



City of Fayetteville

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

Meeting Agenda - Final Zoning Commission

Tuesday, July 14, 2026

6:00 PM

City Hall, Lafayette Conference Room

1.0 CALL TO ORDER

2.0 APPROVAL OF AGENDA

3.0 CONSENT

3.01 [26-0454](#) A26-13: Order of Approval: Findings of Fact for Tina Arcuri of Coastal Sign Services (on behalf of dd's Discounts) for a variance to the building-mounted sign standards (Section 30-5.L.8.B.2) to allow for the dd's Discounts at 1800 Skibo Road (0418023139000) to have a greater number of signs and max sign copy area.

Recommendation: Option 1 above

3.02 [26-0459](#) A26-22: Order of Approval - Findings of Fact: Request for a Variance to the Corner Side Setback at 423 MCPHEE DR (0427432465000) on a 0.39 acre lot owned by Robert and Evelyn Spicer...Title

Recommendation: The professional Planning Staff recommends approval of the Findings as presented.

3.03 [26-0460](#) A26-23 - Order of Approval, Findings of Fact: Variance
A request by James Smith of J H Smith Investments for a variance to the fence height standards (Section 30-5.D.4.a) to allow for a taller fence for security purposes at 1651 Cedar Creek Road (0446815034000).

Recommendation: The professional Planning Staff recommends approval of the Findings as presented.

3.04 [26-0455](#) A26-26: Order to Approve: Findings of Fact for Alpha Signs & Lighting Permitting (on behalf of Murphy USA #25122 and SCP 207-C27-078 LLC) for a variance to the pole sign maximum height standards (Section 30-5.L.8.1.C) allowing a the pole sign at 105 Hope Mills Road (0417108460000) to be taller.

Recommendation: Option 1 above

3.05 [26-0461](#) NOA26-02. Notice of Appeal regarding the revocation of building, electrical, mechanical, and plumbing permits for property located at 4431 Bragg Boulevard (REID # 0418553607000), owned by 4311 Bragg, LLC (Appeal of Permit Revocations) Item to be tabled to the Commissions August 11, 2026 meeting.
Recommendation: Table item to the Commission's August 11, 2026 meeting.

3.06 [26-0424](#) Approval of Meeting Minutes: June 9, 2026, meeting ..Title
Recommendation: Option 1: Approve draft minutes.

4.0 EVIDENTIARY HEARINGS

4.01 [26-0423](#) A26-27: Request by Donald Kinlaw for a variance to the maximum fence height standards (Section 30-5.D.4) as well as the minimum yard setback (Section 30-3.d.3) to allow a taller fence and shed at 151 Wheat Way (0408425302000).
Recommendation: N/A

4.02 [26-0428](#) A26-28: A request from Mayer Mitchell for a variance to the fence height standards (Section 30-5.D.4) to allow for a taller fence at 2213 Bragg Blvd (0428404373000).
Recommendation: N/A

5.0 LEGISLATIVE HEARINGS

5.01 [26-0429](#) P26-29: A request from Patricia and Raymond King of King Construction and Development Company Inc to rezone the ±0.21 acres at 1928 Progress St (0436035927000) from Single Family 6 (SF-6) to Mixed Residential 5 (MR-5).
Recommendation: The Planning Staff recommends that the Zoning Commission recommends to City Council a motion to APPROVE the request to rezone the □ 0.21 acres at 1928 Progress St from SF-6 to MR-5.

5.02 [26-0453](#) P26-30: A request by the Thomas R & Elizabeth E McLean Foundation Inc to rezone the ±0.16 acres at 1324 Fort Bragg Rd (0427960465000) from Mixed Residential 5 (MR-5) to Office and Institutional (OI).
Recommendation: The Planning Staff recommends that the Zoning Commission recommends to City Council a motion to APPROVE the request to rezone the □ 0.16 acres at 1324 Fort Bragg Road from MR-5 to OI.

5.03

[26-0443](#)

P26-31: A request from Cynthia Smith of Moorman, Kizer & Reitzel, Inc representing SteelFab to rezone the ±123.48 acres at Unaddressed Country Club & Distribution Dr (042953449200) from Light Industrial (LI) and Conservation District (CD) to Heavy Industrial (HI)...Title

Recommendation:

The Professional Planning Staff recommends that the Zoning Commission recommend approval of the proposed rezoning which is intended to facilitate industrial development that is generally consistent with the 2040 Future Land Use Plan. The Professional Planning Staff recommends that the portion of the property currently zoned Conservation District (CD) remain unchanged in order to preserve environmentally sensitive areas and maintain consistency with the purpose and intent of the Conservation District. Accordingly, staff recommends approval of the rezoning request only for the portion of the property currently zoned Light Industrial (LI), while retaining the existing Conservation District (CD) zoning.

- The proposed amendment is consistent with the policies and objectives set forth in the Future Land Use Plan (FLUP) and the Unified Development Ordinance (UDO).
- The permitted uses and development standards associated with the Light Industrial zoning classification are appropriate for this location, given the existing zoning designations and surrounding land uses.
- There are no identified adverse impacts on public health, safety, morals, or general welfare resulting from the proposed zoning change.

5.04

[26-0456](#)

P26-32: A request from Vanessa Ballard of V Ballard Consulting LLC representing Khalid Motorwala of Vival Reality LLC to rezone the ±9.49 acres at Unaddressed Gillespie St (0435031004000) from M(P) to Community Commercial (CC)...Title

Recommendation:

The Professional Planning Staff recommends that the Zoning Commission forward a recommendation of approval to the City Council for the proposed rezoning from the current county zoning district to Community Commercial (CC) in conjunction with the proposed annexation.

Staff's recommendation is based on the following findings:

* The proposed rezoning is consistent with the goals, policies, and objectives of the 2040 Future Land Use Plan (FLUP) and supports the City's long-range vision for commercial and employment growth within the Municipal Influence Area.

* The Community Commercial (CC) zoning district is appropriate for the subject property due to its location along an established transportation corridor and its proximity to existing Community Commercial (CC) and Heavy Industrial (HI) zoning districts, resulting in a logical and compatible development pattern.

* The proposed flex space development will provide opportunities for office, warehouse, contractor, service, and other commercial uses that will support economic development, business growth, and employment opportunities within the area.

* The property is served by, or has access to, public water and sewer infrastructure and will be subject to all applicable requirements of the Unified Development Ordinance (UDO) during future site plan and permitting review, including standards related to access, buffering, landscaping, parking, lighting, stormwater management, and environmental protection.

* The proposed rezoning represents a logical extension of existing commercial and industrial development and is not expected to create an isolated zoning district, encourage strip commercial development, or result in significant adverse impacts to surrounding properties or the public health, safety, morals, or general welfare.

6.0 OTHER ITEMS OF BUSINESS

7.0 ADJOURNMENT



Five Council Strategic Priorities



Ongoing commitment to a comprehensive approach to community safety



Continue the City's commitment to revitalization efforts and housing needs



Increase Parks and Recreation opportunities for youth engagement and interaction



Enhance economic growth throughout the City



Evaluate and expand transportation and other connectivity for residents



City of Fayetteville

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

City Council Action Memo

File Number: 26-0454

Agenda Date: 7/14/2026

Version: 1

Status: Agenda Ready

In Control: Zoning Commission

File Type: Consent

Agenda Number: 3.01

TO: Zoning Commission

THRU: Jennifer C. Baptiste - Planning & Zoning Division Manager

FROM: Thomas Cohen - Planner I

DATE: July 14, 2026

RE:

A26-13: Order of Approval: Findings of Fact for Tina Arcuri of Coastal Sign Services (on behalf of dd's Discounts) for a variance to the building-mounted sign standards (Section 30-5.L.8.B.2) to allow for the dd's Discounts at 1800 Skibo Road (0418023139000) to have a greater number of signs and max sign copy area.

COUNCIL DISTRICT(S):

9 - Deno Hendros

Relationship To Strategic Plan:

Goal II: Responsive city government supporting a diverse and viable economy

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

Businesses need advertising and signage to attract customers and grow.

Goal III: City investment in today and tomorrow

- 3.3 - To sustain a favorable development and business climate through timely and accurate construction review and building inspections

A variance request represents a pause in certain construction processes as designs are thus still in a state of flux. Swift completion of the variance represents the timely and accurate resumption of the review and inspection process.

Executive Summary:

Request

Applicant is requesting a variance to the maximum number of building-mounted signs from 5 signs to 7 signs and an increase to the max sign copy area from 113.58 square feet to 600 square feet.

Zoning Commission Decision Point

The Zoning Commission acting in accordance with NCGS § 160D-705(d) and UDO Section 30-2.C.14.e.2 must decide a course of action:

- Approve the variance request as submitted
- Approve the variance request with conditions
- Deny the variance request

Variance Criteria

1. Unnecessary Hardship
2. Peculiar Conditions
3. Minimum Action Necessary
4. Spirit of the Law
5. Public Safety

The Zoning Commission unanimously approved the variance on June 9, 2026 with the condition that the lifestyle signs are not placed.

Background:

Owner: Cross Creek Plaza Dr LLC; Stephanie Sparrow

Request: Maximum number of signs from 5 to 7 and max sign copy area from 113.58 square feet to 600 square feet

Parcel Identification Number (PIN): 0418023139000

Parcel Size: ± 28.44 acres

Existing Site Conditions: Shopping center

Immediate Context: Commercial properties, restaurants, and furniture dealers

Utilities: Public water, sewer, and electricity

Public Notice: Notification letters were sent to property owners within 300 feet of the subject site equating to 46 notices sent.

Issues/Analysis:

Variance Criteria

In accordance with NCGS § 160D-705(d) and UDO Section 30-2.C.14.f five standards must all be met for a variance to be granted.

1. **Unnecessary hardship** - Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships; it shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property; and
2. **Peculiar Conditions** - Any practical difficulties or unnecessary hardships result from unique circumstances related to the land, such as location, size, or topography, and are not the result of the actions of the land owner, nor may hardships resulting from personal circumstances as well as hardships resulting from conditions that are common to the neighborhood or the general public be the basis for granting a variance; and
3. **Minimum Action** - The variance is the minimum action that will make possible a reasonable use of land or structures; and
4. **Spirit of the Law** - The variance is in harmony with the general purpose and intent of this ordinance and preserves its spirit; and
5. **Public Safety** - In the granting of the variance, the public safety and welfare have been assured and substantial justice has been done.

Applicable Standards and Request

UDO Section 30-5.L.8.B.1.C is the table which defines pole signs and outlines the standard to which they must adhere based on zoning district. The subject property is

located within the Community Commercial (CC) zoning district.

- Existing Sign Maximum: 5 building-mounted signs
 - Proposed Variance: 7 signs (Increase of 2)
- Existing Sign Copy Area Maximum: 113.58 square feet
 - Variance: 600 square feet (Increase of 486.42 square feet)

Claim Presented by Applicant

The claim is that the request is due to high-activity and traveled nature of the area as well as commercial properties having poor sightlines from large setbacks and other businesses between major arterials and the subject business there is an undue restriction on business visibility.

Required Variance Findings

The Commission must determine whether the evidence supports **EACH** of the five criteria and associated findings.

The following is a neutral framing of how the record may be evaluated based on the claims and evidence provided by the applicant.

- Unnecessary Hardship
 - Applicants assert that the ordinance unnecessarily restricts visibility in a high activity commercial area.
 - The Commission may consider whether these are considered practical or unnecessary difficulties.
- Peculiar Conditions
 - Applicants assert that the substantial setbacks from the main roads limit visibility of the business
 - The Commission may consider whether these conditions are unique to the land rather than common to other commercial lots
- Not Self-Created
 - Applicants assert that the conditions are not self-created
 - The Commission may consider whether these conditions are a self-created problem
- Spirit of the Law
 - The Commission may evaluate whether varying the maximum pole height standards is in harmony with the law and does not impact public safety.
- Minimum Action Necessary
 - Applicant asserts the request is the minimum action necessary to allow for appropriate visibility
 - The Commission may consider whether this is the minimum height necessary to achieve the goal.

Budget Impact:

Immediate (Legislative): No additional costs, collection of a \$1000 application fee

Longterm (Construction): Onsite improvements are funded by the developer. City Council evaluates any potential public capital projects via budget adoption and capital investment processes.

Options:

1. Approve the drafted Findings of Fact which match the drafted Order to Approve A26-13 and the hearing record.
2. Approve the Findings of Fact with revisions that the Zoning Commission requests and the hearing record supports.

Recommended Action:

Option 1 above

Attachments:

1. Order to Approve A26-13 - Findings of Fact and Conclusions of Law

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

**Increase total number of signs and maximum sign copy area at 1800 Skibo Road #200
(041802313900)**

VARIANCE A26-13

Address: 1800 Skibo Road #200
REID Number: 041802313900
Property Owner: Cross Creek Plaza Dr LLC
Applicant: Tina Arcuri

The Zoning Commission of the City of Fayetteville, North Carolina, conducted an evidentiary hearing on June 9, 2026, to consider a Variance application submitted by Tina Arcuri (“Applicant”), on behalf of Cross Creek Plaza Dr LLC (“Owner”), seeking approval to increase the total number of signs and maximum sign copy area at 1800 Skibo Road #200 (041802313900) (“Subject Property”).

On May 27, 2026, notice of the public hearing was mailed to the Property Owners and all owners of property within three hundred (300) feet of the Subject Property, in accordance with applicable legal requirements. A public hearing notice sign was properly posted on the Subject Property on May 27, 2026. Additionally, on May 29, 2026, notice of the public hearing was submitted for publication in the legal notices section of *The Fayetteville Observer*, with the advertisement scheduled to run on May 29, 2026, and June 5, 2026.

Upon careful consideration of all sworn testimony, admitted evidence, and oral arguments presented by the parties at the duly held evidentiary hearing, the Zoning Commission of the City of Fayetteville hereby issues the following FINDINGS OF FACT and CONCLUSIONS OF LAW:

Findings of Fact

1. Chapter 30, Article 30-5, Subsection 30-5.L.8.B of the City’s Unified Development Ordinance (“UDO” or “Ordinance”) establishes the maximum number of permanent, wall-mounted, signs that may be placed and the calculations as to the maximum sign copy area.
2. The Subject Property is located at 1800 Skibo Road #200, is zoned Community Commercial (CC), and is within the municipal limits of the City of Fayetteville.
3. The Property Owner holds title to the Subject Property.
4. In the Community Commercial zoning district, the maximum number of signs permitted is five (5). The maximum sign copy area is one (1) square foot per linear foot of building

frontage on a single use occupancy building; for the Subject Property, the maximum sign copy area is 113.58 square feet.

5. The applicant requested an increase to the maximum number of signs from five (5) to seven (7) and an increase to the maximum sign copy area from 113.58 square feet to 600 square feet.

6. The Subject Property is designated as Regional Center on the City's adopted Future Land Use Map which are commercial centers with regional draw of 400,000 square feet or more.

7. The area surrounding the Subject Property is developed as commercial properties mostly associated with the Cross Creek Plaza or Cross Creek Mall.

8. The Applicant has the burden of proof to show that the Variance meets the following statutory requirements:

- a. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships;
- b. Any practical difficulties or unnecessary hardships result from unique circumstances related to the land, such as location, size, or topography, and are not the result of the landowner's actions or conditions common to the neighborhood or the general public;
- c. The variance is the minimum action that will make possible a reasonable use of the land or structures;
- d. The variance is in harmony with the general purpose and intent of the ordinance and preserves its spirit; and
- e. In granting the variance, public safety and welfare have been assured, and substantial justice has been done.

9. Strict enforcement of the ordinance requirements would impose practical difficulties and unnecessary hardships because the shape of the building reduces storefront and sign visibility for the Subject Property.

10. The hardship is attributable solely to the unique conditions specific to the property and not the landowner's actions because the shape of the adjacent building section projects outwards in a manner that affects visibility for the Subject Property.

11. The variance is the minimum action necessary to permit reasonable visibility for the Subject Property while maintaining aesthetic consistency with adjacent buildings.

12. The variance aligns with the general purpose and intent of the Ordinance and preserves its spirit because it allows only the additional signage necessary to provide reasonable commercial visibility for the Subject Property under the circumstances.

13. Granting the variance assures public safety and welfare while ensuring substantial justice because the additional signage will create equal visibility to the adjacent buildings.

Conclusions of Law

1. Pursuant to the authority conferred by the North Carolina General Statutes, the City of Fayetteville adopted the Unified Development Ordinance (“UDO”), as codified in Chapter 30 of the City Code, thereby consolidating the City’s zoning and subdivision regulatory authority into a single, comprehensive framework.
2. The Applicant duly submitted an application in full compliance with the procedural and substantive requirements of the UDO for consideration of a Variance.
3. The City of Fayetteville’s Zoning Commission provided adequate and lawful notice and conducted an evidentiary public hearing in accordance with the procedural requirements established under North Carolina law.
4. The City of Fayetteville’s Development Services Department is responsible for administering, coordinating, and enforcing the provisions of the UDO.
5. Based on the competent, material, and substantial evidence in the record, all of general and specific conditions precedent to the issuance of the requested Variance have been satisfied, in that:
 - a. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships;
 - b. Any practical difficulties or unnecessary hardships result from unique circumstances related to the land, such as location, size, or topography, and are not the result of the landowner’s actions or conditions common to the neighborhood or the general public;
 - c. The variance is the minimum action that will make possible a reasonable use of land or structures;
 - d. The variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit; and
 - e. In granting the variance, the public safety and welfare have been assured, and substantial justice has been done.

WHEREFORE, based on the foregoing FINDINGS OF FACT and CONCLUSIONS OF LAW, it is ORDERED by the City of Fayetteville’s Zoning Commission that the application for the issuance of the Variance in Case A26-13 be APPROVED with the condition that the lifestyle signs, as depicted in the application materials, including signs depicting people, children, toys, shoes, home appliances, electronics, or similar lifestyle imagery, shall not be placed or installed.

VOTE: Unanimous 5-0

This, the 14th of July, 2026.

Kevin Hight

Zoning Commission Chair



City of Fayetteville

433 Hay Street
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(910) 433-1FAY (1329)

City Council Action Memo

File Number: 26-0459

Agenda Date: 7/14/2026

Version: 1

Status: Agenda Ready

In Control: Zoning Commission

File Type: Consent

Agenda Number: 3.02

TO: Zoning Commission

THRU: Jennifer C. Baptiste, Planning & Zoning Division Manager

FROM: Craig Harmon, Senior Planner

DATE: July 14, 2026

RE:

A26-22: Order of Approval - Findings of Fact: Request for a Variance to the Corner Side Setback at 423 MCPHEE DR (0427432465000) on a 0.39 acre lot owned by Robert and Evelyn Spicer.

COUNCIL DISTRICT(S):

5 - Green

Relationship To Strategic Plan:

Goal III - City Investment Planning: The Board’s quasi-judicial action sits squarely inside Goal III’s charge to “manage the City’s future growth and strategic land use” and to “sustain a favorable development and business climate through timely and accurate construction review and building inspection services.” Administering a variance by the book - grounded in competent, material, substantial evidence - supports both objectives by applying the UDO precisely while enabling small-scale reinvestment when warranted.

Goal IV (Live, Work, & Recreate): Objective 4.5 calls for “a place for people to live in great neighborhoods.” Where a setback modification can be conditioned or narrowed to protect light, air, privacy, and block character, it aligns with that neighborhood-quality focus rather than undermining it. (If the record shows adverse effects, denial is also consistent with Goal IV’s quality-of-life lens.)

Goal II (Diverse & Viable Economy): Objective 2.4 targets “a favorable development climate to encourage business growth.” At the household scale, a compliant variance pathway is part of that climate - reducing friction for code-consistent home investments while maintaining predictable rules. The plan tracks this climate with KPI’s like permitting timeliness and vacancy/appearance indicators; consistent variance administration contributes indirectly to those results.

Goal VI (Collaborative Government): The case workflow (public notice to owners within 300 feet, evidentiary hearing, on-record findings) embodies Goal VI’s emphasis on transparency, outreach, and trust in decisions. A25-50’s mailed-notice map and the hearing itself operationalize Objectives 6.12-6.3 (collaboration, customer service, and public information).

Linkage to the Future Land Use Framework that Underpins Goal III

The FLU Plan’s neighborhood policies explicitly contemplate *measured flexibility* (including setbacks) to encourage reinvestment where context supports it. In MDR settings, allowing modest adjustments while holding to design/compatibility standards is aligned with that guidance and with MR-5’s purpose of delivering diverse housing forms

under Article 30-5.

