

City Council



P24-03

February 26, 2024



Owner: Cape Fear Regional Theatre at Fayetteville INC.

Applicant: Danielle Hammond

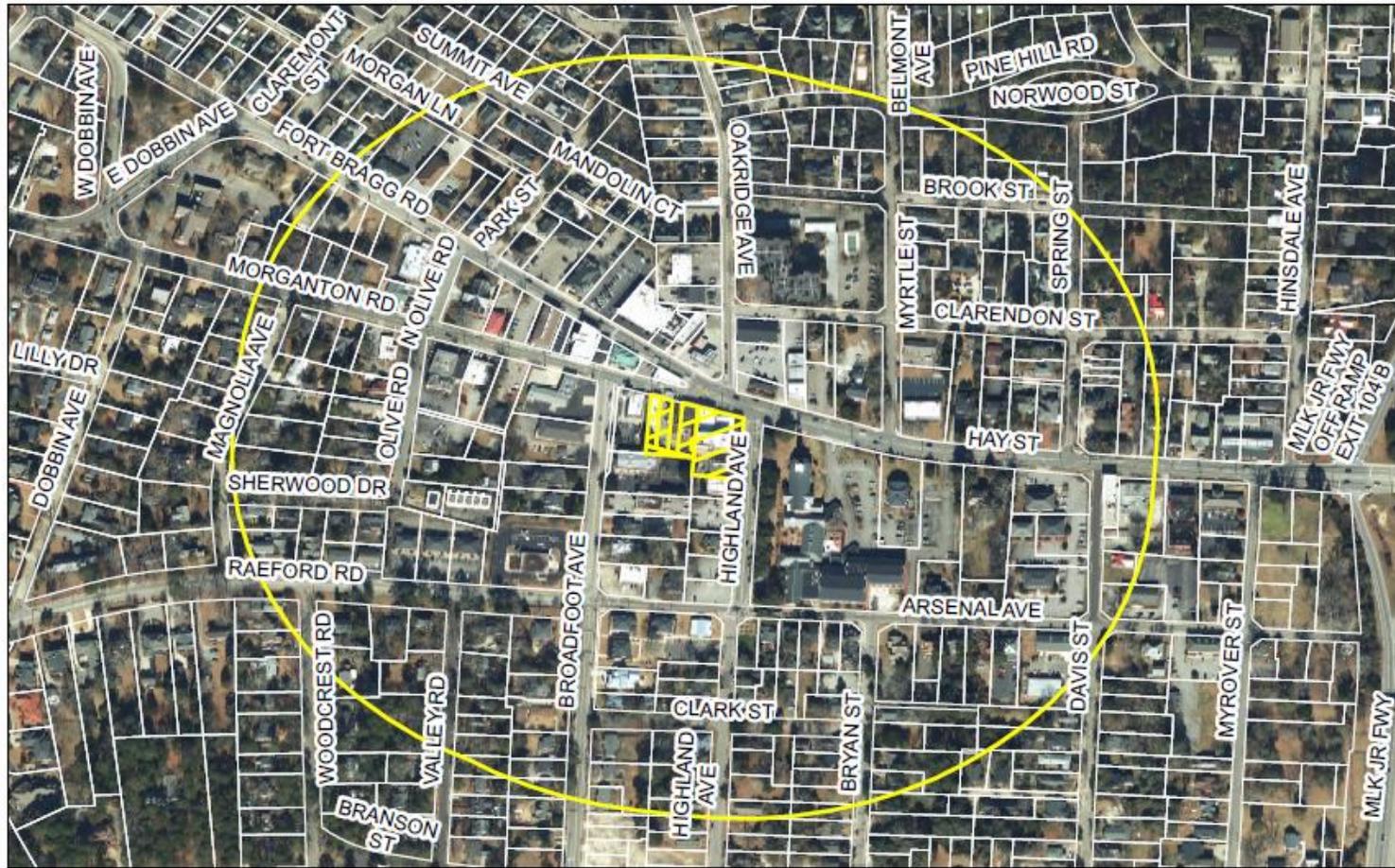
Request: Conditional Rezoning from NC and CC to NC/CZ

