

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

MEMBERS PRESENT

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

STAFF PRESENT

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

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

I. APPROVAL OF THE AGENDA

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

SECOND: Tyrone Simon

VOTE: Unanimous (5-0)

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

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

SECOND: Stephen McCorquodale

VOTE: Unanimous (5-0)

III. LEGISLATIVE HEARING

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

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

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

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

Speaker in favor:

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

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

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

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

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

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

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

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

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

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

and is appropriate for an apartment complex of this size. A larger sign will provide clear visibility and improve wayfinding for residents and visitors alike.

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

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

SECOND: Stephen McCorquodale

VOTE: Unanimous (5-0)

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

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

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

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

Speakers in favor:

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

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

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

- Mr. Kajiwara noted that the church is requesting a new sign for the church that will exceed the allowable size permitted by City ordinance.
- The area is agricultural residential and allows for only a 32 square foot sign, and they are requesting a sign that is 42 square feet and 12 feet in height.

- Mr. Kajiwara explained that the church is requesting this variation from the standard sign size because they of the elevation and setback of the church and the fact that the 45 speed limit allows drivers only a few minutes to view the sign when passing the church.
- He noted the intersections east and west of the road, and the location of the old sign in regards to the property.
- Mr. Kajiwara said the new sign would be 50 feet east of the previous sign.
- He provided several visuals as evidence of how the elevation of the land obscures the church signage from drivers passing by who are driving at 45 speed and looking ahead, which prohibits their ability to notice the sign. Additionally, he provided visuals comparisons of the new and old signage. He assured the board that the sign would be not appear gaudy.

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

Mr. Hight expressed his support for the signage request, noting that the actual size of the proposed sign was smaller than what was depicted in the diagrams provided by Mr. Kajiwara to the board. He added that the request would still need to be presented before the City Council for final approval.

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

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

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

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

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

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

3. The variance is the minimum action that will make possible a reasonable use of the land or structures, as shown by the following evidence: The applicant indicated that AR zoning restrictions render the proposed smaller sign nearly invisible due to the property's elevation, terrain, and the speed of traffic on Cliffdale Road. The variance request seeks to improve visibility and ensure safer navigation for passing drivers, making the sign more effective in guiding the public.

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

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

SECOND: Kevin Hight

VOTE: Unanimous (5-0)

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

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

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

Pavan Patel opened the hearing for case P24-39.

Speaker in favor:

Sophia Rickard, 24311 Leachwood Drive, Katy, TX 77493

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

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

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

Mr. Herbe asked Ms. Rickard if she had an intention of building on or selling the property. Ms. Rickard said her intention is to build on the property. Mr. Herbe asked her if she had previously built on the property, and she said she has never built a property just owned real estate in the City of Fayetteville. Her last property on Morganton

Road she gutted and was supposed to live in it and she could have built a brand-new property in the time it took her to remodel it. Mr. Hight asked Mr. Rickard if she had a contractor, and she responded that she currently does not have a contractor. Mr. McCorquodale said that in her previous testimony that MR-5 is less restrictive than the SF-6 zoning. She noted that the land was 900 feet short to apply for a special use permit.

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

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

SECOND: Tyrone Simon

VOTE: Unanimous (5-0)

IV. OTHER BUSINESS

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

V. VOTE FOR CHAIR

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

SECOND: Justin Herbe

VOTE: Unanimous (5-0)

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

SECOND: Patel Pavan

VOTE: Unanimous (5-0)

V. ADJOURNMENT

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

SECOND: Kevin Hight

VOTE: Unanimous (5-0)

The meeting adjourned at 7:31 p.m.

DRAFT