

**MINUTES  
CITY OF FAYETTEVILLE  
ZONING COMMISSION MEETING  
FAST TRANSIT CENTER COMMUNITY ROOM  
SEPTEMBER 10, 2024 @ 6:00 P.M.**

Pavan Patel, Chair  
Stephen McCorquodale  
Tyrone Simon

**STAFF PRESENT**  
Clayton Deaton, Planning and Zoning Division Manager  
Craig Harmon, Senior Planner  
Heather Eckhardt, Planner II  
Demetrios Moutos, Planner I  
La-Deidre Matthews, Attorney at Law, Fox Rothchild  
Catina Evans, Office Assistant II

**MEMBERS ABSENT**  
Alex Keith, Vice-Chair  
Kevin Hight

The Zoning Commission Meeting on Tuesday, September 10, 2024, was called to order by Chair Pavan Patel at 6 p.m. The members introduced themselves.

**I. APPROVAL OF THE AGENDA**

**MOTION:** Patel Pavan made a motion to approve the agenda for the meeting with the amendment to table cases A24-40 and P24-39 until the meeting on Tuesday, October 8, 2024.

**SECOND:** Tyrone Simon

**VOTE:** Unanimous (3-0)

**II. APPROVAL OF THE CONSENT AGENDA TO INCLUDE THE MINUTES FROM THE AUGUST 13, 2024, MEETING**

**MOTION:** Stephen McCorquodale made a motion to approve the minutes from the August 13, 2024, meeting.

**SECOND:** Tyrone Simon

**VOTE:** Unanimous (3-0)

**III. LEGISLATIVE HEARING**

Mr. Patel discussed the aspects of the legislative hearing. Legal counsel, Ms. Matthews, swore in all Staff and witnesses who were participating in the hearings. Mr. Patel inquired if any board members had conflicts of interest or ex parte communication related to the evening's agenda items, and none were reported.

**P24-36.** Rezoning from Downtown 2 (DT-2) to Downtown 2 Conditional (DT-2/CZ) located at 450 W Russell Street (REID #0437443242000) totaling 0.47 acres ± and being the property of Franklin Russell, LLC.

Craig Harmon presented case P24-36. He stated that the property is located at 450 W. Russell Street at nearly .5 acres with the owner being Franklin Russell, LLC and Jefferey Perez representing the owner. Mr. Harmon showed the board the yellow area on the site map where the property is located. He said City Hall is south of the property. The applicant wants to convert the property's zoning to Downtown 2 Conditional Zoning (DT-2/CZ), which aligns with the Future Land Use Plan that calls for this area to be designated for downtown use. Mr.

Harmon informed the board that they may be familiar with the area because Bright Light Brewing is located on this property. The applicant is requesting conditions of use that would allow for an auto detailing business (with some car washing) on the property. The Staff recommends approval of the rezoning to a DT-2 Conditional Zoning.

Mr. Patel asked Mr. Harmon if there were any speakers for this case, and Mr. Harmon said the applicant was present. Mr. Patel opened the hearing for case P24-36. The owner was not present, but the tenant Stanley Jacobs spoke on his behalf.

Speaker in favor:

Stanley Jacobs, 450 W Russell St, Fayetteville, NC 28301

- Mr. Jacobs explained that his business is high end detailing by appointment only.
- Mr. Jacobs said his business will not create traffic and he has cleaned up the area.

Mr. Simon asked for clarification if the business was a car wash and Mr. Jacobs reiterated that it was not a car wash business. Mr. Simon asked Mr. Jacobs how long he has been in business, and Mr. Jacobs said he has been in business since 2019.

Mr. McCorquodale inquired if they were providing all auto services inside, and Mr. Jacobs confirmed this was correct.

Mr. Patel closed the hearing for case P24-36.

**MOTION:** Tyrone Simon made a motion to approve the rezoning request for case P24-36 based on the testimony that was given and the fact that the rezoning is consistent with the Future Land Use Plan.

