



City of Fayetteville

433 Hay Street
Fayetteville, NC
28301-5537
(910) 433-1FAY (1329)

Meeting Agenda - Final Zoning Commission

Tuesday, June 9, 2026

6:00 PM

City Hall, Lafayette Conference Room

1.0 CALL TO ORDER

2.0 APPROVAL OF AGENDA

3.0 CONSENT

3.01 [26-0375](#) **Approval of Meeting Minutes: May 12, 2026, meeting**

4.0 EVIDENTIARY HEARINGS

4.01 [26-0340](#) **A26-13 - A request by Tina Arcuri of Coastal Sign Services (on behalf of dd's Discounts) for a variance to the building-mounted sign standards (Section 30-5.L.8.B.2) to allow for the dd's Discounts at 1800 Skibo Road (0418023139000) to have a greater number of signs and max sign copy area.**

4.02 [26-0383](#) **A26-22: Request for a Variance to the Corner Side Setback at 423 MCPHEE DR (0427432465000) on a 0.39 acre lot owned by Robert and Evelyn Spicer.**

4.03 [26-0381](#) **A26-23 - Variance
A request by James Smith of J H Smith Investments for a variance to the fence height standards (Section 30-5.D.4.a) to allow for a taller fence for security purposes at 1651 Cedar Creek Road (0446815034000).**

4.04 [26-0341](#) **A26-26 - A request by Alpha Signs & Lighting Permitting (on behalf of Murphy USA #25122 and SCP 207-C27-078 LLC) for a variance to the pole sign maximum height standards (Section 30-5.L.8.1.C) allowing a the pole sign at 105 Hope Mills Road (0417108460000) to be taller.**

5.0 LEGISLATIVE HEARINGS

5.01 [26-0378](#) **P25-54: A request to rezone property at 2002 Hope Mills Rd (0416122757000), consisting of 0.24 acres and owned by RAMIREZ, ISAURO;SANCHEZ, MIGDAL PEREZ, from Single Family Residential 10 (SF-10) to Neighborhood Commercial (NC). (Tabled from November 12, 2025)**

- 5.02 [26-0342](#) **P26-24 - A request by Rishi Shah of ResComm Real Estate LLC and Joe Godwin of Godwin Engineering representing Joo Lee of DJYL Properties LLC to rezone the ± 7.23 acres at 3100 Tallywood Drive (0427021446000) from Conditional Mixed Residential 5 (MR-5/CZ) to Mixed Residential 5 (MR-5).**

- 5.03 [26-0343](#) **P26-25 - A request by Naphasorn Reyes of BLC Group Home to rezone the ± 0.46 acres at 8424 King Road (9484886353000) from Agricultural-Residential (AR) to Single Family 15 (SF-15).**

6.0 OTHER ITEMS OF BUSINESS

7.0 ADJOURNMENT



Five Council Strategic Priorities

 <p>Ongoing commitment to a comprehensive approach to community safety</p>	 <p>Continue the City's commitment to revitalization efforts and housing needs</p>	 <p>Increase Parks and Recreation opportunities for youth engagement and interaction</p>	 <p>Enhance economic growth throughout the City</p>	 <p>Evaluate and expand transportation and other connectivity for residents</p>
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City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 26-0375

Agenda Date: 6/9/2026

Version: 1

Status: Agenda Ready

In Control: Zoning Commission

File Type: Consent

Agenda Number: 3.01

TO: Zoning Commission

THRU: Craig Harmon, Senior Planner

FROM: Catina Evans - Office Assistant II

DATE: June 9, 2026

RE:
Approval of Meeting Minutes: May 12, 2026, meeting

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

Goal VI: Collaborative Citizen & Business Engagement

- Objective 6.2 - Ensure trust and confidence in City government through transparency & high-quality customer service.

Executive Summary:

The City of Fayetteville Zoning Commission conducted a meeting on the referenced date, which they considered items of business as presented in the draft.

Background:

NA

Issues/Analysis:

NA

Budget Impact:

NA

Options:

1. Approve draft minutes;
2. Amend draft minutes and approve draft minutes as amended; or
3. Do not approve the draft minutes and provide direction to Staff.

Recommended Action:

Option 1: Approve draft minutes.

Attachments:

Draft Meeting Minutes: May 12, 2026, meeting

**MINUTES
CITY OF FAYETTEVILLE
ZONING COMMISSION MEETING
CITY HALL - LAFAYETTE ROOM
433 HAY STREET
MAY 12, 2026 @ 6:00 P.M.**

MEMBERS PRESENT

Justin Herbe, Vice-Chair
Zacchaeus Eley
Roger Shah

STAFF PRESENT

Craig Harmon, Senior Planner
Thomas Cohen, Planner I
Victoria Curtis, Assistant City Attorney
Catina Evans, Office Assistant II
Shaun Williams, Councilman, District 8
Deno Hondros, Councilman, District 9

MEMBERS ABSENT

Kevin Hight, Chair
Phillip Fehler
Kim Medley, (Alt.)
Toeyna Monds, (Alt.)

The Zoning Commission Meeting held on Tuesday, May 12, 2026, was called to order by Justin Herbe at 6:03 p.m. The members introduced themselves.

I. APPROVAL OF THE AGENDA

MOTION: Justin Herbe made a motion to approve the agenda with the amendment to move case A26-22 to the end of the agenda and table case P26-15 until the Zoning Commission meeting on Tuesday, July 14, 2026.

SECOND: Roger Shah

VOTE: Unanimous (3-0)

II. APPROVAL OF THE CONSENT AGENDA TO INCLUDE THE MINUTES FROM THE APRIL 14, 2026, MEETING

MOTION: Roger Shah made a motion to approve the minutes from the April 14, 2026, meeting.

SECOND: Justin Herbe

VOTE: Unanimous (3-0)

III. EVIDENTIARY HEARINGS

A26-22.

MOTION: Justin Herbe made a motion to table case A26-22 until the meeting on June 9, 2026.

SECOND: Zacchaeus Eley

VOTE: Unanimous (3-0)

IV. LEGISLATIVE HEARINGS

P26-18. A request to amend the conditions of ± 23.72 acres at 1220 Bridgehead Circle (REID #0409923535000) & Unaddressed Military Business Park (REID #040982990900), which are both zoned as Conditional Business Park (BP/CZ), by David Brown of Cline Design.

Thomas Cohen presented case P26-18.
Justin Herbe opened the hearing for case P26-18.

Speakers in favor:

Jerry Truong, On 3 Build, 2543 Raven Hill Drive, Suite C, Fayetteville, NC 28303
David Brown, Cline Design, 125 North Harrington Street, Raleigh, NC 27603

Speaker in opposition:

None

Justin Herbe closed the hearing for case P26-18.

MOTION: Zacchaeus Eley made a motion to approve the conditional rezoning using the conditions as presented, finding the request is consistent with the Future Land Use Plan and the consistency and reasonableness statement.

SECOND: Roger Shah

VOTE: Unanimous (3-0)

P26-19. Request to initially zone property located at 230 W Mountain Drive (REID #'s 0427432465000, 0426909378000 & 0426907043000) on lots totaling 6.01 acres owned by Patriot Hauling LLC.

Craig Harmon presented case P26-19.
Justin Herbe opened the hearing for case P26-19.

Speakers in favor:

Sabian Scafidi, 29 Van Campen Boulevard, Suite 113 & 115, Wilmington, NC 28403

Speakers in opposition:

None

Justin Herbe closed the hearing for case P26-19.

MOTION: Justin Herbe made a motion to approve the rezoning based on the consistency and reasonableness statement that was provided.

SECOND: Roger Shah

VOTE: Unanimous (3-0)

P26-20. A request to rezone the ±2.9 acres at 6438 (REID #0407108106000) & 6440 Raeford Road (REID #0407106373000) from Single-Family 10 (SF-10) to Limited Commercial (LC), from Kevin Carrol of Carroll Group Investments LLC.

Thomas Cohen presented case P26-20.
Justin Herbe opened the hearing for case P26-20.

Speaker in favor:

Rhett Bunce, Carroll Group Investments LLC, PO Box 528, Stedman, NC 28391

Speakers in opposition:

None

Justin Herbe closed the hearing for case P26-20.

MOTION: Roger Shah made a motion to approve the request to rezone the 2.9 acres at 6438 and 6440 Raeford Road from Single-Family SF-10 to Limited Commercial LC based on the consistency and reasonableness statement that the staff has provided.

SECOND: Justin Herbe

VOTE: Unanimous (3-0)

P26-21. A request to rezone the ±0.59 acres at 1406 Edgecombe Ave (REID #0438332515000) from Single-Family 6 (SF-6) to Mixed Residential 5 (MR-5), from Claudia Zamora.

Thomas Cohen presented case P26-21.
Justin Herbe opened the hearing for case P26-21.

Speakers in favor:

Claudia Zamora, 3044 Candlelight Drive, Fayetteville, NC 28311

Kevin Keys, 410 Langdon Street, Fayetteville, NC 28301

Speaker Neutral (Attended for Informational Purposes):

Kendra Henry, 1412 Edgecombe Avenue, Fayetteville, NC 28301

Janice Smith, 424 Langdon Street, Fayetteville, NC 28301

Speakers opposed:

None

Justin Herbe closed the hearing for case P26-21.

MOTION: Zaccheus Eley made a motion to deny the rezoning request because it is not consistent with the consistency and reasonableness statement provided by staff.

SECOND: Roger Shah

VOTE: Unanimous (3-0)

V. OTHER BUSINESS

VI. ADJOURNMENT

MOTION: Justin Herbe made a motion to adjourn the May 12, 2026, meeting.

SECOND: Zaccheus Eley

VOTE: Unanimous (3-0)

The meeting adjourned at 7:23 p.m.
Submitted by Catina Evans

DRAFT



City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 26-0340

Agenda Date: 6/9/2026

Version: 1

Status: Agenda Ready

In Control: Zoning Commission

File Type: Evidentiary Hearing

Agenda Number: 4.01

TO: Zoning Commission

THRU: Jennifer C. Baptiste - Planning & Zoning Division Manager

FROM: Thomas Cohen - Planner I

DATE: June 9, 2026

RE:

A26-13 - A request by Tina Arcuri of Coastal Sign Services (on behalf of dd's Discounts) for a variance to the building-mounted sign standards (Section 30-5.L.8.B.2) to allow for the dd's Discounts at 1800 Skibo Road (0418023139000) to have a greater number of signs and max sign copy area.

COUNCIL DISTRICT(S):

9 - Deno Hendros

Relationship To Strategic Plan:

Goal II: Responsive city government supporting a diverse and viable economy

- 2.4 - To sustain a favorable development climate to encourage business growth

Businesses need advertising and signage to attract customers and grow.

Goal III: City investment in today and tomorrow

- 3.3 - To sustain a favorable development and business climate through timely and accurate construction review and building inspections

A variance request represents a pause in certain construction processes as designs are thus still in a state of flux. Swift completion of the variance represents the timely and accurate resumption of the review and inspection process.

