

CITY COUNCIL



ZONING CASES

September 22, 2025



Owner: City of Fayetteville

Applicant: Public Works Commission (PWC) (Project Owner and primary contact is Rodney Maness)

Request: Initial Zoning from Planned Neighborhood Development (PND) to Conditional Community Commercial (CC/CZ)

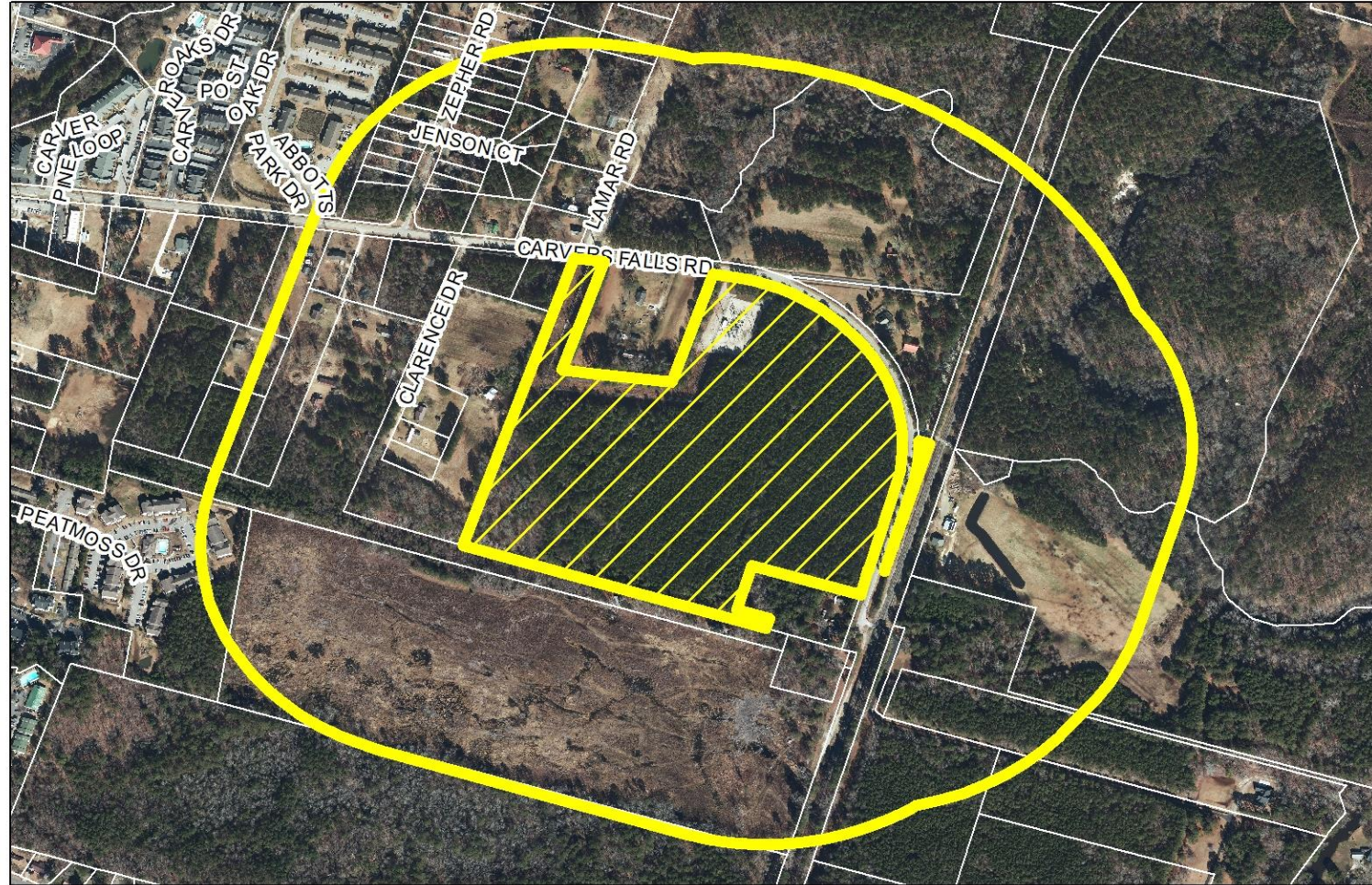
Location: Southern side of Carvers Falls Road at 430 Carvers Falls Road and an unaddressed portion of Carvers Falls Road