Executive Summary:

On June 9th the Zoning Commission held an evidentiary hearing regarding this application. After receiving testimony and evidence the Commission voted 5-0 to approve the Variance.

The applicant has submitted a request for a variance at 423 McPhee Drive to reduce the required corner side-yard setback from 30 feet to 23 feet within the Single-Family 10 (SF-10) residential district. The subject property is a corner lot and is designated as Low-Density Residential (LDR) in the City's adopted Future Land Use Plan (FLU).

The requested variance is intended to accommodate a proposed addition to the existing single-family residence. Due to the unique configuration of corner lots, which are subject to two front-facing setback requirements, the applicant is seeking relief from the corner side-yard standard to allow for reasonable expansion of the home while maintaining compliance with other applicable development regulations.

Background:

Owner: Robert and Evelyn Spicer

Applicant: Phillip Due, Critical Path Solutions & Michael Adams, MAPS Surveying Inc.

Requested Action: Variance to reduce corner-side setback to 23 feet

Zoning District: SF-10

Property Address: 423 MCPHEE DR (0427432465000)

Size: 0.39 acres ±

Existing Land Use: Single-family dwelling

Surrounding Zoning and Land Uses

- SF-10 single family development

Letters Mailed: Notices sent to 31 owners within a 300-ft. buffer of the subject parcel.

Issues/Analysis:

The applicant is requesting a variance from the dimensional standards of Section 30-3.D.3, Single-Family Residential 10 (SF-10) District, specifically to reduce the required corner side-yard setback from 30 feet to 23 feet in order to accommodate an addition to an existing single-family residence. Staff has reviewed the request in relation to the applicable variance standards outlined in the Unified Development Ordinance (UDO).

A primary consideration in this request is whether the strict application of the ordinance creates practical difficulties or unnecessary hardship. The subject property is a corner lot, which inherently results in two street-facing setbacks being applied, thereby reducing the buildable area compared to similarly sized interior lots within the same neighborhood. While the lot is comparable in size to surrounding properties, the additional setback requirement limits the ability to expand or improve the existing structure in a manner that would otherwise be permissible on non-corner lots. Staff finds that this condition represents a constraint tied to the location and configuration of the property, rather than actions taken by the property owner.

The applicant has indicated that the requested variance would allow for a reasonable expansion of the home to meet typical residential needs. In evaluating whether the request represents the minimum necessary relief, staff notes that the proposed reduction is limited in scope and appears to be designed to accommodate the addition in a location that aligns with the existing structure and functional layout of the home. The request does not seek to eliminate the setback entirely but rather to reduce it to a degree that still maintains a reasonable separation from the adjacent street.

In considering public safety and welfare, staff finds no evidence that the proposed reduction would create adverse impacts. The applicant has indicated that the addition will not obstruct visibility at the intersection or create unsafe conditions related to proximity to the street. Provided that all other applicable development standards are met, the reduced setback is unlikely to negatively affect traffic safety, emergency access, or the general welfare of the surrounding area.

With respect to compatibility and consistency with the intent of the ordinance, the surrounding neighborhood consists of homes constructed during a similar time period, many of which have smaller building footprints relative to modern living standards. The requested variance would allow for reinvestment in the existing structure without significantly altering the character of the neighborhood. The intent of the SF-10 district is to maintain low-density residential development while allowing for reasonable use and improvement of residential properties. Staff finds that the request is generally consistent with this intent, as it facilitates reinvestment without introducing a use or scale that is out of character with the area.

Overall, the requested variance appears to be driven by unique site constraints associated with the corner lot configuration, represents a limited and reasonable adjustment to the standard, and does not result in significant adverse impacts to the surrounding area. The request allows for continued use and improvement of the property in a manner that is generally consistent with the purpose and spirit of the Unified Development Ordinance.

Budget Impact:

The requested variance is not anticipated to have any measurable impact on the City's operating or capital budget. The proposal involves a minor residential addition to an existing single-family home and will be served by existing public infrastructure and services. Any costs associated with plan review and permitting are recovered through standard application and inspection fees. As such, the overall fiscal impact of this request is expected to be negligible.

Options:

The Board may approve or approve with specific changes that to the Findings of Fact.

Recommended Action:

The professional Planning Staff recommends approval of the Findings as presented.

Attachments:

1. Order of Approval - Findings of Fact

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

Variance to the Corner Side Setback at 423 McPhee Drive (0427432465000).

VARIANCE A26-22

Address: 423 McPhee Dr
REID Number: 0427432465000
Property Owner: Robert and Evelyn Spicer
Applicant: Michael Adams

The Zoning Commission of the City of Fayetteville, North Carolina, conducted an evidentiary hearing on June 9, 2026, to consider a variance application submitted by Michael Adams (“Applicant”), on behalf of Robert and Evelyn Spicer (“Property Owners”), seeking approval to reduce the corner side yard setback from 30 feet to 23 feet at 423 McPhee Drive (0427432465000) (“Subject Property”).

On May 27, 2026, notice of the public hearing was mailed to the Property Owners and all owners of property within three hundred (300) feet of the Subject Property, in accordance with applicable legal requirements. A public hearing notice sign was properly posted on the Subject Property on May 27, 2026. Additionally, on May 29, 2026, notice of the public hearing was submitted for publication in the legal notices section of *The Fayetteville Observer*, with the advertisement scheduled to run on May 29, 2026, and June 5, 2026.

Upon careful consideration of all sworn testimony, admitted evidence, and oral arguments presented by the parties at the duly held evidentiary hearing, the Zoning Commission of the City of Fayetteville hereby issues the following FINDINGS OF FACT and CONCLUSIONS OF LAW:

Findings of Fact

1. Chapter 30, Article 30-3, Subsection 30-3.D.3. of the City’s Unified Development Ordinance (“UDO” or “Ordinance”) establishes the minimum corner side setback.
2. In the Single Family 10 zoning district, the minimum corner side setback is 30 feet.
3. The Property Owners hold title to the Subject Property located on 423 McPhee.
4. The Subject Property is zoned Single Family 10 (SF-10) and is located within the municipal limits of the City of Fayetteville.
5. On April 14, 2026, the Applicant submitted an application requesting a variance to reduce the required corner side setback from 30 feet to 23 feet.

6. The Subject Property is designated as Low-Density Residential (LDR) on the City's adopted Future Land Use Map which are typically single-family residences.

7. The area surrounding the Subject Property is developed as low-density single-family residential.

8. Pursuant to NCGS § 160D-705 the Applicant has the burden of proof to show that the variance meets all the following statutory requirements for variances:

- a. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships;
- b. Any practical difficulties or unnecessary hardships result from unique circumstances related to the land, such as location, size, or topography, and are not the result of the landowner's actions or conditions common to the neighborhood or the general public;
- c. The variance is the minimum action that will make possible a reasonable use of the land or structures;
- d. The Variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit; and
- e. In granting the Variance, the public safety and welfare have been assured, and substantial justice has been done.

9. Strict enforcement of the Ordinance requirements would impose practical difficulties and unnecessary hardships because the shape and topography of the of the Subject Property reduce the available buildable area.

10. The hardships result from conditions specific to the property and not the landowner's actions because the shape and topography of the of the lot reduces its buildable area.

11. The variance is the minimum relief necessary to allow reasonable use of the Subject Property because the minimal deviation will allow reasonable additional building consistency with the adjacent houses.

12. The variance aligns with the general purpose and intent of the Ordinance and preserves its spirit because it allows limited setback relief necessary for reasonable residential use of the Subject Property while preserving the character of the surrounding residential area.

13. Granting the variance promotes public safety and welfare while ensuring substantial justice because the reduced corner side setback does not create a threat to public safety and allows reasonable use of the Subject Property under the circumstances.

Conclusions of Law

1. Pursuant to the authority conferred by the North Carolina General Statutes, the City of Fayetteville adopted the Unified Development Ordinance ("UDO"), as codified in

Chapter 30 of the City Code, thereby consolidating the City's zoning and subdivision regulatory authority into a single, comprehensive framework.

2. The Applicant duly submitted an application in full compliance with the procedural and substantive requirements of the UDO for consideration of a Variance.
3. The City of Fayetteville's Zoning Commission provided adequate and lawful notice and conducted an evidentiary public hearing in accordance with the procedural requirements established under North Carolina law.
4. The City of Fayetteville's Development Services Department is responsible for administering, coordinating, and enforcing the provisions of the UDO.
5. Based on the competent, material, and substantial evidence in the record, all of general and specific conditions precedent to the issuance of the requested variance have been satisfied, in that:
 - a. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships;
 - b. Any practical difficulties or unnecessary hardships result from unique circumstances related to the land, such as location, size, or topography, and are not the result of the landowner's actions or conditions common to the neighborhood or the general public;
 - c. The variance is the minimum action that will make possible a reasonable use of land or structures;
 - d. The variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit; and
 - e. In granting the variance, the public safety and welfare have been assured, and substantial justice has been done.

WHEREFORE, based on the foregoing FINDINGS OF FACT and CONCLUSIONS OF LAW, it is ORDERED by the City of Fayetteville's Zoning Commission that the application for the issuance of the Variance in Case A26-22 be APPROVED.

VOTE: Unanimous 5-0

This, the 14th of July, 2026.

Kevin Hight
Zoning Commission Chair



City of Fayetteville

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

City Council Action Memo

File Number: 26-0460

Agenda Date: 7/14/2026

Version: 1

Status: Agenda Ready

In Control: Zoning Commission

File Type: Consent

Agenda Number: 3.03

TO: Zoning Commission

THRU: Jennifer C. Baptiste - Planning & Zoning Division Manager

FROM: Craig Harmon, CZO - Senior Planner

DATE: July 14, 2026

RE:

A26-23 Finding of Fact: A request by James Smith of J H Smith Investments for a variance to the fence height standards (Section 30-5.D.4.a) to allow for a taller fence for security purposes at 1651 Cedar Creek Road (0446815034000).

COUNCIL DISTRICT(S):

2 - Malik Davis

Relationship To Strategic Plan:

Goal I: Safe and secure community

- 1.3 - To ensure low incidence of property and violent crime

A properly erected security fence of appropriate height to match the existing security fencing will better enable thief and trespasser deterrence.

Goal II: Responsive city government supporting a diverse and viable economy

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

A proper security fence will enable the expansion and redesign of a local commercial enterprise.

Goal III: City investment in today and tomorrow

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

A properly heighted security fence will enable the parcel to be used for the commercial venture without requiring additional land or significant land redevelopment.

Executive Summary:

On June 9, the Zoning Commission held an evidentiary hearing regarding this application. After receiving sworn testimony and evidence the Commission voted 4-1 to approve the variance.

Request

The applicant requests a variance to UDO Table 30-5.D.4 to increase the maximum fence (including chain link) height within the side and front yards from 4 feet to 6 feet; an increase of 2 feet.

Zoning Commission Decision Point

The Zoning Commission acting in accordance with NCGS § 160D-705(d) and UDO Section 30-2.C.14.e.2 must decide a course of action:

- Approve the variance request as submitted
- Approve the variance request with conditions
- Deny the variance request

Variance Criteria

1. Unnecessary Hardship
2. Peculiar Conditions
3. Minimum Action Necessary
4. Spirit of the Law
5. Public Safety

Background:

Owner: James Smith; Monica Smith

Request: Increase maximum fence (including chain link) height from 4 feet to 6 feet for security and uniformity purposes

Parcel Identification Number (PIN): 0446815034000

Parcel Size: ± 0.97 acres

Existing Site Conditions: Cedar Creek Road Mini Storage

Immediate Context: Commercial properties to the north, south, and west with residential across both streets

Utilities: Public water, sewer, and electricity

Public Notice: Notification letters were sent to property owners within 300 feet of the subject site equating to 17 notices sent.

Issues/Analysis:

Variance Criteria

In accordance with NCGS § 160D-705(d) and UDO Section 30-2.C.14.f five standards must all be met for a variance to be granted.

1. **Unnecessary hardship** - Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships; it shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property; and
2. **Peculiar Conditions** - Any practical difficulties or unnecessary hardships result from unique circumstances related to the land, such as location, size, or topography, and are not the result of the actions of the land owner, nor may hardships resulting from personal circumstances as well as hardships resulting from conditions that are common to the neighborhood or the general public be the basis for granting a variance; and
3. **Minimum Action** - The variance is the minimum action that will make possible a reasonable use of land or structures; and
4. **Spirit of the Law** - The variance is in harmony with the general purpose and intent of this ordinance and preserves its spirit; and
5. **Public Safety** - In the granting of the variance, the public safety and welfare have been assured and substantial justice has been done.

Applicable Standards and Request

UDO Section 30-5.D.4 is the table which outlines the fence height standards based on the location within the lot. The subject property is located within the Community Commercial (CC) zoning district.

- Existing Front Yard Fence (including chainlink) Height Maximum: 4 feet
 - Proposed Variance: 6 feet (increase of 2 feet)

Claim Presented by Applicant

The claim is that the request is for security purposes and to match the existing appearance of the adjacent parcels which contain the storage units.

Required Variance Findings

The Commission must determine whether the evidence supports **EACH** of the five criteria and associated findings.

The following is a neutral framing of how the record may be evaluated based on the claims and evidence provided by the applicant.

- Unnecessary Hardship
 - Applicant asserts that the ordinance unnecessarily restricts the security of the storage facility by creating an area of easier scalability
 - The Commission may consider whether these are considered practical or unnecessary difficulties.
- Peculiar Conditions
 - Applicant asserts that the parcel being a corner lot creates limited fence usability for security purposes.
 - The Commission may consider whether these conditions are unique to the land rather than common to other commercial lots
- Not Self-Created
 - Applicants assert that the conditions are not self-created
 - The Commission may consider whether these conditions are a self-created problem
- Spirit of the Law
 - The Commission may evaluate whether varying the maximum fence height standards is in harmony with the law and does not impact public safety.
- Minimum Action Necessary
 - Applicant asserts the request is the minimum action necessary to allow for appropriate security and uniformity
 - The Commission may consider whether this is the minimum height necessary to achieve the goal.

Budget Impact:

No immediate impacts to the City's budget.

Options:

The Commission shall approve the findings as presented or approve with specific changes.

Recommended Action:

The professional Planning Staff recommends approval of the Findings as presented.

Attachments:

1. Order of Approval - Findings of Fact

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

**Variance to increase front and corner side yard fence height at 1651 Cedar Creek Road
(0446815034000).**

VARIANCE A26-23

Address: 1651 Cedar Creek Rd
REID Number: 0446815034000
Property Owner: James H. Smith Sr and Monica Smith
Applicant: James Smith

The Zoning Commission of the City of Fayetteville, North Carolina, conducted an evidentiary hearing on June 9, 2026, to consider a Variance application submitted by James Smith (“Applicant”), on behalf of James H. Smith Sr and Monica Smith (“Property Owners”), seeking approval to increase the front and corner side yard fence height from four (4) feet to six (6) feet at 1651 Cedar Creek Road (0446815034000) (“Subject Property”).

On May 27, 2026, notice of the public hearing was mailed to the Property Owners and all owners of property within three hundred (300) feet of the Subject Property, in accordance with applicable legal requirements. A public hearing notice sign was properly posted on the Subject Property on May 27, 2026. Additionally, on May 29, 2026, notice of the public hearing was submitted for publication in the legal notices section of *The Fayetteville Observer*, with the advertisement scheduled to run on May 29, 2026, and June 5, 2026.

Upon careful consideration of all sworn testimony, admitted evidence, and oral arguments presented by the parties at the properly held evidentiary hearing, the Zoning Commission of the City of Fayetteville hereby issues the following FINDINGS OF FACT and CONCLUSIONS OF LAW:

Findings of Fact

1. Chapter 30, Article 30-5, Subsection 30-5.D.4. of the City’s Unified Development Ordinance (“UDO” or “Ordinance”) establishes fence height standards based on the location within the lot.
2. In the Community Commercial zoning district, the maximum front and corner yard fence height is four (4) feet.
3. The Property Owners hold title to the Subject Property located on 1651 Cedar Creek Road. The Subject Property is zoned Community Commercial and is located within the municipal limits of the City of Fayetteville.

4. On March 23, 2026, the Applicant submitted an application requesting a variance to increase the permitted front and corner side fence height from four (4) feet to six (6) feet.

5. The Subject Property is designated as Low-Density Residential (LDR) on the City's adopted Future Land Use Map, which typically includes single-family residences.

6. The area surrounding the Subject Property is developed as low-density single family residential and commercial mini storage.

7. Pursuant to NCGS § 160D-705 The Applicant has the burden of proof to show that the Variance meets all the following statutory requirements for variances:

- a. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships;
- b. Any practical difficulties or unnecessary hardships result from unique circumstances related to the land, such as location, size, or topography, and are not the result of the landowner's actions or conditions common to the neighborhood or the general public;
- c. The variance is the minimum action that will make possible a reasonable use of the land or structures;
- d. The variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit; and
- e. In granting the variance, the public safety and welfare have been assured, and substantial justice has been done.

8. Strict application of the Ordinance requirements would result in unnecessary hardship because the four-foot fence height limitation in the front and corner side yard areas restricts the security function of the fence.

9. The hardship results from conditions peculiar to the Subject Property, including its corner lot configuration and the resulting limited fence usability for security purposes, and does not result from actions taken by the Applicant or Property Owners.

10. The requested variance is the minimum relief necessary to allow a six-foot fence in the front and corner side yard areas to improve security for the storage facility under the circumstances.

11. The requested variance is consistent with the spirit, purpose, and intent of the Ordinance because it allows limited fence-height relief necessary to improve security while maintaining a fence height compatible with the Subject Property's use and surrounding conditions.

12. Granting the variance promotes public safety and welfare while ensuring substantial justice because the increased fence height improves security for the storage facility, reduces areas that are easier to climb, and does not create a threat to public safety.

Conclusions of Law

1. Pursuant to the authority conferred by the North Carolina General Statutes, the City of Fayetteville adopted the Unified Development Ordinance (“UDO”), as codified in Chapter 30 of the City Code, thereby consolidating the City’s zoning and subdivision regulatory authority into a single, comprehensive framework.
2. The Applicant duly submitted an application in full compliance with the procedural and substantive requirements of the UDO for consideration of a Variance.
3. The City of Fayetteville’s Zoning Commission provided adequate and lawful notice and conducted an evidentiary public hearing in accordance with the procedural requirements established under North Carolina law.
4. The City of Fayetteville’s Development Services Department is responsible for administering, coordinating, and enforcing the provisions of the UDO.
5. Based on the competent, material, and substantial evidence in the record, all of general and specific conditions precedent to the issuance of the requested Variance have been satisfied, in that:
 - a. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships;
 - b. Any practical difficulties or unnecessary hardships result from unique circumstances related to the land, such as location, size, or topography, and are not the result of the landowner’s actions or conditions common to the neighborhood or the general public;
 - c. The variance is the minimum action that will make possible a reasonable use of land or structures;
 - d. The variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit; and
 - e. In granting the Variance, the public safety and welfare have been assured, and substantial justice has been done.

WHEREFORE, based on the foregoing FINDINGS OF FACT and CONCLUSIONS OF LAW, it is ORDERED by the City of Fayetteville’s Zoning Commission that the application for the issuance of the Variance in Case A26-23 be APPROVED.

VOTE: 4-1

This, the 14th of July, 2026.

Kevin Hight
Zoning Commission Chair



City of Fayetteville

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

City Council Action Memo

File Number: 26-0455

Agenda Date: 7/14/2026

Version: 1

Status: Agenda Ready

In Control: Zoning Commission

File Type: Consent

Agenda Number: 3.04

TO: Zoning Commission

THRU: Jennifer C Baptiste - Planning & Zoning Division Manager

FROM: Thomas Cohen - Planner I

DATE: July 14, 2026

RE:
A26-26: Order to Approve: Findings of Fact for Alpha Signs & Lighting Permitting (on behalf of Murphy USA #25122 and SCP 207-C27-078 LLC) for a variance to the pole sign maximum height standards (Section 30-5.L.8.1.C) allowing a the pole sign at 105 Hope Mills Road (0417108460000) to be taller.

COUNCIL DISTRICT(S):
5 - Lynne Greene

Relationship To Strategic Plan:

Goal II: Responsive city government supporting a diverse and viable economy

- 2.4 - To sustain a favorable development climate to encourage business growth
Businesses need advertising and signage to attract customers and grow. Pole signs are an iconic part of the gas station profile.