Executive Summary:

Request

Applicant is requesting a variance to the maximum number of building-mounted signs from 5 signs to 7 signs and an increase to the max sign copy area from 113.58 square feet to 600 square feet.

Zoning Commission Decision Point

The Zoning Commission acting in accordance with NCGS § 160D-705(d) and UDO Section 30-2.C.14.e.2 must decide a course of action:

- Approve the variance request as submitted
- Approve the variance request with conditions
- Deny the variance request

Variance Criteria

1. Unnecessary Hardship
2. Peculiar Conditions
3. Minimum Action Necessary
4. Spirit of the Law
5. Public Safety

Background:

Owner: Cross Creek Plaza Dr LLC; Stephanie Sparrow

Request: Maximum number of signs from 5 to 7 and max sign copy area from 113.58 square feet to 600 square feet

Parcel Identification Number (PIN): 0418023139000

Parcel Size: ± 28.44 acres

Existing Site Conditions: Shopping center

Immediate Context: Commercial properties, restaurants, and furniture dealers

Utilities: Public water, sewer, and electricity

Public Notice: Notification letters were sent to property owners within 300 feet of the subject site equating to 46 notices sent.

Issues/Analysis:

Variance Criteria

In accordance with NCGS § 160D-705(d) and UDO Section 30-2.C.14.f five standards must all be met for a variance to be granted.

1. **Unnecessary hardship** - Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships; it shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property; and
2. **Peculiar Conditions** - Any practical difficulties or unnecessary hardships result from unique circumstances related to the land, such as location, size, or topography, and are not the result of the actions of the land owner, nor may hardships resulting from personal circumstances as well as hardships resulting from conditions that are common to the neighborhood or the general public be the basis for granting a variance; and
3. **Minimum Action** - The variance is the minimum action that will make possible a reasonable use of land or structures; and
4. **Spirit of the Law** - The variance is in harmony with the general purpose and intent of this ordinance and preserves its spirit; and
5. **Public Safety** - In the granting of the variance, the public safety and welfare have been assured and substantial justice has been done.

Applicable Standards and Request

UDO Section 30-5.L.8.B.1.C is the table which defines pole signs and outlines the

standard to which they must adhere based on zoning district. The subject property is located within the Community Commercial (CC) zoning district.

- Existing Sign Maximum: 5 building-mounted signs
 - Proposed Variance: 7 signs (Increase of 2)
- Existing Sign Copy Area Maximum: 113.58 square feet
 - Variance: 600 square feet (Increase of 486.42 square feet)

Claim Presented by Applicant

The claim is that the request is due to high-activity and traveled nature of the area as well as commercial properties having poor sightlines from large setbacks and other businesses between major arterials and the subject business there is an undue restriction on business visibility.

Required Variance Findings

The Commission must determine whether the evidence supports **EACH** of the five criteria and associated findings.

The following is a neutral framing of how the record may be evaluated based on the claims and evidence provided by the applicant.

- Unnecessary Hardship
 - Applicants assert that the ordinance unnecessarily restricts visibility in a high activity commercial area.
 - The Commission may consider whether these are considered practical or unnecessary difficulties.
- Peculiar Conditions
 - Applicants assert that the substantial setbacks from the main roads limit visibility of the business
 - The Commission may consider whether these conditions are unique to the land rather than common to other commercial lots
- Not Self-Created
 - Applicants assert that the conditions are not self-created
 - The Commission may consider whether these conditions are a self-created problem
- Spirit of the Law
 - The Commission may evaluate whether varying the maximum pole height standards is in harmony with the law and does not impact public safety.
- Minimum Action Necessary
 - Applicant asserts the request is the minimum action necessary to allow for appropriate visibility
 - The Commission may consider whether this is the minimum height necessary to achieve the goal.

Budget Impact:

Immediate (Legislative): No additional costs, collection of a \$1000 application fee

Longterm (Construction): Onsite improvements are funded by the developer. City Council evaluates any potential public capital projects via budget adoption and capital

investment processes.

Options:

- **Approval** - Find that the request meets all criteria
- **Approval, but with conditions** - Find that the request meets all criteria if adhering to a set of conditions
- **Denial** - Find that the request does not meet one or more criteria
- **Table** - Find that more information is necessary to make findings and table the case for a later commission date

Recommended Action:

Attachments:

1. Application
2. Aerial Notification Map
3. Current Zoning Map
4. Future Land Use Map
5. Site Pictures (Subject Site)
6. Site Pictures (Surrounding Properties)
7. Sign Plan
8. Site Plan

Project Overview **#1959742**

Project Title: dds Discounts	Jurisdiction: City of Fayetteville
Application Type: 5.4) Variance	State: NC
Workflow: Staff Review	County: Cumberland

Project Location

Project Address or PIN: 1800 SKIBO RD (0418023139000) **Zip Code:** 28303

Please see checklist for instructions for multiple buildings on a single parcel submittals

Is it in Fayetteville? A Fayetteville mailing address does not mean it is in the jurisdictional boundaries of the city. If you're not sure, click this link: [Cumberland County Tax Office GIS system](#)

E911 Addressing confirmation, please ensure that new developments have an address assigned by Cumberland County E911 before submitting. There may be delays and penalties for not doing so.

GIS Verified Data

Project Address: 1800 SKIBO RD

Variance Request Information

Requested Variances: Signage	Section of the City Code from which the variance is being requested.: 1
Describe the nature of your request for a variance and identify the standard(s)/requirement(s) of the City Code proposed to be varied.: We are seeking relief from 30-5.L.8.B.2.	Identify the zoning district designation and existing use of land for all adjacent properties, including those across the street.: CC

Justification for Variance Request - Use this and the following pages to answer the questions (upload additional sheets if necessary).

The Variance Standards states: A variance application shall be approved only upon a finding that all of the following standards are met.

1. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships; it shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;
2. Any practical difficulties or unnecessary hardships result from unique
3. circumstances related to the land, such as location, size, or topography, and are not the result from conditions that are common to the neighborhood or the general public be the basis from granting a variance;
4. The Variance is the minimum action that will make possible a reasonable use of land or structures;
5. The Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit; and
6. In the granting of this Variance, the public safety and welfare have been assured and substantial justice has been done.

Please complete the following five (5) questions to verify the evidence that all the required standards are applicable to your property and/or situation.

Please describe how strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.:

Strict application of the Ordinances signage limitations creates practical difficulties for the dds DISCOUNTS store located at **1800 Skibo Road, Fayetteville**, by restricting reasonable visibility from Skibo Road, a high-traffic commercial corridor. The building is set back behind a large parking area and is visually impacted by surrounding retail development and roadway conditions, which significantly limit sign legibility at typical driving speeds.

Please describe how any practical difficulties or unnecessary hardships result from unique circumstances related to the land, such as location, size, or topography, and are not the result of the actions of the landowner, nor may hardships resulting from personal circumstances as well as hardships resulting from conditions that are common to the neighborhood or the general public be the basis for granting a variance.:

The hardship results from unique site conditions, including the property's location within a large multi-tenant retail center, substantial setbacks from the public right-of-way, and visual competition from nearby signage along Skibo Road. These conditions are inherent to the site and were not created by the applicant or property owner. The hardship is not personal in nature and does not arise from conditions common to smaller or freestanding retail parcels.

Please describe how the Variance is the minimum action that will make possible a reasonable use of land or structures.:

The requested variance represents the minimum relief necessary to allow reasonable identification of the dds DISCOUNTS store. The proposed increase in sign area is limited solely to improving visibility and wayfinding and does not request additional signs or deviations beyond what is necessary to address the site-specific constraints.

Please describe how the Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit.:

The proposed signage is consistent with the intent and purpose of the Ordinance by maintaining an orderly, safe, and visually compatible commercial environment. The sign design, placement, and scale are consistent with other approved signage within the Skibo Road commercial corridor and will not adversely affect surrounding properties. Granting the variance preserves the spirit of the Ordinance while allowing reasonable use of the property.

Height of Sign Face : 15.83

Height of Sign Face: 1

Square Footage of Sign Face : 14.66

Square Footage of Sign Face: 4

Please describe how, in the granting of the Variance, the public safety and welfare have been assured and substantial justice has been done.:

Granting the requested variance assures public safety and welfare by allowing signage that improves clear identification and wayfinding for motorists along Skibo Road, a high-traffic commercial corridor. Improved visibility reduces sudden turning movements, last-minute lane changes, and unnecessary circulation within the parking area, thereby enhancing traffic safety.

The proposed signage complies with all applicable structural, lighting, and placement requirements of the Ordinance and will not obstruct sight lines, interfere with traffic control devices, or create glare or distraction. The sign is consistent with other approved signage in the immediate area and will not negatively impact adjacent properties.

Granting the variance provides equitable treatment to the applicant by allowing reasonable business identification under site-specific conditions while maintaining the overall intent of the Ordinance. As such, public welfare is protected and substantial justice is achieved.

Height of Sign Face: 1

Square Footage of Sign Face: 563.40

Square Footage of Sign Face: 14.66

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0
Square Footage of Sign Face: 0
Square Footage of Sign Face: 0
Square Footage of Sign Face: 0

Square Footage of Sign Face: 0
Square Footage of Sign Face: 0
Square Footage of Sign Face: 0

Primary Contact Information

Project Owner

Tina Arcuri

5374 Greggs Lndg
North Charleston, SC 29420
P:8434114
tina@coastalsignservices.com

Indicate which of the following project contacts should be included on this project: Sign Contractor

NC State Electrical Contractor #1 License Number:
NC State Electrical Contractor #2 License Number:
NC State Electrical Contractor #3 License Number:

NC State Mechanical Contractor's #1 License Number:
NC State Mechanical Contractor's #2 License Number:
NC State Mechanical Contractor #3 License Number:
NC State Plumbing Contractor #1 License Number:
NC State Plumbing Contractor #2 License Number:

Project Contact - Sign Contractor

Tina Arcuri

5374 Greggs Lndg
North Charleston, SC 29420
P:8434114
tina@coastalsignservices.com

Other

Tina Arcuri

5374 Greggs Lndg
North Charleston, SC 29420
P:8434114
tina@coastalsignservices.com

Project Contact - Agent/Representative

Tina Arcuri

5374 Greggs Lndg
North Charleston, SC 29420
P:8434114
tina@coastalsignservices.com

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$40,000. :

NC State General Contractor's License Number:



Aerial Notification Map

Case #: A26-13

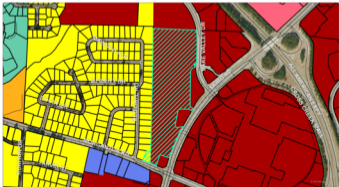
Request: Increase to maximum number of signs and maximum sign copy area
Location: 1800 Skibo Road
(041.8023135000)

- Streets
- A26-23
- A26-23 Buffer

Letters are being sent to all property owners within the 200' buffer. Subject Property is shown in the hatched pattern.