Acreage: 40.54 acres ±

District: 1 – Mayor Pro Tem Kathy Jensen

REID #: 0540184339000





Aerial

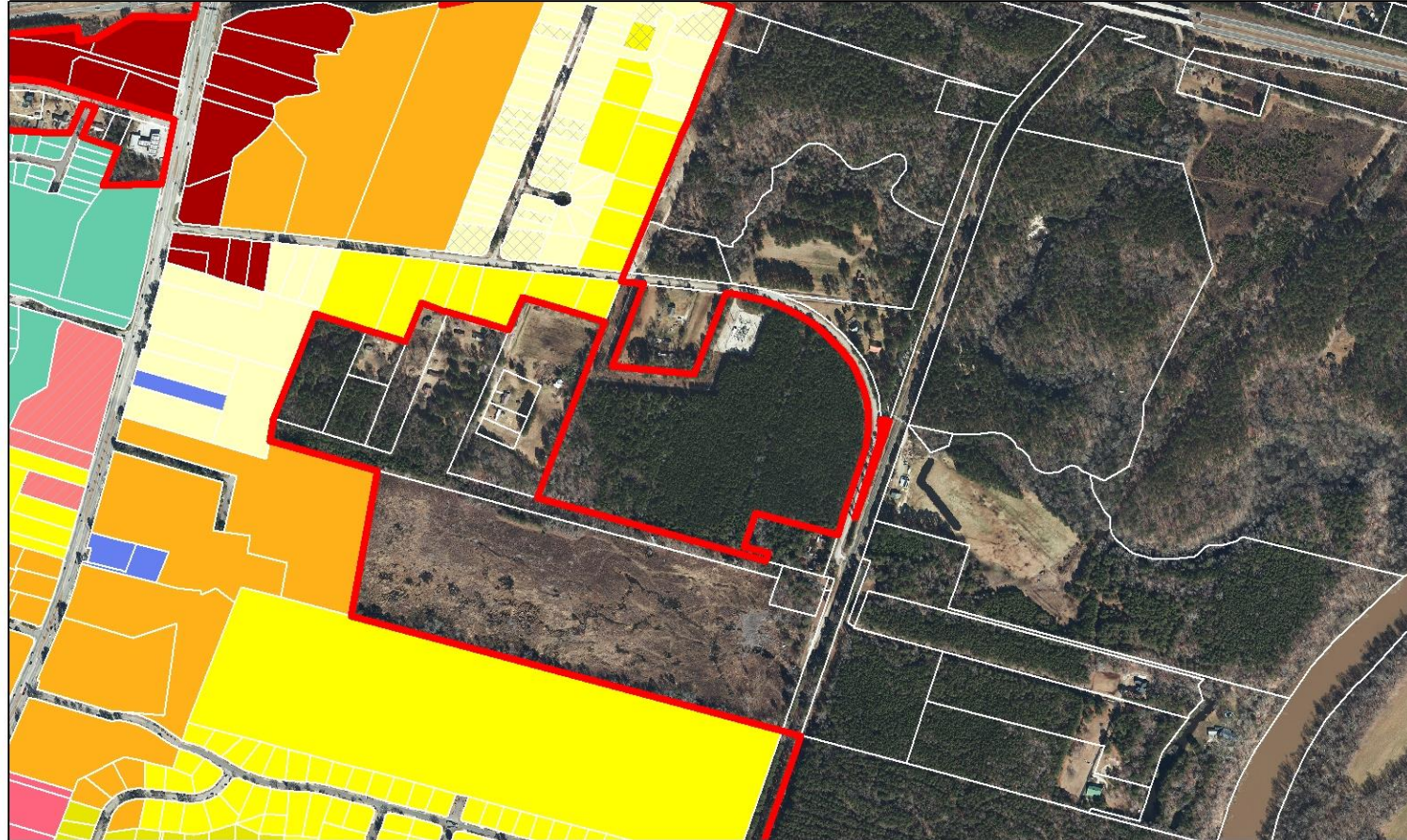
Case #: P25-47

REQUEST: Initial Zoning of Annexed Property to CC/CZ

LOCATION: 430 Carvers Falls Road

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

















Zoning

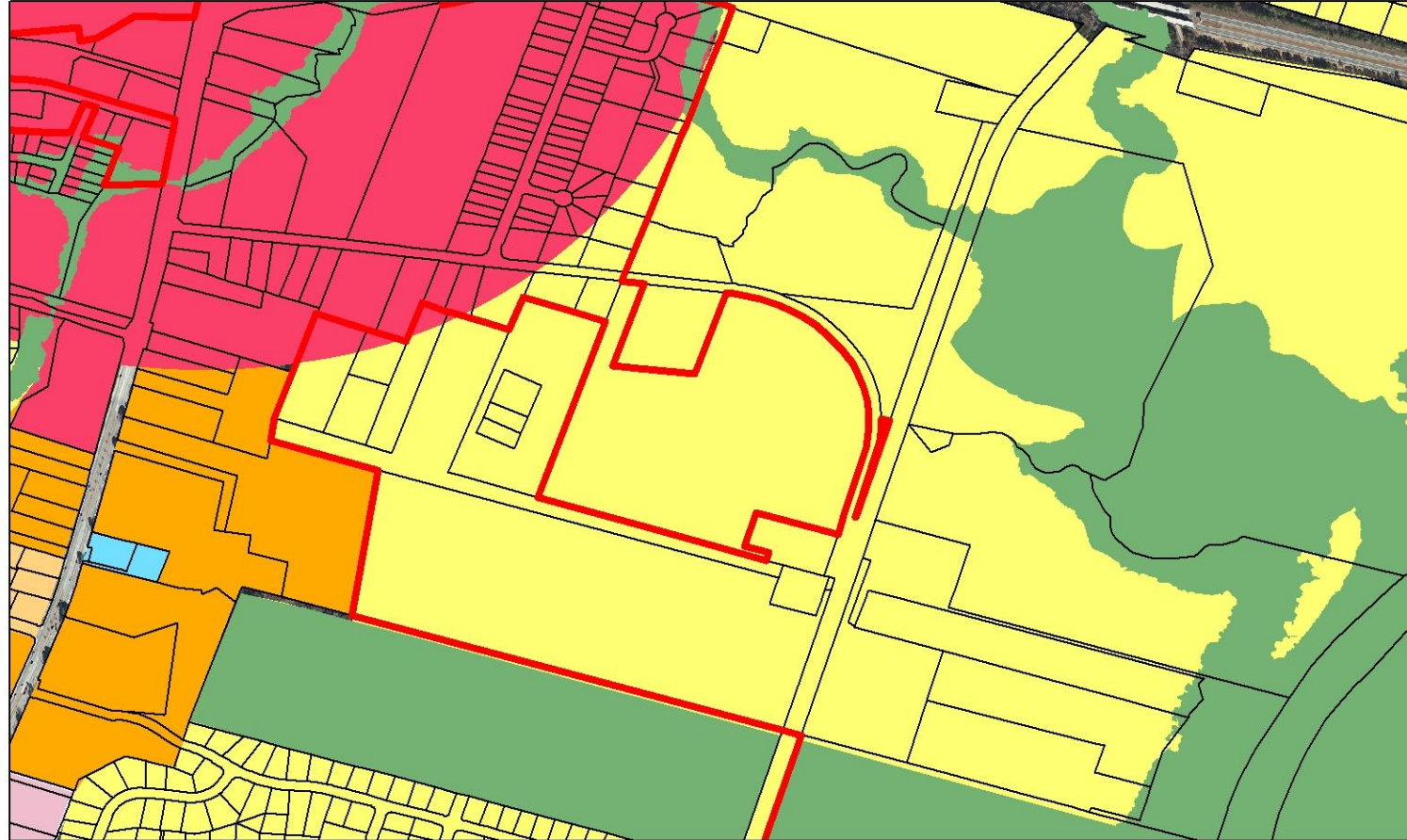
Case #: P25-47

REQUEST: PND to CC/CZ
LOCATION: Unaddressed
0540184339000

 City Boundary	 PND - Planned Neighborhood Development
 CC - Community Commercial	 SF-6 - Single-Family Residential 6
 LC - Limited Commercial	 SF-6/MHO - Single-Family Residential 6 Manufactured Home Overlay
 LC/CZ - Conditional Limited Commercial	 SF-10 - Single-Family Residential 10
 MR-5 - Mixed Residential 5	 SF-10/MHO - Single-Family Residential 10 Manufactured Home Overlay
 OI - Office & Institutional	 SF-15 - Single-Family Residential 15

