

# ZONING COMMISSION



# ZONING CASES

*September 10, 2024*



**Applicant:** Mark Gardner

**Owner:** MacPherson LLC

**Request:** Increase the maximum size of an identification sign

**Located:** 5649 Bragg Blvd

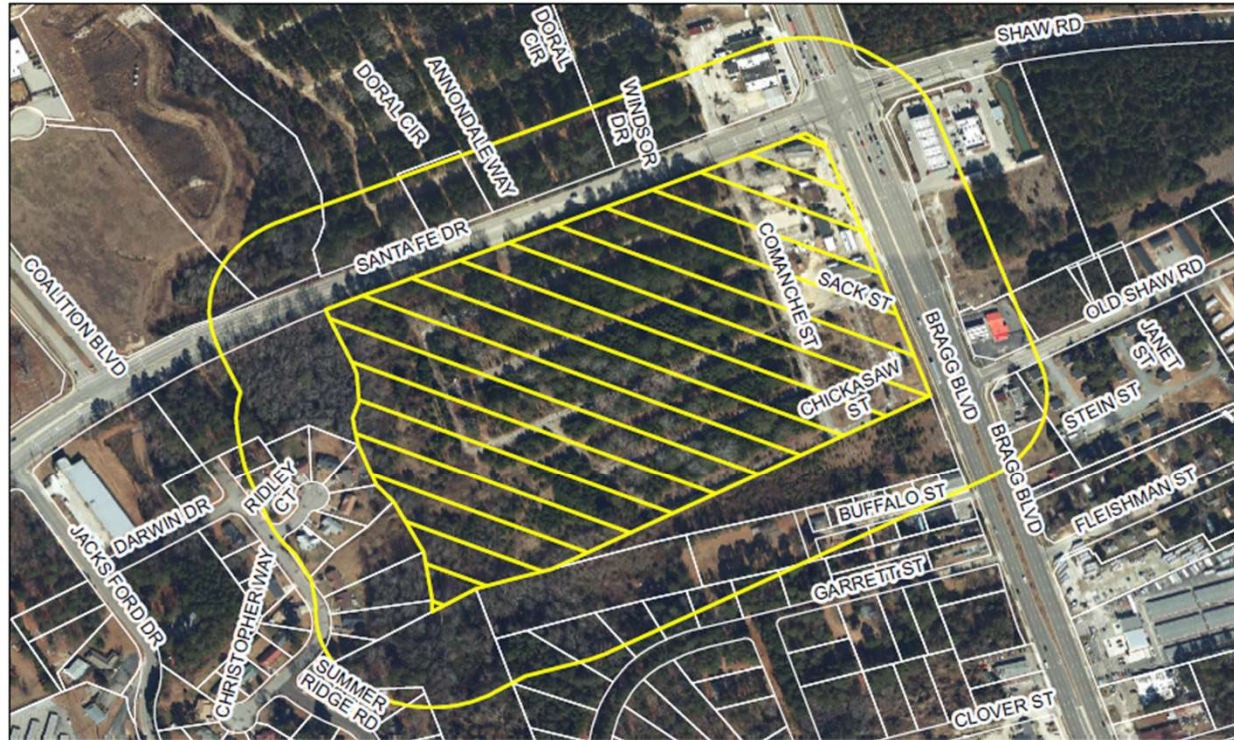
**Acreage:** 30.38 ±

**District:** 4

**REID #:** 0419117547000



# Subject Property





## Aerial Notification Map

Case #: A24-40

Request: Variance for Sign Size

Location: 5649 BRAGG BLVD  
REID: 0419117547000

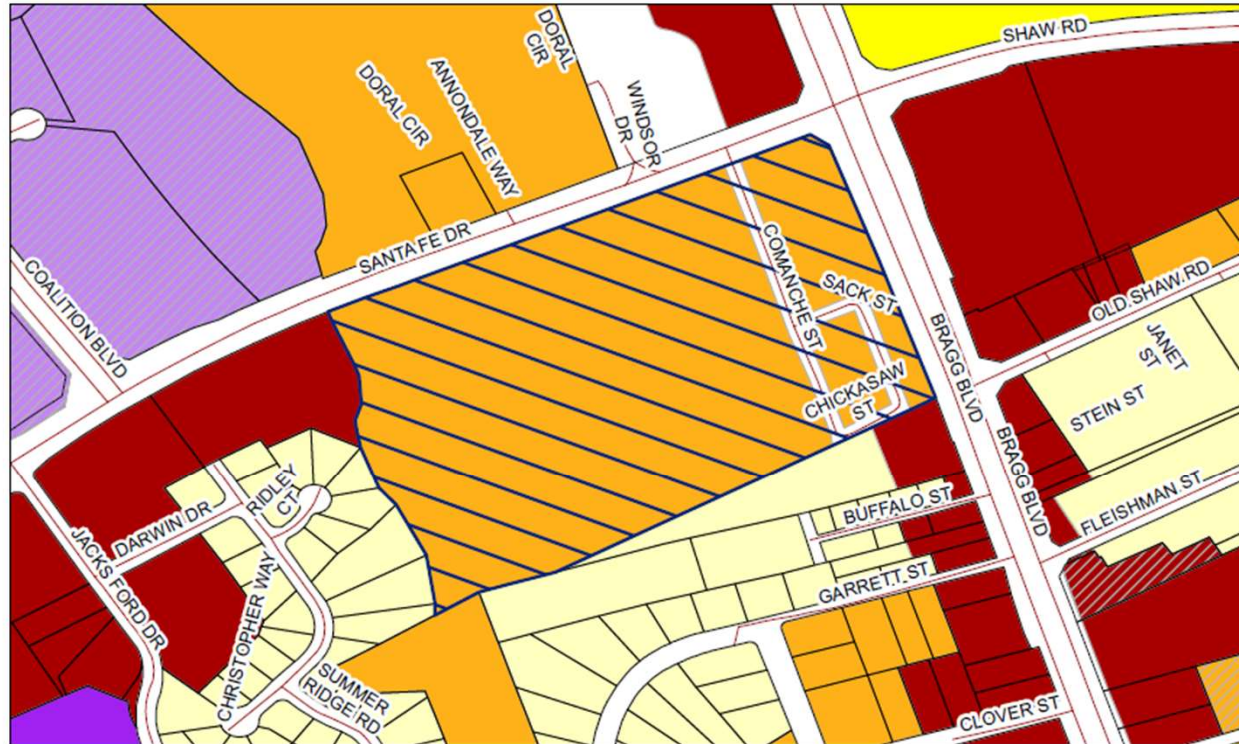
 A24-40 Buffer  
 A24-40



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







## Zoning

Case #: A24-40

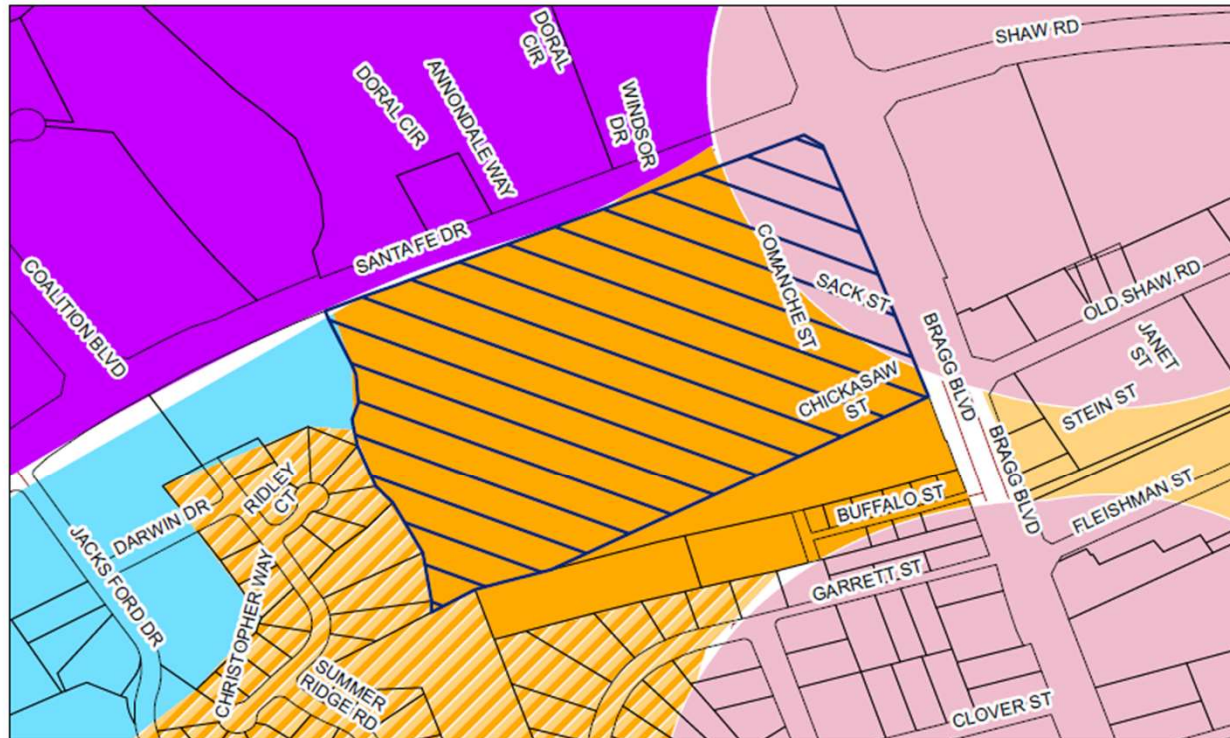
Request: Variance for Sign Size

Location: 5649 BRAGG BLVD  
REID: 0419117547000

-  A24-40
-  BP/CZ - Conditional Business Park
-  CC - Community Commercial
-  CC/CZ - Conditional Community Commercial
-  HI - Heavy Industrial
-  MR-5 - Mixed Residential 5
-  MR-5/CZ - Conditional Mixed Residential 5
-  SF-6 - Single-Family Residential 6
-  SF-10 - Single-Family Residential 10

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





## Future Land Use

Case #: A24-40

Request: Variance for Sign Size

Location: 5649 BRAGG BLVD  
REID: 0419117547000

-  A24-40  
Land Use Plan 2040  
Character Areas
-  MDR - MEDIUM DENSITY
  -  NIR - NEIGHBORHOOD IMPROVEMENT
  -  HDR - HIGH DENSITY RESIDENTIAL
  -  NMU - NEIGHBORHOOD MIXED USE
  -  OI - OFFICE / INSTITUTIONAL
  -  EC - EMPLOYMENT CENTER

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





# Subject Property



# Surrounding Properties

**West**



**North**



**East**



**South**

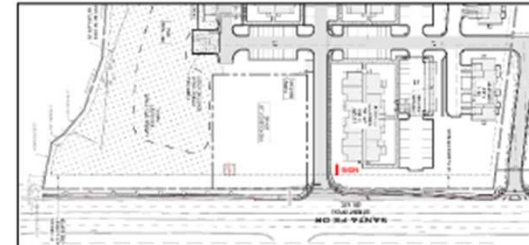




# Rendering & Site Plan

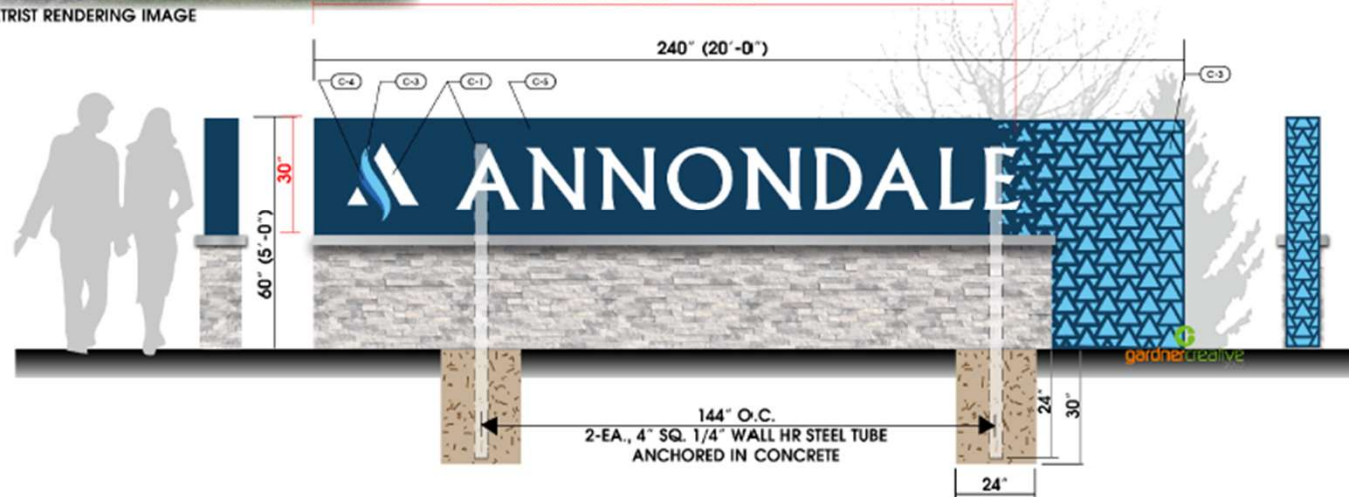


ARTIST RENDERING IMAGE



SITE MAP: 994 SANTA FE DR., FAYETTEVILLE, N.C. 28303

SIGN AREA 198" x 30" = 41.25sf



**COLORS:**

- (C-1) WHITE
- (C-2) BLACK
- (C-3) RGB-107, 200, 241
- (C-4) RGB-40, 104, 177
- (C-5) RGB-18, 62, 94