16



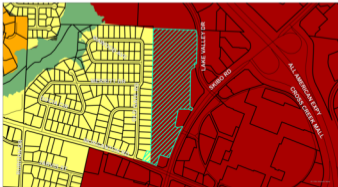
Zoning Map
Case #: A26-13

Request: Increase to maximum number of signs and maximum sign copy area
Location: 1800 Skiibo Road
(0418023135000)



Letters are being sent to all property owners within the 200' buffer. Subject Property is shown in the hatched pattern.





Future Land Use Map

Case #: A26-13

Request: Increase to maximum number of signs and maximum sign copy area
 Location: 1800 Skibo Road
 (0418023135000)



Letters are being sent to all property owners within the 200' buffer. Subject Property is shown in the hatched pattern.





Surrounding Properties



NOTE: DIMENSIONS TO BE VERIFIED IN FIELD.



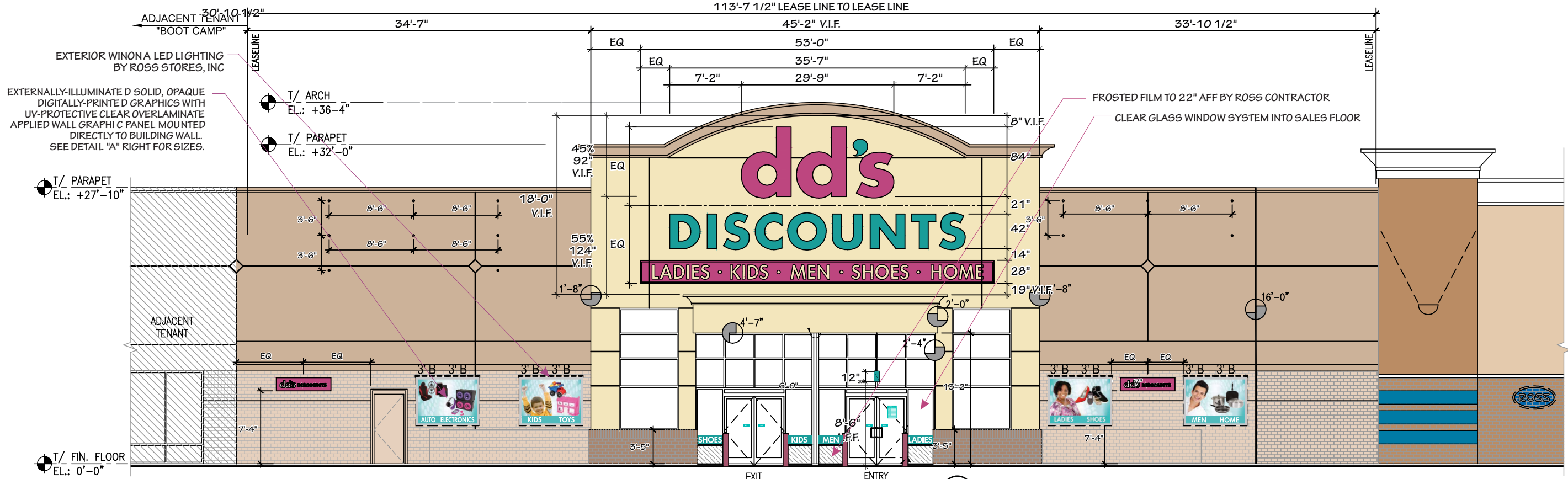
WALL GRAPHIC PANEL SPECIFICATION

WALL GRAPHIC PANEL(S) BY ROSS STORES, INC.

59" HIGH X 78" WIDE OPAQUE GRAPHICS DIGITALLY-PRINTED DIRECTLY ONTO ALUMINUM SUBSTRATE WITH ANTI-GRAFFITI FILM PROTECTIVE OVERLAY. EXTRUDED ALUMINUM FRAME FASTENED TO SIGN FACE AND FLUSH MOUNTED TO WALL. EXTERNAL ILLUMINATION TO BE DETERMINED

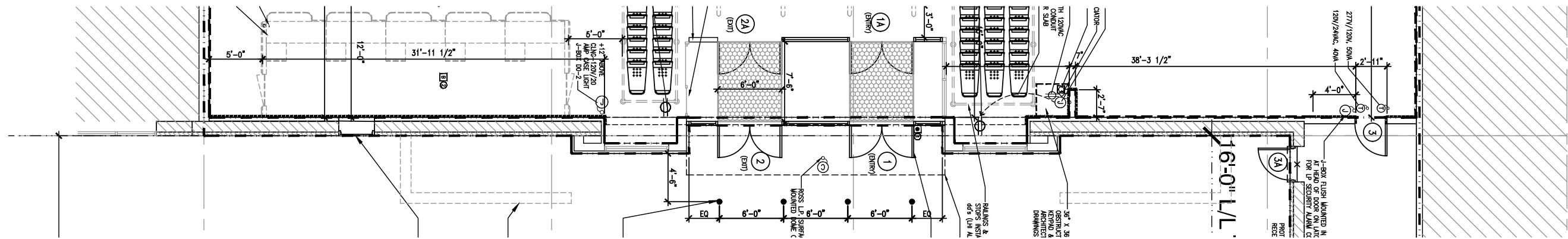
A WINDOW PANEL • DETAIL

SCALE: 3/16" = 1'-0"



1 STOREFRONT • LAKE VALLEY DR • NORTH • ELEVATION

SCALE: 3/32" = 1"



2 PARTIAL FLOOR PLAN

Scale: NTS

W B H A O
35.8 39.6 14.1 4.6 5.9

RB-E

WALL PANELS

NOTES:
WALL PANELS PROVIDED BY ROSS STORES, INC.
ACTUAL SIGN AREA LOCATION TO BE DETERMINED BY SITE CONDITIONS.
ROSS STORES, INC. RESERVES THE RIGHT TO INSTALL ALL WALL PANELS AND/OR GRAPHICS IN THEIR STOREFRONT AND/OR SHOWCASE WINDOWS.
ROSS CONSTRUCTION TO DETERMINE IF ADDITIONAL LIGHTING IS NECESSARY.
SEE SHEET S-1 FOR WALL SIGN DETAILS.
ALL DIMENSIONS TO BE VERIFIED PRIOR TO FABRICATION.

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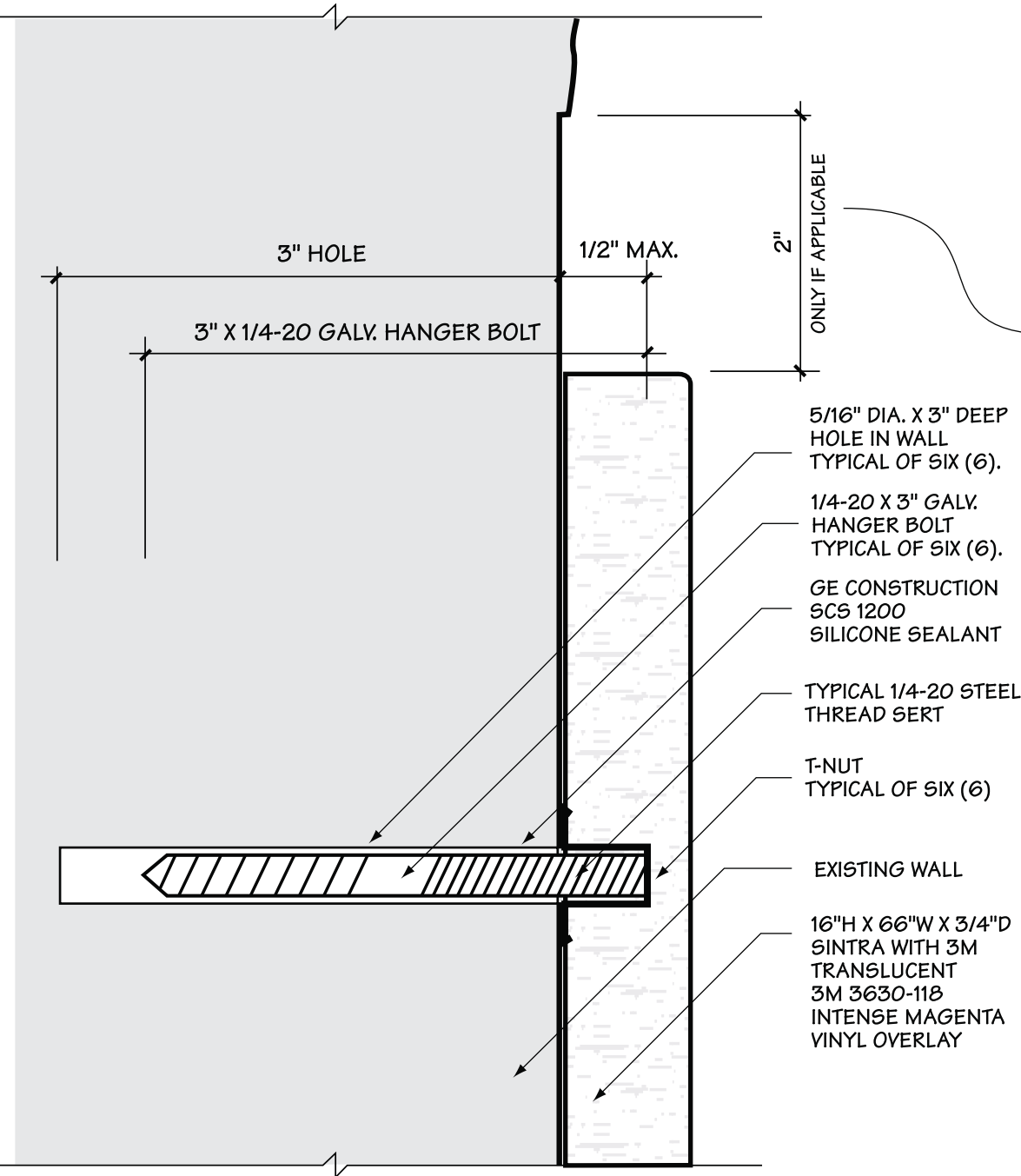