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





Future Land Use

Case #: P25-47

REQUEST: PND to CC/CZ
LOCATION: Unaddressed
0540184339000

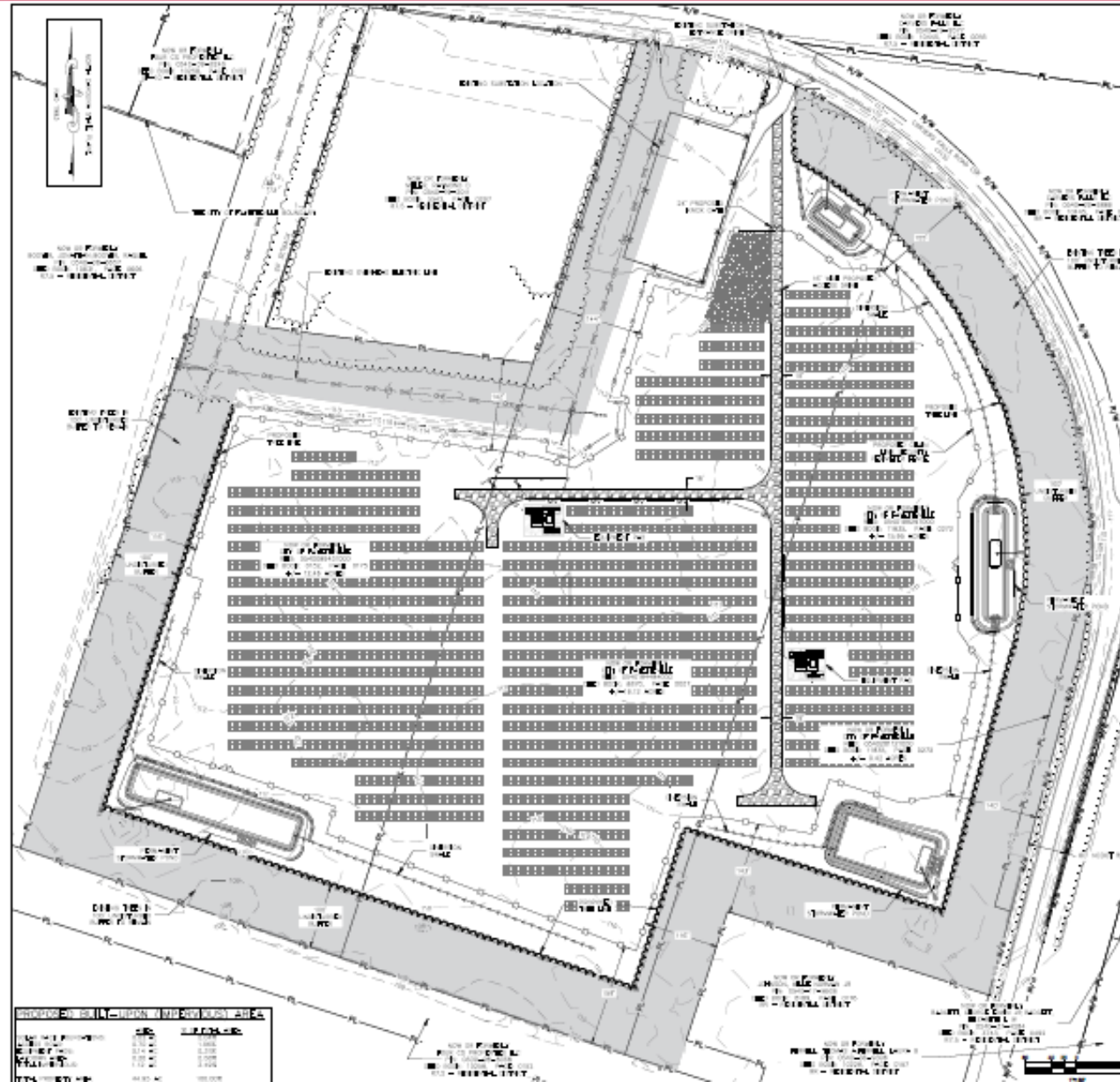


Letters are being sent to all property owners within the 1000' buffer. Subject property is shown in the hatched pattern.