## ANNONDALE MAIN ENTRY MONUMENT ID SIGN

2-SIDED, ALUMINUM FABRICATED CABINET, W/HALO-LIT REVERSED ILLUMINATED LETTERS, ROUTED AND BACKLIT GRAPHIC TRIANGULAR PATTERN. BASE TO BE TEXTURE PLUS FAUX STONE ATTACHED TO ALUMINUM FABRICATED. (OWNER TO PROVIDE 15AMP ELECTRICAL SERVICE WITH DEDICATED TIMER.) (OWNER TO PROVIDE FINAL ELECTRICAL HOOK-UP.)



NOT TO SCALE

**gardnercreative**  
QUICK.COM  
po box 1889, hunteville, nc 28070 704.987.8228

Client Name: Element Construction LLC  
community: ANNONDALE  
description: Signs  
date: May 15, 2024  
revision: August 7, 2024

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REVISIONS: Please proceed with production as detailed.  
REVISIONS: Please proceed with production including changes indicated.  
REVISIONS: No changes indicated and work may proceed to construction.

Signature: \_\_\_\_\_ Date: 8/7/24



## Request

- The applicant is requesting a modification to increase the maximum allowable sign area from **32 square feet** to **41.25 square feet**.

## Options

- Approve variance as requested
- Approve variance as requested, but with added conditions
- Deny the variance as requested.



## **Findings of Fact Statements as reviewed by the Planning Staff:**

1. There is sufficient evidence that the strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships as shown by the following evidence:
2. There is sufficient evidence that any practical difficulties or unnecessary hardships result from unique circumstances related to the land, and are not the result of the actions of the landowner as shown by the following evidence:
3. There is sufficient evidence that the Variance is the minimum action that will make possible a reasonable use of land or structures as shown by the following evidence:
4. There is sufficient evidence that the Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit as shown by the following evidence:
5. There is sufficient evidence that in the granting of the Variance, the public safety and welfare has been assured and substantial justice has been done as shown by the following evidence:



**Owner:** Franklin Russell LLC

**Applicant:** Jefferey Perez, Cerberus

**Request:** Conditional rezoning to DT-2/CZ

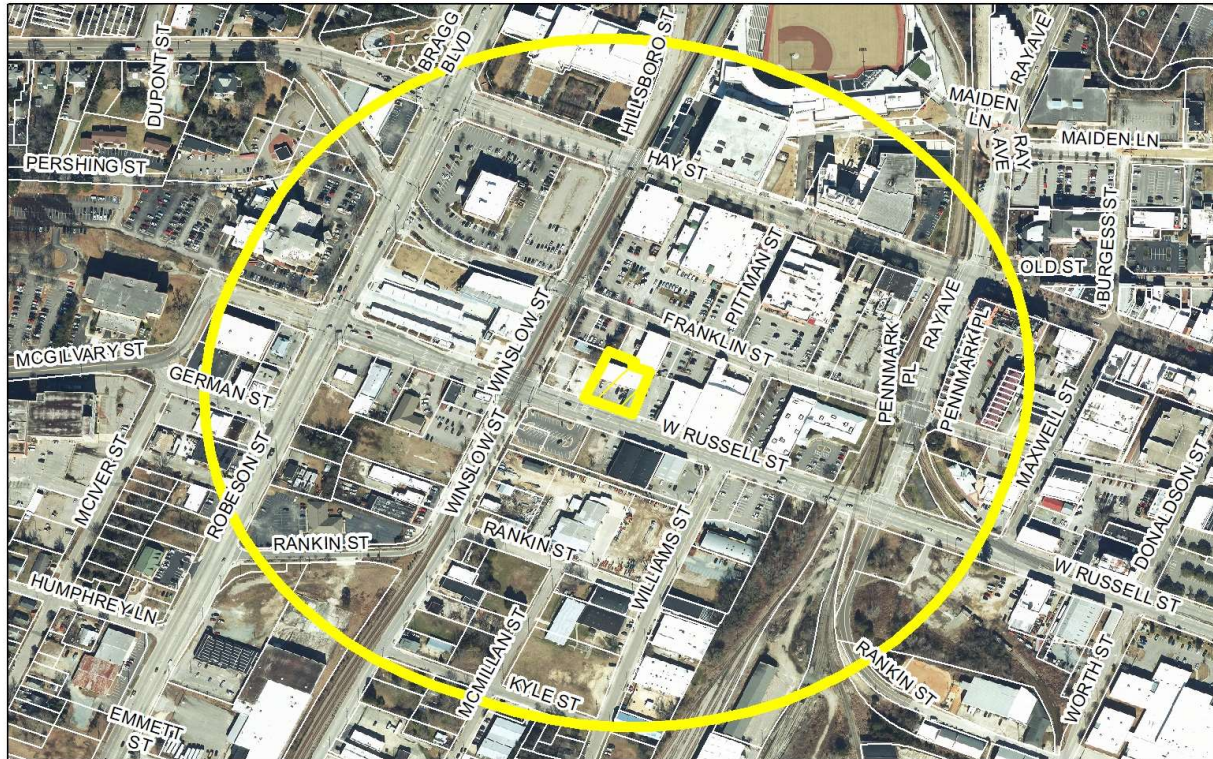
**Location:** 450 W Russell St

**Acreage:** 0.47

**District:** 2 - Davis

**REID #:** 0437443242000





**Aerial Notification Map**

Case #: P24-36

Request: Rezoning to DT-2/CZ

Location: 450 W Russel St

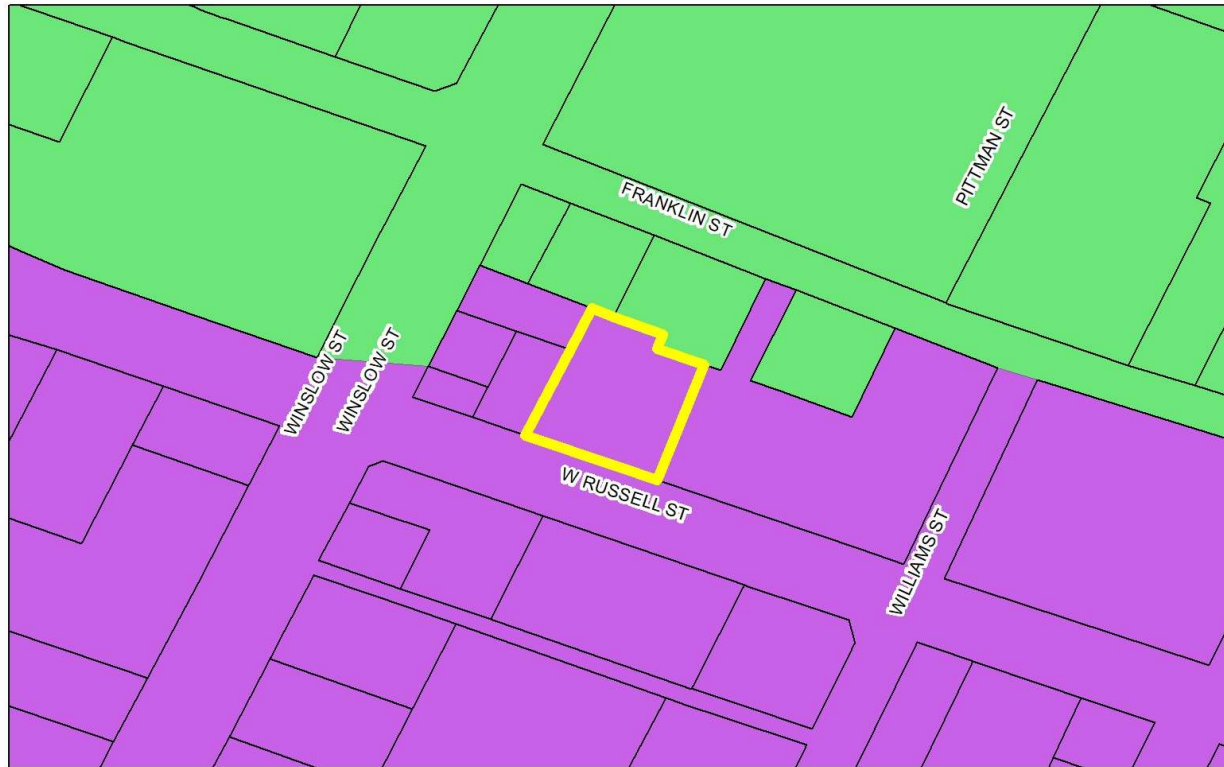
## Legend

 1,000' Notification Buffer



Letters are being sent to all property owners within the 1,000' buffer. Subject property is shown in the hatched pattern.





## Zoning Map

Case #: P24-36

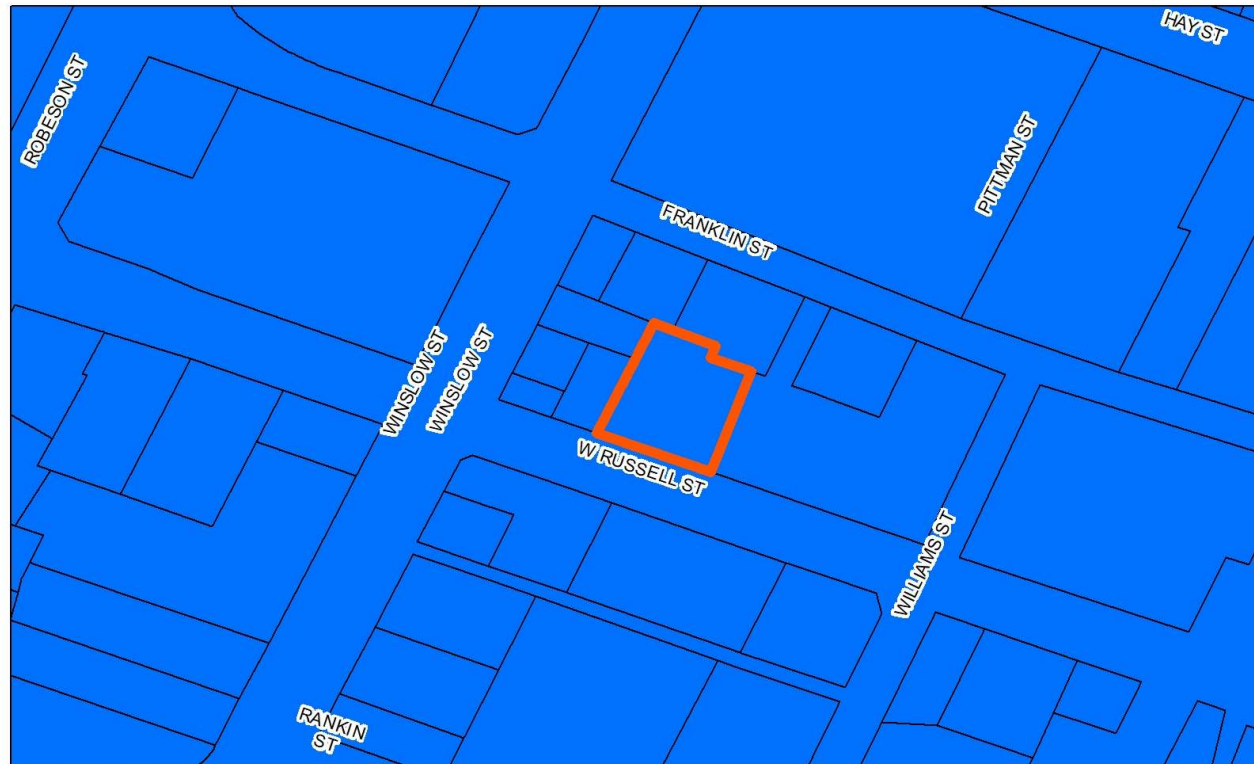
Request: Rezoning to DT-2/CZ

Location: 450 W Russel St

**Legend**  
DT Zoning  
Zoning  
DT-1  
DT-2



Letters are being sent to all property owners within the 1,000' buffer. Subject property is shown in the hatched pattern.



