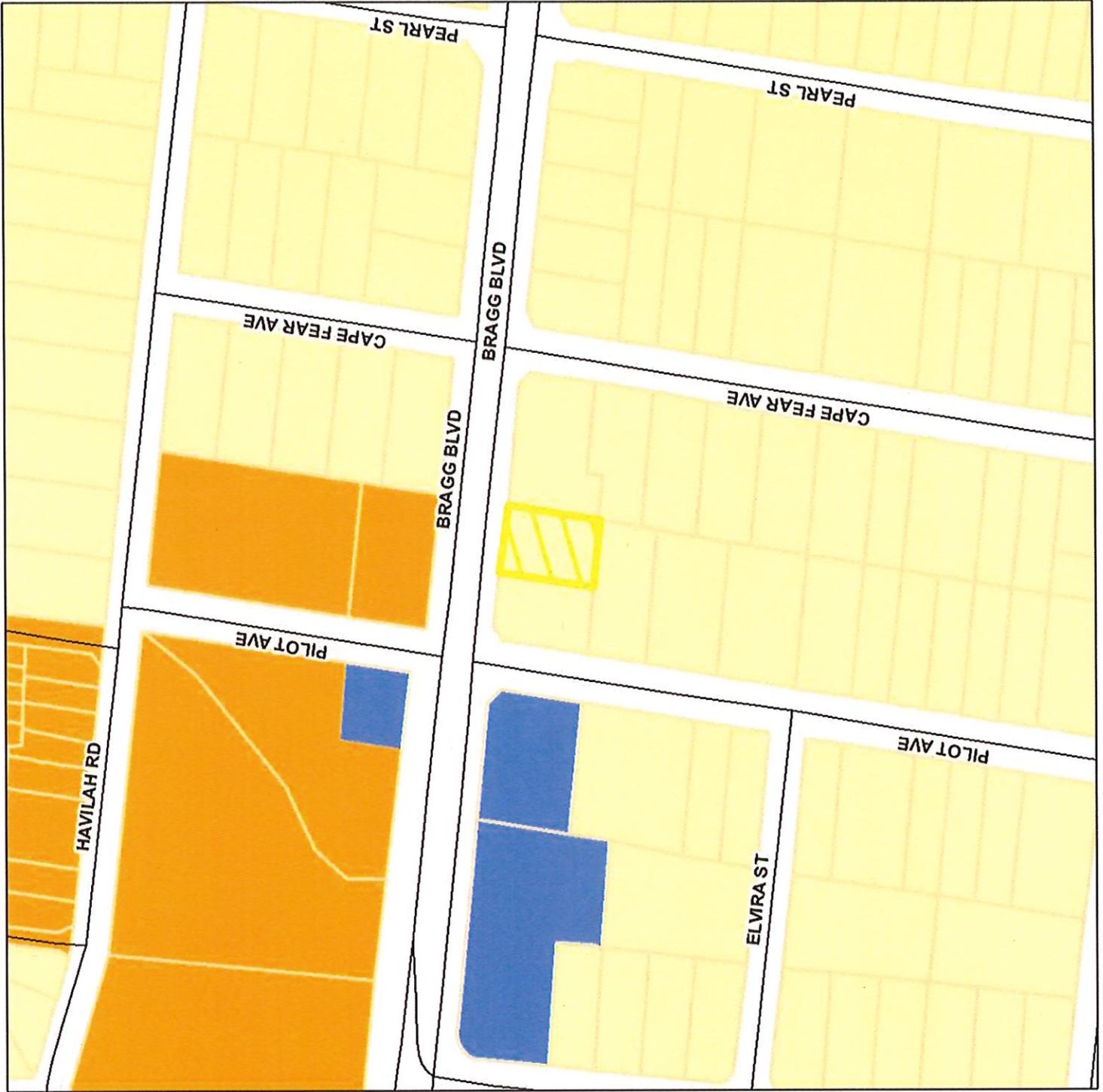
Pin:
0427-79-0942

Acreage:
0.23 acres +/-



Legend

- Parcels
- Zoning District
 - MR-5 - Mixed Residential 5
 - OI - Office & Institutional
 - SF-6 - Single-Family Residential 6