#5564 Fayetteville, NC
Cross Creek Plaza
NWC All American Freeway & Skibo Road
Fayetteville, NC 28303

drawn 03/31/26

SHEET

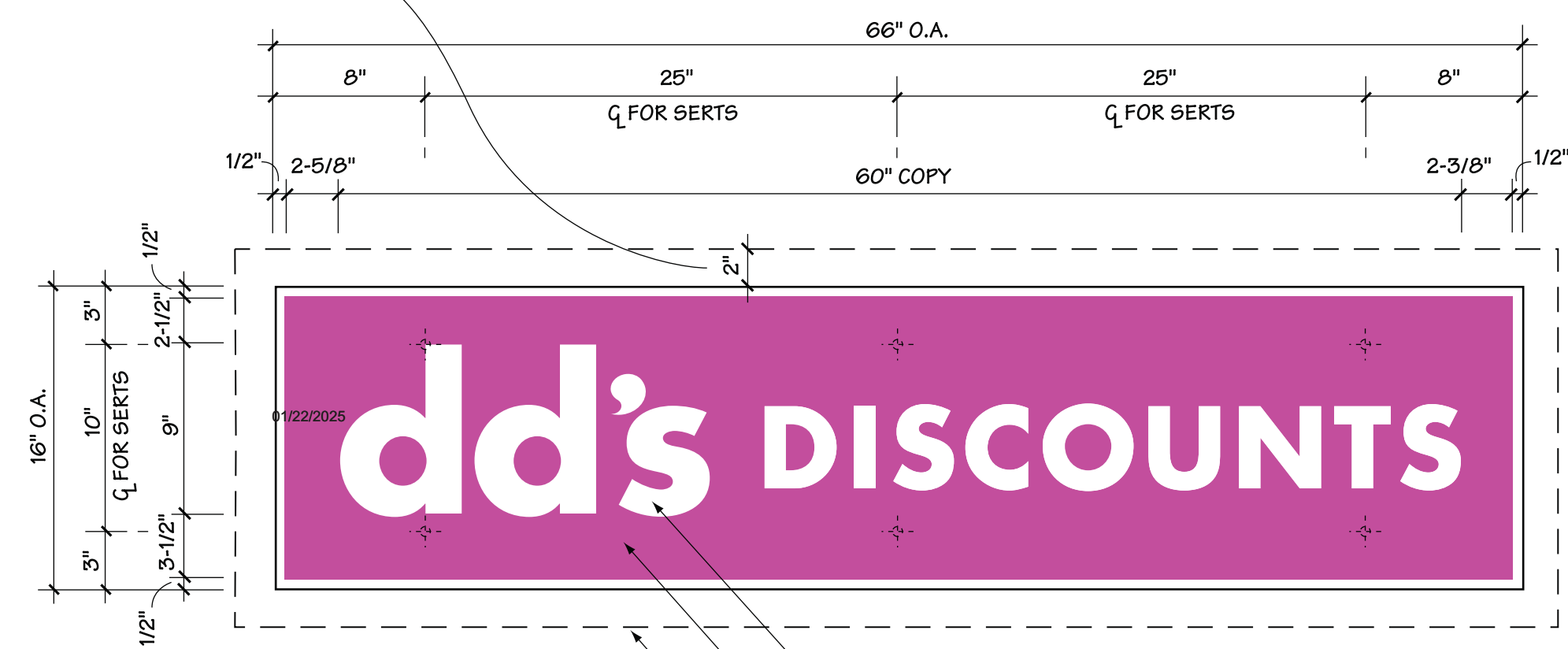
WP



SEE NOTES BELOW FOR APPLICABLE CONDITIONS

INSTALLATION INSTRUCTIONS:
 DRILL SIX (6) 5/16" DIA. X 3" DEEP HOLES INTO WALL AS PER PATTERN.
 SCREW 1/4-20 MACHINE-THREAD END OF GALV. FURNITURE BOLTS INTO EMPTY T-NUTS IN BACK OF PLAQUE UNTIL THEY CONTACT THE PVC. (DO NOT OVER TIGHTEN).
 FILL HOLES IN WALL, COAT SCREW-THREAD ENDS OF FURNITURE BOLTS AND BACK OF PLAQUE WITH GE CONSTRUCTION SCS 1200 SILICONE SEALANT.
 MOUNT PLAQUE ONTO WALL PUSHING BOLTS INTO HOLES UNTIL PLAQUE IS FLUSH AGAINST WALL SURFACE.

- 5/16" DIA. X 3" DEEP HOLE IN WALL TYPICAL OF SIX (6).
- 1/4-20 X 3" GALV. HANGER BOLT TYPICAL OF SIX (6).
- GE CONSTRUCTION SCS 1200 SILICONE SEALANT
- TYPICAL 1/4-20 STEEL THREAD SERT
- T-NUT TYPICAL OF SIX (6)
- EXISTING WALL
- 16"H X 66"W X 3/4"D SINTRA WITH 3M TRANSLUCENT 3M 3630-118 INTENSE MAGENTA VINYL OVERLAY



- 9"H "DD'S" WHITE LOGO COPY AND 4-3/8"H "DISCOUNTS" WHITE LOGO COPY
- 16"H X 66"W X 3/4"D SINTRA WITH TRANSLUCENT 3M 3630-118 INTENSE MAGENTA VINYL OVERLAY
- FLAT EVEN SURFACE REQUIRED 2" MIN. AROUND PLAQUE

2 SECTION AT MOUNT

SCALE: 1" = 1"

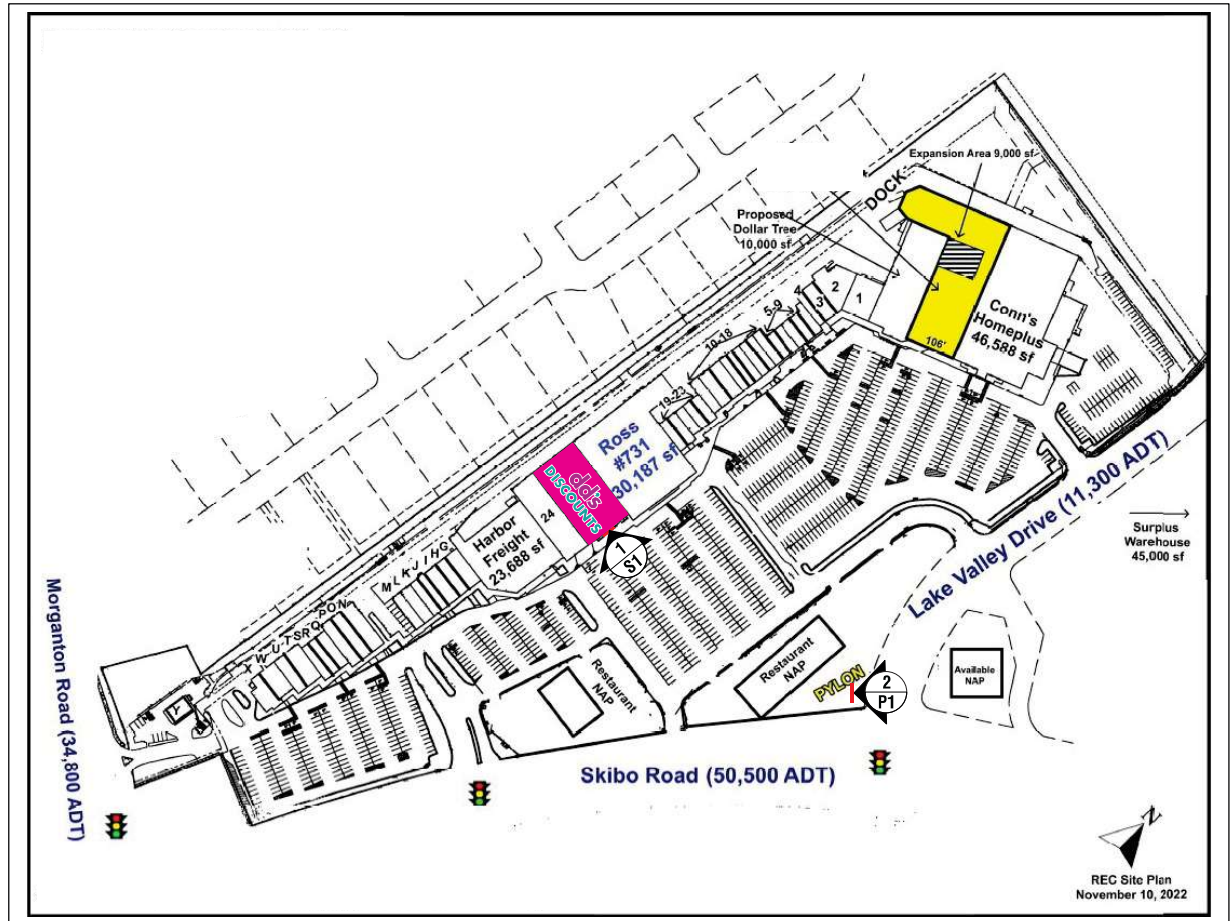
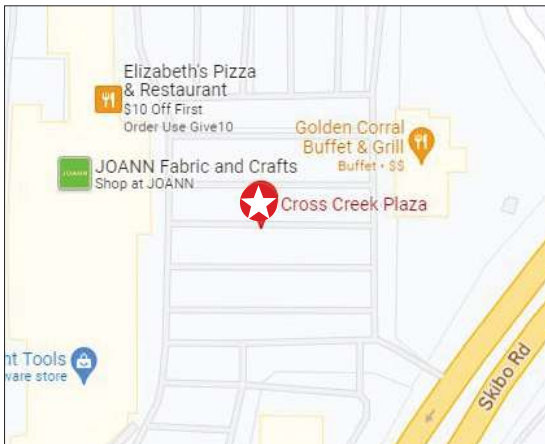
1 ENTRANCE LOGO PLAQUE ELEVATION

SCALE: 1-1/2" = 1'-0"

NOTES:
 SEE SHEET S1 FOR PLAQUE LOCATIONS.
 BLAIR IMAGE ELEMENTS TO SUPPLY PLAQUES, HARDWARE AND INSTALLATION PATTERNS.
 MOUNTING DETAIL MAY VARY ACCORDING TO TYPE OF WALL CONSTRUCTION: LANDLORD'S CONTRACTOR TO VERIFY CONDITIONS.
 IF WALL SURFACE IS UNEVEN (EXAMPLE: SPLIT FACE BLOCK OR RIVER ROCK), THEN KNOCK DOWN ROUGH SURFACE 2" BEYOND WALL PLAQUE, SO THAT THE PLAQUE WILL SIT FLUSH AGAINST WALL.

EXHIBIT _____
PAGE _____ **OF** _____

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VICINITY MAP
NOT TO SCALE

SITE PLAN
NOT TO SCALE

EXHIBIT _____
PAGE ____ **OF** ____

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AD-DDD102628



#5564 Fayetteville(Combo #731, NC
Cross Creek Plaza
NWC All American Freeway & Skibo Road
Fayetteville, NC 28303

drawn _____
02/02/26

RB-E
SHEET
K



City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 26-0383

Agenda Date: 6/9/2026

Version: 1

Status: Agenda Ready

In Control: Zoning Commission

File Type: Evidentiary Hearing

Agenda Number: 4.02

TO: Zoning Commission

THRU: Jennifer Baptiste - Planning & Zoning Division Manager

FROM: Craig Harmon, Senior Planner

DATE: June 9 2026 (Tabled from May 12, 2026)

RE:

A26-22: Request for a Variance to the Corner Side Setback at 423 MCPHEE DR (0427432465000) on a 0.39 acre lot owned by Robert and Evelyn Spicer.