## Land Use Map

Case #: P24-36

Request: Rezoning to DT-2/CZ

Location: 450 W Russel St

### Legend

Land Use Plan 2040

Character Areas

DTMXU - DOWNTOWN

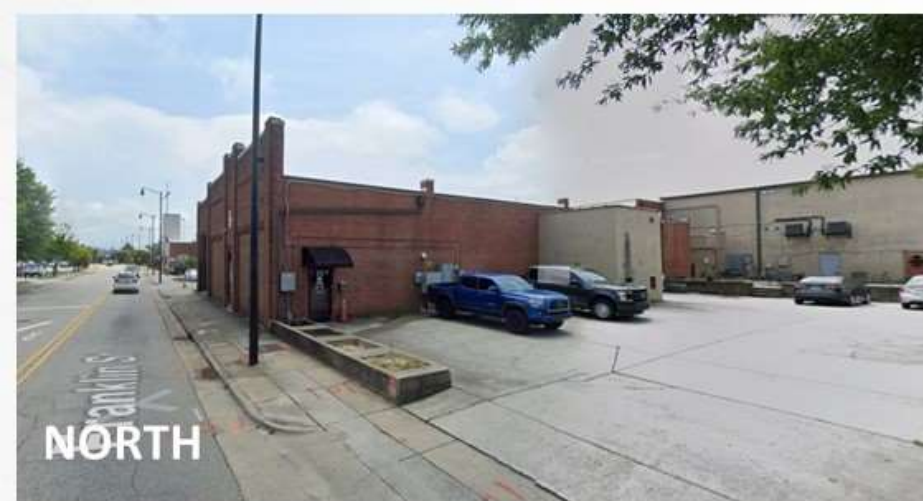


Letters are being sent to all property owners within the 1,000' buffer. Subject property is shown in the hatched pattern.





# Surrounding Properties



Specifics of this Conditional Rezoning:

The only proposed conditions are to allow the following additional uses;

1 Car wash

2 Auto Detailing

According to the applicant, a tenant in this commercial strip center wishes to operate an indoor auto detailing business that would include car washing as part of its operation. The proposed use and rezoning seem to fit with the character of the surrounding area.





The Professional Planning Staff recommends that the Zoning Commission move to recommend APPROVAL of the map amendment to DT-2/CZ based on the following:

- The proposed zoning map amendment implements the policies adopted in the Future Land Use Plan (FLUP), and those policies found in the Unified Development Ordinance (UDO). The Future Land Use Plan calls for the subject property to be developed as Office/Institutional which includes government facilities.
- The uses permitted by the proposed change in zoning district classification and standards apply to such uses are appropriate in the immediate area of the land to be reclassified due to the existing zoning and uses surrounding this property; and
- There are no other factors that will substantially affect public health, safety, morals, or general welfare.

1. Recommends approval of the amendment to the DT-2/CZ 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. 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;
3. Denies the map amendment request based on the evidence submitted and finds that the map amendment is inconsistent with the Future Land Use Plan.

**Owner:** Kodjo Sam Kouassi

**Applicant:** Kodjo Sam Kouassi

**Request:** Rezoning from **R6A** to **HI**

**Location:** 3424 Cumberland Road

**Acreage:** 2.47 ±

**District:** 5

**REID #:** 0426015026000









## Aerial Notification

Case #: P24-37

Request: Rezoning from R6A to HI

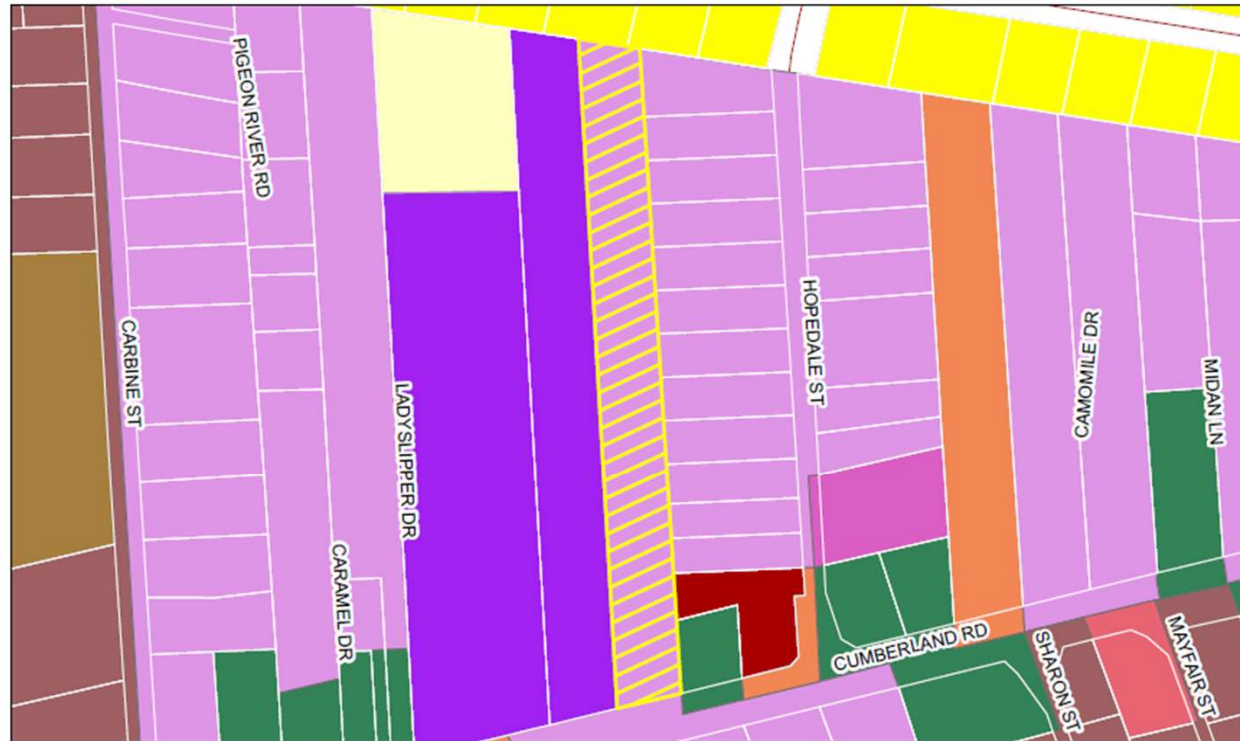
Location: 3424 CUMBERLAND RD  
REID: 0426015026000

 P24-37 Buffer  
 P24-37



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

















## Zoning

Case #: P24-37

Request: Rezoning from R6A to HI

Location: 3424 CUMBERLAND RD  
REID: 0426015026000

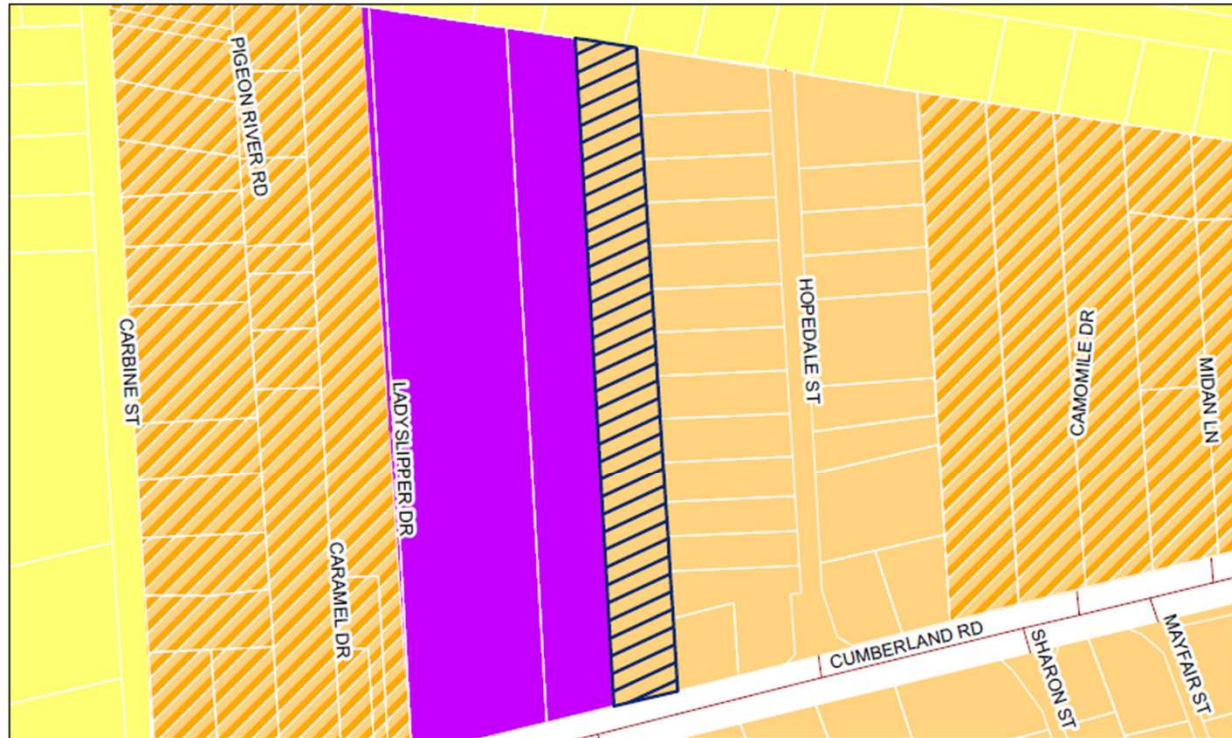
	P24-37		SF-6 - Single-Family Residential 6		R10
	CC - Community Commercial		SF-10 - Single-Family Residential 10		R6
	HI - Heavy Industrial		C2P		R6A
			C3		R6ACU
			CP		