Goal III: City investment in today and tomorrow

- 3.3 - To sustain a favorable development and business climate through timely and accurate construction review and building inspections
A variance request represents a pause in certain construction processes as designs are thus still in a state of flux. Swift completion of the variance represents the timely and accurate resumption of the review and inspection process.

Goal VI: Collaborative citizen & business engagement base

- 6.1 - To ensure collaborative relationships with the business community, local governments, military and stakeholders.
According to the applicant, a water main project directly impacts the applicant business and construction plans and the request represents an opportunity for collaboration on solving the applicant's problem.

Executive Summary:

Applicant is requesting a variance in the maximum height standards for pole signs found in UDO Section 30-5.L.8.1.C as they relate to Community Commercial (CC) zoned properties by raising the maximum from 25' to 35' to allow appropriate visibility of the signage.

Zoning Commission Decision Point

The Zoning Commission acting in accordance with NCGS § 160D-705(d) and UDO Section 30-2.C.14.e.2 must decide a course of action:

- Approve the variance request as submitted
- Approve the variance request with conditions
- Deny the variance request

Variance Criteria

1. Unnecessary Hardship
2. Peculiar Conditions
3. Minimum Action Necessary
4. Spirit of the Law
5. Public Safety

The Zoning Commission unanimously approved the variance on June 9, 2026 with no conditions.

Background:

Owner: SCP 2007-C27-078 LLC

Request: Pole sign maximum height increase by 10' to allow signage visibility

Parcel Identification Number (PIN): 0417108460000

Current Zoning: Community Commercial (CC)

Parcel Size: ± 0.84 acres

Existing Site Conditions: Vacant Pharmacy

Immediate Context: Restaurant, gas station, and storage

Utilities: Public water, sewer, and electricity

Public Notice: Notification letters were sent to property owners within 300 feet of the subject site equating to 10 notices sent.

Issues/Analysis:

Variance Criteria

In accordance with NCGS § 160D-705(d) and UDO Section 30-2.C.14.f five standards must all be met for a variance to be granted.

- 1. Unnecessary hardship** - Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships; it shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property; and
- 2. Peculiar Conditions** - Any practical difficulties or unnecessary hardships result from unique circumstances related to the land, such as location, size, or topography, and are not the result of the actions of the land owner, nor may hardships resulting from personal circumstances as well as hardships resulting from conditions that are common to the neighborhood or the general public be the basis for granting a variance; and
- 3. Minimum Action** - The variance is the minimum action that will make possible a reasonable use of land or structures; and

4. **Spirit of the Law** - The variance is in harmony with the general purpose and intent of this ordinance and preserves its spirit; and
5. **Public Safety** - In the granting of the variance, the public safety and welfare have been assured and substantial justice has been done.

Applicable Standards and Request

UDO Section 30-5.L.8.B.1.C is the table which defines pole signs and outlines the standard to which they must adhere based on zoning district. The subject property is located within the Community Commercial (CC) zoning district.

- Existing Maximum Pole Height: 25 feet
 - Proposed Variance: 35 feet (Increase of 10 feet)

Claim Presented by Applicant

The claim is that the request is due to the placement of the sign needing clearance over the roofline of the retail space. This is because of a new water main project (T.I.P. NO. U-4405B) that will not allow the sign to be placed in the preferred space that would allow compliance with the ordinance. The new water main project will require 20 feet of clearance which will impact placement of the sign.

Required Variance Findings

The Commission must determine whether the evidence supports **EACH** of the five criteria and associated findings.

The following is a neutral framing of how the record may be evaluated based on the claims and evidence provided by the applicant.

- Unnecessary Hardship
 - Applicants assert that ordinance requirements do not inherently account for outside factors such as DOT projects that would force placements outside normal spaces and at the existing maximum height standard of 25' for pole signs the sign would not be visible behind the gas station store building.
 - The Commission may consider whether these are considered practical or unnecessary difficulties.
- Peculiar Conditions
 - Applicants assert that the water main project creates a 20' clearance area that pushes the pole sign placement from the typical front location to one in the back
 - The Commission may consider whether these conditions are unique to the land rather than common to other commercial lots
- Not Self-Created
 - Applicants assert that these are circumstances outside of the control of the property owner as the project is an NCDOT project under NCDOT authority.
 - The Commission may consider whether these conditions are a self-created problem
- Spirit of the Law
 - The Commission may evaluate whether varying the maximum pole height

standards is in harmony with the law and does not impact public safety.

- Minimum Action Necessary
 - Applicant asserts the requested variance is the minimum height added that is necessary for visibility.
 - The Commission may consider whether this is the minimum height necessary to achieve the goal.

Budget Impact:

Immediate (Legislative): No additional costs, collection of a \$1000 application fee

Longterm (Construction): Onsite improvements are funded by the developer. City Council evaluates any potential public capital projects via budget adoption and capital investment processes.

Options:

1. Approve the drafted Findings of Fact which match the drafted Order to Approve A26-26 and the hearing record.

2. Approve the Findings of Fact with revisions that the Zoning Commission requests and the hearing record supports

Recommended Action:

Option 1 above

Attachments:

1. Order to Approve A26-26 - Findings of Fact and Conclusions of Law

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

Increase maximum pole sign height to 35 feet at 105 Hope Mills Road (0417108460000)

VARIANCE A26-26

Address: 105 Hope Mills Road
REID Number: 0417108460000
Property Owner: SCP 2007-C27-078 LLC
Applicant: Alpha Signs and Lighting Permitting

The Zoning Commission of the City of Fayetteville, North Carolina, conducted an evidentiary hearing on June 9, 2026, to consider a Variance application submitted by Alpha Signs and Lighting Permitting (“Applicant”), on behalf of SCP 2007-C27-078 LLC (“Owner”), seeking approval to increase the maximum pole sign height to 35 feet at 105 Hope Mills Road (0417108460000) (“Subject Property”).

On May 27, 2026, notice of the public hearing was mailed to the Owner and all owners of property within three hundred (300) feet of the Subject Property, in accordance with applicable legal requirements. A public hearing notice sign was properly posted on the Subject Property on May 27, 2026. Additionally, on May 29, 2026, notice of the public hearing was submitted for publication in the legal notices section of *The Fayetteville Observer*, with the advertisement scheduled to run on May 29, 2026, and June 5, 2026.

Upon careful consideration of all sworn testimony, admitted evidence, and oral arguments presented by the parties at the duly held evidentiary hearing, the Zoning Commission of the City of Fayetteville hereby issues the following FINDINGS OF FACT and CONCLUSIONS OF LAW:

Findings of Fact

1. Chapter 30, Article 30-5, Subsection 30-5.L.8.B.1.C of the City’s Unified Development Ordinance (“UDO” or “Ordinance”) establishes the pole sign dimensional standards for the Community Commercial (CC) zoning district, including the maximum height allowance for pole signs.
2. In the CC zoning district, pole signs have a maximum height allowance of up to 25 feet from the base.
3. The Owner holds title to the Subject Property located on Hope Mills Road, which is zoned Community Commercial, and is located within the municipal limits of the City of Fayetteville.

4. The Subject Property is designated for Neighborhood Mixed Use (NMU) in the City of Fayetteville's adopted Future Land Use Plan, which anticipates neighborhood-scale commercial uses and high-density residential use; preferably in a horizontal and/or vertical mixture.

5. The immediate surrounding area of the Subject Property is developed as Community Commercial and Limited Commercial.

6. The Applicant seeks approval for a variance from UDO Section 30-5.L.8.B.1.C to increase the pole sign height maximum from 25 feet to 35 feet, a net increase of ten (10) feet.

7. Pursuant to NCGS § 160D-705, the Applicant has the burden of proof to show that the variance meets **ALL** the following statutory requirements for variances:

- a. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships;
- b. Any practical difficulties or unnecessary hardships result from unique circumstances related to the land, such as location, size, or topography, and are not the result of the landowner's actions or conditions common to the neighborhood or the general public;
- c. The variance is the minimum action that will make possible a reasonable use of the land or structures;
- d. The variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit; and
- e. In granting the variance, the public safety and welfare have been assured, and substantial justice has been done.

8. Strict enforcement of the UDO requirement would impose practical difficulties and unnecessary hardships because a new water main utility setback on the northern portion of the lot requires relocation of the pole sign behind the planned building, which would significantly limit sign visibility.

9. The hardships are attributable solely to the unique conditions specific to the property and not the landowner's actions because the water main project belongs to NCDOT and the adjacent building also limits sign visibility.

10. The variance is the minimum action necessary to allow pole sign visibility for the Subject Property under the circumstances.

11. The variance advances the general purpose and preserves the spirit of the UDO because it allows the only the additional pole sign height necessary to provide reasonable visibility for the Subject Property.

12. Approval of the variance advances public safety and welfare while upholding substantial justice because the requested sign location and height do not create a threat to the public and will allow reasonable use of a pole sign.

Conclusions of Law

1. Pursuant to the authority conferred by the North Carolina General Statutes, the City of Fayetteville adopted the Unified Development Ordinance (“UDO”), as codified in Chapter 30 of the City Code, thereby consolidating the City’s zoning and subdivision regulatory authority into a single, comprehensive framework.
2. The Applicant duly submitted an application in full compliance with the procedural and substantive requirements of the UDO for consideration of a variance.
3. The City of Fayetteville’s Zoning Commission provided adequate and lawful notice and conducted an evidentiary public hearing in accordance with the procedural requirements established under North Carolina law.
4. The City of Fayetteville’s Development Services Department is responsible for administering, coordinating, and enforcing the provisions of the UDO.
5. Based on the competent, material, and substantial evidence in the record, all general and specific conditions precedent to the issuance of the requested variance have been satisfied, in that:
 - a. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships;
 - b. Any practical difficulties or unnecessary hardships result from unique circumstances related to the land, such as location, size, or topography, and are not the result of the landowner’s actions or conditions common to the neighborhood or the general public;
 - c. The variance is the minimum action that will make possible a reasonable use of land or structures;
 - d. The variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit; and
 - e. In granting the variance, the public safety and welfare have been assured, and substantial justice has been done.

WHEREFORE, based on the foregoing FINDINGS OF FACT and CONCLUSIONS OF LAW, it is ORDERED by the City of Fayetteville’s Zoning Commission that the application for the issuance of the Variance in Case A26-26 be APPROVED with no conditions.

VOTE: Unanimous 5-0

This, the 14th of July, 2026.

Kevin Hight
Zoning Commission Chair



City of Fayetteville

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

City Council Action Memo

File Number: 26-0461

Agenda Date: 7/14/2026

Version: 1

Status: Agenda Ready

In Control: Zoning Commission

File Type: Consent

Agenda Number: 3.05

TO: Zoning Commission

THRU: Jennifer C. Baptiste - Planning & Zoning Division Manager

FROM: Craig Harmon, CZO - Senior Planner

DATE: July 14, 2026

RE:
Item to be tabled to the Commissions August 11, 2026 meeting - NOA26-02.
Notice of Appeal regarding the revocation of building, electrical, mechanical, and plumbing permits for property located at 4431 Bragg Boulevard (REID # 0418553607000), owned by 4311 Bragg, LLC (Appeal of Permit Revocations).

COUNCIL DISTRICT(S):

Relationship To Strategic Plan:

Executive Summary:

Background:

Issues/Analysis:

Budget Impact:

Options:

Table item to the Commission's August 11, 2026 meeting.

Recommended Action:

Table item to the Commission's August 11, 2026 meeting.

Attachments:

- 1.



City of Fayetteville

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

City Council Action Memo

File Number: 26-0424

Agenda Date: 7/14/2026

Version: 1

Status: Agenda Ready

In Control: Zoning Commission

File Type: Consent

Agenda Number: 3.06

TO: Zoning Commission

THRU: Jennifer C. Baptiste, Planning & Zoning Manager

FROM: Catina Evans - Office Assistant II

DATE: July 14, 2026

RE:
Approval of Meeting Minutes: June 9, 2026, meeting

COUNCIL DISTRICT(S):
All

Relationship To Strategic Plan:

Goal VI: Collaborative Citizen & Business Engagement

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

Executive Summary:

The City of Fayetteville Zoning Commission conducted a meeting on the referenced date. The attached minutes is a true accounting of the items of business considered by the Commission.

Background:

NA

Issues/Analysis:

NA

Budget Impact:

NA

Options:

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

Recommended Action:

Option 1: Approve draft minutes.

Attachments:

Draft Meeting Minutes: June 9, 2026, meeting

**MINUTES
CITY OF FAYETTEVILLE
ZONING COMMISSION MEETING
CITY HALL - LAFAYETTE ROOM
433 HAY STREET
JUNE 9, 2026 @ 6:00 P.M.**

MEMBERS PRESENT

Kevin Hight, Chair
Justin Herbe, Vice-Chair
Roger Shah
Zacchaeus Eley
Phillip Fehler
Kim Medley, (Alt.)
Toeyna Monds, (Alt.)

STAFF PRESENT

Jennifer Baptiste, Planning and Zoning Division Manager
Craig Harmon, Senior Planner
Thomas Cohen, Planner I
Victoria Curtis, Assistant City Attorney
Catina Evans, Office Assistant II
Stephen McCorquodale, Zoning Commission Member 2023-25

The Zoning Commission Meeting held on Tuesday, June 9, 2026, was called to order by Kevin Hight at 6:00 p.m. The members introduced themselves.

I. APPROVAL OF THE AGENDA

MOTION: Justin Herbe made a motion to approve the agenda.
SECOND: Phillip Fehler
VOTE: Unanimous (5-0)

II. APPROVAL OF THE CONSENT AGENDA TO INCLUDE THE MINUTES FROM THE MAY 12, 2026, MEETING

MOTION: Zacchaeus Eley made a motion to approve the minutes from the May 12, 2026, meeting.
SECOND: Justin Herbe
VOTE: Unanimous (5-0)

III. EVIDENTIARY HEARINGS

Kevin Hight stated that he needed to be recused from case A26-22. The Commission voted to recuse Mr. Hight from case A26-22 and to hear case A26-13 later in the agenda.

Justin Herbe presided over the meeting, and there was a discussion about case P26-22. The board voted to move forward with case A26-23 because the applicants for case A26-22 had not arrived at the meeting. Kevin Hight was reinstated as Chair and presided over the meeting again.

A26-23. A request for a variance to the fence height standards (Section 30-5.D.4.a) at 1651 Cedar Creek Road (REID #0446815034000) to allow for a taller fence for security purposes, by James Smith of J H Smith Investments.

Craig Harmon presented the staff report for case A26-23.

Kevin Hight opened the evidentiary hearing for case A26-23.

Speaker in favor:

James Smith, J H Smith Investments, 1675 Cedar Creek Road, Fayetteville, NC 28312

Speaker in opposition:

Artem Maximov, 1283 Division Place, Fayetteville, NC 28312

MOTION: Kevin Hight made a motion to allow Mr. Maximov to submit pictures to the board as evidence during his testimony.

SECOND: Phillip Fehler

VOTE: Unanimous (5-0)

Kevin Hight closed the hearing for case A26-23, and the board discussed the case. Mr. Hight reopened the hearing.

MOTION: Justin Herbe made a motion to table the case until a later time to allow Mr. Maximov to present evidence to the board.

SECOND: N/A

VOTE: Motion failed due to the lack of a second.

MOTION: Zacchaeus Eley made a motion to continue to discuss the case.

SECOND: Phillip Fehler

VOTE: (4-1) (Justin Herbe opposed)

MOTION: Justin Herbe made a motion to deny the variance based on the findings of fact as follows:

5. It (variance request) is insufficient to provide safety because the applicant did not show public safety.

SECOND: Kevin Hight

VOTE: (3-2) (Roger Shah and Zacchaeus Eley opposed). Motion failed due to a lack of a 4/5 majority.

MOTION: Zacchaeus Eley made a motion to approve the variance based on the following findings of fact:

1. Strict application of the Ordinance requirements would result in practical difficulties and unnecessary hardships, as demonstrated by the following: The fence creates a hardship because the City's beautification ordinance does not allow this type of fence.
2. Any practical difficulties or unnecessary hardships stem from unique circumstances specific to the property, and they are not the result of actions taken by the landowner, as demonstrated by the following: He (Mr. Smith) did not create it (the practical difficulties) and it (the fence) cannot be moved.
3. The requested variance is the least deviation necessary to ensure the reasonable use of the property, as evidenced by the following: The owner needs the fence to secure the property and increase safety.
4. The variance aligns with the general purpose and intent of the Ordinance and upholds its spirit, as demonstrated by the following: The variance request is in harmony with the existing fence.

5. Granting the variance promotes public safety and welfare while ensuring substantial justice, as demonstrated by the following: Public safety will be met.

SECOND: Kevin Hight

VOTE: (4-1) (Justin Herbe opposed)

A26-13. A request for a variance to the building-mounted sign standards (Section 30-5.L.8.B.2) at dd's Discounts 1800 Skibo Road (REID #041802313900) to allow for a greater number of signs and max copy area, by Tina Arcuri of Coastal Sign Services (on behalf of dd's Discounts).

Thomas Cohen presented case A26-13.

Kevin Hight opened the hearing for case A26-13.

Speakers in favor:

Tina Arcuri, 5374 Greggs Landing, North Charleston, SC 29420

Speakers in opposition:

None

MOTION: Justin Herbe made a motion to approve the variance based on the following findings of fact:

1. Strict application of the Ordinance requirements would result in practical difficulties and unnecessary hardships, as demonstrated by the following: Without the variance, no reasonable use can be made of the property.
2. Any practical difficulties or unnecessary hardships stem from unique circumstances specific to the property, and they are not the result of actions taken by the landowner, as demonstrated by the following: The shape of the building blocks the visibility of the sign.
3. The requested variance is the least deviation necessary to ensure the reasonable use of the property, as evidenced by the following: So, the requested variance represents the minimum relief necessary to allow reasonable identification of the dd's Discount Store. The proposed increase in sign area is limited solely to improving visibility and does not require additional signs or deviations beyond what is necessary to address the site-specific constraints.
4. The variance aligns with the general purpose and intent of the Ordinance and upholds its spirit, as demonstrated by the following: The signs are maintaining orderly, safe, and visually compatible signage in the commercial environment.
5. Granting variance promotes public safety and welfare while ensuring substantial justice, as demonstrated by the following: It (the sign) doesn't provide any hazard to the public.

SECOND: Roger Shah

VOTE: (3-2) (Kevin Hight and Zacchaeus Eley were opposed). Motion failed.

MOTION: Zaccheaus Eley made a motion to approve the variance with the condition of removing the lifestyle signs based on the following findings of fact:

1. Strict application of the Ordinance requirements would result in practical difficulties and unnecessary hardships, as demonstrated by the following: The signage is hard to view at certain angles of the property due to the natural build of the property, with the side wall being extended from their property.
2. Any practical difficulties or unnecessary hardships stem from unique circumstances specific to the property, and they are not the result of actions taken by the landowner, as demonstrated by the following: The land where the signage is set, if you are coming up from Village Drive, you cannot see the property at all. So, as you turn, you will be able to see the property with the bigger signage.
3. The requested variance is the least deviation necessary to ensure the reasonable use of the property, as evidenced by the following: The sign being increased makes for a reasonable use of the land because of where the building is located. So, they need a bigger sign to make that work out.
4. The variance aligns with the general purpose and intent of the Ordinance and upholds its spirit, as demonstrated by the following: The variance is in harmony with the general purpose and intent of the ordinance. The ordinance is to promote uniformity. If you look at the buildings over there, everything is uniform based on the signage—minus the lifestyle signs.
5. Granting the variance promotes public safety and welfare while ensuring substantial justice, as demonstrated by the following: With the bigger sign, we will have a better chance of them (drivers) seeing this place without, you know, hitting someone. So, they (the drivers) are looking, and you have a better chance of it (the sign) being viewed. And we want to keep safety at a high here in Cumberland County in the City of Fayetteville.

SECOND: Kevin Hight

VOTE: Unanimous (5-0)

Chair Kevin Hight recused himself from case A26-22, and Vice-Chair Justin Herbe presided over the evidentiary hearing.

MOTION: Justin Herbe made a motion to allow Alternate Toeyna Monds to serve as the fifth voting member for case A26-22.

SECOND: Zacchaeus Eley

VOTE: Unanimous (4-0)

A26-22. Request for a variance to the corner side setback at 423 McPhee Drive (REID #0427432465000) on a 0.39 acre lot owned by Robert and Evelyn Spicer.

Craig Harmon presented case A26-22.

Justin Herbe opened the hearing for case A26-22.