COUNCIL DISTRICT(S):

5 - Greene

Relationship To Strategic Plan:

Goal III - City Investment Planning: The Board's quasi-judicial action sits squarely inside Goal III's charge to "manage the City's future growth and strategic land use" and to "sustain a favorable development and business climate through timely and accurate construction review and building inspection services." Administering a variance by the book - grounded in competent, material, substantial evidence - supports both objectives by applying the UDO precisely while enabling small-scale reinvestment when warranted.

Goal IV (Live, Work, & Recreate): Objective 4.5 calls for "a place for people to live in great neighborhoods." Where a setback modification can be conditioned or narrowed to protect light, air, privacy, and block character, it aligns with that neighborhood-quality focus rather than undermining it. (If the record shows adverse effects, denial is also consistent with Goal IV's quality-of-life lens.)

Goal II (Diverse & Viable Economy): Objective 2.4 targets "a favorable development climate to encourage business growth." At the household scale, a compliant variance pathway is part of that climate - reducing friction for code-consistent home investments while maintaining predictable rules. The plan tracks this climate with KPI's like permitting timeliness and vacancy/appearance indicators; consistent variance administration contributes indirectly to those results.

Goal VI (Collaborative Government): The case workflow (public notice to owners within 300 feet, evidentiary hearing, on-record findings) embodies Goal VI's emphasis on transparency, outreach, and trust in decisions. A25-50's mailed-notice map and the

hearing itself operationalize Objectives 6.12-6.3 (collaboration, customer service, and public information).

Linkage to the Future Land Use Framework that Underpins Goal III

The FLU Plan’s neighborhood policies explicitly contemplate *measured flexibility* (including setbacks) to encourage reinvestment where context supports it. In MDR settings, allowing modest adjustments while holding to design/compatibility standards is aligned with that guidance and with MR-5’s purpose of delivering diverse housing forms under Article 30-5.

Executive Summary:

The applicant has submitted a request for a variance at 423 McPhee Drive to reduce the required corner side-yard setback from 30 feet to 23 feet within the Single-Family 10 (SF-10) residential district. The subject property is a corner lot and is designated as Low-Density Residential (LDR) in the City’s adopted Future Land Use Plan (FLU). The requested variance is intended to accommodate a proposed addition to the existing single-family residence. Due to the unique configuration of corner lots, which are subject to two front-facing setback requirements, the applicant is seeking relief from the corner side-yard standard to allow for reasonable expansion of the home while maintaining compliance with other applicable development regulations.

This item was tabled from the Commission’s May 12 agenda due to the lack of a sufficient number of members present to conduct an evidentiary hearing.

Background:

Owner: Robert and Evelyn Spicer

Applicant: Phillip Due, Critical Path Solutions & Michael Adams, MAPS Surveying Inc.

Requested Action: Variance to reduce corner-side setback to 23 feet

Zoning District: SF-10

Property Address: 423 MCPHEE DR (0427432465000)

Size: 0..39 acres ±

Existing Land Use: Single-family dwelling

Surrounding Zoning and Land Uses

- SF-10 single family development

Letters Mailed: Notices sent to 31 owners within a 300-ft. buffer of the subject parcel.

Issues/Analysis:

The applicant is requesting a variance from the dimensional standards of Section 30-3.D.3, Single-Family Residential 10 (SF-10) District, specifically to reduce the required corner side-yard setback from 30 feet to 23 feet in order to accommodate an addition to an existing single-family residence. Staff has reviewed the request in relation to the applicable variance standards outlined in the Unified Development Ordinance (UDO).

A primary consideration in this request is whether the strict application of the ordinance creates practical difficulties or unnecessary hardship. The subject property is a corner lot, which inherently results in two street-facing setbacks being applied, thereby reducing the buildable area compared to similarly sized interior lots within the same neighborhood. While the lot is comparable in size to surrounding properties, the

additional setback requirement limits the ability to expand or improve the existing structure in a manner that would otherwise be permissible on non-corner lots. Staff finds that this condition represents a constraint tied to the location and configuration of the property, rather than actions taken by the property owner.

The applicant has indicated that the requested variance would allow for a reasonable expansion of the home to meet typical residential needs. In evaluating whether the request represents the minimum necessary relief, staff notes that the proposed reduction is limited in scope and appears to be designed to accommodate the addition in a location that aligns with the existing structure and functional layout of the home. The request does not seek to eliminate the setback entirely but rather to reduce it to a degree that still maintains a reasonable separation from the adjacent street.

In considering public safety and welfare, staff finds no evidence that the proposed reduction would create adverse impacts. The applicant has indicated that the addition will not obstruct visibility at the intersection or create unsafe conditions related to proximity to the street. Provided that all other applicable development standards are met, the reduced setback is unlikely to negatively affect traffic safety, emergency access, or the general welfare of the surrounding area.

With respect to compatibility and consistency with the intent of the ordinance, the surrounding neighborhood consists of homes constructed during a similar time period, many of which have smaller building footprints relative to modern living standards. The requested variance would allow for reinvestment in the existing structure without significantly altering the character of the neighborhood. The intent of the SF-10 district is to maintain low-density residential development while allowing for reasonable use and improvement of residential properties. Staff finds that the request is generally consistent with this intent, as it facilitates reinvestment without introducing a use or scale that is out of character with the area.

Overall, the requested variance appears to be driven by unique site constraints associated with the corner lot configuration, represents a limited and reasonable adjustment to the standard, and does not result in significant adverse impacts to the surrounding area. The request allows for continued use and improvement of the property in a manner that is generally consistent with the purpose and spirit of the Unified Development Ordinance.

Budget Impact:

The requested variance is not anticipated to have any measurable impact on the City's operating or capital budget. The proposal involves a minor residential addition to an existing single-family home and will be served by existing public infrastructure and services. Any costs associated with plan review and permitting are recovered through standard application and inspection fees. As such, the overall fiscal impact of this request is expected to be negligible.

Options:

The Board may approve, deny, or approve with conditions. Its decision must rely solely on the record and the required findings of fact. Approval is appropriate only if

competent, material, and substantial evidence supports each finding; if any finding is not supported, the appropriate action is denial. When granting approval, the Board may attach reasonable, related, evidence-based conditions to ensure the findings are met. Deliberations should remain focused on each required finding, consistent with the variance standards outlined in the Unified Development Ordinance (UDO).

Case A26-22 - Possible Motions and Required Findings

(Variance request to reduce the corner side-yard setback from 30 feet to 23 feet for an addition to an existing single-family dwelling at 423 McPhee Drive; zoning SF-10.)

Motion to Approve (as requested)

Motion: Approve the variance to the SF-10 minimum yard/setback standard to reduce the required corner side-yard setback from 30 feet to 23 feet for the existing single-family residence at 423 McPhee Drive, as depicted on the exhibits in the record.

Findings of Fact required for approval (all must be supported by competent, material, and substantial evidence):

1. Practical difficulties or unnecessary hardships exist due to: _____.
2. The hardships result from unique circumstances related to the land and are not self-created, as shown by: _____.
3. The variance represents the minimum action necessary to make reasonable use of the property, as shown by: _____.
4. The variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit, as shown by: _____.
5. Public safety and welfare have been assured, and substantial justice has been done, as shown by: _____.

Motion to Approve with Conditions

Motion: Approve the above variance with the following conditions tied to the approved exhibits and findings.

Findings of Fact for conditional approval (all must be supported):

Same five findings as above, "as conditioned."

Example conditions (tailor to the record):

1. **Location & setbacks:** The addition shall be constructed substantially as shown on the approved site plan. The corner side-yard setback shall be no less than 23 feet at any point. Any modification that increases the encroachment into the setback shall require additional approval.
2. **Compliance with UDO standards:** The project shall comply with all applicable SF-10 district standards, including lot coverage and building placement requirements.
3. **Drainage control:** Roof runoff from the addition shall be managed on-site and shall not adversely impact adjacent properties or public rights-of-way.
4. **Permitting & inspections:** All required permits shall be obtained, and the project shall comply with applicable building codes and City regulations. Staff shall verify compliance during plan review and inspections.

Motion to Deny

Motion: Deny the requested variance to reduce the SF-10 corner side-yard setback from 30 feet to 23 feet at 423 McPhee Drive.

Findings statements supporting denial (identify which findings are not met and why, with record citations):

1. Insufficient evidence of practical difficulties or unnecessary hardships, because: _____.
2. Insufficient evidence of unique, land-related circumstances (not self-created), because: _____.
3. Insufficient evidence that the request is the minimum action necessary, because: _____.
4. Insufficient evidence that the request is in harmony with the Ordinance and preserves its spirit, because: _____.
5. Insufficient evidence that public safety, welfare, and substantial justice would be assured, because: _____.

Record touchpoints used above:

The subject property is zoned **SF-10**, which requires a **30-foot corner side-yard setback**. The applicant is requesting a reduction to **23 feet** to allow for an addition to an existing single-family dwelling on a corner lot, where dual frontage creates additional setback constraints compared to interior lots.

Recommended Action:

Because A26-22 is a quasi-judicial variance, staff does not recommend approval or denial. The Board must base its decision solely on competent, material, and substantial evidence presented at the evidentiary hearing; due-process requirements prohibit staff from advocating either way.

Attachments:

1. Application
2. Aerial Notification Map
3. Zoning Map
4. Land Use Map
5. Subject Property Photos
6. Surrounding Property Photos
7. Plot Plan

Project Overview #2087335

Project Title: 423 McPhee	Jurisdiction: City of Fayetteville
Application Type: 5.4) Variance	State: NC
Workflow: Staff Review	County: Cumberland

Project Location

Project Address or PIN: 423 MCPHEE DR (0427432465000) **Zip Code:** 28305

Please see checklist for instructions for multiple buildings on a single parcel submittals

Is it in Fayetteville? A Fayetteville mailing address does not mean it is in the jurisdictional boundaries of the city. If you're not sure, click this link: [Cumberland County Tax Office GIS system](#)

E911 Addressing confirmation, please ensure that new developments have an address assigned by Cumberland County E911 before submitting. There may be delays and penalties for not doing so.

GIS Verified Data

Project Address: 423 MCPHEE DR

Variance Request Information

Requested Variances: Minimum yard/setback

Section of the City Code from which the variance is being requested.: 30-3-D 3

Describe the nature of your request for a variance and identify the standard(s)/requirement(s) of the City Code proposed to be varied.:

Variance request is for a reduction in the corner front setback on one of the streets.

Identify the zoning district designation and existing use of land for all adjacent properties, including those across the street.:

Subject property is zoned SF-10. Property is currently being utilized for a single family house.

All adjoining properties and those across both streets are also SF-10

Justification for Variance Request - Use this and the following pages to answer the questions (upload additional sheets if necessary).

The Variance Standards states: A variance application shall be approved only upon a finding that all of the following standards are met.

1. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships; it shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;
2. Any practical difficulties or unnecessary hardships result from unique
3. circumstances related to the land, such as location, size, or topography, and are not the result from conditions that are common to the neighborhood or the general public be the basis from granting a variance;
4. The Variance is the minimum action that will make possible a reasonable use of land or structures;
5. The Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit; and
6. In the granting of this Variance, the public safety and welfare have been assured and substantial justice has been done.

Expiration - Variance

30-2.C.14.e.5.- Variance approval shall automatically expire if the applicant does not record the Variance with the Cumberland County Register of Deeds within 30 days after the date the Variance is approved.

Please complete the following five (5) questions to verify the evidence that all the required standards are applicable to your property and/or situation.

Please describe how strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.:

By fronting on two streets, this lot is handcuffed by the district regulation setbacks even though the lot is of comparable size to the other lots in this development that have no such restrictions. In holding the required setbacks, it restricts any improvements that can be made to the structure.

Please describe how any practical difficulties or unnecessary hardships result from unique circumstances related to the land, such as location, size, or topography, and are not the result of the actions of the landowner, nor may hardships resulting from personal circumstances as well as hardships resulting from conditions that are common to the neighborhood or the general public be the basis for granting a variance.:

This lot is a corner lot which restricts the location of the house considerably. If this lot were not held to the conditions imposed on by the practical use of the ordinance the proposed addition would be acceptable due to a standard side yard setback.

Please describe how the Variance is the minimum action that will make possible a reasonable use of land or structures.:

This addition is for the benefit of the family residing at this address and is needed due to normal living requirements for the family. The position of the addition is in correlation to the needed rooms inside the house and thus is in the best allowable and practical place it can be built.

Please describe how the Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit.:

The other homes in this area were all built around the same time and basically have a smaller footprint on the lots were created in 1953. This variance is requested to update the conditions of the existing house.

Height of Sign Face : 0

Height of Sign Face: 0

Height of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face : 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Please describe how, in the granting of the Variance, the public safety and welfare have been assured and substantial justice has been done.:

Square Footage of Sign Face: 0

This variance allows for an increase in living conditions without hindering any other conditions that would be deemed harmful or unjust to the public (ie. blocked vision at the intersection, abnormally close to the street etc)

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Primary Contact Information

Project Owner

Phillip Due
Critical Path Solutions
109 Gillespie St
Fayetteville, NC 28301

Project Contact - Agent/Representative

Michael Adams
MAPS Surveying Inc.
1306 Fort Bragg Road
Fayetteville, NC 28305

P:910-745-8112
p.due@criticalpathsolutions.com

Indicate which of the following project contacts should be included on this project:

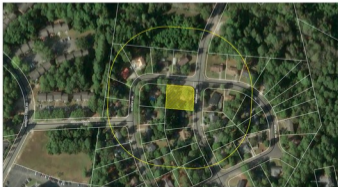
NC State Electrical Contractor #1 License Number:
NC State Electrical Contractor #2 License Number:
NC State Electrical Contractor #3 License Number:

NC State Mechanical Contractor's #1 License Number:
NC State Mechanical Contractor's #2 License Number:
NC State Mechanical Contractor #3 License Number:
NC State Plumbing Contractor #1 License Number:
NC State Plumbing Contractor #2 License Number:

P:910-484-6432
maps@mapssurveying.com

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$40,000. :

NC State General Contractor's License Number:



Aerial Notification Map

Case #: A26-22

Request: Minimum Yard/Setback Variance
Location: 423 McPhee (D427432465000)

— Streets

 A26-22

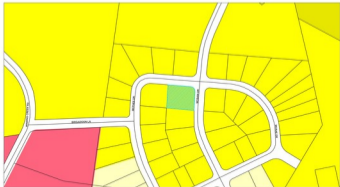
 A26-22 Buffer

Letters are being sent to all property owners within the 200' buffer. Subject Property is shown in the highlighted pattern.





32



Current Zoning Map

Case #: A26-22

Request: Minimum Yard/Setback Variance
 Location: 423 McPhee (0427432465000)



Letters are being sent to all property owners within the 200' buffer. Subject Property is shown in the published pattern.





Future Land Use Map

Case #: A26-22

Request: Minimum Yard/Setback Variance
 Location: 423 McPhee (0427432465000)



Letters are being sent to all property owners within the 200' buffer. Subject Property is shown in the published pattern.







I, DAVID R. ESSICK, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GPS/GNSS SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:

- (1) CLASS OF SURVEY: CLASS A
- (2) POSITIONAL ACCURACY: $\pm 0.10'$
- (3) TYPE OF GPS FIELD PROCEDURE: RTK NETWORKS
- (4) DATES OF SURVEY: DECEMBER 15, 2025
- (5) DATUM/EPOCH: NAD83(2011)
- (6) PUBLISHED/FIXED-CONTROL USE: NC CORS
- (7) GEOID MODEL: ContinentalUS_NGS2012B
- (8) COMBINED GRID FACTOR(S): 0.99999239
- (9) GPS / GNSS SCALE POINT:
N: 473,507.71 E: 2,024,270.88 Z: 143.79
- (10) UNITS: US SURVEY FEET

I, DAVID R. ESSICK, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN (SEE REFERENCE TABLE), THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM INFORMATION IN (SEE REFERENCE TABLE), AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56-1600).