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







## Future Land Use

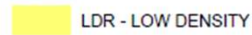
Case #: P24-37

Request: Rezoning from R6A to HI

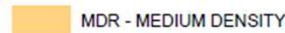
Location: 3424 CUMBERLAND RD  
REID: 0426015026000



P24-37



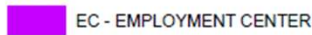
LDR - LOW DENSITY



MDR - MEDIUM DENSITY



NIR - NEIGHBORHOOD IMPROVEMENT



EC - EMPLOYMENT CENTER



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





# Surrounding Properties



**North**



**East**



**South**



**West**



- History:
  - Property transfer from Carrie Lynn McBride Moody and Timothy Brandon Holst, Co-Trustees of the Charles La-Fate McBride Trust, to Kodjo Sam Kouassi.
  - Lot 10 in Ellington Pines, Cumberland County, transferred via General Warranty Deed.
  - Deed includes exceptions for a parcel previously conveyed to the Department of Transportation.
- Surrounding Area:
  - Primarily single-family residences with some intense commercial uses.
  - Adjacent to mixed-use auto storage, tire sales, and mechanic shops.
  - Nearby: B's All About Children Childcare Center, antique thrift store, Boys and Girls Clubs of Cumberland County.
  - Property at 3404 Cumberland Road, owned by Mr. Kouassi, rezoned to Community Commercial (CC) in 2022.



- **Rezoning Request**

- Request to rezone from Residential 6 (R6A) to Heavy Industrial (HI).
- HI district accommodates large-scale industrial activities with significant exterior movement of vehicles and materials.

- **Land Use Plan Analysis**

- Future Land Use Map: Medium Density Residential & Employment Center.
- Aligns with:
  - **Goal #1:** Focus value around infrastructure.
  - **Goal #4:** Foster safe, stable neighborhoods.
- Strategic Compatible Growth Policies:
  - Encourage growth in areas with adequate infrastructure.
  - Target redevelopment of underutilized areas.

- **Rezoning Justification:**
  - The request to rezone 3424 Cumberland Road from Residential 6 (R6A) to Heavy Industrial (HI) aligns with Fayetteville's strategic growth plans.
  - Although the Future Land Use Map suggests Medium Density Residential and Employment Center uses, HI zoning fits the area's existing commercial and industrial character.
  - The site's proximity to heavy industrial uses, such as auto storage, tire sales, and Sam's Towing, makes the rezoning a logical extension of current land uses.
  - This change supports the City's goals for a diverse tax base, strategic growth, and maintaining a strong development climate.
  - HI zoning enables large-scale industrial operations, contributing to the regional economy and aligning with the Employment Center designation.
  - Compatible with surround land uses and infrastructure, this rezoning fosters redevelopment and investment, without significant negative impacts.

The Professional Planning Staff recommends that the Zoning Commission move to recommend APPROVAL of the map amendment to HI based on the following:

- The proposed zoning map amendment does implement the policies adopted in the Future Land Use Plan (FLUP), and those policies found in the Unified Development Ordinance (UDO);
- The uses permitted by the proposed change in zoning district classification and the standards that apply to such uses are appropriate in the immediate area of the land to be reclassified due to the existing zoning and uses surrounding this property; and
- There are no other factors that will substantially affect public health, safety, morals, or general welfare.



1. The Zoning Commission recommends approval of the map amendment to HI 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. The Zoning Commission 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.
3. The Zoning Commission denies the map amendment request based on the evidence submitted and finds that the map amendment is inconsistent with the Future Land Use Plan.

**Owner:** Jane & James Wood

**Applicant:** George Rose, P.E.

**Request:** Single Family Residential 10 (SF-10) to Mixed Residential 5 (MR-5)

**Location:** 770 Ocarina Cir

**Acreage:** 7.10 acres

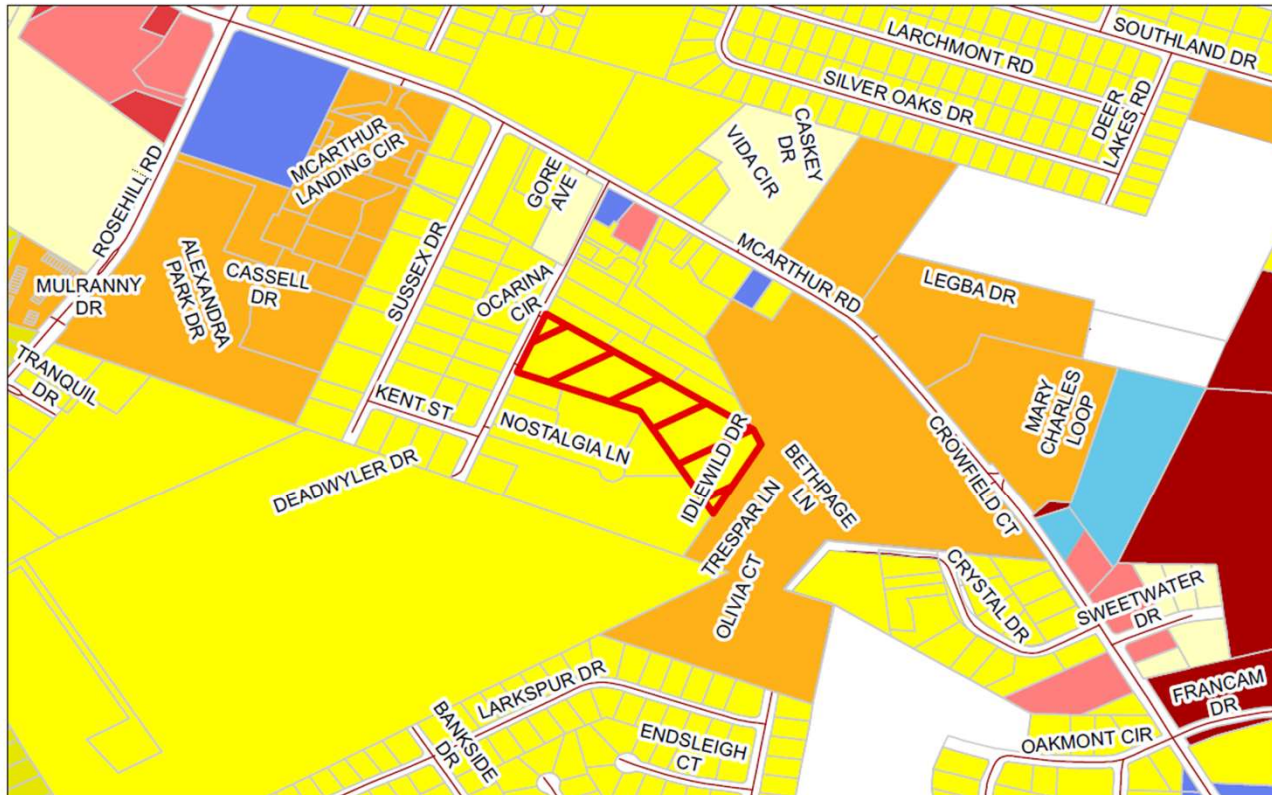
**District:** 3

**REID #:** 0530203374000



















## Zoning Map

Case #: P24-38

Request: Rezoning  
Single Family Residential 10 (SF-10)  
to Mixed Residential 5 (MR-5)