Speakers in favor:

Robert DeCantur, Critical Path Solutions, 2656 Gillespie Street, Fayetteville, NC 28301

Speaker in opposition:

None

Justin Herbe closed the hearing for case A26-22 and the board deliberated.

MOTION: Roger Shah made a motion to approve the variance to the corner side setback at 423 McPhee Drive based on the following findings of fact:

1. Strict application of the Ordinance requirements would result in practical difficulties and unnecessary hardships, as demonstrated by the following: The practical difficulties of unnecessary hardship do exist because of it being a corner lot. Without getting the variance, the house may not be as functional as the buyers would like.
2. Any practical difficulties or unnecessary hardships stem from unique circumstances specific to the property, and they are not the result of actions taken by the landowner, as demonstrated by the following: The buyers did not create the hardship.
3. The requested variance is the least deviation necessary to ensure the reasonable use of the property, as evidenced by the following: The variance is the minimum action that will make reasonable use of this property as shown by the contractor.
4. The variance aligns with the general purpose and intent of the Ordinance and upholds its spirit, as demonstrated by the following: It is in harmony with the general purpose and intent of the ordinance, and it has preserved the spirit.
5. Granting the variance promotes public safety and welfare while ensuring substantial justice, as demonstrated by the following: Personally, I do not see any issues with public safety or welfare by giving them several more feet to do what they want to add an addition to the house.

SECOND: Justin Herbe
VOTE: Unanimous (5-0)

MOTION: Zaccheaus Eley made a motion to allow Chair Kevin Hight back into the meeting and to place alternate Keyona Monds on reserve.

SECOND: Roger Shah
VOTE: Unanimous (5-0)

A26-26. A request for a variance in the pole sign maximum height standards (Section 30-5.L.8.B.1.C) to allow the pole sign to be taller at 105 Hope Mills Road (REID #0417108460000), by Alpha Signs & Lighting Permitting (on behalf of Murphy USA #25122 and SCP 207-C27-078 LLC).

Thomas Cohen presented case A26-26.
Kevin Hight opened the hearing for case A26-26.

Speaker in favor:

Joseph Bain, Alpha Signs & Lighting, 515 Old Crow Road, Newton Grove, NC 28366

Speaker in opposition:

Deno Poulos, 109 Hope Mills Road, Fayetteville, NC 28304

Kevin Hight closed the hearing for case A26-26 and the board deliberated.

MOTION: Justin Herbe made a motion to approve the variance based on the following findings of fact:

1. Strict application of the Ordinance requirements would result in practical difficulties and unnecessary hardships, as demonstrated by the following: It doesn't make sense to have a sign that is blocked by the building. So, if he follows the ordinance, you can't see—no customer traveling on Raeford Road can see the business.
2. Any practical difficulties or unnecessary hardships stem from unique circumstances specific to the property, and they are not the result of actions taken by the landowner, as demonstrated by the following: It is a unique circumstance because DOT (Department of Transportation) had just increased the setbacks on Raeford Road. Otherwise, he would not have made any changes because the current sign was abiding by the setback rules already.
3. The requested variance is the least deviation necessary to ensure the reasonable use of the property, as evidenced by the following: An increase in height is a very small thing to ask for, so it seems to be the minimal action taken.
4. The variance aligns with the general purpose and intent of the Ordinance and upholds its spirit, as demonstrated by the following: Raeford Road is a business road, so the spirit of conducting business on Raeford Road is still upheld.
5. Granting the variance promotes public safety and welfare while ensuring substantial justice, as demonstrated by the following: As stated, the other public members are not opposed to the sign as well from Pizza Palace.

SECOND: Kevin Hight

VOTE: Unanimous (5-0)

IV. LEGISLATIVE HEARINGS

The board accepted Mr. Shah's request to recuse himself from case P26-24.

P25-54. A request to rezone the ± 7.23 acres at 3100 Tallywood Drive (REID #0427021446000) from Conditional Mixed Residential 5 (MR-5/CZ) to Mixed Residential 5 (MR-5), by Rishi Shah of ResComm Real Estate LLLC and Joe Godwin of Godwin Engineering representing Joo Lee of DJYL Properties LLC.

Craig Harmon presented case P25-54.

Kevin Hight opened the hearing for case P25-54.

Speakers in favor:

None

Speakers in opposition:

None

Kevin Hight closed the hearing for case P25-54.

The board discussed case P25-54.

MOTION: Zaccheaus Eley made a motion to recommend approval of the rezoning from SF-10 (Single-Family Residential 10) to NC (Neighborhood Commercial) based on the evidence presented by the staff. It (the request) definitely applies to the consistency and reasonableness goals of the City and the plans of the City that have been set forth.

SECOND: Phillip Fehler

VOTE: (4-1) (Kevin Hight opposed)

Roger Shah was recused from case P26-24.

P26-24. A request to rezone the ± 7.23 acres at 3100 Tallywood Drive (REID #0427021446000) from Conditional Mixed Residential 5 (MR-5/CZ) to Mixed Residential 5 (MR-5), by Rishi Shah of ResComm Real Estate LLLC and Joe Godwin of Godwin Engineering representing Joo Lee of DJYL Properties LLC.

Thomas Cohen presented case P26-24.

Mr. Herbe recognized that the board had enough regular members for a vote, but he asked Alternate Toeyna Monds if she would like to be reinstated as a voting member and vote on case P26-24. Ms. Monds agreed to reside on the board for this case.

MOTION: Justin Herbe made a motion to allow alternate Toyena Monds to vote on case P26-24.

SECOND: Kevin Hight

VOTE: Unanimous (4-0)

Mr. Cohen continued with the presentation for case P26-24.

Kevin Hight opened the hearing for case P26-24.

Speaker in favor:
Joe Goodwin, 1403 NC S, Benson, NC 27504

Speakers in opposition:
None

Kevin Hight closed the hearing for case P26-24.

MOTION: Phillip Fehler made a motion to recommend approval of the rezoning request based on the use, and that it is in line with the future use of the property by Fayetteville. It (the request) aligns with the district and adjacent properties and the consistency and reasonableness statement.

SECOND: Kevin Hight

VOTE: Unanimous (5-0)

P26-25. A request to rezone the ± 0.46 acres at 8424 King Road (REID #9484886353000) from Agricultural-Residential (AR) to Single-Family 15 (SF-15), by Naphasorn Reyes of BLC Group Home.

Thomas Cohen presented case P26-25.
Kevin Hight opened the hearing for case P26-25.

Speakers in favor:

Naphasorn Reyes, 3501 Castlefield Lane, Fayetteville, NC 28306
Kyle Devin Reyes, 3501 Castlefield Lane, Fayetteville, NC 28306

Speakers in opposition:

None

Kevin Hight closed the hearing for case P26-25.

MOTION: Zaccheus Eley made a motion to approve the zoning map amendment as requested. The request is consistent with the Future Land Use Plan and is reasonable to the local context as outlined in the consistency and reasonableness statements.

SECOND: Justin Herbe

VOTE: Unanimous (5-0)

V. OTHER BUSINESS

Attorney Victoria Curtis discussed the possibility of a special meeting in June and confirmed that items would most likely be presented during the meeting on July 14, 2026. Mr. Harmon informed the board that there would possibly be 6-7 cases for the meeting on Tuesday, July 14, 2026.

VI. ADJOURNMENT

MOTION: Phillip Fehler made a motion to adjourn the June 9, 2026, meeting.

SECOND: Kevin Hight

VOTE: Unanimous (5-0)

The meeting adjourned at 8:05 p.m.

Submitted by Catina Evans



City of Fayetteville

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

City Council Action Memo

File Number: 26-0423

Agenda Date: 7/14/2026

Version: 1

Status: Agenda Ready

In Control: Zoning Commission

File Type: Public Hearing
(Public & Legislative)

Agenda Number: 4.01

TO: Zoning Commission

THRU: Jennifer C. Baptiste - Planning & Zoning Division Manager

FROM: Thomas Cohen - Planner I

DATE: July 14, 2026

RE:

A26-27: Request by Donald Kinlaw for a variance to the maximum fence height standards (Section 30-5.D.4) as well as the minimum yard setback (Section 30-3.d.3) to allow a taller fence and shed at 151 Wheat Way (0408425302000).

COUNCIL DISTRICT(S):

9 - Deno Hondros

Relationship To Strategic Plan:

Goal II - Responsive City Government Supporting a Diverse & Viable Economy

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

Goal VI - Collaborative Citizen & Business Engagement Base

- Objective 6.2 - To ensure trust and confidence in City government through transparency and high-quality customer service

Executive Summary:

Applicant is requesting a variance to both the maximum fence height standards and corner side setback standards as they relate to a residential property within the Single Family 10 (SF-10) zoning district. To allow the reconstruction of privacy fencing to be replaced and to enable continued placement of a shed. Requirements are an increase to the fence height by two feet and a reduction of the setback to 1.5 feet to accommodate the fence and shed respectively.

Applicant's request is an after-the-fact request and is triggered by three Notices of Violation served by City of Fayetteville Code Enforcement under Case Numbers CE20260409-04337, CE20260409-04338, and CE20260409-04339.

Background:

Owner: Donald Kinlaw

Request: Increased maximum fence height and decreased corner yard setback.

Address: 151 Wheat Way

Parcel Identification Number (PIN): 0408425302000

Parcel Size: ± 0.28

Existing Site Conditions: Single floor single family home

Immediate Context: Single family residential neighborhood

Utilities: Public water, sewer, and power

Public Notice: Notification letters were sent to property owners within 300 feet of the subject site. 29 notices sent.

Related Cases: CE20260409-04337, CE20260409-04338, and CE20260409-04339

Issues/Analysis:

Variance Criteria

In accordance with NCGS § 160D-705(d) and UDO Section 30-2.C.14.f five standards must all be met for a variance to be granted.

1. **Unnecessary hardship** - Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships; it shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property; and
2. **Peculiar Conditions** - Any practical difficulties or unnecessary hardships result from unique circumstances related to the land, such as location, size, or topography, and are not the result of the actions of the land owner, nor may hardships resulting from personal circumstances as well as hardships resulting from conditions that are common to the neighborhood or the general public be the basis for granting a variance; and
3. **Minimum Action** - The variance is the minimum action that will make possible a reasonable use of land or structures; and
4. **Spirit of the Ordinance** - The variance is in harmony with the general purpose and intent of this ordinance and preserves its spirit; and
5. **Public Safety** - In the granting of the variance, the public safety and welfare have been assured and substantial justice has been done.

Applicable Standards and Request

UDO Section 30-5.D.4 outlines the maximum fence height standards and Section 30-3.d.3 outlines the Dimensional Standards for the SF-10 zoning district.

- Existing Maximum Fence Height: 4 feet
 - Proposed Variance: 6 feet (Increase of 2 feet)
- Existing Corner Side Setback: 30 feet
 - Proposed Variance: 1.5 feet (Reduction of 28.5 feet)

Claim Summary

With the home being on a corner lot the corner side setback increases to 30 feet to match the front yard setback; in essence, there are two front yards. This reduces the buildable area to less than what it would be if not on the corner.

The fence was removed due to deterioration and is to be replaced by one of equivalent height which is also equivalent to the neighboring property of 6 feet.

Required Variance Findings

The Commission must determine whether the evidence supports **EACH** of the five criteria and associated findings.

The applicant provides the following statements to support the variance criteria.

1. Unnecessary Hardship

- “With my home being located on a corner lot it is considered to have two front yards. One that faces the road I live on Wheat Way and the other facing the road to my left which is Cotton Valley Dr. With requested side yard setback of 30' from property lines the house itself barely fits on the lot. Currently from my property line to the side of my home is 35'6". I'm asking that the setback be moved from the required 30' to 1'6" in order to allow me to have a 12'x24' shed set in my side property and my fence be reconnected to the shed. also asking that my fence height be able to be taller than the required 4' tall and be allowed to be 6' tall to match my neighboring fence which is also located along Cotton Valley Dr. Reason needing the extra space of the storage shed is that I have a son on the way. In our 3-bedroom home we are currently cleaning out our spare room to make a nursery for him to arrive on or around July 4th.”

2. Peculiar Conditions, Not Self-Created

- “The hardships I'm currently running into are the size restrictions for our side yard. Because of my lot being a corner lot, I'm supposed to set back 30' from property lines and my fence be 4' or shorter. Asking for setback to give relief in order to be able to set storage shed in side yard and tie it into fence surrounding my back yard. My old fence was removed because it was rotting and falling over and didn't want to take the chance of it falling on my children or the neighbor behind me fence. With the size my lot and the location of my lot it seems really challenging to move the shed to any other location on the lot at the moment. The fence height that I had installed was the same height and material as the previously installed fence and also installed in same exact location of the previous fence that was removed. With the exception of the area that the shed is sitting and there the fence ties into the shed.”

3. Minimum Action Necessary

- “With this variance it allows me to have space on the side of my home for extra storage to help me organize my things and give them all a place to go. At the same time keeping my yard aesthetically pleasing to the eye. The shed is built to look and match my home color trim and appearance, and the fence ties into it perfectly also, with my fence matching the height of my neighboring fence helps one privacy to my yard and safety of my children but also keeps the flow from my neighbor's yard to mine.”

4. Spirit of the Ordinance

- “With the variance in place everything stays well-kept and well presented to the public passing by. no variation of fence heights from yard to yard. Also, helps me by giving me somewhere to store my things to help make room in my home for a son that I have on the way.

Budget Impact:

Approval or denial of the requested variance does not create immediate or direct impacts on the budget aside from the normal administrative costs for notice, staff review, and the quasi-judicial evidentiary hearing.

Options:

- **Approval** - Find that the request meets all criteria
- **Approval, but with conditions** - Find that the request meets all criteria if adhering to a set of conditions
- **Denial** - Find that the request does not meet one or more criteria

Granting a variance requires an affirmative vote of at least four-fifths of the members who are eligible to vote.

Recommended Action:

N/A

Attachments:

1. Application
2. Aerial Notification Map
3. Current Zoning Map
4. Future Land Use Map
5. Site Pictures (Subject Site)
6. Site Pictures (Surrounding Properties)
7. Site Plan

Project Overview #2172087

Project Title: 151 wheat way fayetteville nc 28314

Jurisdiction: City of Fayetteville

Application Type: 5.4) Variance

State: NC

Workflow: Staff Review

County: Cumberland

Project Location

Project Address or PIN: 151 WHEAT WAY (0408425302000) **Zip Code:** 28314

Please see checklist for instructions for multiple buildings on a single parcel submittals

Is it in Fayetteville? A Fayetteville mailing address does not mean it is in the jurisdictional boundaries of the city. If you're not sure, click this link: [Cumberland County Tax Office GIS system](#)

E911 Addressing confirmation, please ensure that new developments have an address assigned by Cumberland County E911 before submitting. There may be delays and penalties for not doing so.

GIS Verified Data

Project Address: 151 WHEAT WAY

Variance Request Information

Requested Variances: Minimum yard/setback, Fence/wall

Section of the City Code from which the variance is being requested.: 30-5.d.4 & 30-3.d.3

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

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

requesting that my fence height allowed to be 6' tall instead of the required 4' tall in order to match neighboring fence height.

single family 10 (sf10)

requesting set back from proper line be moved from 30' to 1'6" in order for shed to be placed on corner of side yard.

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

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

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

6. In the granting of this Variance, the public safety and welfare have been assured and substantial justice has been done.

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

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

With my home being located on a corner lot it is considered to have two front yards. One that faces the road I live on wheat way and the other facing the road to my left which is cotton valley dr. With requested side yard setback of 30' from property lines the house itself barley fits on the lot. Currently from my property line to the side of my home is 35'6". I'm asking that the setback be moved from the required 30' to 1'6" in order to allow me to have a 12'x24' shed set in my side property and my fence be reconnected to the shed. also asking that my fence height be able to be taller than the required 4' tall and be allowed to be 6' tall to match my neighboring fence which is also located alone cotton valley dr. Reason needing the extra space of the storage shed is that I have a son on the way. In our 3-bedroom home we are currently cleaning out our spare room to make a nursery for him to arrive on or around july 4th.

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

The hardships I'm currently running into are the size restrictions for our side yard. Because of my lot being a corner lot, I'm supposed to setback 30' from property lines and my fence be 4' or shorter. Asking for setback to give relief in order to be able to set storage shed in side yard and tie it into fence surrounding my back yard. My old fence was removed because it was rotting and falling over and didn't want to take the chance of it falling on my children or the neighbor behind me fence. With the size my lot and the location of my lot it seems really challenging to move the shed to any other location on the lot at the moment. The fence height that I had installed was the same height and material as the previously installed fence and also installed in same exact location of the previous fence that was removed. With the exception of the area that the shed is sitting and there the fence ties into the shed.

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

With this variance it allows me to have space on the side of my home for extra storage to help me organize my things and give them all a place to go. At the same time keeping my yard aesthetically pleasing to the eye. The shed is built to look and match my home color trim and appearance, and the fence ties into it perfectly also, with my fence matching the height of my neighboring fence helps one privacy to my yard and safety of my children but also keeps the flow from my neighbors yard to mine.

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

With the variance in place everything stays well-kept and well presented to the public passing by. no variation of fence heights from yard to yard. also, helps me by giving me somewhere to store my things to help make room in my home for a son that i have on the way.

Height of Sign Face : 0

Height of Sign Face: 0

Square Footage of Sign Face : 0

Square Footage of Sign Face: 0

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

With this variance being approved with the shed in current location you still have plenty of room to see both ways when leaven wheat way. Shed nor fence blocks any view of anyone trying to enter or exit the road way.

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Height of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0
Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Primary Contact Information

Project Owner

Donald Kinlaw

151 wheat way
Fayetteville, NC 28314
P:9102259381
Donald.kinlaw@gmail.com

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

NC State Electrical Contractor #1 License Number:

NC State Electrical Contractor #2 License Number:

NC State Electrical Contractor #3 License Number:

NC State Mechanical Contractor's #1 License Number:

NC State Mechanical Contractor's #2 License Number:

NC State Mechanical Contractor #3 License Number:

NC State Plumbing Contractor #1 License Number:

NC State Plumbing Contractor #2 License Number:

Project Contact - Agent/Representative

Donald Kinlaw

151 wheat way
Fayetteville, NC 28314
P:9102259381
Donald.kinlaw@gmail.com

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

NC State General Contractor's License Number:



Aerial Notification Map

Case #: A26-27

Request: Increase fence height and
 reduce setback
 Location: 151 Wheat Way
 (0408425302000)

— Streets

-  A26-27 Buffer
-  A26-27

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





Zoning Map

Case #: A26-27

Request: Increase fence height and

reduce setback

Location: 151 Wheat Way

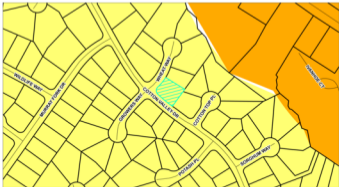
(0408425302000)



Letters are being sent to all property owners within the 200' buffer. Subject Property is shown in the hatched pattern.



62



Future Land Use Map

Case #: A26-27

Request: Increase fence height and

reduce setback

Location: 151 Wheat Way

(0408425302000)



Letters are being sent to all property owners within the 200' buffer. Subject Property is shown in the hatched pattern.