**SECOND:** Pavan Patel

**VOTE:** Unanimous (3-0)

**P24-37.** Rezoning from Residential 6 (R6A) to Heavy Industrial (HI) located at 3424 Cumberland Road (REID #0426015026000) totaling 2.47 acres ± and being the property of Kodjo Sam Kouassi.

Demetrios Moutos presented the case for rezoning the property at 3424 Cumberland Road from R6A to Heavy Industrial (HI), owned by Kodjo Sam Kouassi. He explained that the area is currently zoned R6A in Cumberland County, as are the surrounding areas. However, portions of the area have already been annexed and rezoned as Community Commercial (CC). The Future Land Use Plan designates this area as Employment Center and Medium-Density Residential.

The property in question is approximately 200 feet deep and contains overflow towed car storage. The surrounding area includes a single-family subdivision to the rear, single-family homes to the south, residential trailers across Cumberland Road, Kings Fresh Seafood Store to the east, and a large mixed-use heavy industrial property with an auto body and tire shop to the west. The area also includes other intense commercial uses.

Mr. Moutos stated that the rezoning request aligns with the city's goals of maximizing the use of underutilized areas to establish stable neighborhoods. He emphasized that the development will be subject to City standards and noted that the adjacent heavy industrial use to the west includes the aforementioned auto shop.

The proposed zoning supports the City's objectives of creating a diverse tax base, promoting strategic development, and encouraging economic growth. Staff recommends approval of the rezoning request. Mr. Moutos also presented the board with their voting options.

Mr. Patel opened the hearing for case P24-37.

Speakers in favor:

David Holmes, 3404 Cumberland Road, Fayetteville, NC 28306

- Mr. Holmes wants to expand to have more storage for Sam's Towing.

Mr. Patel asked if the primary use is for storage. Mr. Holmes said they need more room to store cars.

Kodjo Kouassi, 3404 Cumberland Road, Fayetteville, NC 28306

- Mr. Kouassi said they are a wrecker service. They needed a place to park their trucks, and they were trying to expand the business, following the city ordinances.

Herbert Townes, 8226 English Saddle Drive, Fayetteville, NC 28314

- Mr. Towns said he is a Nationwide insurance representative, and he supports the owner following the City regulations for the establishment of his business.
- He stated they bought the property ten years ago and the plan was always to expand the business.

Daniel Barron, 5218 Hornbeam Road, Fayetteville, NC 28304

- Mr. Barron has been with the business for twenty years and they are cleaning up the area, giving people jobs, and helping out the community.

Speakers in opposition:

Hernandez Carlos, 2709 King Street, Fayetteville, NC 28306

- Mr. Carlos said his property tax has gone up 17% this year, and he inquired how this development would benefit the residents.
- He said more business will lead to more people being poor because others want to get rich.

Mr. McCorquodale reviewed the map and sought clarification on the specific parcels involved. Mr. Moutos confirmed that there are two distinct parcels and highlighted that additional stipulations would apply under the Heavy Industrial (HI) zoning classification. He further explained that rezoning the land to HI would prevent the property from being designated as nonconforming.

Mr. Patel inquired about potential tax implications related to the rezoning. While Mr. Moutos clarified that he is not a tax expert, he mentioned that he had consulted with tax professionals on other cases who have indicated that there could be tax implications associated with the rezoning.

Mr. Simon the asked whether the previous property had been zoned as Heavy Industrial (HI). Mr. Moutos clarified that the area is currently zoned Community Commercial (CC). He added that if the developers intend to expand on the portion of the land zoned CC, they will require a special use permit.

**MOTION:** Pavan Patel made a motion to approve case P24-37 based on the consistency and reasonableness statement provided by the Staff.

**SECOND:** Tyrone Simon

**VOTE:** Unanimous (3-0)

**P24-38.** Rezoning from Single-Family Residential 10 (SF-10) to Mixed Residential 5 (MR-5) located at 770 Ocarina Circle (REID #0530203374000) totaling 7.10 acres ± and being the property of James E. & Jane L. Wood.