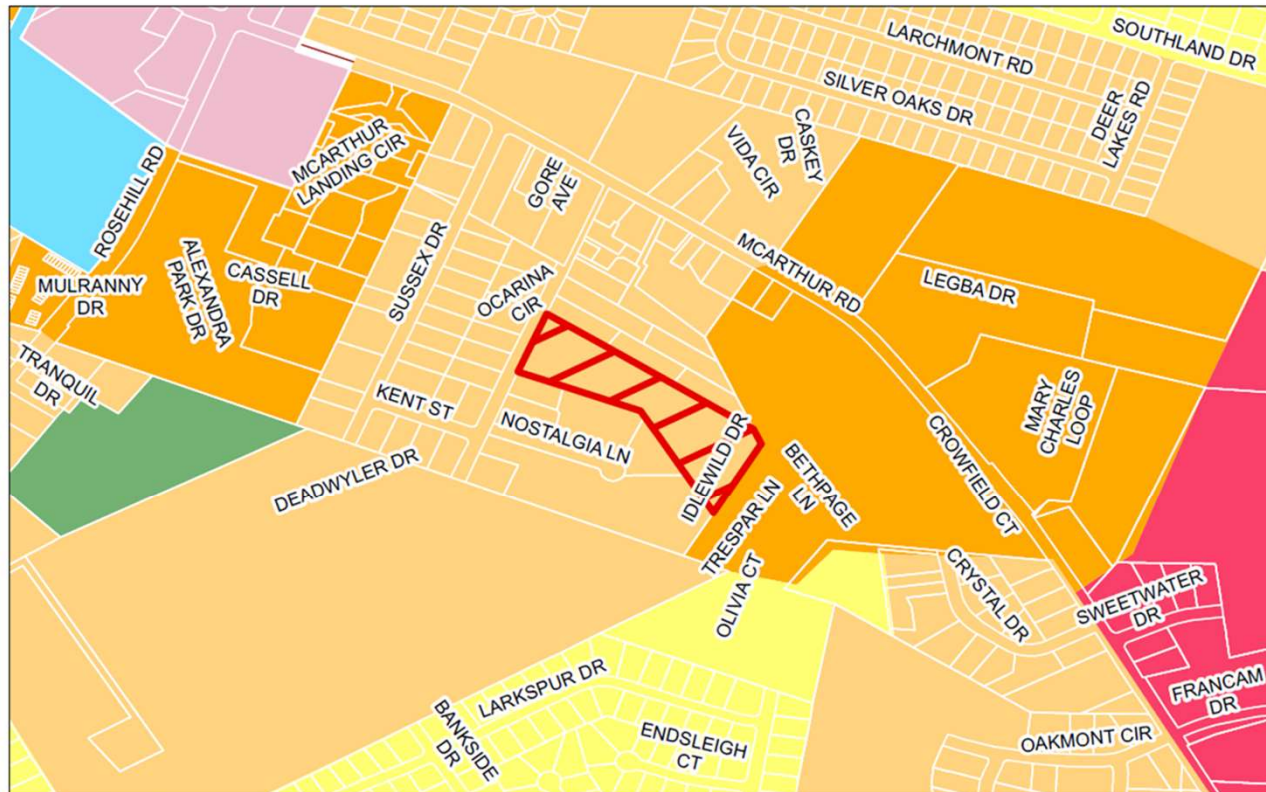
Location: 770 Ocarina Cir

### Legend

 P24-38	 NC - Neighborhood Commercial
 CC - Community Commercial	 OI - Office & Institutional
 LC - Limited Commercial	 SF-6 - Single-Family Residential 6
 LI - Light Industrial	 SF-10 - Single-Family Residential 10
 MR-5 - Mixed Residential 5	 SF-15 - Single-Family Residential 15



Letters are being sent to all property owners within the 1,000' buffer. Subject property is shown in the hatched pattern.



## Land Use Map

Case #: P24-38

Request: Rezoning  
Single Family Residential 10 (SF-10)  
to Mixed Residential 5 (MR-5)



Location: 770 Ocarina Cir



### Legend

 P24-38

### Land Use Plan 2040

#### Character Areas

 PARKOS - PARK / OPEN SPACE  
 LDR - LOW DENSITY

 MDR - MEDIUM DENSITY  
 HDR - HIGH DENSITY RESIDENTIAL  
 NMU - NEIGHBORHOOD MIXED USE  
 CC - COMMUNITY CENTER  
 OI - OFFICE / INSTITUTIONAL



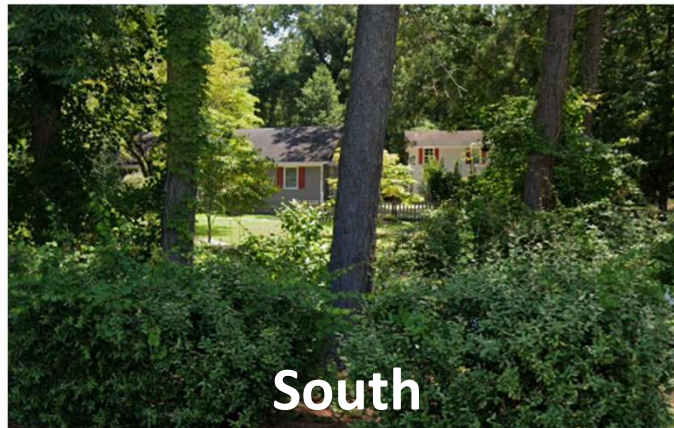
Letters are being sent to all property owners within the 1,000' buffer. Subject property is shown in the hatched pattern.

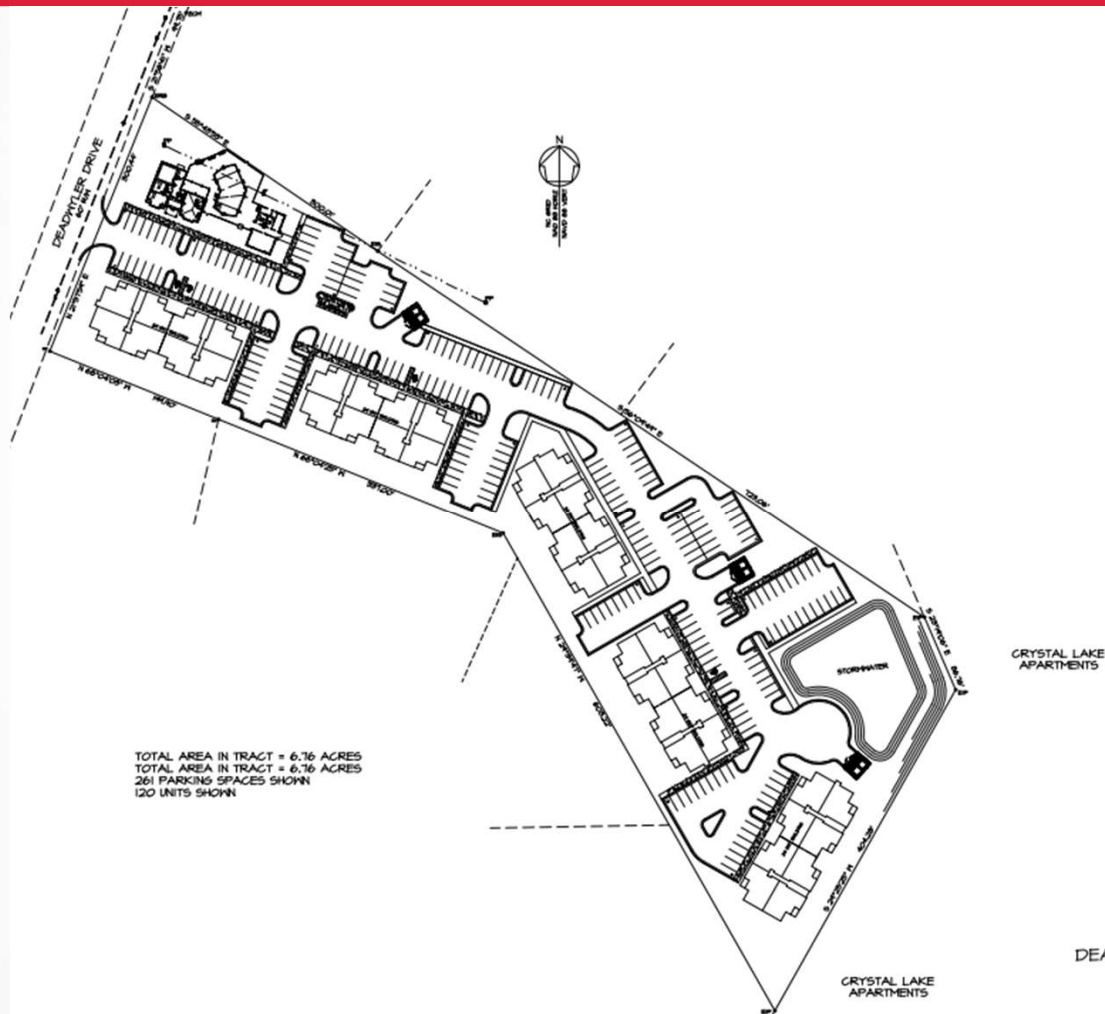






# Surrounding Properties





PRELIMINARY PLAN  
DEADWYLER DRIVE APARTMENTS  
AUGUST 2024

- The proposed rezoning would allow for various residential uses on the subject property – the permitted uses range from single family dwellings to multi-family dwellings.
- The development of additional housing would further address the shortage of housing stock in Fayetteville.
- Multi-family dwellings have the benefit of increasing housing without the need for large tracts of land. Example: 100 apartments would require only 5 acres of land (per UDO) whereas the same number of single family houses would require almost 23 acres of land.
- A potential multi-family development would be in keeping with existing development to the east – Crystal Lake Apartments and McArthur Park Apartments.