Located: 1209 Hay Street

Acreage: 0.84 acres ±

District: 5 – Lynne Greene

REID #: 0437051425000, 0437050465000, 0437050459000,
0437050501000, 0427959571000, 0427959482000



Aerial Notification Map

Case #: P24-03
 Request: Rezoning Neighborhood Commercial (NC) and Community Commercial (CC) to Neighborhood Commercial Conditional Zoning

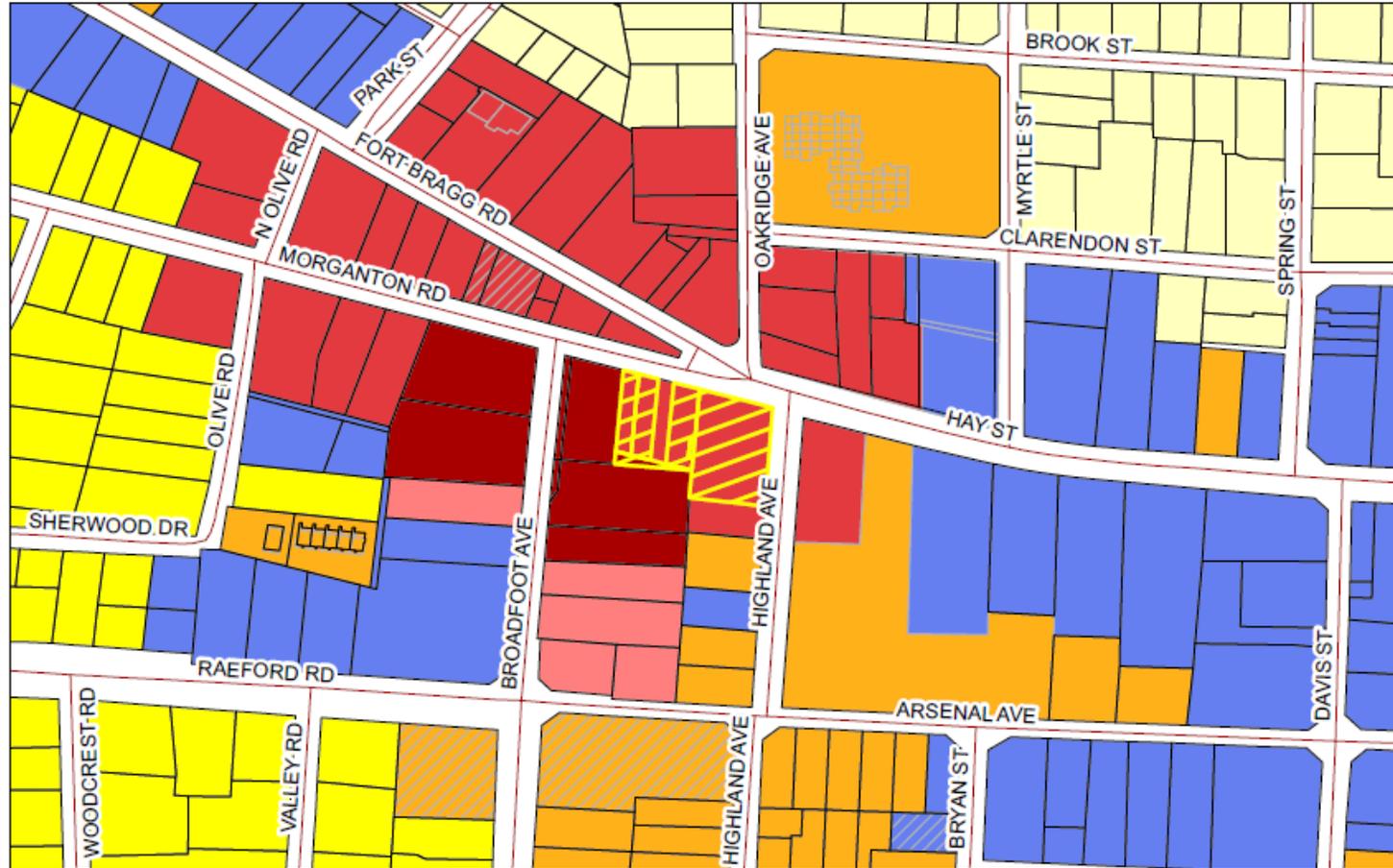
Location: 1209 HAY ST
 1213 HAY ST
 0 ? DR
 1221 HAY ST
 0 N/A DR