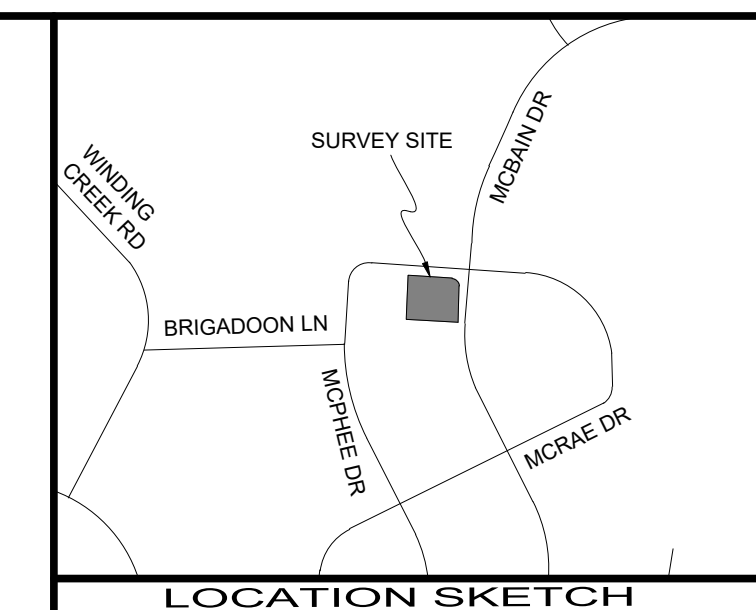
THIS 31ST DAY OF MARCH, A.D., 2026

David R. Essick

PROFESSIONAL LAND SURVEYOR, L-5423

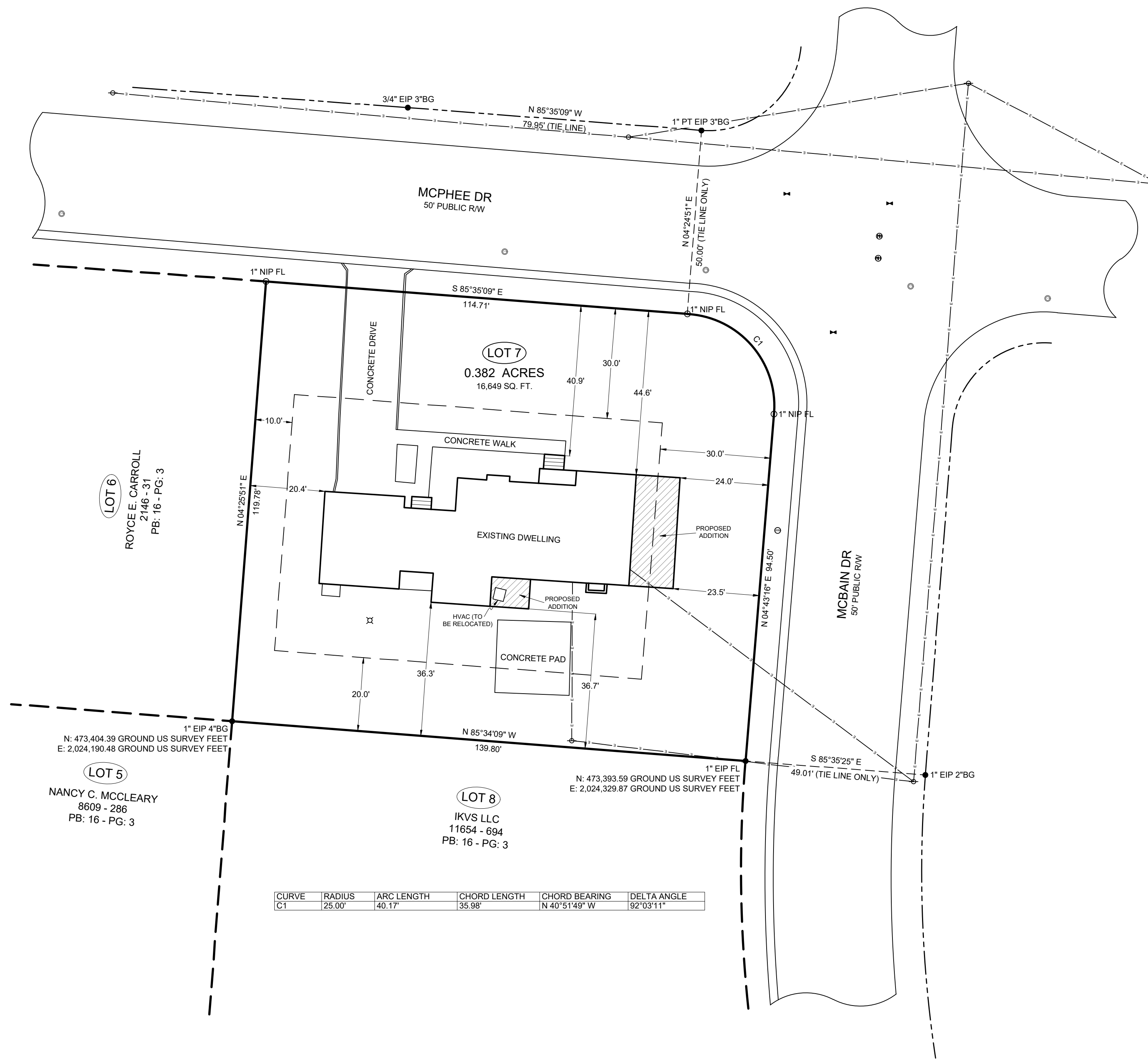


SignNow e-signature ID: 88f1538a2f-03012026 12:22:50 UTC



- LEGEND OF SYMBOLS AND ABBREVIATIONS
- CP \triangle COMPUTED POINT
 - EA \bullet EXISTING AXLE
 - ECM \blacksquare EXISTING CONCRETE MONUMENT
 - EIP \bullet EXISTING IRON PIPE
 - ER \bullet EXISTING IRON ROD
 - NIR \circ NEW IRON ROD
 - NIP \circ NEW IRON PIPE
 - NIP \bullet FIRE HYDRANT
 - \odot GAS VALVE
 - \oplus POWER POLE
 - \odot LIGHT POLE
 - \odot SANITARY SEWER MANHOLE
 - \odot STORM MANHOLE
 - \odot TELEPHONE PEDESTAL
 - \odot TRANSFORMER
 - \odot WATER METER
 - \odot WATER VALVE
 - \odot WELL
 - \odot CLEAN OUT
 - AG ABOVE GRADE
 - BG BELOW GRADE
 - CB CATCH BASIN
 - CL CENTERLINE
 - CO CLEAN OUT
 - CMP CORRUGATED METAL PIPE
 - CPP CORRUGATED PLASTIC PIPE
 - DI DROP INLET
 - EJB ELECTRIC JUNCTION BOX
 - EM ELECTRIC METER
 - EMN EXISTING MAG NAIL
 - EN EXISTING NAIL
 - EOP EDGE OF PAVEMENT
 - EPK EXISTING PK NAIL
 - ERRS EXISTING RAILROAD SPIKE
 - FO FIBER OPTIC
 - FL FLUSH WITH GRADE
 - ICV IRRIGATION CONTROL VALVE
 - MBS MINIMUM BUILDING SETBACKS
 - NF NOW OR FORMERLY
 - NMN NEW MAG NAIL
 - RCP REINFORCED CONCRETE PIPE
 - RW RIGHT-OF-WAY
 - TBC TOP BACK CURB
 - TOC TOE OF CURB
 - YI YARD INLET

- SURVEYED PROPERTY BOUNDARY
- COMPUTED / ADJOINER PROPERTY LINE
- RIGHT-OF-WAY
- TIE LINE
- SETBACK LINES
- SS SANITARY SEWER LINE
- S STORM LINE
- W WATER LINE
- X FENCE
- E OVERHEAD ELECTRIC LINES
- EASEMENTS



CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	25.00'	40.17'	35.98'	N 40°51'49" W	92°03'11"

IMPERVIOUS SURFACE CALCULATIONS

EXISTING HOUSE: 2,494 SQ. FT.	14.4%
DRIVE: 1,588 SQ. FT.	9.4%
TOTAL EXISTING: 3,962 SQ. FT.	23.8%
ADDITIONS: 446 SQ. FT.	2.88%
TOTAL NEW AND EXISTING: 4,408 SQ. FT.	26.5%

BUILDING SETBACKS PER CITY OF FAYETTEVILLE UDO:

- FRONT = 30'
- CORNER SIDE = 30'
- SIDE = 10'
- REAR = 20'

- NOTES:
- THIS PROJECT IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA PER NCFRIS. MAP #: 3723042700J EFFECTIVE DATE: 1/5/2007
 - ACREAGE DETERMINED BY COORDINATE METHOD
 - ALL LINES SURVEYED BY DDT LAND SURVEYING, PLLC ARE SHOWN BY BOLD LINES. ALL LINES NOT SURVEYED ARE INDICATED BY DASHED LINES.
 - TAX PARCEL ID: 0427432465000
 - ZONING: SF-10
 - PUBLIC WATER SUPPLY WATERSHED: NONE
 - NO ATTEMPT WAS MADE BY THIS SURVEY TO LOCATE ALL UNDERGROUND UTILITIES NOR ANY OTHER EASEMENTS OR CONVEYANCES THAT WOULD BE REVEALED BY A TITLE SEARCH
 - VERIFY MINIMUM BUILDING SETBACKS BEFORE CONSTRUCTION.
 - LOCATION OF UNDERGROUND UTILITIES, IF SHOWN, ARE BASED ON VISIBLE EVIDENCE AND DRAWINGS PROVIDED TO THE SURVEYOR. LOCATION OF UNDERGROUND UTILITIES AND STRUCTURES MAY VARY FROM SHOWN LOCATIONS. ADDITIONAL UTILITIES MAY EXIST. LOCAL UTILITY COMPANIES SHOULD BE CONSULTED FOR FURTHER INFORMATION ON UTILITIES AFFECTING THE PROPERTY.

SITE PLAN FOR:
CRITICAL PATH SOLUTIONS

MARCH 31, 2026
LOT 7, BLOCK F, SECT. 2 OF HIGHLAND HOMES
CITY OF FAYETTEVILLE
CROSS CREEK TOWNSHIP
CUMBERLAND COUNTY, NORTH CAROLINA



PROPERTY ADDRESS: 423 MCPHEE DR, FAYETTEVILLE, NC 28305
OWNER'S ADDRESS: ROBERT O. SPICER, 423 MCPHEE DR, FAYETTEVILLE, NC 28305



REVISIONS: -03/31/2026: ADDED DIMENSION FROM SOUTH END OF DIMENSION TO MCBAIN DRIVE R/W
SUITE 5 7500 NC HWY 15501 WEST END, NC 27376
JOB#: 3312



City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 26-0381

Agenda Date: 6/9/2026

Version: 1

Status: Agenda Ready

In Control: Zoning Commission

File Type: Evidentiary Hearing

Agenda Number: 4.03

TO: Zoning Commission

THRU: Jennifer C. Baptiste - Planning & Zoning Division Manager

FROM: Craig Harmon, CZO - Senior Planner

DATE: June 9, 2026

RE:

A26-23 - Variance

A request by James Smith of J H Smith Investments for a variance to the fence height standards (Section 30-5.D.4.a) to allow for a taller fence for security purposes at 1651 Cedar Creek Road (0446815034000).

COUNCIL DISTRICT(S):

2 - Malik Davis

Relationship To Strategic Plan:

Goal I: Safe and secure community

- 1.3 - To ensure low incidence of property and violent crime

A properly erected security fence of appropriate height to match the existing security fencing will better enable thief and trespasser deterrence.

Goal II: Responsive city government supporting a diverse and viable economy

- 2.4 - To sustain a favorable development climate to encourage business growth

A proper security fence will enable the expansion and redesign of a local commercial enterprise.

Goal III: City investment in today and tomorrow

- 3.2 - To manage the City's future growth and strategic land use

A properly heighted security fence will enable the parcel to be used for the commercial venture without requiring additional land or significant land redevelopment.

Executive Summary:

Request

The applicant requests a variance to UDO Table 30-5.D.4 to increase the maximum

fence (including chain link) height within the side and front yards from 4 feet to 6 feet; an increase of 2 feet.

Zoning Commission Decision Point

The Zoning Commission acting in accordance with NCGS § 160D-705(d) and UDO Section 30-2.C.14.e.2 must decide a course of action:

- Approve the variance request as submitted
- Approve the variance request with conditions
- Deny the variance request

Variance Criteria

1. Unnecessary Hardship
2. Peculiar Conditions
3. Minimum Action Necessary
4. Spirit of the Law
5. Public Safety

Background:

Owner: James Smith; Monica Smith

Request: Increase maximum fence (including chain link) height from 4 feet to 6 feet for security and uniformity purposes

Parcel Identification Number (PIN): 0446815034000

Parcel Size: ± 0.97 acres

Existing Site Conditions: Cedar Creek Road Mini Storage

Immediate Context: Commercial properties to the north, south, and west with residential across both streets

Utilities: Public water, sewer, and electricity

Public Notice: Notification letters were sent to property owners within 300 feet of the subject site equating to 17 notices sent.

Issues/Analysis:

Variance Criteria

In accordance with NCGS § 160D-705(d) and UDO Section 30-2.C.14.f five standards must all be met for a variance to be granted.

1. **Unnecessary hardship** - Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships; it shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property; and
2. **Peculiar Conditions** - Any practical difficulties or unnecessary hardships result from unique circumstances related to the land, such as location, size, or topography, and are not the result of the actions of the land owner, nor may hardships resulting from personal circumstances as well as hardships resulting from conditions that are common to the neighborhood or the general public be the basis for granting a variance; and
3. **Minimum Action** - The variance is the minimum action that will make possible a reasonable use of land or structures; and
4. **Spirit of the Law** - The variance is in harmony with the general purpose and intent of this ordinance and preserves its spirit; and

- 5. Public Safety** - In the granting of the variance, the public safety and welfare have been assured and substantial justice has been done.

Applicable Standards and Request

UDO Section 30-5.D.4 is the table which outlines the fence height standards based on the location within the lot. The subject property is located within the Community Commercial (CC) zoning district.

- Existing Front Yard Fence (including chainlink) Height Maximum: 4 feet
 - Proposed Variance: 6 feet (increase of 2 feet)

Claim Presented by Applicant

The claim is that the request is for security purposes and to match the existing appearance of the adjacent parcels which contain the storage units.

Required Variance Findings

The Commission must determine whether the evidence supports **EACH** of the five criteria and associated findings.

The following is a neutral framing of how the record may be evaluated based on the claims and evidence provided by the applicant.

- Unnecessary Hardship
 - Applicant asserts that the ordinance unnecessarily restricts the security of the storage facility by creating an area of easier scalability
 - The Commission may consider whether these are considered practical or unnecessary difficulties.
- Peculiar Conditions
 - Applicant asserts that the parcel being a corner lot creates limited fence usability for security purposes.
 - The Commission may consider whether these conditions are unique to the land rather than common to other commercial lots
- Not Self-Created
 - Applicants assert that the conditions are not self-created
 - The Commission may consider whether these conditions are a self-created problem
- Spirit of the Law
 - The Commission may evaluate whether varying the maximum fence height standards is in harmony with the law and does not impact public safety.
- Minimum Action Necessary
 - Applicant asserts the request is the minimum action necessary to allow for appropriate security and uniformity
 - The Commission may consider whether this is the minimum height necessary to achieve the goal.

Budget Impact:

Immediate (Legislative): No additional costs, collection of a \$1000 application fee

Longterm (Construction): Onsite improvements are funded by the developer. City Council evaluates any potential public capital projects via budget adoption and capital

investment processes.

Options:

- **Approval** - Find that the request meets all criteria
- **Approval, but with conditions** - Find that the request meets all criteria if adhering to a set of conditions
- **Denial** - Find that the request does not meet one or more criteria
- **Table** - Find that more information is necessary to make findings and table the case for a later commission date

Recommended Action:

No staff recommendation shall be provided. Commission action is based on the variance standards defined in Section 30-2.C.14.F and NCGS § 160D-705(d) based on the evidence found in the record.