The Professional Planning Staff recommends that the Zoning Commission move to APPROVE the map amendment to MR-5 based on the following:

- The proposed zoning map amendment implements the policies adopted in the Future Land Use Plan (FLUP), and those policies found in the Unified Development Ordinance (UDO).
- The uses permitted by the proposed change in zoning district classification and the standards that apply to such uses would be appropriate in the immediate area; and
- There are no other factors that will substantially affect public health, safety, morals, or general welfare.

1. Zoning Commission moves to recommend approval of the map amendment/rezoning as presented based on the evidence submitted and finds that the map amendment/rezoning is consistent with the Future Land Use Plan as demonstrated by the attached consistency and reasonableness statement (recommended).
2. Zoning Commission moves to recommend approval of the map amendment/rezoning to a more restrictive zoning district based on the evidence submitted and finds that the map amendment/rezoning would be consistent with the Future Land Use Plan and an amended consistency and reasonableness statement.
3. Zoning Commission moves to deny the map amendment/rezoning based on the evidence submitted and finds that the map amendment/rezoning is inconsistent with the Future Land Use Plan.

**Owner:** Sophia Rickard

**Applicant:** Sophia Rickard

**Request:** SF-10 to MR-5

**Location:** 411 Jefferson Dr

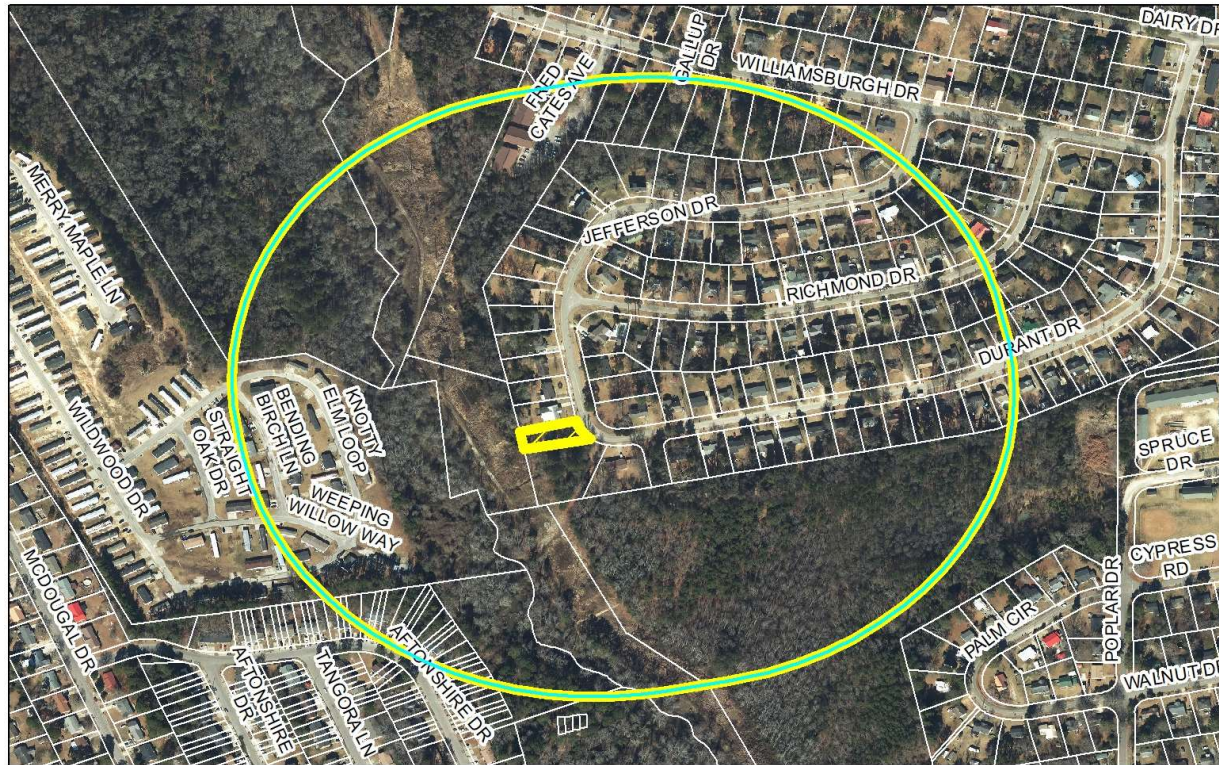
**Acreage:** 0.32

**District:** 5 – Green

**REID #:** 0406880746000







## Aerial Notification Map

Case #: P24-39

Request: Rezoning SF-10 to MR-5

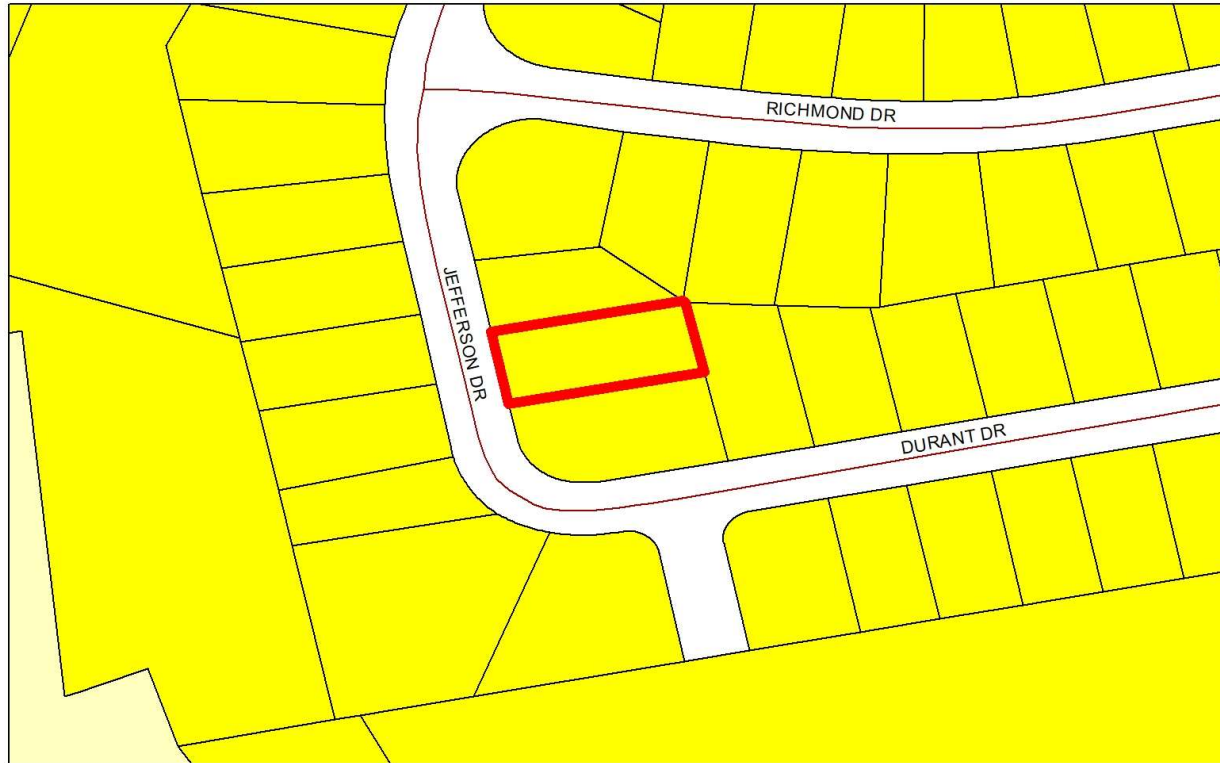
Location: 411 Jefferson Dr

## Legend

 1,000' Notification Buffer



Letters are being sent to all property owners within the 1,000' buffer. Subject property is shown in the hatched pattern.