Legend

-  P24-03 Buffer
-  P24-03



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



Zoning Map

Case #: P24-03
 Request: Rezoning Neighborhood Commercial (NC) and Community Commercial (CC) to Neighborhood Commercial Conditional Zoning

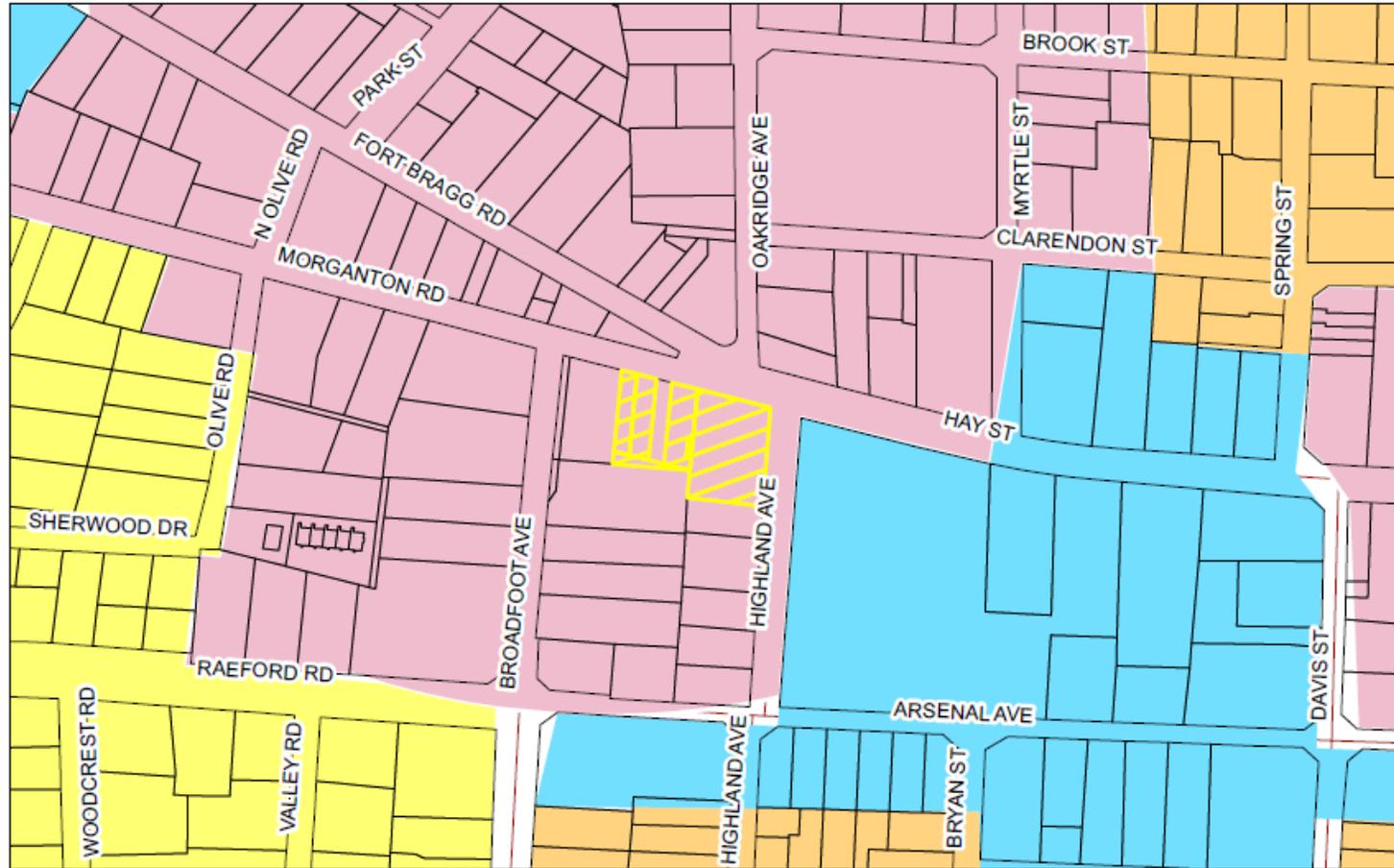
Location: 1209 HAY ST
 1213 HAY ST
 0 ? DR
 1221 HAY ST
 0 N/A DR