Land Use Map

Zoning Commission
5/26/2020

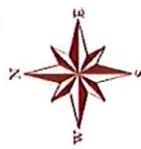
Case #: P20-15F

Request:
Special Use Permit
Duplex

Location:
1805 Bragg Blvd

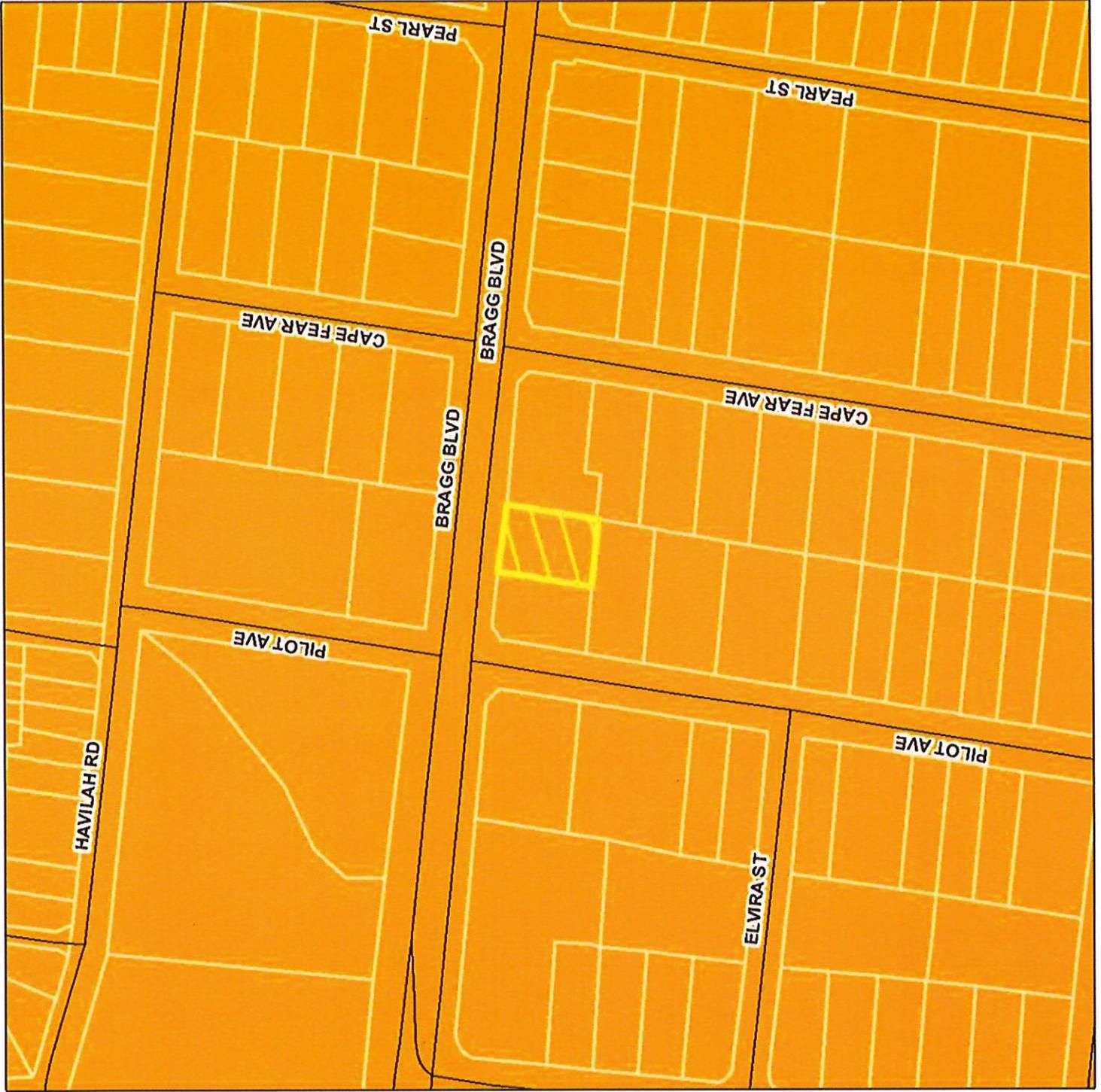
Pin:
0427-79-0942

Acreage:
0.23 acres +/-



Legend

-  Parcels
-  Medium Density Residential





Subject Property





Adjacent Properties





802 Hope Mills Rd.
Fayetteville, NC 28304
Cell: (910)391-8090
Office (910) 426-1800
Fax: (910) 426-2929
Lic. # 16972

Email: redavisbldrs@earthlink.net
Website: www.redavisbldrs.com

March 9, 2020

Ref: 1805 Bragg Blvd.
Fayetteville, NC 28303

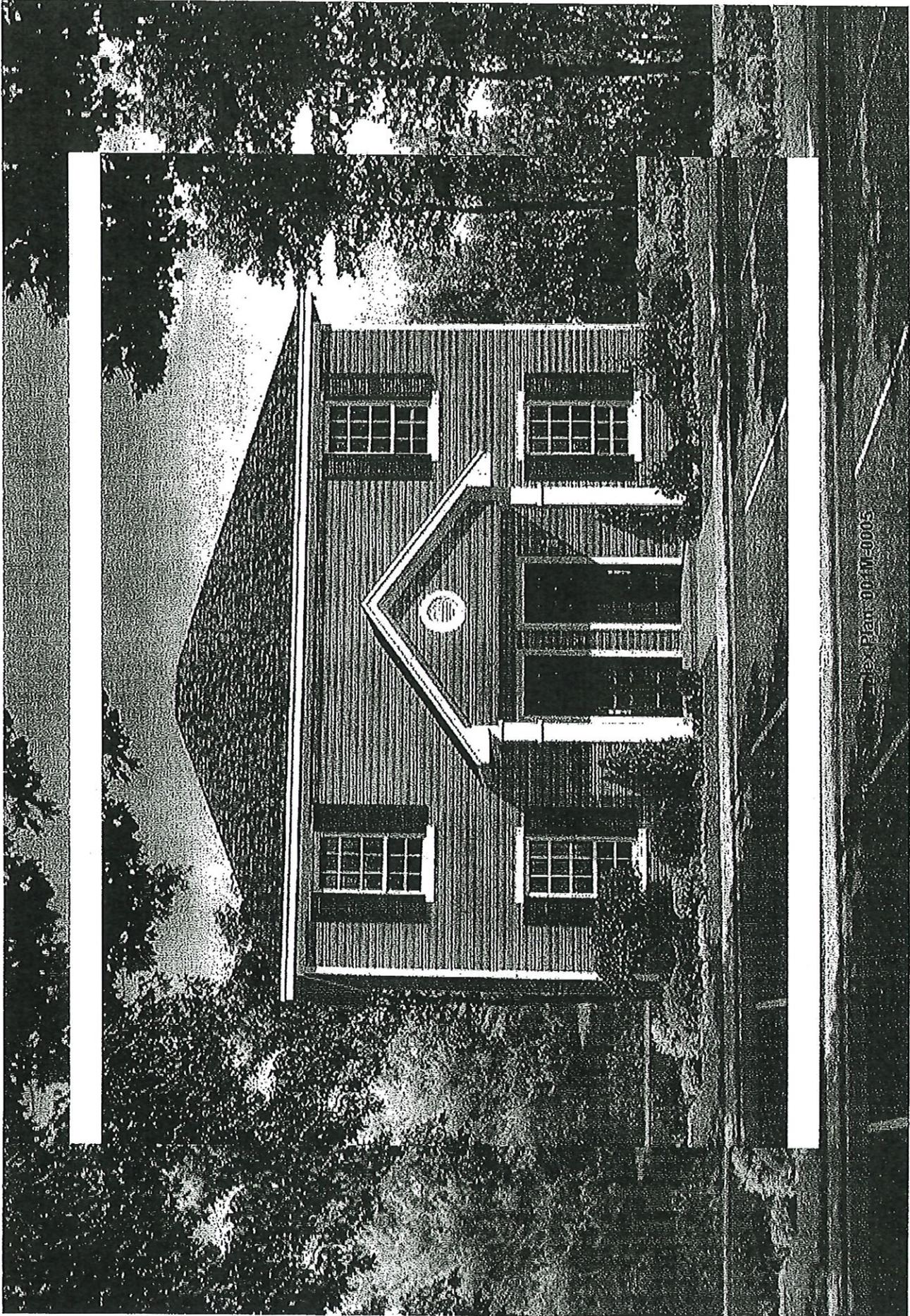
Property owner: Mary Ann Capps

Contractor: R. E. Davis Builders Inc.

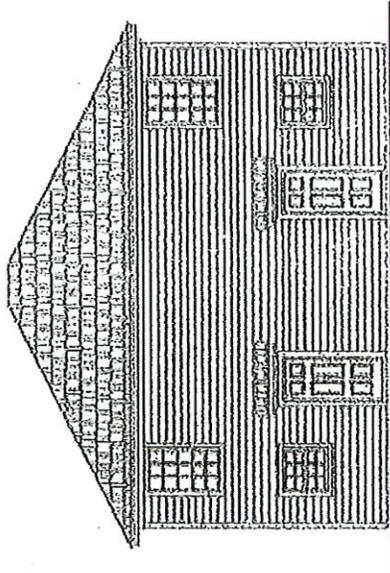
The house located on 1805 Bragg Blvd. had a fire in December 2019 and was damaged beyond repair. The homeowner hired me to have the house demolished and lot graded ready for new construction. The house was demolished the middle of February and a surveyor hired to move the right property line of 1807 Bragg Blvd. which the homeowner also owns to accommodate the area footage needed to build a duplex on 1805 meeting the required plus 10,000 sq. ft. area. The plot plans have been redrawn and recorded to meet requirements. We have picked a two story duplex to aesthetically fit into the neighborhood. Each side of the duplex has 945 sq. ft., total of 1890sf. for the house.

Sincerely,

Roddy Davis
R. E. Davis Builders



Index Plan 00-11-0005



REAR ELEVATION