## Zoning Map

Case #: P24-39

Request: Rezoning SF-10 to MR-5

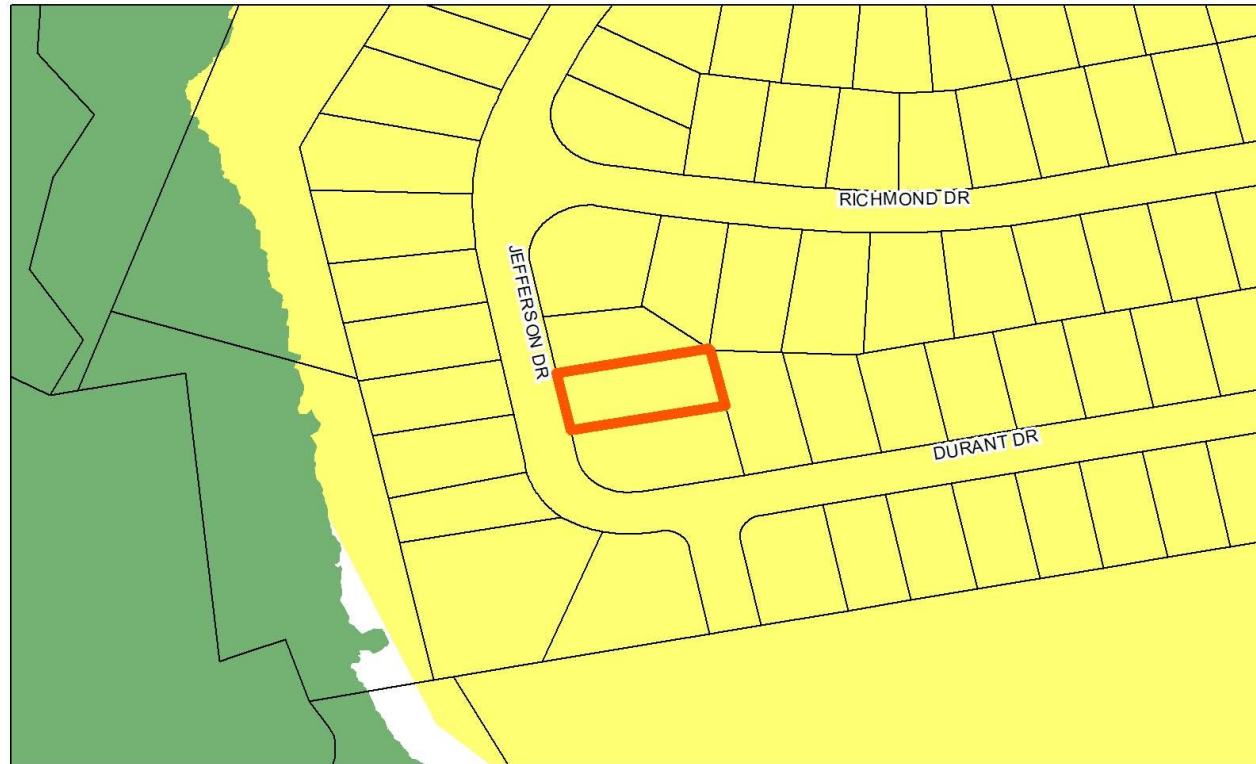
Location: 411 Jefferson Dr

### Legend

- SF-6 - Single-Family Residential 6
- SF-10 - Single-Family Residential 10



Letters are being sent to all property owners within the 1,000' buffer. Subject property is shown in the hatched pattern.



## Land Use Map

Case #: P24-39

Request: Rezoning SF-10 to MR-5

Location: 411 Jefferson Dr

## Legend

### Land Use Plan 2040

#### Character Areas

- PARKOS - PARK / OPEN SPACE
- LDR - LOW DENSITY



Letters are being sent to all property owners within the 1,000' buffer. Subject property is shown in the hatched pattern.







# Surrounding Properties



The request to rezone the property to Mixed Residential 5 would not be in keeping with the surrounding zoning or the proposed use according to the City's Land Use Plan. Prior to submitting the application, a representative for this project spoke to two members of the Planning staff separately. Both staff members advised the applicant that rezoning to MR-5 would probably be difficult and that staff would not recommend approval.



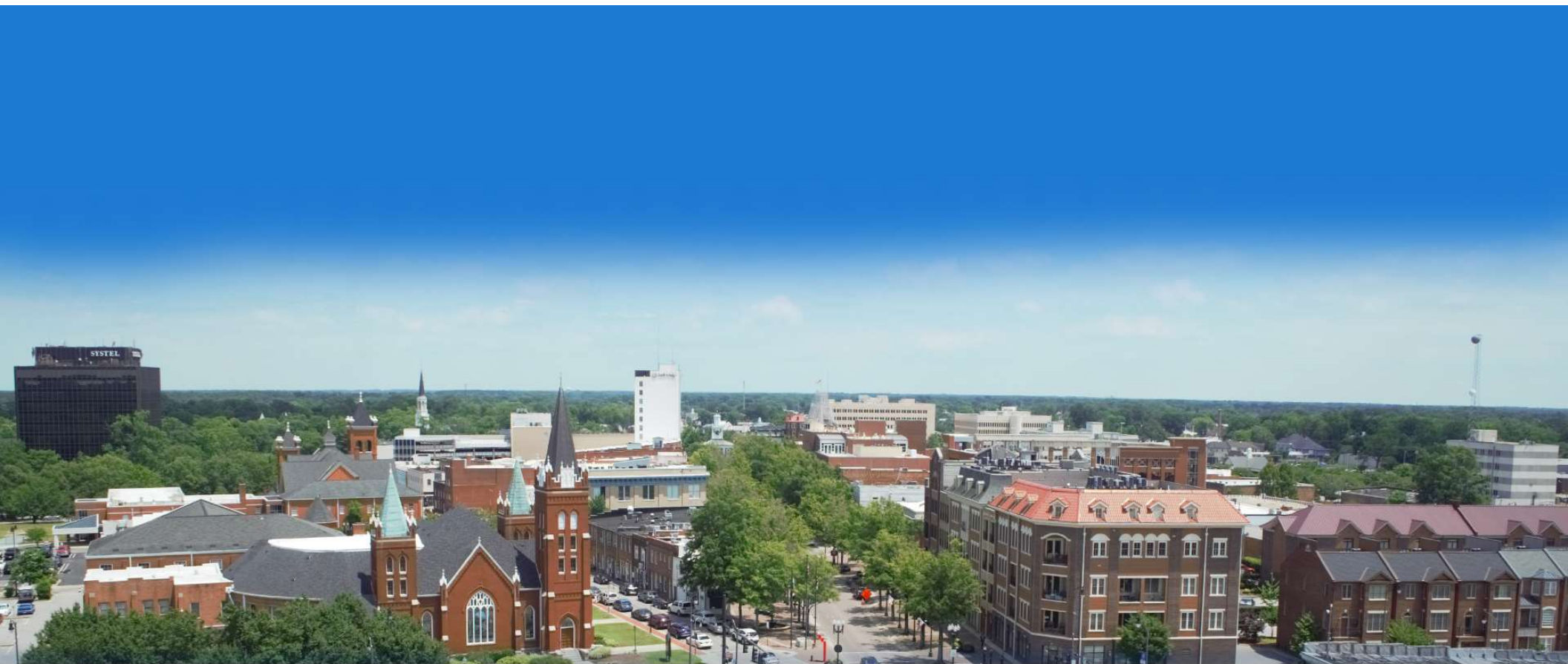


The Professional Planning Staff recommends that the Zoning Commission move to DENY the map amendment to MR-5 based on the following:

- The proposed zoning map amendment does not implement the policies adopted in the Future Land Use Plan (FLUP), and those policies found in the Unified Development Ordinance (UDO).
- The uses permitted by the proposed change in zoning district classification and standards apply to such uses are not appropriate in the immediate area of the land to be reclassified due to the existing zoning and uses surrounding this property; and
- There are no other factors that will substantially affect public health, safety, morals, or general welfare.

1. Recommends approval of the map amendment to MR-5 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.
2. 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.
3. Recommends denial of the map amendment request based on the evidence submitted and finds that the map amendment is inconsistent with the Future Land Use Plan. (recommended)





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