63



Surrounding Properties



Across



Across

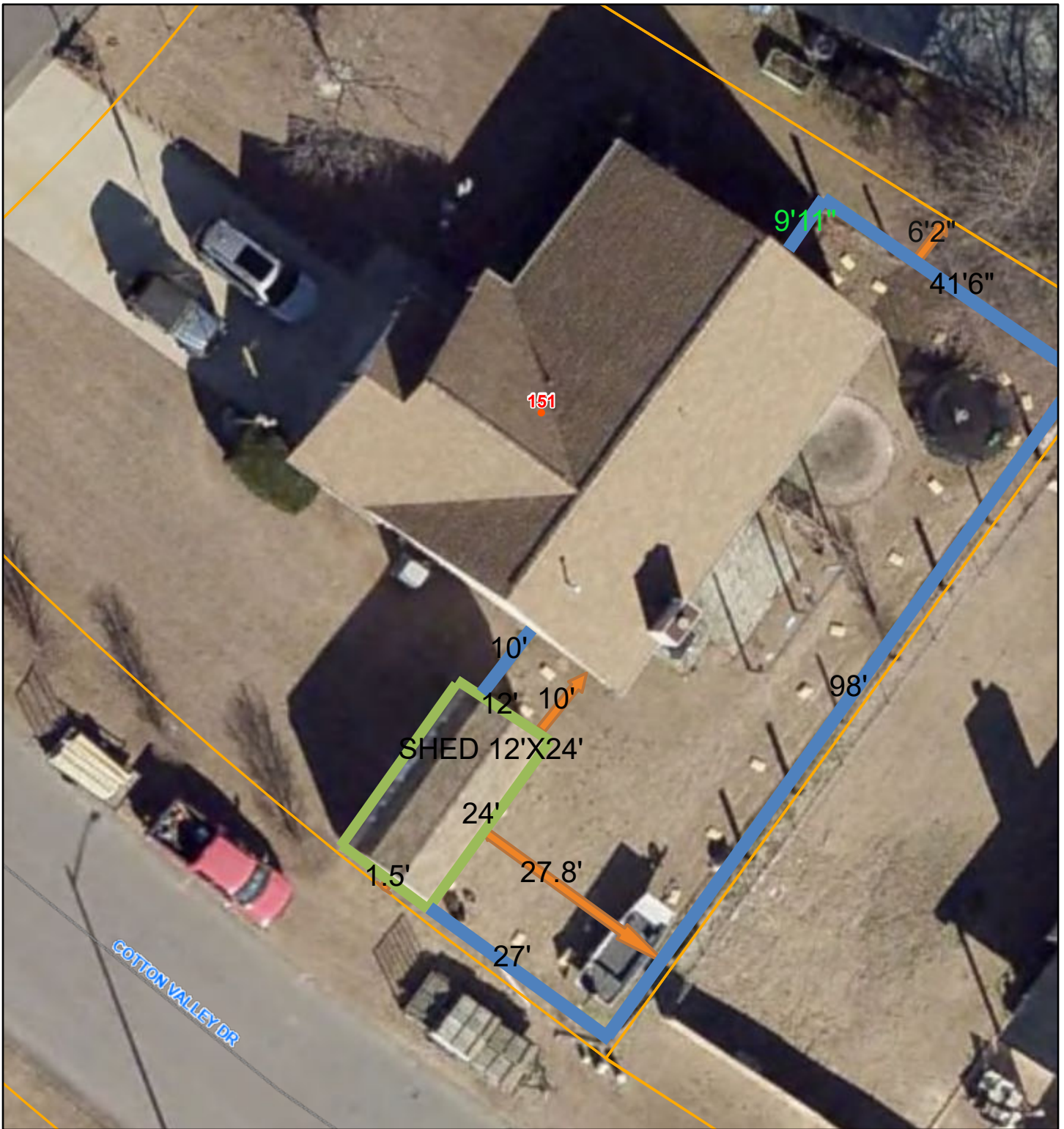


Adjacent



Adjacent

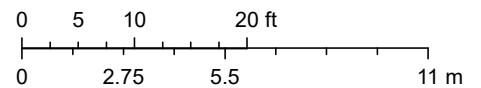
ArcGIS Web Map



5/11/2026, 8:39:04 PM

1:250

- Tax Parcels 19715E465696N.sid
- Parcel Lines
 - Red: Band_1
 - Green: Band_2
 - Blue: Band_3
- Parcel Line
- Address
- Streets



CCGIS, CCGIS \ ESRI Charlotte



City of Fayetteville

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

City Council Action Memo

File Number: 26-0428

Agenda Date: 7/14/2026

Version: 2

Status: Agenda Ready

In Control: Zoning Commission

File Type: Public Hearing
(Public & Legislative)

Agenda Number: 4.02

TO: Zoning Commission

THRU: Jennifer C. Baptiste - Planning & Zoning Division Manager

FROM: Thomas Cohen - Planner I

DATE: July 14, 2026

RE:

A26-28: A request from Mayer Mitchell for a variance to the fence height standards (Section 30-5.D.4) to allow for a taller fence at 2213 Bragg Blvd (0428404373000).

COUNCIL DISTRICT(S):

5 - Lynne Greene

Relationship To Strategic Plan:

Goal IV - Desirable place to live, work, & recreate

- Objective 4.4 - To provide a clean and beautiful community with increased green spaces
- Objective 4.5 - To ensure a place for people to live in great neighborhoods

Goal VI - Collaborative Citizen & Business Engagement Base

- Objective 6.2 - To ensure trust and confidence in City government through transparency and high-quality customer service

Executive Summary:

Applicant requests a variance to the maximum fence height standards found in section 30-5.D.4 to increase the height allowed from four feet to six feet.

Background:

Owner: Mayer Mitchell

Request: Increase fence maximum height from 4ft to 6ft

Parcel Identification Number (PIN): 0428404373000

Parcel Size: ± 0.35

Existing Site Conditions: Single family home

Immediate Context: Single family homes

Utilities: Public sewer, water, and electricity

Public Notice: Notification letters were sent to property owners within 300 feet of the subject site equating to 31 notices sent.

Related Cases: N/A

Issues/Analysis:

Variance Criteria

In accordance with NCGS § 160D-705(d) and UDO Section 30-2.C.14.f five standards

must all be met for a variance to be granted.

1. **Unnecessary hardship** - Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships; it shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property; and
2. **Peculiar Conditions** - Any practical difficulties or unnecessary hardships result from unique circumstances related to the land, such as location, size, or topography, and are not the result of the actions of the land owner, nor may hardships resulting from personal circumstances as well as hardships resulting from conditions that are common to the neighborhood or the general public be the basis for granting a variance; and
3. **Minimum Action** - The variance is the minimum action that will make possible a reasonable use of land or structures; and
4. **Spirit of the Law** - The variance is in harmony with the general purpose and intent of this ordinance and preserves its spirit; and
5. **Public Safety** - In the granting of the variance, the public safety and welfare have been assured and substantial justice has been done.

Applicable Standards and Request

UDO Section 30-5.D.4 outlines the maximum fence height standards for the SF-6 zoning district.

- Existing Maximum Fence Height: 4 feet
 - Proposed Variance: 6 feet (Increase of 2 feet)

Claim Summary

The house fronts both McPherson St and Bragg Blvd creating effectively two front yards as the property is a near-corner through lot. The McPherson side acts more akin to a backyard due to the minimal frontage, and the applicant states that the Bragg Blvd side has an issue of people discarding trash onto the property. The height increase is for privacy and safety.

Required Variance Findings

The Commission must determine whether the evidence supports **EACH** of the five criteria and associated findings.

The applicant provides the following statements to support the variance criteria.

1. Unnecessary Hardship
 - “On the Bragg Boulevard side of my house, it is a regular occurrence for people to discard their trash onto my property both from their vehicle and while walking past. A gate will be built on this side to allow public workers access to any utility or area that they are required to get to. On the Mcpherson side, I would like to have a place to let my dog out and only a small section of the property butts onto the street which makes it more akin to a backyard even though it technically is a corner lot.”
2. Peculiar Conditions, Not Self-Created
 - “Please refer to the prior passage.”
3. Minimum Action Necessary

- “This variance will prevent people from throwing their trash onto my property.”
- 4. Spirit of the Ordinance
 - “The land on the Mcpherson Avenue side has minimal contact with the road making it more akin to a backyard.”

Budget Impact:

Approval or denial of the requested variance does not create immediate or direct impacts on the budget.

Options:

- **Approval** - Find that the request meets all criteria
- **Approval, but with conditions** - Find that the request meets all criteria if adhering to a set of conditions
- **Denial** - Find that the request does not meet one or more criteria

Granting a variance requires an affirmative vote of at least four-fifths of the members who are eligible to vote.

Recommended Action:

N/A

Attachments:

1. Application
2. Aerial Notification Map
3. Current Zoning Map
4. Future Land Use Map
5. Site Pictures (Subject Site)
6. Site Pictures (Surrounding Properties)
7. Site Plan

Project Overview
#2189567
Project Title: 6ft fence variance

Jurisdiction: City of Fayetteville

Application Type: 5.4) Variance

State: NC

Workflow: Staff Review

County: Cumberland

Project Location
Project Address or PIN: 2213 BRAGG BLVD (0428404373000) **Zip Code:** 28303

Please see checklist for instructions for multiple buildings on a single parcel submittals

Is it in Fayetteville? A Fayetteville mailing address does not mean it is in the jurisdictional boundaries of the city. If you're not sure, click this link: [Cumberland County Tax Office GIS system](#)

E911 Addressing confirmation, please ensure that new developments have an address assigned by Cumberland County E911 before submitting. There may be delays and penalties for not doing so.

GIS Verified Data
Project Address: 2213 BRAGG BLVD

Variance Request Information
Requested Variances: Height

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

I am requesting a variance in the code to allow me to build a six foot fence in my front yards, both the one adjacent to Bragg Boulevard and the one touching Mcpherson Avenue, as opposed to the standard limitation of front yard fences being a maximum of four feet in height. There will still be at least a ten foot standoff distance from any public thoroughfare. This request is to prevent passers by from tossing trash from their vehicle or from their person into my yard which has been a common occurrence since moving to this address. The proposed fence on the Mcpherson Avenue side is replacing a preexisting chain link fence which fell into disrepair before I purchased the property. The chain link fence that is being replaced was also six feet in height. This is keeping to the spirit of the law since the yard on the Mcpherson Avenue side does not run parallel with the street and only has one entrance from the street; the beginning of this fence is also

Section of the City Code from which the variance is being requested.: 30-5.D.4. Height Requirements for Fences and Walls

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

Three of four adjacent lots of land currently have houses on them (2215 Bragg Boulevard, 417 Mcpherson Avenue, 421 Mcpherson Avenue). The fourth lot of adjacent land, 2211 Bragg Boulevard, is currently vacant. The lot of land across Bragg Boulevard, 2509 Pecan Drive also has a residential address. The lot of land across the street on McPherson is the parking lot for Epicenter Church (2512 Fort Bragg Road).

inset from the street into the 2213 Bragg Boulevard property.
Both fences will be constructed of wood and adhere to 5.c.

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

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

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

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

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

On the Bragg Boulevard side of my house, it is a regular occurrence for people to discard their trash onto my property both from their vehicle and while walking past. A gate will be built on this side to allow public workers access to any utility or area that they are required to get to. On the Mcpherson side, I would like to have a place to let my dog out and only a small section of the property butts onto the street which makes it more akin to a backyard even though it technically is a corner lot.

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

Please refer to the prior passage.

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

This variance will prevent people from throwing their trash onto my property.

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

The land on the Mcpherson Avenue side has minimal contact with the road making it more akin to a backyard.

Height of Sign Face : 6

Height of Sign Face: 6

Square Footage of Sign Face : 0

Square Footage of Sign Face: 0

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

This variance will lead to a decrease in the opportunity for people to easily litter. No risk to the public safety and welfare will be imposed by the construction or existence of this fence.

Height of Sign Face: 6

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Please refer to the attached site plan for questions regarding dimensions.

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Primary Contact Information

Project Owner

Mayer Mitchell

2213 Bragg Boulevard

Fayetteville, NC 28303

P:3142231364

sunbro112358@outlook.com

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

NC State Electrical Contractor #1 License Number:

NC State Electrical Contractor #2 License Number:

NC State Electrical Contractor #3 License Number:

NC State Mechanical Contractor's #1 License Number:

NC State Mechanical Contractor's #2 License Number:

NC State Mechanical Contractor #3 License Number:

NC State Plumbing Contractor #1 License Number:

NC State Plumbing Contractor #2 License Number:

Other

Isauro Ramirez

Ramirez Renovations

2014 Hope Mills Rd

Fayetteville, NC 28304

P:(910) 568-3002

Ramirezrenovationco@gmail.com

Project Contact - Agent/Representative

Mayer Mitchell

2213 Bragg Boulevard

Fayetteville, NC 28303

P:3142231364

sunbro112358@outlook.com

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

NC State General Contractor's License Number:



Aerial Notification Map
Case #: A26-28

Request: Increase fence height
Location: 2213 Bragg Blvd

- Streets
-  A26-28 Buffer
-  A26-28

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





Zoning Map
Case #: A26-28

Request: Increase fence height
Location: 2213 Bragg Blvd



Letters are being sent to all property owners within the 200' buffer. Subject Property is shown in the hatched pattern.



75



Future Land Use Map
Case #: A26-28

Request: Increase fence height
Location: 2213 Bragg Blvd



Letters are being sent to all property owners within the 200' buffer. Subject Property is shown in the hatched pattern.



76

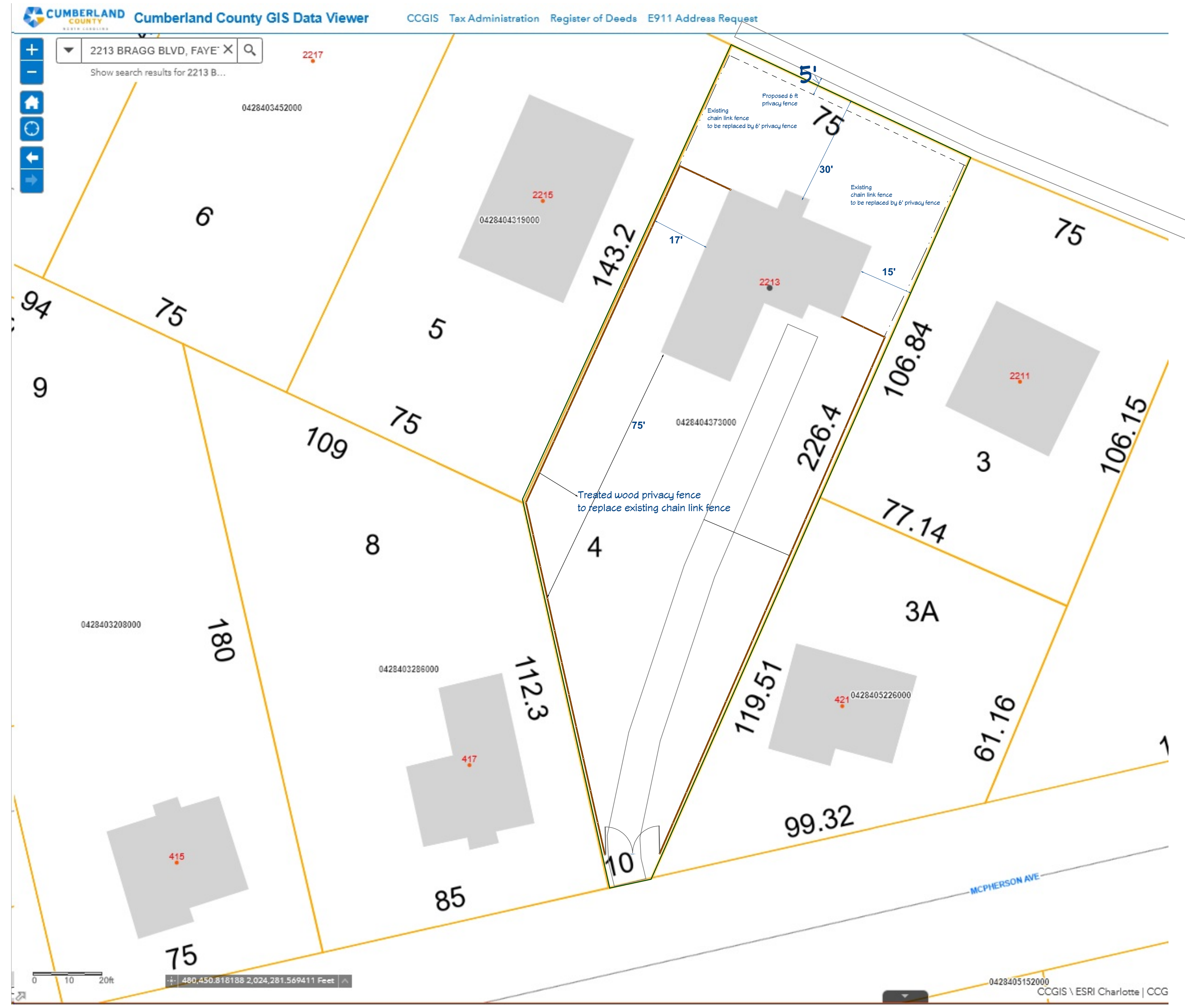
Subject Property



Surrounding Properties



Site Plan



REID 0428404373000 PIN # 0428-40-4373

OWNER INFORMATION
 MITCHELL, MAYER
 2213 BRAGG BLVD, FAYETTEVILLE, NC 28303
 PIN: 0428-40-4373
 PROPERTY DESC: FAIRFAX PLACE LO:4 SE:01 PL:0011-0019
 ACRES: 0.35
 Plat Book & Page: [0011-0019](#)

REVISION TABLE	NUMBER	DATE	REVISED BY	DESCRIPTION

Property Owner
 Mitchell Mayer
 2213 BRAGG BLVD
 FAYETTEVILLE NC 28303

Site Plan

DRAWINGS PROVIDED BY: Michael Fields for
 Ramirez General Contractors
 2014 Hope Mills Rd
 Fayetteville, NC 28304

DATE:

6/5/2026

SCALE:

1/16"=1'

SHEET:

P-1



City of Fayetteville

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

City Council Action Memo

File Number: 26-0429

Agenda Date: 7/14/2026

Version: 1

Status: Agenda Ready

In Control: Zoning Commission

File Type: Public Hearing
(Public & Legislative)

Agenda Number: 5.01

TO: Zoning Commission

THRU: Jennifer C. Baptiste - Planning & Zoning Division Manager

FROM: Thomas Cohen - Planner I

DATE: July 14, 2026

RE:
P26-29: A request from Patricia and Raymond King of King Construction and Development Company Inc to rezone the ±0.21 acres at 1928 Progress St (0436035927000) from Single Family 6 (SF-6) to Mixed Residential 5 (MR-5).

COUNCIL DISTRICT(S):
2 - Malik Davis

Relationship To Strategic Plan:

Goal II - Responsive city government supporting a diverse & viable economy

- Objective 2.1 - To ensure a diverse City tax base
- Objective 2.2 - To invest in community places to ensure revitalization and quality of life

Multiplexes provide greater tax revenue to the city while providing affordable housing to families in need and generating investment in the real-estate market. Replacing vacant land with missing middle housing also acts as an aesthetic increase and injects newer life blood into an area, increasing the quality of life for new and existing families.

Goal III - City investment in today & tomorrow

- Objective 3.2 - To manage the City's future growth

Construction of a multiplex would constitute infill development along the city's outer perimeter and provide greater housing potential than traditional single-family homes.

Goal IV - Desirable place to live, work, & recreate

- Objective 4.5 - To ensure a place for people to live in great neighborhoods
- Objective 4.6 - To reduce poverty and homelessness

Multiplexes provide affordable housing opportunities without falling into the pitfall of luxury housing that reverses any gains additional units would bring. A greater supply of affordable housing in distressed neighborhoods is what the NIR designation is meant

Executive Summary:

P26-29 is a request to rezone an approximately 0.21 acres parcel located at 1928 Progress Street from Single Family 6 (SF-6) to Mixed Residential 5 (MR-5) for the stated purpose of building a duplex.

The subject property is a vacant lot that has not been the subject of any city action for the last five years. It's predominantly surrounded by single family residential with some vacant parcels that are zoned for residential within the neighborhood itself and commercial on the neighborhood's edge near Gillespie Street and Southern Avenue.

Background:

Owner: King Construction and Development Company Inc

Request: SF-6 to MR-5

Parcel Identification Number (PIN): 0436035927000

Parcel Size: ± 0.21

Existing Site Conditions: Vacant residential parcel

Adjacent Zoning:

- **North:** SF-6 and MR-5
- **South:** SF-6 and MR-5
- **East:** CC, SF-6, and MR-5
- **West:** NC SF-6, and MR-5

Utilities: Public water, sewer, and power

Reason for Request: Request is triggered by desire to build a duplex. While SF-6 does allow duplexes by right, the dimensional standards prevent it being built. This would be resolved if it were MR-5.

Public Notice: Notification letters were sent to property owners within 1,000 feet of the subject site equating to 198 notices sent.

Issues/Analysis:

Case P26-29 is a request by the property owner to rezone the ± 0.21 acres parcel located at 1928 Progress Street from Single Family 6 (SF-6) to Mixed Residential 5 (MR-5). Pursuant to NCGS-160D, a rezoning without conditions entitles the landowner to the full range of uses specified for that base zoning district but bounded by the Unified Development Ordinance (UDO).

The MR-5 zoning district is intended to meet diverse housing needs by allowing a variety of residential housing options ranging from single family, detached to multi-family housing as well as complimentary institutional uses such as post offices, police substations, day care, or small-scale accessory retail.

