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Plan Review Fees

Project	review no.	Description	Fee	Qty	Total
7-11 1056458 (549 Stacy Weaver Drive, NEC of Stacy Weaver Drive and McArthur Road)	1	Notice of Appeal - to City Council	\$300.00	1	\$300.00
Sub-Total:					\$300.00

Order Grand Total

\$300.00

ATTEST:


CITY CLERK APRIL 17



Project Overview

#1697113

Project Title: 7-11 1056458 (549 Stacy Weaver Drive, NEC of Stacy Weaver Drive and McArthur Road) **Jurisdiction:** City of Fayetteville

Application Type: 5.5) Notice of Appeal **State:** NC

Workflow: Staff Review **County:** Cumberland

General Information

Type of Decision, interpretation, or action, being appealed: Denial of Map Amendment (Rezoning) **City Project Identification Number of action being appealed:** P25-13

Decision-making body responsible for the decision, interpretation, or action being appealed: Zoning Commission **Date of action that is being appealed::** 04/08/2025

Has an appeal been filed for this property within the last year?: No

Written Description of Request

Please identify what you are appealing. Provide supporting information you believe supports your opinion (supporting information may be attached on separate sheets and uploaded on the following application pages).

Written Description of Request:

Appellant is appealing the Zoning Commission's denial of P25-13 which requests a map amendment of the subject property from single family 10 (SF-10) to limited commercial (LC).

Appellant alleges the following errors by the Zoning Commission:

1. The Zoning Commission stated the proposed map amendment was inconsistent with the Land Use Plan.

RESPONSE: The City's Planning and Development Staff found that the proposed map amendment is consistent with the Future Land Use Map and Plan (Comprehensive Plan) pursuant to N.C.G.S. Sections 160-D-604 and 605. (See City Council Action Memo in the presentation packet attached to the April 8, 2025, Zoning Commission Agenda (the "CCAM").)

Further, the reference to a "Land Use Plan," and not the "Future Land Use Map and Plan (Comprehensive Plan)," is deceptive and incorrect. The current plan of the City is the Future Land Use Map and Plan (Comprehensive Plan), as reflected on the City's Development Services webpage. (See <https://www.fayettevillenc.gov/City-Departments/Development-Services/Planning-Zoning/Studies-and-Plans>.)

2. The Zoning Commission stated that the proposed map amendment does not meet the Land Use Policies 1 (LUP 1) goals to "encourage growth in areas well-served by infrastructure and urban services" and to "encourage more intense uses, greater mix of uses and denser residential types in key focal areas."

RESPONSE: The City's Planning and Development Staff found that the map amendment is consistent with the LUP 1 goals, including infrastructure focus, economic development, and commercial corridor revitalization. (See CCAM.)

3. The Zoning Commission stated that the proposed map amendment does not meet the Land Use Policies 4 (LUP 4) goals to "ensure well-designed and walkable commercial and mixed use districts" and to "ensure new development meets basic site design standards."

RESPONSE: The City's Planning and Development Staff found that the map amendment is consistent with the LUP 4 goals, including quality neighborhoods, diverse housing options, and environmental stewardship. (See CCAM.)

4. The Zoning Commission stated that the proposed map amendment does not encourage residential developments to address the housing shortage in the City.

RESPONSE: No evidence was presented, and no speaker appeared, to support that the owner or any other interested buyer has proposed to build allowable SF-10 residential homes on the subject property. Further, the SF-10 zoning classification does not preclude that non-residential establishments could be developed on the property, including but not limited to green space, parks and recreation developments, cemeteries, group homes, and certain telecommunications developments.

5. The Zoning Commission stated that the proposed map amendment would permit uses that are incongruous to those existing on adjacent tracts.

RESPONSE: The tracts directly west, southwest, and south are zoned either as commercial or office and institutional. Article 30-9.D of the Unified Development Ordinance defines adjacent as "a lot or parcel of land that shares all or part of a common lot line or boundary with another lot or parcel of land or that is directly across a public street or right-of-way." Therefore, the Zoning Commission's statement is factually incorrect. The requested map amendment is, in fact, congruous to those existing on adjacent tracts.

6. The Zoning Commission stated that the proposed map amendment is inconsistent with the proposed land use and does not align with the Future Land Use Map and Plan (Comprehensive Plan).

RESPONSE: No evidence was presented to support the Zoning Commission's statement. Adversely, the City's Planning and Development Staff found that (1) "the proposed zoning change aligns with the Future Land Use Plan (FLUP) and the Unified Development Ordinance (UDO);" (2) "permitted uses and development standards for the LC district are appropriate for the site given surrounding zoning and land uses;" and (3) "there are no anticipated negative impacts to public health, safety, morals, or general welfare." The City's Planning and Development Staff further recommended that the Zoning Commission approve the map amendment to LC. (See CCAM.)

Primary Point of Contact

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