Legend

-  P24-03
-  CC - Community Commercial
-  LC - Limited Commercial
-  MR-5 - Mixed Residential 5
-  MR-5/CZ - Conditional Mixed Residential 5
-  NC - Neighborhood Commercial
-  NC/CZ - Conditional Neighborhood Commercial
-  OI - Office & Institutional
-  OI/CZ - Conditional Office & Institutional
-  SF-6 - Single-Family Residential 6
-  SF-10 - Single-Family Residential 10

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Future Land Use Map

Case #: P24-03
 Request: Rezoning Neighborhood Commercial (NC) and Community Commercial (CC) to Neighborhood Commercial Conditional Zoning

Location: 1209 HAY ST
 1213 HAY ST
 0 ? DR
 1221 HAY ST
 0 N/A DR

Legend

 P24-03

Land Use Plan 2040

Character Areas

-  LDR - LOW DENSITY
-  MDR - MEDIUM DENSITY
-  NMU - NEIGHBORHOOD MIXED USE
-  OI - OFFICE / INSTITUTIONAL

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







1. ***The maximum allowable lot coverage shall be 85%***
 - a. The current UDO standard for non-residential maximum lot coverage in the NC zoning district is 55%.
2. ***The minimum front setback and corner side setback for non-residential use shall be 0'***
 - a. The current UDO standard for non-residential front and corner side setbacks in the NC zoning district is a minimum of 10 feet.
3. ***The minimum side setback for non-residential use shall be 0'***
 - a. The current UDO standard for non-residential side setbacks in the NC zoning district is a minimum of 3'.
4. ***The minimum rear setback for non-residential use shall be 0'***
 - a. The current UDO standard for non-residential rear setbacks in the NC zoning district is a minimum of 20'.
5. ***The minimum building spacing for non-residential use shall be 0'***
 - a. The current UDO standard for non-residential building spacing in the NC zoning district is a minimum of 20'.
6. ***There shall be no minimum number of required parking spaces***
 - a. The UDO standard would require 1 space per every 4 seats within the theater.
7. ***No bicycle parking shall be required***
 - a. Article 30-5.A.9
8. ***No off-street loading spaces shall be required***
 - a. Article 30-5.A.10
9. ***Street trees shall not be required***
 - a. Article 30-5.B.4
10. ***Site and building landscaping shall not be required around the perimeter of the building***
 - a. 30-5.B.4.b
11. ***Commercial vehicular uses shall be separated from adjacent and adjoining commercial properties by a 3' wide landscape strip with a continuous visual screen of evergreen shrubs along the property line, with a minimum height of 24" at the time of planting or by a 6' tall screen fence***
 - a. 30-5.B.4.c

- City's 2040 Plan designates parcels for Neighborhood Mixed Use (NMU).
- The proposed rezoning aligns with NMU, facilitating the expansion of existing Neighborhood Commercial uses.
- Cape Fear Regional Theatre's property, vital for local arts, aligns with rezoning for arts, culture, and education services.
- Rezoning preserves current uses, introduces conditions for theater expansion, and enhances the neighborhood block.
- Designed to seamlessly integrate into the existing developed area without encouraging premature development.

The Zoning Commission and Professional Planning Staff recommend that the City Council APPROVE the map amendment to NC/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 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. City Council moves to approve the map amendment to NC/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. City Council moves to approve 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. City Council moves to deny the map amendment request based on the evidence submitted and finds that the map amendment is inconsistent with the Future Land Use Plan.



 **FAYETTEVILLE** ^{NC}
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