The Future Land Use Plan 2040 (FLUP) designations are central to policy analysis affixed by local contexts, reasonableness of the request, and service to the public good. Per the FLUP, the subject property is designated for Neighborhood Improvement (NIR). This designation is for an "area that allows higher density redevelopment and 'missing middle' housing to increase private reinvestment and revitalize neighborhoods. Target areas include clusters of vacant and/or underutilized parcels. Policies focus on neighborhood improvement and reinvestment."

The neighborhood itself is on the southeastern edge of the city; a stone's throw away from the county line. It's predominantly single-family homes residing on smaller lots with most

being under a third of an acre and few being any greater than a half-acre. Many of these are vacant, such as the subject parcel, and have been for between 60 to 80 years as much of the neighborhood was constructed between the 1940's and 1960's until recently.

The neighborhood has a mixture of zoning districts with lots falling predominantly into three zones: Neighborhood Commercial (NC), Single Family 6 (SF-6) and Mixed Residential 5 (MR-5). The NC and MR-5 designated lots are generally found along Southern Avenue and Trade Street which are three lane roads that cross through the area: Trade Street being the border between the City of Fayetteville and Cumberland County.

While each of these zones is compatible with the Neighborhood Improvement designation, MR-5 is the most appropriate match for the subject property. It provides an opportunity for construction of missing middle housing which would raise density and allow for affordable infill development given the quantity of long-term vacant lots. The conversion of these lots into affordable housing will provide a much-needed increase in housing stock while making use of underdeveloped land and breathing new life into an older neighborhood.

In addition, case P25-14 provides precedent for the current request. This case is related to 2026 Progress Street which is a 0.21-acre parcel that was successfully rezoned from SF-6 to MR-5 on May 27, 2026. At the time, this parcel was owned by the applicant of the current case (King Construction and Development Company Inc) and later sold. As of today, 2026 Progress Street is now a duplex of modern design and amenities.

The request serves as a form of modest infill development in an area designated for private investment and revitalization while adding to the city tax base and the stock of affordable housing units.

Budget Impact:

Approval or denial of the requested map amendment does not create immediate and direct impacts on the budget other than the collection of the application fee and cost for relevant staff. There is the potential for indirect budgetary impacts from development of the vacant parcel via additional property taxes and the downstream economics of new construction.

Options:

- **Approval (Recommended Action):**
Recommend approval of the zoning map amendment as requested - finding that the request is consistent with the Future Land Use Plan and reasonable to local context as outlined by the Consistency and Reasonableness Statements.
- **Approval, but to a more restrictive district:**
Recommend approval of the zoning map amendment from MR-5 to one that is more restrictive, but consistent with the Future Land Use Plan and Reasonable to the local contexts with amended Consistency and Reasonableness Statements.
- **Denial:**

Deny the proposed map amendment - find that the request is inconsistent with the Future Land Use Plan and unreasonable to the local context.

Recommended Action:

The Planning Staff recommends that the Zoning Commission recommends to City Council a motion to APPROVE the request to rezone the ± 0.21 acres at 1928 Progress St from SF-6 to MR-5.

Attachments:

1. Application
2. Aerial Notification Map
3. Current Zoning Map
4. Future Land Use Map
5. Site Pictures (Subject Site)
6. Site Pictures (Surrounding Properties)
7. Consistency and Reasonableness Statements

Project Overview

#2131529

Project Title: 1928 Progress Street

Jurisdiction: City of Fayetteville

Application Type: 5.1) Rezoning (Map Amendment)

State: NC

Workflow: Staff Review

County: Cumberland

Project Location

Project Address or PIN: 1928 PROGRESS ST (0436035927000) **Zip Code:** 28306

Please see checklist for instructions for multiple buildings on a single parcel submittals

Is it in Fayetteville? A Fayetteville mailing address does not mean it is in the jurisdictional boundaries of the city. If you're not sure, click this link: [Cumberland County Tax Office GIS system](#)

E911 Addressing confirmation, please ensure that new developments have an address assigned by Cumberland County E911 before submitting. There may be delays and penalties for not doing so.

GIS Verified Data

Project Address: 1928 PROGRESS ST

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: mr5

Acreage to be Rezoned: .21

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:

We would like to build duplex on this property to be able to continue improving the area and also having affordable living

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

single family homes

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.:

two other lots we have duplexes on in the area and it is really increasing the look the upgrade of the area

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

the zoning

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

need to grow and giving affordable living and housing

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.:

we have two duplexes already in the area

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

improving the community

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

It already has encourage premature development

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

improve in the area back to how it started nice clean community

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.:

it beautifies the area and encourages others to clean up their areas

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

provides affordable living and improves the area

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

this area is one of the oldest areas in fayetteville it needs to come back to life

Primary Contact Information

Project Owner

RAYMOND KING
KING CONSTRUCTION AND DEVELOPMENT COMPANY INC.
8736 KING ROAD
FAYETTEVILLE, NC 28306
P:910-322-6603
kingconst2010@gmail.com

Project Contact - Agent/Representative

Patricia King
king construction
3419 savannah dr
Fayetteville, NC 28306
P:9103226603
kingconst2010@gmail.com

Indicate which of the following project contacts should be

included on this project: Electrical Contractor 1,General Contractor,Mechanical Contractor 1,Plumbing Contractor 1

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

Project Contact - Electrical Contractor

Diane Royal
Buford Electric
po box 64333
fayetteville, NC 28306
P:9104915490
diane.bufordelectric@gmail.com

NC State Electrical Contractor #1 License Number: unsure

NC State Electrical Contractor #2 License Number:

NC State Electrical Contractor #3 License Number:

Project Contact - General Contractor

RAYMOND KING

NC State General Contractor's License Number: 46822

KING CONSTRUCTION AND DEVELOPMENT COMPANY INC.
8736 KING ROAD
FAYETTEVILLE, NC 28306
P:910-322-6603
kingconst2010@gmail.com

NC State Mechanical Contractor's #1 License Number:
unsure

NC State Mechanical Contractor's #2 License Number:

NC State Mechanical Contractor #3 License Number:

NC State Plumbing Contractor #1 License Number: unsure

NC State Plumbing Contractor #2 License Number:

Project Contact - Mechanical Contractor

Fred Dew
chacco inc
PO BOX 36037
fayetteville , NC 28303
P:9104880318
chacco@embarqmail.com

Project Contact - Plumbing Contractor

steve lee
clear choice plumbing llc
7053 crest st
fayetteville, NC 28306
P:9102373790
lps@yahoo.com



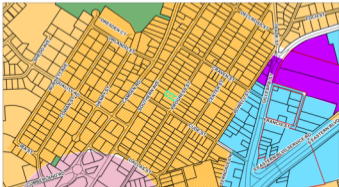
Zoning Map
Case #: F26-29

Request: Rezone from SF-6 to MR-5
Location: 1928 Progress St
(0436035927000)



Letters are being sent to all property owners within the 100' buffer. Subject Property is shown in the hatched pattern.





Future Land Use Map
Case #: F26-29

Request: Rezone from SF-6 to MR-5
Location: 1928 Progress St
(0436035927000)



Letters are being sent to all property owners within the 100' buffer. Subject Property is shown in the hatched pattern.





Surrounding Properties

Across



Across



Consistency and Reasonableness Statement

Map Amendments

Pursuant to N.C.G.S. § 160D-604 and § 160D-605, the Zoning Commission determines that the proposed zoning map amendment in case P26-29 is consistent with the City of Fayetteville’s Future Land Use Map as well as the Comprehensive Plan and Strategic Plan.

The following analysis reviews the proposed amendment in relation to the goals and policies of the Future Land Use Map, Comprehensive Plan, and Strategic Plan following the Commission’s established review format.

Consistency

1. STRATEGOC PLAN GOALS

GOAL(S)	CONSISTENT	INCONSISTENT
<p>Goal II: Responsive city government supporting a diverse & viable economy (2.1 & 2.2)</p> <ul style="list-style-type: none"> • Multiplexes provide greater tax revenue to the city while providing affordable housing to families in need and generating investment in the real-estate market. Replacing vacant land with missing middle housing also acts as an aesthetic increase and injects newer life blood into an area, increasing the quality of life for new and existing families. 	X	
<p>Goal III – City investment in today & tomorrow (3.2)</p> <ul style="list-style-type: none"> • Construction of a multiplex would constitute infill development along the city’s outer perimeter and provide greater housing potential than traditional single-family homes. 	X	
<p>Goal IV – Desirable place to live, work, & recreate (4.5 & 4.6)</p> <ul style="list-style-type: none"> • Multiplexes provide affordable housing opportunities without falling into the pitfall of luxury housing that reverses any gains additional units would bring. A greater supply of affordable housing in distressed neighborhoods is what the NIR designation is meant to encourage while making the neighborhood a better place to live through conversion of vacant lots to new neighbors. 	X	

2. FUTURE-LAND USE POLICES AND STRATEGIES:

LAND USE POLICES AND STRATEGIES	CONSISTENT	INCONSISTENT
<p>LU-1: Growth in areas well-served by infrastructure (1.2, 1.3, 1.6, and 1.7)</p> <ul style="list-style-type: none"> The neighborhood is a well-established neighborhood with suitable and plentiful access to public utilities and roadway infrastructure and will not require more resources necessary to tap in. <p>LU-3: Encourage redevelopment along underutilized commercial strip corridors and reinvestment in distressed residential neighborhoods (3.1 & 3.2)</p> <ul style="list-style-type: none"> Duplexes add housing diversity and affordability that breath new life into otherwise older or distressed neighborhoods in need of infill development. <p>LU-6: Encourage development standards that result in quality neighborhoods (6.1)</p> <ul style="list-style-type: none"> Duplexes must be built to a modern and acceptable standard akin to a single-family home, but at a reduced cost per unit. This enables newer neighbors and otherwise vacant lots that are untended to be used and maintained. <p>LU-7: Encourage a mix of housing types for all ages and incomes (7.1 & 7.2)</p> <ul style="list-style-type: none"> Duplexes provide more affordable and accessible housing for all ages and income brackets relative to traditional single-family homes. 	<p style="text-align: center;">X</p> <p style="text-align: center;">X</p> <p style="text-align: center;">X</p> <p style="text-align: center;">X</p>	

3. The proposed amendment is consistent with the Future Land Use Map as follows:

X	The requested map amendment is consistent or aligns with the area's designation on the FLUM	OR	The requested map amendment is NOT consistent or DOES NOT align with the area's designation on the FLUM
X	As requested, the proposed designation would permit uses complementary to those existing on adjacent tracts.	OR	As requested, the proposed designation would permit uses incongruous to those existing on adjacent tracts.

Reasonableness

The proposed zoning map amendment of SF-6 to MR-5 is both reasonable and in the interest of the public. It supports the policies of the Comprehensive and Strategic Plans because: [select all that apply]

 X The size, features, and other conditions of the site support the request and potential use cases.

 The amendment includes conditions that limit potential negative impacts on neighboring uses.

 X The proposed use addresses the needs of the area by enabling child and adolescent care services.

 X The proposal promotes orderly development by aligning with surrounding land uses.

The amendment is also in the public interest because it: [select all that apply]

 X Improves net total consistency with the Future Land Use Map and Comprehensive Plan.

 X Improves the net health and safety of the community.

 Preserves environmental and/or cultural resources.

 X Facilitates desired development such as infill and/or in an infrastructure-served area.

 X Provides needed housing/commercial area.

Additional comments:

_____ Date

_____ Chair Signature

_____ Print



City of Fayetteville

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

City Council Action Memo

File Number: 26-0453

Agenda Date: 7/14/2026

Version: 1

Status: Agenda Ready

In Control: Zoning Commission

File Type: Public Hearing
(Public & Legislative)

Agenda Number: 5.02

TO: Zoning Commission

THRU: Jennifer C. Baptiste - Planning & Zoning Division Manager

FROM: Thomas Cohen - Planner I

DATE: July 14, 2026

RE:

P26-30: A request by the Thomas R & Elizabeth E McLean Foundation Inc to rezone the ±0.16 acres at 1324 Fort Bragg Rd (0427960465000) from Mixed Residential 5 (MR-5) to Office and Institutional (OI).

COUNCIL DISTRICT(S):

5 - Lynne Greene

Relationship To Strategic Plan:

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

- Objective 2.1 - Ensure a diverse City Tax Base
- Objective 2.4 - To Sustain a Favorable Development Climate to Encourage Business Growth

The request creates potential for local business expansion while maintaining the façade of a single-family residence.

Goal III: City Investment in Today & Tomorrow

- Objective 3.2 - To Manage the City's Future Growth and Strategic Land Use

The request is infill development via the conversion of a single-family home to commercial offices.

Executive Summary:

P26-30 is a request to rezone an approximately 0.16 acres parcel located at 1324 Fort Bragg Rd from Mixed Residential 5 (MR-5) to Office and Institutional (OI) for the stated purpose of converting the existing single-family home into commercial office space.

The subject property is an almost complete single-family home and has not been subject of any city action within the last five years. It's predominantly surrounded by MR-5 and OI parcels with the OI parcels often being converted from single-family homes.

Background:

Owner: Onsite Homes LLC

Request: MR-5 to OI

Parcel Identification Number (PIN): 0427960465000

Parcel Size: ± 0.16

Existing Site Conditions: Almost finished single-family home

Adjacent Zoning:

- **North:** MR-5 - Single-family homes
- **South:** MR-5 & OI - Single-family homes and small businesses
- **East:** OI - Small-businesses
- **West:** MR-5 - Single-family homes

Utilities: Public water, sewer, and electricity

Reason for Request: To allow for building conversion into commercial office space

Public Notice: Notification letters were sent to property owners within 1,000 feet of the subject site equating to 303 notices sent.

Issues/Analysis:

Case P26-30 is a request by a contracted buyer to rezone the ± 0.16 acres parcel at 1324 Fort Bragg Rd from Mixed Residential 5 (MR-5) to Office and Institutional (OI). Pursuant to NCGS-160D, a rezoning without conditions entitles the landowner to the full range of uses specified for that base zoning district but bounded by the Unified Development Ordinance (UDO).

The Office and Institutional zoning district is intended to accommodate a mixture of small-scale, low-intensity professional business offices, and institutions with limited personal service and supporting retail uses while also allowing for a variety of residential forms such as single family attached, detached, multi-family, and mixed-use.

The Future Land Use Plan 2040 (FLUP) designations are central to policy analysis affixed by local contexts, reasonableness of the request, and service to the public good. Per the FLUP, the subject property is designated for Medium Density Residential (MDR). This designation is for “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 subject property is located within Haymount in the central-western portion of the city, only a five-minute drive from the downtown area. The neighborhood is mostly single-family homes on small lots with some commercial buildings located where Fort Bragg Road and Morganton Road split off from Hay Street. These commercial buildings range in design and purpose from converted single-family homes to dedicated commercial space. It's noted that in the immediate area of the subject property commercial districts are only on the southern side of the street while moderate-to-high density residential is found on the northern side.

While the OI zoning district is not directly aligned with the MDR designation there is room to interpret the request's consistency with the policies, strategies, and goals of the FLUP such as Land Use Goals (LU) LU-1, LU-2, LU-4, and LU-6. There is also precedent set for this type of rezoning and conversion within the area by cases P22-41 and P21-05.

LU-1 is oriented around encouraging strategic growth in areas that are well-served by both infrastructure and urban services. This is a well-established area with access to

many services, a short walk eastward along Fort Bragg Road and Hay Street with infrastructure to match. LU-2 is related by encouraging strategic economic development in key areas such as downtown and office and institutional zones. This neighborhood is located adjacent to downtown and within an area of casual commercial use.

LU-4 is centered on the development of walkable commercial and mixed-use areas and ensuring context-sensitive site-design while LU-6 encourages building standards that will result in quality neighborhoods. Conversion of an existing single-family home will provide commercial space that is directly compatible with the aesthetics and profile of a normal residential area while providing daytime hours sightlines that discourage crime.

As for precedence, cases P22-41 and P21-05 respectively were centered on 1320 and 1318 Fort Bragg Rd with 1320 being adjacent to the subject property. These were rezoning cases taking the respective properties from MR-5 to OI. These cases diverge from P26-30 in that the designation for the subject properties were for Neighborhood Mixed Use (NMU) which is a designation that OI is considered directly compatible. However, these cases showcase precedent for rezoning from MR-5 to OI in this commercial adjacent area of Fort Bragg Rd.

The request serves as a form of infill development and commercial conversion of the parcel from residential. While the FLUP designation is not in direct alignment with the request the extent of the request is not out of line and unprecedented within the immediate area and is in alignment with several City Strategic Goals and Future Land Use Goals and Strategies.

Budget Impact:

Approval or denial of the requested map amendment does not create immediate and direct impacts on the budget other than the collection of the application fee and cost for relevant staff. However, conversion from residential to commercial provides long-term tax revenue adjustments to the parcel and building as well as the downstream economic impacts of a building conversion.

Options:

- **Approval (Recommended Action):**

Recommend approval of the zoning map amendment as requested - finding that the request is consistent with the Future Land Use Plan and reasonable to local context as outlined by the Consistency and Reasonableness Statements.

- **Approval, but to a more restrictive district:**

Recommend approval of the zoning map amendment from OI to one that is more restrictive, but consistent with the Future Land Use Plan and Reasonable to the local contexts with amended Consistency and Reasonableness Statements.

- **Denial:**

Deny the proposed map amendment - find that the request is inconsistent with the Future Land Use Plan and unreasonable to the local context.

Recommended Action:

The Planning Staff recommends that the Zoning Commission recommends to City Council a motion to APPROVE the request to rezone the ± 0.16 acres at 1324 Fort Bragg Road from MR-5 to OI.

Attachments:

1. Application
2. Aerial Notification Map
3. Current Zoning Map
4. Future Land Use Map
5. Site Pictures (Subject Site)
6. Site Pictures (Surrounding Properties)
7. Consistency and Reasonableness Statements

Project Overview
#2162568
Project Title: 1324 Ft. Bragg Rd.

Jurisdiction: City of Fayetteville

Application Type: 5.1) Rezoning (Map Amendment)

State: NC

Workflow: Staff Review

County: Cumberland

Project Location
Project Address or PIN: 1324 FORT BRAGG RD
 (0427960465000)

Zip Code: 28305

Please see checklist for instructions for multiple buildings on a single parcel submittals

Is it in Fayetteville? A Fayetteville mailing address does not mean it is in the jurisdictional boundaries of the city. If you're not sure, click this link: [Cumberland County Tax Office GIS system](#)

E911 Addressing confirmation, please ensure that new developments have an address assigned by Cumberland County E911 before submitting. There may be delays and penalties for not doing so.

GIS Verified Data
Project Address: 1324 FORT BRAGG RD

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: 0.16

Water Service: Public

A) Please describe all existing uses of the land and existing structures on the site, if any:

New Construction designated as MR-5. However, rezoning to O&I would provide an appropriate framework for non-profit and community-based organizations whose programs contribute meaningful social, cultural, educational, and public health benefits to residents. Importantly, these benefits can be realized without undermining residential character when development is subject to appropriate compatibility standards, including limitations on height and scale, context-sensitive site design, buffering and landscaping, lighting controls, and circulation measures that minimize adverse impacts on nearby homes. As such, the O&I designation offers a balanced land use approach that promotes neighborhood-serving activity and community investment while preserving the character

Previous Amendment Approval Date:
Proposed Zoning District: O&I

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.:

SF designations in rear of subject property.

O&I, LC, and SF-6 designations alongside and across the street from subject property.

and livability of adjacent residential areas. Rezoning aligns with policies as outlined in the **Greater Haymount Area Plan** and **2040 Comprehensive Plan** encouraging transitional uses along corridors like Fort Brag Rd. and institutional/non-profit activities that enhance community services.

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 area encompassing the subject property and property across the street is designated as O&I, LC, and SF-6, and therefore rezoning the subject property as O&I would appear to be directly in accordance with the comprehensive plan, the 2026 strategic plan, and long-range planning by contributing to the economic development having a non-profit housed in the Haymount/Downtown area.

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

None known.

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

The subject property is demographically surrounded by other businesses zoned O&I and LC, which is in-line with existing land use plans, and 2026 strategic plans. Our "mission" as a private foundation is to address the demonstrated needs of Haymount/Downtown by being heavily invested through grant funding to organizations, such as the Cape Fear Regional Theatre, N.C. Civil War History Center, Fayetteville Family Life Center, CSDD, Habitat for Humanity, Fayetteville Area Operation Inasmuch, in an effort to support the revitalization efforts in Haymount and Downtown, and will add to the local tax base without unduly burdening existing infrastructure.