1. The only permitted use is a solar energy generation facility (major utility) and its associated utility infrastructure; no other industrial or commercial activities would be allowed.
2. Mitigate off-site impacts by:
 - a) Require security fencing enclosing the ±35-acre solar array.
 - b) Preservation of the natural tree buffer around the perimeter with added streetscape landscaping for screening.
 - c) Establishment and maintenance of a minimum 100-foot undisturbed vegetative buffer measured from all property lines (with disturbance allowed only for necessary drive, emergency access, and utility crossings, which must be minimized and promptly restored).
 - d) And the use of minimal, downward-directed lighting to reduce glare and light spill. Operations would remain passive, with limited human presence outside of periodic inspections and routine maintenance.

*Possible added condition additional shrubs along the interior fence. This suggestion came from the neighboring owners.

- **History/Status:** 2017 TRC → revived Jun 2024; City (Feb-Mar 2025): County leads site review, City Traffic handles access, no annexation; RLUAC flagged glint/glare; County case **ZON-24-0031** denied **May 19, 2025** (refile after **Jun 18, 2026**); records compiled Aug 2025.
- **Context:** Wooded tract on Carvers Falls Rd; residential north; suburban apartments/retail toward Ramsey St/I-295; recreation/open space toward Cape Fear River – a **transitional** setting.
- **Conditional Rezoning (CZ):** Legislative map amendment with applicant-agreed conditions; TRC → Zoning Commission → Council; conditions bind the UDO map (“/CZ”).
- **Proposed Conditions (high level):** Only **major utility (solar)**; ±35-acre fenced array; preserve perimeter trees + streetscape; **100-ft** undisturbed buffer (limited crossings); minimal down-shielded lighting; passive operations.

- **TRC Key Requirements:**
 - **Life safety/access:** Knox, clear addressing/info, $\geq 20'$ gate width.
 - **Zoning/fencing:** Major utility $\geq 100'$ setbacks; security fence up to 8' via safety plan.
 - **Landscaping/lighting:** PWC-coordinated plans; qualified landscape plan; photometric plan; maintain continuous screening.
 - **Stormwater/erosion:** Infrastructure Permit; stormwater controls ($\geq 20k$ sf impervious); watershed cap; NCDEQ erosion permit.

- **Military Compatibility:** RLUAC to receive final plan; confirm prior glare findings with Fort Bragg (no issues expected).
- **FLUP Consistency:** Map = **LDR + Park/Open Space**; aligns with utility coordination, resiliency, greenways, stormwater, and neighborhood edge compatibility; avoids strip-commercial encroachment.
- **Budget Impact: Negligible to City GF;** PWC funds/builds/operates; no City capital; minimal service demand; trade-off = foregone near-term ad valorem.



The Planning Staff recommends that the City Council move to approve the proposed conditional rezoning to Community Commercial (CC/CZ), subject to the applicant's agreed-upon conditions, based on the following findings:

- The request is consistent with applicable City-adopted plans, including the Future Land Use Plan and Strategic Plan goals to focus reinvestment on serviced sites and to encourage context-appropriate nonresidential uses.
- The proffered conditions (e.g., setbacks, buffering/screening, lighting limits, and facility operations/maintenance) adequately mitigate potential impacts and ensure compatibility with adjacent uses.
- Adequate public infrastructure and safe site access exist or can be provided, and remaining site-specific issues (traffic, stormwater, environmental protection) will be addressed through the City's development review and permitting processes, avoiding undue adverse effects on public health, safety, or welfare.

The Zoning Commission denied the rezoning based their conclusion that the application did not meet the standards of the Consistency and Reasonable Statements. This denial has been appealed by PWC.

The Zoning Commission may take one of the following actions on this request:

1. Recommend that the City Council approve the application, subject to the conditions included in the application;
2. Recommend that the City Council approve the application, subject to any revised or additional conditions agreed to by the applicant, in writing;
3. Recommend that the City Council approve the application with a reduction in the area included; or
4. Recommend that the City Council deny the application.



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