Heather Eckhardt presented the rezoning request for a property located on 770 Ocarina Circle to be rezoned from Single-Family Residential 10 (SF-10) to Mixed Residential 5 (MR-5). The property is zoned Single-Family Residential 10 (SF-10), and you can see that properties to the east and west are zoned Mixed Residential 5 (MR-5). The Future Land Use Plan calls for the area to be designated as medium-density residential. The subject property is currently vacant and undeveloped. Single-family homes surround the area, and multiple apartment complexes are located to the east and northeast with two quadplexes on Deadwyler Drive. Ms. Eckhardt noted that multi-family zoning allows a wide range of residential uses such as single and multi-family dwellings, which would address the need for more housing stock in the Fayetteville area. Multi-family dwellings have the advantage of larger quantities of units with less impact on land acreage, ergo 100 apartments would only require five acres in multi-family dwellings, but the same number of units would require 23 acres of land for single-family dwellings. The potential rezoning would be in alignment with developments located to the east. Ms. Eckhardt reiterated that this is a straight rezoning without conditions and added that the applicant has submitted plans for the proposed apartments. Ms. Eckhardt informed the board that the Staff recommends the rezoning to MR-5.

Pavan Patel opened the hearing for case P24-38.

Speakers in favor:

George Rose, 1206 Longleaf Drive, Fayetteville, NC 28305

- Mr. Rose is the site engineer. There are properties adjacent to the property that are zoned MR-5. The owner wants to develop approximately 120 units.
- Mr. Rose stated that the development would generate less traffic than other uses. He noted that current apartments located on Deadwyler Drive rent for \$1,100 per month. The proposed apartment units would rent at \$1,300 - \$1,450 per month.
- Mr. Rose cited that nine property owners and 12 rental properties reside on Deadwyler Drive. He said the property would be built on a lower elevation, creating a sound barrier. The sewer connection for this property would coincide with the Crystal Lake Apartments.
- Mr. Rose acknowledged the opposition's traffic concerns, but he noted that the project is small and would not substantially impact the traffic on Sussex Drive.

Mr. Simon inquired of Mr. Rose about how many apartments would be built, and Mr. Rose said 120 units would be built. He stated that the property would include a club house with a pool.

Mr. Patel inquired if the project had come before the Technical Review Committee, and Mr. Rose replied no. Mr. McCorquodale asked Mr. Rose if the site plan had not been developed because they are in the early stages of the project, and Mr. Rose confirmed this. They have developed a preliminary site plan. Attorney Matthews noted to the board that due to the fact that this is a straight rezoning, the board must consider all of the uses for the land and their impact when determining if to approve the rezoning. Mr. Rose added that they may not be able to fit the allowable units associated with a zoning district.

Greg Spears, 434 Landsdowne Road, Fayetteville, NC 28314

- Mr. Spears is a commercial real estate broker with Grant-Murray Real Estate. He is representing the owners.
- He is familiar with this project and with the 20,000 affordable housing shortage in the Fayetteville area, there is a need for affordable housing, and they need to work to resolve this issue.
- Mr. Spears said this will be a professionally landscaped and buffered project.
- He said the traffic will not be an issue with this development.

An audience member proceeded to interrupt Mr. Spears, and Mr. Patel asked the audience to allow the speaker to speak. Mr. Spears noted that there would be traffic concerns in any area where development occurred, and it is hard to hinder progress. When you have this low number of available affordable housing, everyone has to be able to give and take when developing housing in the area.

Speakers in opposition:

Rodney Moyer, 4203 Sussex Drive, Fayetteville, NC 28311

- Mr. Moyer said Deadwyler Drive is a narrow, dead-end road that can only allow for a minimum traffic flow and Deadwyler Drive would be the only access road that connects to McArthur Road and the proposed development of 120 units.
- Mr. Moyer noted that the proposed development of 120 units would alter the lives of the residents who are already fighting traffic from McArthur Road. Now they will have to fight traffic on Deadwyler Drive.
- He stated that no one can predict how crime will impact the area, but Mr. Moyer does not want the community to suffer from the rising population in a crowded area.
- Future residents who will reside in the proposed apartments should not have to travel through the Deadwyler Drive area as an entrance and exit point. This will only lead to backed-up traffic that will utilize Sussex Drive.
- Five apartment communities reside in the area, which has direct access to major roads. The proposed apartments off Deadwyler Drive would not have this access, and the area could not sustain the increased traffic flow.
- Mr. Moyer said McArthur Road and Rosehill Road need to be widened with a center turning lane and sidewalks. He cited the units of the surrounding apartments.
- All the other apartments have access roads and infrastructure in place to sustain the traffic flow in that area.

Christine Main, 4236 Deadwyler Drive, Fayetteville, NC 28311

- Ms. Main said the rezoning for this neighborhood is wrong because the definition is too broad.
- The proposed development of 120 units is not in line with the current area zoning. Although she appreciates that the 2040 Future Land Use Plan identifies the areas for medium-density growth, the area in question (Deadwyler, Kent and Sussex) is a distinct location.

- Ms. Main has identified undeveloped areas in Hope Mills, which would serve as adequate locations for this proposed project.
- Even if a development should occur in their area, it does not mean that the developers should build 120 units in this area.
- The rezoning is not in harmony with the neighborhood. It fails to show proper integration into the neighborhood.
- Ms. Main noted that no one associated with the project has approached them about the development and the developers could choose to build other things on the property since the plans are not finalized yet. Ms. Main is concerned that the area population would triple which impact public safety.
- She noted that she currently deals with the trash that is thrown over the fence into her yard from the residents of the other apartments.
- As a result of this development, traffic would increase, and the development would not be appropriate for the roads. Ms. Main argued that widening the road could not occur, and even if it could be done it would triple the volume of traffic on roads where children play, and people walk.
- Ms. Main said she is directly impacted by this project, and it would reduce her home's property value.
- Ms. Main said she would not have purchased her home in this neighborhood if it had been near an apartment complex.
- She is concerned about possible noise pollution, which would affect her due to her home's proximity to the development. Ms. Main receives well water and septic and is concerned what the repercussions would be on the quality of her well water because of the construction from this project.
- Ms. Main noted that when she heard about this hearing, she notified as many people as she could in the surrounding area. Ms. Main noted that some residents wanted to attend the meeting but were unable due to work commitments.

Jessica Buntley, 4197 Sussex Drive, Fayetteville, NC 28311

- Ms. Buntley provided photographs for the board and mentioned that she has lived in the area her entire life.
- Ms. Buntley stated that the strain on the water and utilities would be a problem.
- Deadwyler Drive is only 19 feet wide which is the width of a standard parking spot for two cars.
- The North Carolina Department of Transportation (NCDOT) designates the road as a local road, and Ocarina Circle is a local road leading into Deadwyler Drive.
- Ms. Buntley said it is hard to exit her driveway, especially during high traffic times in the morning and evening. She said a local road provides needed access in and out of the area.
- Ms. Buntley said she is concerned about the potential for an increase in crime.

**MOTION:** Stephen McCorquodale made a motion to add 15 more minutes for both sides to include the 12 speakers in opposition.

**SECOND:** Pavan Patel

**VOTE:** Unanimous (3-0)

Timothy Elicker, 3708 Maranatha Drive, Hope Mills, NC 28348

- Mr. Elicker is a real estate broker who brought property in the area and noted the traffic in the area.

Andrew Lame, 4219 Deadwyler Drive, Fayetteville, NC 28311

- Mr. Lame lives across from the proposed property.

- He said the City ordinance 30-5 states that a traffic analysis is recommended, which means that the area developers should provide a traffic impact assessment before this project is approved.

Michael Young, 4208 Sussex Drive, Fayetteville, NC 28311

- Mr. Young had concerns regarding traffic, wildlife, and the potential cost to the current homeowners.

Fermin Rodriguez, 4212 Deadwyler Drive, Fayetteville, NC 28311

- Mr. Rodriguez had concerns about traffic from a safety standpoint.