D) State the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land, and why it is the appropriate zoning district for the land.:

The area adjacent to, and across the street from the subject property, is zoned O&I, LC, and SF-6. The proposed amendment will compliment existing zoning in the area and benefit the surrounding community needs as we are a non-profit contributing heavily into the arts, public health and safety, historic preservation, revitalization initiatives, and educational institutions in Cumberland County, to name a few, while adding to the local tax base, without unduly burdening existing infrastructure. In addition, the office will look/operate like a residential scale building with no exterior changes as operations are limited to three hybrid employees. This ensures no adverse effect to nearby SF-6 and MR-5 residences.

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

As a non-profit, employing three hybrid employees, with 1-2 employees working 3-4 days/week onsite, and a 3rd employee onsite once/month, there will be very limited traffic, far less than if a family of four lived at the subject property, which helps remedy the concerns of increased parking and traffic flow in accordance with the **Greater Haymount Area Plan** and **2040 Comprehensive Plan**.

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

No impact foreseen as the area is already well-developed/established.

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

N/A. No retail will be permitted. We intend to maintain compatibility with surrounding SF-6 and MR-5 by enhancing the village feel as there will be no strip commercialization nor any adverse impact, consistently in-line with the Greater Haymount Area Plan goals for a mixed-use, vibrant and non-retail institutional infill.

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.:

None.

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

The amendment, when granted, will have no negative impact on the property values of its neighbors. It will add to the local tax base and, therefore, the amendment will help maintain property values for the owners in the residential area located in the rear of the subject property.

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

There are no adverse impacts on the natural environment that are evident at the present, nor that we are aware of in the future.

Primary Contact Information

Project Owner

McLean Foundation
Thomas R & Elizabeth E McLean Foundation Inc.
P.O. Box 58329
Fayetteville, NC 28305
P:1-910-252-8858
angela@themcleanfoundation.org

Project Contact - Agent/Representative

Angela Ashworth
The McLean Foundation
PO Box 58329
Fayetteville, NC 28305
P:(910) 252-8858
angela@themcleanfoundation.org

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

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

Project Contact - Developer

Holly Wingard
Onsite Homes, LLC
2931 Breezewood Ave., 202
Fayetteville, NC 28303
P:910-745-0001
hollywingard@onsitehomesnc.com

NC State Electrical Contractor #1 License Number:

NC State Electrical Contractor #2 License Number:

NC State Electrical Contractor #3 License Number:

Project Contact - General Contractor

Holly Wingard
Onsite Homes, LLC
2931 Breezewood Ave., 202
Fayetteville, NC 28303
P:910-745-0001
hollywingard@onsitehomesnc.com

NC State General Contractor's License Number: Need info

NC State Mechanical Contractor's #1 License Number:

NC State Mechanical Contractor's #2 License Number:

NC State Mechanical Contractor #3 License Number:

NC State Plumbing Contractor #1 License Number:

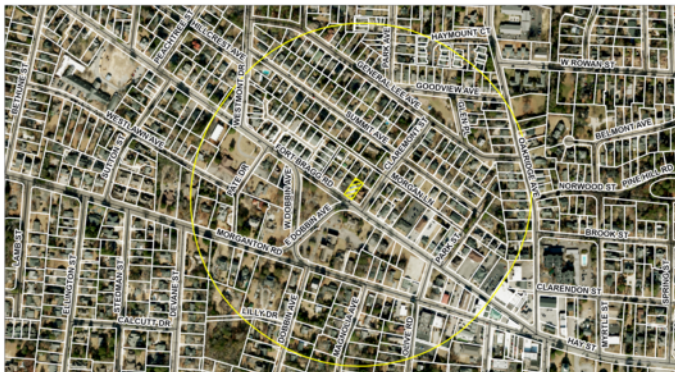
NC State Plumbing Contractor #2 License Number:

Other

Jennifer Elam
The McLean Foundation
P.O. Box 58329
Fayetteville, NC 28305

P:(910)252-8858

jelam@themcleanfoundation.org



Aerial Notification Map
Case #: P26-30

Request: Rezone from MR-5 to OI
Location: 1324 Fort Bragg Rd
(0427960465000)

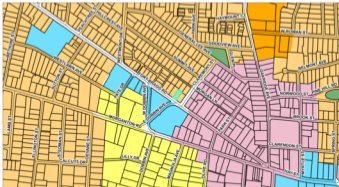
— Streets

 P26-30 Buffer

 P26-30

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





Future Land Use Map
Case #: F26-30

Request: Rezone from MR-5 to OI
Location: 1324 Fort Bragg Rd
(9427960465000)



Letters are being sent to all property owners within the 100' buffer. Subject Property is shown in the hatched pattern.



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Surrounding Properties

Across – Fort Bragg Rd



Across – Claremont



Adjacent – Fort Bragg Rd



Adjacent – Claremont



2. FUTURE-LAND USE POLICES AND STRATEGIES:

LAND USE POLICIES AND STRATEGIES	CONSISTENT	INCONSISTENT
<p>LU-1: Encourage growth in areas well served by infrastructure and urban services (1.2, 1.3, 1.5, 1.6, 1.7)</p> <ul style="list-style-type: none"> The area is well-established with access to plentiful services and room within the existing infrastructure for further development. 	X	
<p>LU-2: Encourage strategic urban development (2.1)</p> <ul style="list-style-type: none"> The subject property contains an existing building that is soon-to-be finished for the commercial purposes – a common form of infill development within the city 	X	
<p>LU-4: Create well-designed and walkable commercial and mixed-use districts (4.1 & 4.2)</p> <ul style="list-style-type: none"> A commercially converted single-family home maintains the residential feel of a neighborhood and minimizes the need for restructuring. 	X	
<p>LU-6: Encourage development standards that result in quality neighborhoods (6.2)</p> <ul style="list-style-type: none"> A corner lot building that acts as commercial property creates excellent sightlines and daytime observation potential to deter criminality 	X	

3. The proposed amendment is consistent with the Future Land Use Map as follows:

X	The requested map amendment is consistent or aligns with the area's designation on the FLUM	OR	The requested map amendment is NOT consistent or DOES NOT align with the area's designation on the FLUM
X	As requested, the proposed designation would permit uses complementary to those existing on adjacent tracts.	OR	As requested, the proposed designation would permit uses incongruous to those existing on adjacent tracts.

Reasonableness

The proposed zoning map amendment of MR-5 to OI is both reasonable and in the interest of the public. It supports the policies of the Comprehensive and Strategic Plans because: [select all that apply]

- The size, features, and other conditions of the site support the request and potential use cases.
- The amendment includes conditions that limit potential negative impacts on neighboring uses.
- The proposed use addresses the needs of the area by enabling use of an underutilized parcel.
- The proposal promotes orderly development by aligning with surrounding land uses.

The amendment is also in the public interest because it: [select all that apply]

- Improves net total consistency with the Future Land Use Map and Comprehensive Plan.
- Improves the net health and safety of the community.
- Preserves environmental and/or cultural resources.
- Facilitates desired development such as infill and/or in an infrastructure-served area.
- Provides needed housing/commercial area.

Additional comments:

_____ Date

_____ Chair Signature

_____ Print



City of Fayetteville

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

City Council Action Memo

File Number: 26-0443

Agenda Date: 7/14/2026

Version: 1

Status: Agenda Ready

In Control: Zoning Commission

File Type: Public Hearing
(Public & Legislative)

Agenda Number: 5.03

TO: Zoning Commission Members

THRU: Jennifer C. Baptiste - Planning & Zoning Division Manager

FROM: Craig Harmon - Senior Planner

DATE: July 14, 2026

RE:
P26-31: A request from Cynthia Smith of Moorman, Kizer & Reitzel, Inc representing SteelFab to rezone the ±123.48 acres at Unaddressed Country Club & Distribution Dr (042953449200) from Light Industrial (LI) and Conservation District (CD) to Heavy Industrial (HI).

COUNCIL DISTRICT(S):
3 - Dr. Antonio Jones

Relationship To Strategic Plan:

- Goal II: Responsive City Government Supporting a Diverse and Viable Economy
 - Objective 2.1 - To ensure a diverse City tax base
- Goal III: City invested in Today and Tomorrow
 - Objective 3.2 - To manage the City's future growth and strategic land use.

Executive Summary:

Zoning Commission Action Requested
The Zoning Commission is requested to receive the recommendation of the Professional Planning Staff, conduct a legislative hearing, and forward a recommendation to the City Council regarding the proposed rezoning request.

Rezoning Request Summary

The applicant has submitted a request to rezone approximately 123.48 acres located at the intersection of Country Club Drive and Distribution Drive from Light Industrial (LI) and Conservation District (CD) to Heavy Industrial (HI). The proposed rezoning is intended to facilitate industrial development that is generally consistent with the 2040 Future Land Use Plan. However, Professional Planning Staff recommends that the portion of the property currently zoned Conservation District (CD) remain unchanged in order to preserve environmentally sensitive areas and maintain consistency with the purpose and intent of the Conservation District. Accordingly, staff recommends approval of the rezoning request only for the portion of the property currently zoned Light Industrial (LI), while retaining the existing Conservation District (CD) zoning.

Background:

Owner: Pelican Property Holdings LLC; CJR Property Holdings LLC;K&JS Properties LLC
Applicant: Cynthia Smith of Moorman, Kizer & Reitzel, Inc representing SteelFab

Requested Action: LI & CD to HI

REID #: 0429534492000

Council District: 3 - Dr. Antonio Jones

Status of Property: Vacant

Size: 123.48-acres

Adjoining Land Use & Zoning:

- North: SF-10 & LI - Vacant
- South: SF-6, CC & LI - Mobile Home Park, Warehousing, and Industrial Uses
- East: SF-10 - Rose Lake, Lakebed
- West: SF-6, CC & LI - Mobile Home Park, Warehousing, and Industrial Uses

Annual Average Daily Traffic: Country Club Dr: 24,000

Letters Mailed: 248

Issues/Analysis:

History

According to Cumberland County GIS aerial imagery, the subject property has remained largely undeveloped since at least 1968. As illustrated on the attached contour map, a substantial portion of the site is constrained by steep topography and environmental features, limiting its development potential. The most suitable area for future development is a relatively level portion of the property located immediately north of the adjacent mobile home park. Cumberland County GIS imagery indicates this area was cleared between 2010 and 2012 in anticipation of future development.

Surrounding Area

The surrounding area is characterized by a mix of industrial, residential, and undeveloped land uses. Vacant land associated with the former Rose Lake lakebed lies immediately to the north and east of the subject property. Whispering Pine Village, a manufactured home community, is located to the south and west. Existing industrial uses are concentrated to the southeast along Distribution Drive and include Healy Wholesale, Steel Fab, and Atlantic Emergency Solutions. This pattern of development reflects the transition between established industrial operations and nearby residential uses.

Land Use Plan

The 2040 Future Land Use Plan designates the subject property as Industrial/Employment Center. This designation is intended to accommodate high-intensity, nonresidential development that may generate significant traffic, noise, or other operational impacts while serving as major employment centers. Appropriate land uses include manufacturing, warehousing, distribution facilities, business parks, and other industrial and employment-generating uses.

Consistency and Reasonableness

The proposed rezoning is generally consistent with the goals, policies, and implementation strategies of the 2040 Future Land Use Plan. The requested Heavy Industrial zoning would further the Plan's objective of concentrating industrial development within designated employment centers, where infrastructure and surrounding land uses can better support such activities. Staff finds the request to be reasonable and in the

public interest, provided the existing Conservation District remains in place to protect environmentally sensitive portions of the site. Additional findings are contained in the attached Consistency and Reasonableness Statement.

Conclusion

The 2040 Future Land Use Plan envisions the subject property and adjacent parcels to the southwest as part of an Industrial/Employment Center. The proposed rezoning supports this long-term vision by allowing industrial development in an area already characterized by existing industrial uses along Distribution Drive. Professional Planning Staff finds the request to be consistent with the Future Land Use Plan and recommends approval of the rezoning for the portion of the property currently zoned Light Industrial (LI), while retaining the existing Conservation District (CD) zoning to preserve environmentally sensitive areas and maintain consistency with the intent of the Conservation District.

Budget Impact:

There is not an immediate budgetary impact but there will be an economic impact associated with this rezoning that will occur due to taxes collected in the future.

Options:

1. Approval of the map amendment to HI and retaining the current CD area as presented based on the evidence submitted and finds that the rezoning is consistent with the Future Land Use Plan as demonstrated by the attached consistency and reasonableness statement (recommended)
2. Approval of the map amendment to HI based on the evidence submitted and finds that the rezoning is consistent with the Future Land Use Plan as demonstrated by the attached consistency and reasonableness statement
3. Recommends approval of the map amendment to a more restrictive zoning district based on the evidence submitted and finds that the map amendment would be consistent with the Future Land Use Plan and an amended consistency statement.
4. Denies the map amendment request based on the evidence submitted and finds that the map amendment is inconsistent with the Future Land Use Plan.

Recommended Action:

The Professional Planning Staff recommends that the Zoning Commission recommend approval of the proposed rezoning which is intended to facilitate industrial development that is generally consistent with the 2040 Future Land Use Plan. The Professional Planning Staff recommends that the portion of the property currently zoned Conservation District (CD) remain unchanged in order to preserve environmentally sensitive areas and maintain consistency with the purpose and intent of the Conservation District. Accordingly, staff recommends approval of the rezoning request only for the portion of the property currently zoned Light Industrial (LI), while retaining the existing Conservation District (CD) zoning.

- The proposed amendment is consistent with the policies and objectives set forth in the Future Land Use Plan (FLUP) and the Unified Development Ordinance (UDO).
- The permitted uses and development standards associated with the Light Industrial zoning classification are appropriate for this location, given the existing zoning

designations and surrounding land uses.

- There are no identified adverse impacts on public health, safety, morals, or general welfare resulting from the proposed zoning change.

Attachments:

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

Project Overview
#2190022
Project Title: Steel Fab VA, Inc.

Jurisdiction: City of Fayetteville

Application Type: 5.1) Rezoning (Map Amendment)

State: NC

Workflow: Staff Review

County: Cumberland

Project Location
Project Address or PIN: 0 ? DR (0429534492000)

Zip Code: 28301

Please see checklist for instructions for multiple buildings on a single parcel submittals

Is it in Fayetteville? A Fayetteville mailing address does not mean it is in the jurisdictional boundaries of the city. If you're not sure, click this link: [Cumberland County Tax Office GIS system](#)

E911 Addressing confirmation, please ensure that new developments have an address assigned by Cumberland County E911 before submitting. There may be delays and penalties for not doing so.

GIS Verified Data
Project Address: 0 ? DR

General Project Information
Has the land been the subject of a map amendment application in the last five years?: Yes

Previous Amendment Approval Date: 08/11/2025

Previous Amendment Case #: 25-4814

Proposed Zoning District: HI

Acreage to be Rezoned: 123.48

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:

Property is vacant - no structures

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

North: HI - City, HI - Barnhill Contracting

West: HI - SteelFab of VA, Inc. (Vacant), CC & SF6 Mobile Home Park

South: Country Club Drive

East: Rose Lake/Cross Creek (CD is in between the Creek/Lake & Property to be rezoned)

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 proposed amendment is consistent with the development patterns that are taking place in the area. The pre-existing plant that will be replaced with this construction is situated at the end of Distribution Drive, and a majority of the surrounding area to the north and west are already zoned HI.

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

Steelfab plans to build the new construction on this property which require it to be rezoned to HI

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

The developer already owns a steel manufacturing plant at the end of the road this project is located on, and they noticed a need for expansion due to high demand 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.:

A significant portion of the surrounding land is currently being used for industrial purposes, whether that be manufacturing or storage. The zoning is compatible with the significant amount of HI zoning in the surrounding areas.

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

The adjoining properties are similarly zoned and have similar uses; therefore, this is a logical and orderly development plan.

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

The surrounding areas already have existing uses and businesses on them. The addition of this plant would not encourage premature development.

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

The amendment would not result in strip style uses because the surrounding properties have existing tenants with active businesses and other uses already on them

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 surrounding properties have similar zoning and businesses so this would not result in the creation of an isolated zoning district.

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

No significant adverse impacts are anticipated, the surrounding areas have existing businesses and uses that should not be affected by the construction of this plant.

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

The property owner follows all environmental regulations so no impacts are anticipated.

Primary Contact Information

Project Owner

Rob Burlington
SteelFab
5105 Bur Oak Circle, 100
Raleigh, NC 27312
P:9196129419
rburlington@steelfab-inc.com

Project Contact - Agent/Representative

Cynthia Smith
Moorman, Kizer & Reitzel, Inc.
115 Broadfoot Avenue
Fayetteville, NC 28306
P:910-484-5191
csmith@mkrinc.com

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

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project

exceeds \$40,000. :

NC State Electrical Contractor #1 License Number:

NC State Electrical Contractor #2 License Number:

NC State Electrical Contractor #3 License Number:

NC State General Contractor's License Number:

NC State Mechanical Contractor's #1 License Number:

NC State Mechanical Contractor's #2 License Number:

NC State Mechanical Contractor #3 License Number:

NC State Plumbing Contractor #1 License Number:

NC State Plumbing Contractor #2 License Number:

Other

Andrea Akkus

SteelFab of VA, Inc.

4909 Western Blvd, 100

Raleigh, NC 27606

P:919-719-9471




aakkus@steelfab-inc.com



Aerial Notification Map

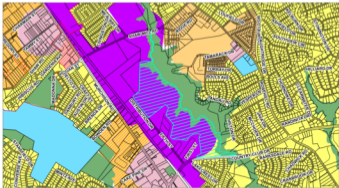
Case #: P26-31

Request: Rezone MR-5 to HI
 Location: Unaddressed Country Club &
 Distribution Dr (0429534492000)

-  Streets
-  P26-31
-  P26-31 Buffer

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





Future Land Use Map
Case #: F26-31

Request: Rezone MR-5 to HE
Location: Unaddressed Country Club &
Distribution Dr (0429534492000)



Letters are being sent to all property owners within the 100' buffer. Subject Property is shown in the hatched pattern.



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Consistency and Reasonableness Statement

Map Amendments

Pursuant N.C.G.S. Sections 160D-604 and -605, the Zoning Commission finds that the proposed zoning map amendment in case P26-31 is consistent with the City of Fayetteville’s Future Land Use Map and Plan (Comprehensive Plan). The following analysis examines the proposed amendment relative to the goals and land-use policies and strategies of the Comprehensive Plan:

Consistency

1. GOALS

GOAL(S)	CONSISTENT	INCONSISTENT
GOAL #1: Focus value and investments around infrastructure and strategic nodes	X	
GOAL #4: Foster safe, stable, and attractive neighborhoods	X	

2. LAND USE POLICES AND STRATEGIES:

LAND USE POLICES AND STRATEGIES	CONSISTENT	INCONSISTENT
LUP 1: Encourage growth in areas well-served by infrastructure and urban services, including roads, utilities, parks, schools, police, fire, and emergency services.	X	
1.2: Encourage more intense uses, greater mix of uses and denser residential types in key focal areas.	X	
LUP 3: Encourage redevelopment along underutilized commercial strip corridors and reinvestment in distressed residential neighborhoods	X	
3.2: Identify potential barriers for redevelopment and reinvestment and provide flexibility through modifications to development regulations while maintaining high standards.	X	
LUP 4: Create well-designed and walkable commercial and mixed use districts.	X	
4.1: Ensure new development meets basic site design standards	X	

3. The proposed amendment is consistent with the Future Land Use Map as follows:

X	The proposed land use is consistent and aligns with the area's designation on the FLU Map.	OR		The proposed land use is inconsistent and does not align with the area's designation on the FLU Map.
X	The proposed designation, as requested, would permit uses that are complimentary to those existing on adjacent tracts.	OR		The proposed designation, as requested, would permit uses that are incongruous to those existing on adjacent tracts.

Reasonableness

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

- The size, physical conditions, and other attributes of the proposed use(s) will benefit the surrounding community.
- The amendment includes conditions that limit potential negative impacts on neighboring uses.
- The proposed uses address the needs of the area and/or City.
- The proposal adapts the zoning code to reflect modern land-use trends and patterns.

The amendment is also in the public interest because it: [select all that apply]

- improves consistency with the long-range plan.
- improves the tax base.
- preserves environmental and/or cultural resources.
- facilitates a desired kind of development.
- provides needed housing/commercial area.

Additional comments, if any (write-in):

July 14, 2026
Date

Chair Signature

Print



City of Fayetteville

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

City Council Action Memo

File Number: 26-0456

Agenda Date: 7/14/2026

Version: 1

Status: Agenda Ready

In Control: Zoning Commission

File Type: Public Hearing
(Public & Legislative)

Agenda Number: 5.04

TO: Zoning Commission

THRU: Jennifer C. Baptiste, Planning and Zoning Division Manager

FROM: Craig Harmon, Senior Planner

DATE: July 14, 2026

RE:

P26-32: A request from Vanessa Ballard of V Ballard Consulting LLC representing Khalid Motorwala of Vival Reality LLC to rezone the ±9.49 acres at Unaddressed Gillespie St (0435031004000) from M(P) to Community Commercial (CC).

COUNCIL DISTRICT(S):

2 - Davis

Relationship To Strategic Plan:

Goal II - Diverse & Viable Economy

- Broadens the tax base by allowing commercial and mixed-use activity on already-serviced land, improving taxable value per acre relative to low-density residential patterns.
- Encourages private reinvestment and small-business growth through predictable zoning that supports neighborhood-serving enterprises.
- Maximizes use of existing streets and utilities, improving return on prior public infrastructure investments.

Goal III - Invested in Today & Tomorrow (Strategic Growth & Land Use)

- Directs reinvestment to an infill location contiguous with existing development and utility networks, reducing greenfield pressure and supporting compact, connected growth.
- Aligns with Comprehensive Plan objectives promoting neighborhood-scale commercial and service uses near established residential areas.
- Encourages integrated site design that provides shared access, landscaping, stormwater best-management practices, and pedestrian connectivity.

Goal IV - Live, Work, & Recreate (Neighborhood Revitalization & Housing Choice)

- Expands access to everyday goods and services within walking or short-drive distance of existing homes, strengthening neighborhood self-sufficiency.
- Supports corridor vitality by adding small businesses and employment opportunities near residential areas.
- Advances complete-neighborhood principles by balancing residential, commercial, and civic uses within close proximity.

Goal VI - Collaborative & Trusted Government

- Advances transparent, predictable decision-making through a legislative rezoning that applies uniform, citywide standards for the NC district.

Promotes interdepartmental coordination among Planning, Engineering, Stormwater, and

Public Works to ensure capacity, access, and safety are addressed at site design and permitting stages.

Executive Summary:

The applicant requests to rezone the subject property to facilitate the development of a flex space commercial/light industrial project. The property is located within the Fayetteville Municipal Influence Area and is adjacent to existing Heavy Industrial (HI) and Community Commercial (CC) zoning, making the request compatible with the surrounding development pattern. The proposed development will provide flexible business space for office/warehouse, contractor, and service-oriented uses while supporting economic development, employment opportunities, and the orderly expansion of commercial and industrial uses consistent with the City's long-range planning objectives.

Background:

Owner: Foundation of the University of NC Wilmington INC (Edwin Stuart)

Applicant: Vanessa Ballard, V Ballard Consulting

Requested Action: Initial zoning to CC (Community Commercial)

REID #: 0435031004000

Property Address: Unaddressed Gillespie St (HWY 301)

Status of Property: Undeveloped

Size: ±9.49 acres

Adjoining Land Use & Zoning

- North: M(P) - County Industrial
- South: CP - County Commercial
- East: M(P) - County Industrial
- West: HI & CC - Industrial, school and Hwy 301

Notices Mailed: 77 property owners within a 1,000-foot radius

Future Land Use Plan:

EC: Industrial / Employment Center - High intensity nonresidential uses with high impact or likelihood for nuisance. Regional employment centers including larger industrial uses or business parks.

Issues/Analysis:

Issues and Analysis

The applicant requests to rezone approximately 9.49 acres located at unaddressed Gillespie Street (PIN 0435031004) to Community Commercial (CC) in conjunction with annexation into the City of Fayetteville. The site is currently vacant and is proposed for a flex space development intended to accommodate a variety of commercial, office/warehouse, contractor, and service-oriented businesses.

The subject property is located within the Fayetteville Municipal Influence Area (MIA) and is adjacent to existing Heavy Industrial (HI) and Community Commercial (CC) zoning across the roadway. The City's Unified Development Ordinance (UDO) identifies the Community Commercial District as a district intended to accommodate a broad range of

commercial activities that serve both local and regional markets. The proposed flex space development is generally consistent with the intent of the CC District, provided all proposed uses are permitted or otherwise approved in accordance with the UDO.

The request represents a logical extension of the existing commercial and industrial development pattern along the Gillespie Street corridor. Surrounding properties already contain commercial and industrial uses, and the proposed zoning would provide an appropriate transition between these existing developments and future growth within the Municipal Influence Area. The proposal also supports economic development by creating opportunities for small businesses, office/warehouse users, contractors, and other employment-generating enterprises.

The applicant indicates that the development will utilize existing public water and sewer infrastructure and will be served by the existing transportation network. Future site development will remain subject to all applicable provisions of the Unified Development Ordinance, including but not limited to site plan approval, access management, landscaping, buffering, parking, lighting, signage, stormwater management, and erosion and sediment control requirements. Compliance with these standards will help ensure that the development is compatible with surrounding properties and minimizes impacts to adjacent land uses.

The application states that the project will not create an isolated zoning district, encourage strip commercial development, or result in significant adverse impacts to surrounding property values or the natural environment. Based on the surrounding zoning pattern, the availability of public utilities, the location within the Municipal Influence Area, and the compatibility of the proposed Community Commercial zoning with adjacent commercial and industrial development, Staff finds that the request promotes the orderly growth of the area and is generally consistent with the purposes and intent of the Unified Development Ordinance and the City's long-range planning objectives.

Consistency and Reasonableness Statement

The proposed Flex Space Development is generally consistent with the goals, policies, and objectives of the City of Fayetteville 2040 Comprehensive Plan and supports the City's long-range vision for growth and economic development.

The subject property is located within the Fayetteville Municipal Influence Area (MIA), which identifies the City's anticipated future growth boundary and serves as a guide for orderly annexation and development. The proposed rezoning supports the continued expansion of commercial and industrial uses within this growth area and is compatible with the existing development pattern.

Properties located directly across the roadway within the City limits are currently zoned Heavy Industrial (HI) and Community Commercial (CC). The proposed zoning request is compatible with these existing zoning classifications and represents a logical extension of the established commercial and industrial corridor.

The proposed Flex Space Development is intended to provide a mix of commercial and light industrial opportunities that can accommodate a variety of uses, including office/warehouse operations, contractor spaces, service-based businesses, and small-scale industrial users. The development will provide flexible business space that supports local entrepreneurship, employment opportunities, and economic investment.

The proposal also promotes orderly growth by:

Encouraging development within the Fayetteville Municipal Influence Area.
Providing land uses that are compatible with adjacent commercial and industrial development.

Supporting economic development and expanding employment opportunities.
Utilizing existing transportation corridors and available infrastructure.
Meeting the growing demand for flexible commercial and industrial space within the region.

Based on the property's location within the Municipal Influence Area, the established pattern of surrounding commercial and industrial zoning, and the proposed development's compatibility with adjacent land uses, the requested rezoning is reasonable and in the public interest. The request is consistent with the 2040 Comprehensive Plan and represents an appropriate use of the property that supports the City's long-term land use and economic development objectives.

Budget Impact:

The proposed annexation and development are not anticipated to have a significant immediate impact on the City's operating budget. The project would add to the City's tax base through real property and potential business-related revenues; however, as a self-storage facility, it is a relatively low-employment use and is not expected to generate substantial ongoing economic activity compared to other commercial developments. Public infrastructure and service demands are expected to be minimal and can be accommodated by existing systems, though the City will incur standard costs associated with service provision, maintenance, and administrative oversight. Overall, the long-term fiscal impact is expected to be modestly positive.

Options:

1. Approval of the Request (Recommended Action)

Motion to recommend approval of the **initial zoning of the property to CC (Community Commercial)**, based on the evidence and information presented by staff and the applicant.

The Zoning Commission finds that the proposed map amendment is **generally consistent with surrounding land uses** and represents a logical extension of existing development patterns, as detailed in the attached Consistency and Reasonableness Statement.

2. Approval to a More Restrictive Zoning District

Motion to recommend approval of the **initial zoning of the property to a more**

restrictive zoning classification than requested, based on the evidence and information presented.

The City Zoning Commission finds that the revised zoning designation would better align with the **EC: Industrial / Employment Center Future Land Use classification** and provide a more appropriate transition between existing uses, as reflected in an amended Consistency and Reasonableness Statement.

3. Denial of the Request

Motion to deny the **initial zoning of the property to CC (Community Commercial)**, based on the evidence and information presented.

The Zoning Commission finds that the proposed zoning designation is **inconsistent with the EC: Industrial / Employment Center Future Land Use classification** and does not adequately support the City's adopted land use policies related to neighborhood compatibility and reinvestment.

Recommended Action:

The Professional Planning Staff recommends that the Zoning Commission forward a recommendation of **approval** to the City Council for the proposed rezoning from the current county zoning district to **Community Commercial (CC)** in conjunction with the proposed annexation.

Staff's recommendation is based on the following findings:

- The proposed rezoning is **consistent with the goals, policies, and objectives of the 2040 Future Land Use Plan (FLUP)** and supports the City's long-range vision for commercial and employment growth within the Municipal Influence Area.
- The **Community Commercial (CC)** zoning district is appropriate for the subject property due to its location along an established transportation corridor and its proximity to existing **Community Commercial (CC)** and **Heavy Industrial (HI)** zoning districts, resulting in a logical and compatible development pattern.
- The proposed flex space development will provide opportunities for office, warehouse, contractor, service, and other commercial uses that will support economic development, business growth, and employment opportunities within the area.
- The property is served by, or has access to, public water and sewer infrastructure and will be subject to all applicable requirements of the **Unified Development Ordinance (UDO)** during future site plan and permitting review, including standards related to access, buffering, landscaping, parking, lighting, stormwater management, and environmental protection.
- The proposed rezoning represents a logical extension of existing commercial and industrial development and is not expected to create an isolated zoning district, encourage strip commercial development, or result in significant adverse impacts to surrounding properties or the public health, safety, morals, or general welfare.

Attachments:

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

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

Project Overview
#2132434
Project Title: Flex Space Development - 0 Gillespie St

Jurisdiction: City of Fayetteville

Application Type: 5.1) Rezoning (Map Amendment)

State: NC

Workflow: Staff Review

County: Cumberland

Project Location
Project Address or PIN: 0435031004 (Unverified)

Zip Code: 28306

Please see checklist for instructions for multiple buildings on a single parcel submittals

Is it in Fayetteville? A Fayetteville mailing address does not mean it is in the jurisdictional boundaries of the city. If you're not sure, click this link: [Cumberland County Tax Office GIS system](#)

E911 Addressing confirmation, please ensure that new developments have an address assigned by Cumberland County E911 before submitting. There may be delays and penalties for not doing so.

GIS Verified Data
Project Address:
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: Community Commercial

Acreage to be Rezoned: 9.49

Is this application related to an annexation?: Yes

Water Service: Public

Sewer Service: Public

A) Please describe all existing uses of the land and existing structures on the site, if any:
B) Please describe the zoning district designation and existing uses of lands adjacent to and across the street from the subject site.:

N/A Vacant Land

HI & CC (across the street)

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

A) State the extent to which the proposed amendment is consistent with the comprehensive plan and all other applicable long-range planning documents.:

The proposed Flex Space Development is consistent with the goals and intent of the City of Fayetteville Comprehensive Plan and future growth objectives for the surrounding area.

The subject property is located within the Fayetteville Municipal Influence Area (MIA), which indicates the City's anticipated future growth and development boundary. The proposed development supports the continued expansion of commercial and industrial uses within this growth area and is compatible with the surrounding development pattern.

Additionally, there are existing properties located directly across the roadway within the City limits that are currently zoned HI (Heavy Industrial) and CC (Community Commercial). The proposed zoning request for the subject property is aligned with these existing zoning classifications and is therefore compatible with the established land use character of the corridor.

The proposed Flex Space Development provides a transitional commercial/light industrial use that can accommodate a variety of small businesses, office warehouse users, service-based businesses, and contractor spaces while supporting economic growth and employment opportunities within the area.

Furthermore, the project promotes orderly growth by:

- Encouraging development within the Municipal Influence Area
- Providing compatible commercial and industrial land uses adjacent to existing similarly zoned properties
- Supporting economic development opportunities
- Utilizing existing transportation corridors and infrastructure networks
- Creating flexible business space to serve the growing market demand within the region

Based on the surrounding zoning pattern, location within the Municipal Influence Area, and compatibility with nearby commercial and industrial uses, the proposed development is consistent with the overall intent and future land use objectives of the City of Fayetteville Comprehensive Plan.

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

No

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

The proposed amendment addresses a demonstrated community need by providing flexible commercial and light industrial space within the growing Fayetteville Municipal Influence Area (MIA). The development will support small businesses, contractors, office warehouse users, and other commercial users seeking flexible space options within the region.

The proposed use is also consistent with the existing development pattern along the corridor, as properties directly across the roadway within the City limits are currently zoned HI (Heavy Industrial) and CC (Community Commercial). The project supports continued economic growth, employment opportunities, and compatible commercial development within the 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.:

The proposed amendment addresses a demonstrated community need by providing flexible commercial and light industrial space within the growing Fayetteville Municipal Influence Area (MIA). The development will support small businesses, contractors, office warehouse users, and other commercial users seeking flexible space options within the region.

The proposed use is also consistent with the existing development pattern along the corridor, as properties directly across the roadway within the City limits are currently zoned HI (Heavy Industrial) and CC (Community Commercial). The project supports continued economic growth, employment opportunities, and compatible commercial development within the area.

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

The proposed amendment results in a logical and orderly development pattern because the subject property is located within the Fayetteville Municipal Influence Area (MIA) and is adjacent to existing commercial and industrial zoning classifications. Properties located directly across the roadway within the City limits are currently zoned HI (Heavy Industrial) and CC (Community Commercial), making the proposed zoning consistent with the surrounding land use pattern.

The proposed Flex Space Development supports compatible commercial and light industrial growth along an existing transportation corridor and promotes the continued expansion of business and employment opportunities within the area.

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

The proposed amendment is not expected to encourage premature development because the property is located within the Fayetteville Municipal Influence Area (MIA) and is adjacent to existing commercial and industrial zoning classifications. The surrounding corridor already contains developed properties zoned HI (Heavy Industrial) and CC (Community Commercial), indicating that the area is suitable for continued commercial and industrial growth.

Additionally, the proposed development is located along an existing transportation corridor and can utilize existing and planned infrastructure improvements, supporting orderly and coordinated growth within the area.

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

The proposed amendment is not expected to result in strip-style commercial development. The proposed Flex Space Development is intended to provide a coordinated commercial and light industrial project with integrated site planning, shared access, parking, and infrastructure improvements rather than isolated linear commercial development.

H) State the extent to which the proposed amendment results in the creation of an isolated zoning district unrelated to adjacent and surrounding zoning districts.:

The proposed amendment would not result in the creation of an isolated zoning district unrelated to adjacent and surrounding zoning districts. The subject property is located within the Fayetteville Municipal Influence Area (MIA) and is directly adjacent to existing commercial and industrial zoning patterns along the corridor.

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

The proposed amendment is not expected to result in significant adverse impacts on the property values of surrounding lands. The proposed Flex Space Development is consistent with the existing commercial and industrial character of the corridor and is compatible with nearby properties currently zoned HI (Heavy Industrial) and CC (Community Commercial) located across the roadway within the City limits.

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

The proposed amendment is not expected to result in significant adverse impacts on the natural environment. The proposed development will incorporate stormwater management measures and erosion control practices designed in accordance with applicable local and state regulations to minimize environmental impacts during and after construction.

Stormwater management systems will be utilized to control runoff quantity and quality, reduce downstream impacts, and manage drainage associated with the development. Additionally, erosion and sediment control measures will be implemented during construction to help prevent sediment runoff, protect surrounding properties, and minimize disturbance to nearby environmental features.

The project will be required to comply with all applicable permitting and environmental regulations related to stormwater management, erosion control, and land disturbance activities, which will help ensure the site is developed in a responsible and environmentally conscious manner.

Primary Contact Information

Project Owner

Khalid Motorwala
Vival Realty LLC
8 Calvarese Dr
Bear, DE 19701
P:3027437996
Khalid@scaleupflex.com

Project Contact - Agent/Representative

Vanessa Ballard
V Ballard Consulting LLC
6910 Leefield Ct
Suffolk, VA 23435
P:7572772757
ballardestimating@gmail.com

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

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

NC State Electrical Contractor #1 License Number:

NC State Electrical Contractor #2 License Number:

NC State Electrical Contractor #3 License Number:

NC State General Contractor's License Number:

NC State Mechanical Contractor's #1 License Number:

NC State Mechanical Contractor's #2 License Number:

NC State Mechanical Contractor #3 License Number:

NC State Plumbing Contractor #1 License Number:

NC State Plumbing Contractor #2 License Number:



Aerial Notification Map

Case #: P26-32

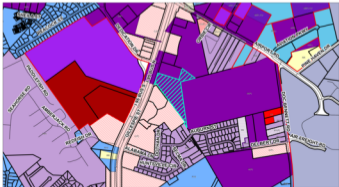
Request: Initial Zoning to CC

Location: Unaddressed Gillespie St
(043503104000)



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





Zoning Map
Case #: P26-32

Request: Initial Zoning to CC
Location: Unaddressed Gillespie St
(043503104000)



Letters are being sent to all property owners within the 100' buffer. Subject Property is shown in the hatched pattern.



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Consistency and Reasonableness Statement

Map Amendments

Pursuant to N.C.G.S. §§160D-604 and -605, the Zoning Commission finds that the proposed zoning map amendment in case **P26-32** is consistent with the City of Fayetteville’s Future Land Use Map and Plan (Comprehensive Plan). The following analysis examines the proposed amendment relative to the goals and land-use policies and strategies of the Comprehensive Plan.

Consistency

1. GOALS

GOAL(S)	CONSISTENT	INCONSISTENT
<ul style="list-style-type: none"> • Goal 1: Focus value and investments around infrastructure and strategic nodes. <ul style="list-style-type: none"> ○ The site is serviced by public water/sewer. 	X	
<ul style="list-style-type: none"> • Goal 2: Promote compatible economic and commercial development in key identified areas. <ul style="list-style-type: none"> ○ LI/CZ zoning in an established corridor. • Goal 3: Encourage infill/redevelopment where services exist. <ul style="list-style-type: none"> ○ The eliminates split zoning into unified zoning. • Goal 4: Foster safe, stable, and attractive neighborhoods. <ul style="list-style-type: none"> ○ Neighborhood compatibility is addressed through required buffering/height transitions at permitting. • Goal 5: Preserve and enhance environmental features. <ul style="list-style-type: none"> ○ No sensitive features are identified; compliance will be ensured at the TRC/site plan. • Goal 6: Capitalize on major institutions through compatible land use 	X X X X X	

2. LAND USE POLICES AND STRATEGIES:

LAND USE POLICES AND STRATEGIES	CONSISTENT	INCONSISTENT
LU-1 (Strategic, infrastructure-served growth) – Directs growth to serviced nodes; discourages leapfrog extensions.	X	
LU-1.6 (Infrastructure concurrent with development) – Any needed extensions reviewed via standard processes.	X	
LU-2 (Targeted economic development in Employment/Industrial Areas)	X	

3. The proposed amendment is consistent with the Future Land Use Map as follows:

- **Text Consistency:** The proposal aligns with FLU goals/policies to focus employment uses in service corridor. **Consistent.**
- **Map Consistency:** The site lies within the **Employment Center (EC).**

Reasonableness

The proposed zoning amendment is reasonable and in the public interest because it supports the policies of the Comprehensive Plan as stated above **and** the Strategic Plan (Goal II: diverse tax base) as stated in the Staff Report, and because:

- X The size, physical conditions, and other attributes of the proposed use(s) will benefit the surrounding community by curing a split-zoned, nonconforming condition on a small infill lot.
- X The amendment includes conditions that limit potential negative impacts on neighboring uses.
- X The proposed uses address the needs of the area and/or the City by enabling compliance and modest reinvestment in an existing commercial corridor.

The amendment is also in the public interest because it: [select all that apply]

- X Improves consistency with the long-range plan .
- X Improves the tax base (anticipated neutral-to-modestly positive near-term fiscal outlook)
- Preserves environmental and/or cultural resources.
- X Facilitates a desired kind of development (light-industrial/employment reinvestment in a serviced corridor).
- X Provides a needed **employment/industrial** area.

Additional comments, if any (write-in):

July 14, 2026
Date

Chair Signature

Print