Teresa Tatro, 4233 Sussex Drive, Fayetteville, NC 28311

- Ms. Tatro is for affordable housing but stated that the proposed development would be better suited for a different area of Fayetteville.

Claude Scott, 4055 Deadwyler Drive, Fayetteville, NC 28311

- Mr. Scott has lived in the area since the 1980s and that the proposed development would not be affordable housing.

Darren Bill, 4240 Deadwyler Drive, Fayetteville, NC 28311

- Mr. Bill grew up in the area and has three generations of family members who have farmed the property he lives on and feels that the area is currently zoned residential because that is the best use for the area his property. He said everyone who previously spoke has discussed his concerns.
- Mr. Bill felt that comparing the proposed development to existing apartments was not an appropriate comparison because those existing developments have direct access to McArthur Road.

Dalton Gale, 520 Kent Street, Fayetteville, NC 28311

- Mr. Gale noted that he has lived in the neighborhood for a long time. Originally Kent Street was a dirt road when he moved into the neighborhood.
- Apartment complexes exist nearby and two businesses (that are a part of the neighborhood) that do not impede on their property.
- Although the community predicted eventual growth in the area, the residents never thought they would have to consider an increase overnight.
- Mr. Gale said there are no sidewalks in the neighborhood.

Rebuttal:

Mr. Rose reiterated that there would always be traffic opposition when you talk about apartment developments. He said that there are roads 19 feet wide in the County with 55 miles per hour speed limits. Mr. Rose noted that the development would be connected to the public sewer system, and due to the slope of the property any water runoff would be directed towards an approved storm water management system.

Robert Miller, 3117 Cope Street, Fayetteville, NC 28306

- Mr. Miller stated that the owner's of the proposed development own other properties in Fayetteville and that they take pride in their developments.

Mr. Rose agrees that there needs to be major improvements on McArthur Road. He stated that the City of Fayetteville and NCDOT are constantly upgrading and improving roadways throughout Fayetteville.

An audience member attempted to interrupt Mr. Rose and Mr. Patel told him to allow the audience member to speak. The audience member made a complaint that he could not hear during a hearing where the point is for people to be able to hear. Mr. Patel sympathized with the man's concerns, but he said this is where the board was assigned to meet.

Mr. McCorquodale said that reiterate that the developer is not at a point to have the North Carolina Department of Transportation (NCDOT) review things until the plans are created. He noted that the widening of the road will be addressed during this time. The owner agreed with this. The NCDOT would look at the traffic impact and the owner would have to meet the NCDOT requirements. All of the plans would have to be looked at by the Department of Transportation before the owners would receive permits.

An audience member mentioned other properties in areas of Fayetteville, and the owner said there was no sewer or water in those areas.

There was a question about the access being from Crystal Lake and the owner said this is a different area. He said they would have to look at this.

Mr. Patel closed the hearing for case P24-38.

Mr. Simon asked the Staff if they were reviewing the use of the land. Ms. Eckhardt reiterated that the request was solely for a rezoning and that the Zoning Commission does not have purview over the site plan because the request was not a conditional rezoning.

Mr. Patel asked the board about the current zoning and the total density of the area. Staff explained that the current zoning would allow for 40 townhome units. Mr. Patel asked the owner if it would be feasible for him to build with that number of units, and Mr. Miller said he could not answer that question, prompting Ms. Eckhardt to reiterate that this is straight rezoning with no conditions.

**MOTION:** Stephen McCorquodale made a motion to approve the recommendation for the rezoning to MR-5 based on the consistency and reasonableness statement provided by the Staff.

**SECOND:** Tyrone Simon

**VOTE:** 2-1 (Pavan Patel opposes)

#### **IV. OTHER BUSINESS**

Mr. Patel asked the Staff if there were any additional items to discuss on the agenda, and Mr. Harmon said there were none.

#### **V. ADJOURNMENT**

**MOTION:**

**SECOND:**

**VOTE:**

The meeting adjourned at 7:49 p.m.  
Respectfully submitted by Catina Evans