Attachments:

1. Application
2. Aerial Notification Map
3. Current Zoning Map
4. Future Land Use Map
5. Site Pictures (Subject Site)
6. Site Pictures (Surrounding Properties)
7. Site Plan

Project Overview #2086626

Project Title: 1651 Cedar Creek Rd

Jurisdiction: City of Fayetteville

Application Type: 5.4) Variance

State: NC

Workflow: Staff Review

County: Cumberland

Project Location

Project Address or PIN: 1651 CEDAR CREEK RD
(0446815034000)

Zip Code: 28312

Please see checklist for instructions for multiple buildings on a single parcel submittals

Is it in Fayetteville? A Fayetteville mailing address does not mean it is in the jurisdictional boundaries of the city. If you're not sure, click this link: [Cumberland County Tax Office GIS system](#)

E911 Addressing confirmation, please ensure that new developments have an address assigned by Cumberland County E911 before submitting. There may be delays and penalties for not doing so.

GIS Verified Data

Project Address: 1651 CEDAR CREEK RD

Variance Request Information

Requested Variances: Height, Fence/wall

Section of the City Code from which the variance is being requested.: table 30-5.D.4

Describe the nature of your request for a variance and identify the standard(s)/requirement(s) of the City Code proposed to be varied.:

Identify the zoning district designation and existing use of land for all adjacent properties, including those across the street.:

I want to project/business to be uniform with appearance and security necessary to have storage secure. The height of the fence needs to be 6' at minimum to prevent foot traffic scaling the fence. The like/kind of fence materials and construction will be the same as was required previously on the second phase of expansion. The frontage areas facing Cedar Creek Road required 6' commercial black aluminum bar fencing. The side road required the 6' black chain link. I simply moved the existing side fencing outward closer to the property line at the L A Dunham road. Maintaining the fence location on or near the property line.

This property is CC commercial zoning with the same use as is currently being used. It is currently part of Cedar Creek Road Mini Storage. I am simply changing the perimeter fence out closer to the property line.

Adjacent property use is commercial on the north and west are residential. South is commercial use and across the street along Cedar Creek Road.

Justification for Variance Request - Use this and the following pages to answer the questions (upload additional sheets if necessary).

The Variance Standards states: A variance application shall be approved only upon a finding that **all** of the following standards are met.

1. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships; it shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;

2. Any practical difficulties or unnecessary hardships result from unique
3. circumstances related to the land, such as location, size, or topography, and are not the result from conditions that are common to the neighborhood or the general public be the basis from granting a variance;
4. The Variance is the minimum action that will make possible a reasonable use of land or structures;
5. The Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit; and
6. In the granting of this Variance, the public safety and welfare have been assured and substantial justice has been done.

Expiration - Variance

30-2.C.14.e.5.- Variance approval shall automatically expire if the applicant does not record the Variance with the Cumberland County Register of Deeds within 30 days after the date the Variance is approved.

Please complete the following five (5) questions to verify the evidence that all the required standards are applicable to your property and/or situation.

Please describe how strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.:

If the strict application of the ordinance is applied, I will not be able to secure the contents of the storage buildings and stored vehicles/trailers/boats.

Please describe how any practical difficulties or unnecessary hardships result from unique circumstances related to the land, such as location, size, or topography, and are not the result of the actions of the landowner, nor may hardships resulting from personal circumstances as well as hardships resulting from conditions that are common to the neighborhood or the general public be the basis for granting a variance.:

By this partial being a corner lot, the side setback will limit the usable space.

Please describe how the Variance is the minimum action that will make possible a reasonable use of land or structures.:

If I am not allowed to erect a fence on the property, I cannot secure the property for the intended use.

Please describe how the Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit.:

Being given the variance, it will keep the existing company setting, appearance and uniformity with what was previously required by the city.

Height of Sign Face : 0

Height of Sign Face: 0

Square Footage of Sign Face : 0

Height of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Please describe how, in the granting of the Variance, the public safety and welfare have been assured and substantial justice has been done.:

Our customer base requires that every potential security measures are taken to safely protect their belongings. The fence height will help prevent or at least make it hard to simply jump the fence to do harm.

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Primary Contact Information

Project Owner

James Smith
J H Smith Investments
1675 Cedar Creek Rd
Fayetteville, NC 28312
P:910-322-6822
jhsbearhunter@aol.com

Project Contact - Agent/Representative

James Smith
J H Smith Investments
1675 Cedar Creek Rd
Fayetteville, NC 28312
P:910-322-6822
jhsbearhunter@aol.com

Indicate which of the following project contacts should be included on this project:

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$40,000. :

NC State Electrical Contractor #1 License Number:

NC State Electrical Contractor #2 License Number:

NC State Electrical Contractor #3 License Number:

NC State General Contractor's License Number:

NC State Mechanical Contractor's #1 License Number:

NC State Mechanical Contractor's #2 License Number:

NC State Mechanical Contractor #3 License Number:

NC State Plumbing Contractor #1 License Number:

NC State Plumbing Contractor #2 License Number:



Aerial Notification Map

Case #: A26-23

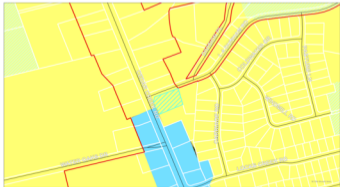
Request: Fence Height Variance
Location: 1651 Cedar Creek Road
(0446815034000)



Letters are being sent to all property owners within the 200' buffer. Subject Property is shown in the hatched pattern.



45



Future Land Use Map
Case #: A26-23

Request: Fence Height Variance
Location: 1651 Cedar Creek Road
(0446815034000)



Letters are being sent to all property owners within the 200' buffer. Subject Property is shown in the hatched pattern.





Surrounding Properties



Across – Cedar Creek Road



Across – Cedar Creek Road



Adjacent – Cedar Creek Road



Across – L A Dunham Road



Across – L A Dunham Road



Adjacent – L A Dunham Road



City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 26-0341

Agenda Date: 6/9/2026

Version: 1

Status: Agenda Ready

In Control: Zoning Commission

File Type: Evidentiary Hearing

Agenda Number: 4.04

TO: Zoning Commission

THRU: Jennifer C Baptiste - Planning & Zoning Division Manager

FROM: Thomas Cohen - Planner I

DATE: June 9, 2026

RE:

A26-26 - A request by Alpha Signs & Lighting Permitting (on behalf of Murphy USA #25122 and SCP 207-C27-078 LLC) for a variance to the pole sign maximum height standards (Section 30-5.L.8.1.C) allowing a the pole sign at 105 Hope Mills Road (0417108460000) to be taller.

COUNCIL DISTRICT(S):

5 - Lynne Greene

Relationship To Strategic Plan:

Goal II: Responsive city government supporting a diverse and viable economy

- 2.4 - To sustain a favorable development climate to encourage business growth

Businesses need advertising and signage to attract customers and grow. Pole signs are an iconic part of the gas station profile.

Goal III: City investment in today and tomorrow

- 3.3 - To sustain a favorable development and business climate through timely and accurate construction review and building inspections

A variance request represents a pause in certain construction processes as designs are thus still in a state of flux. Swift completion of the variance represents the timely and accurate resumption of the review and inspection process.

Goal VI: Collaborative citizen & business engagement base

- 6.1 - To ensure collaborative relationships with the business community, local governments, military and stakeholders.

According to the applicant, a water main project directly impacts the applicant business and construction plans and the request represents an opportunity for

collaboration on solving the applicant's problem.

Executive Summary:

Applicant is requesting a variance in the maximum height standards for pole signs found in UDO Section 30-5.L.8.1.C as they relate to Community Commercial (CC) zoned properties by raising the maximum from 25' to 35' to allow appropriate visibility of the signage.

Zoning Commission Decision Point

The Zoning Commission acting in accordance with NCGS § 160D-705(d) and UDO Section 30-2.C.14.e.2 must decide a course of action:

- Approve the variance request as submitted
- Approve the variance request with conditions
- Deny the variance request

Variance Criteria

1. Unnecessary Hardship
2. Peculiar Conditions
3. Minimum Action Necessary
4. Spirit of the Law
5. Public Safety

Background:

Owner: SCP 2007-C27-078 LLC

Request: Pole sign maximum height increase by 10' to allow signage visibility

Parcel Identification Number (PIN): 0417108460000

Current Zoning: Community Commercial (CC)

Parcel Size: ± 0.84 acres

Existing Site Conditions: Vacant Pharmacy

Immediate Context: Restaurant, gas station, and storage

Utilities: Public water, sewer, and electricity

Public Notice: Notification letters were sent to property owners within 300 feet of the subject site equating to 10 notices sent.

Issues/Analysis:

Variance Criteria

In accordance with NCGS § 160D-705(d) and UDO Section 30-2.C.14.f five standards must all be met for a variance to be granted.

1. **Unnecessary hardship** - Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships; it shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property; and
2. **Peculiar Conditions** - Any practical difficulties or unnecessary hardships result from unique circumstances related to the land, such as location, size, or topography, and are not the result of the actions of the land owner, nor may hardships resulting from personal circumstances as well as hardships resulting

from conditions that are common to the neighborhood or the general public be the basis for granting a variance; and

3. **Minimum Action** - The variance is the minimum action that will make possible a reasonable use of land or structures; and
4. **Spirit of the Law** - The variance is in harmony with the general purpose and intent of this ordinance and preserves its spirit; and
5. **Public Safety** - In the granting of the variance, the public safety and welfare have been assured and substantial justice has been done.

Applicable Standards and Request

UDO Section 30-5.L.8.B.1.C is the table which defines pole signs and outlines the standard to which they must adhere based on zoning district. The subject property is located within the Community Commercial (CC) zoning district.

- Existing Maximum Pole Height: 25 feet
 - Proposed Variance: 35 feet (Increase of 10 feet)

Claim Presented by Applicant

The claim is that the request is due to the placement of the sign needing clearance over the roofline of the retail space. This is because of a new water main project (T.I.P. NO. U-4405B) that will not allow the sign to be placed in the preferred space that would allow compliance with the ordinance. The new water main project will require 20 feet of clearance which will impact placement of the sign.

Required Variance Findings

The Commission must determine whether the evidence supports **EACH** of the five criteria and associated findings.

The following is a neutral framing of how the record may be evaluated based on the claims and evidence provided by the applicant.

- Unnecessary Hardship
 - Applicants assert that ordinance requirements do not inherently account for outside factors such as DOT projects that would force placements outside normal spaces and at the existing maximum height standard of 25' for pole signs the sign would not be visible behind the gas station store building.
 - The Commission may consider whether these are considered practical or unnecessary difficulties.
- Peculiar Conditions
 - Applicants assert that the water main project creates a 20' clearance area that pushes the pole sign placement from the typical front location to one in the back
 - The Commission may consider whether these conditions are unique to the land rather than common to other commercial lots
- Not Self-Created
 - Applicants assert that these are circumstances outside of the control of the property owner as the project is an NCDOT project under NCDOT authority.

- The Commission may consider whether these conditions are a self-created problem
- Spirit of the Law
 - The Commission may evaluate whether varying the maximum pole height standards is in harmony with the law and does not impact public safety.
- Minimum Action Necessary
 - Applicant asserts the requested variance is the minimum height added that is necessary for visibility.
 - The Commission may consider whether this is the minimum height necessary to achieve the goal.

Budget Impact:

Immediate (Legislative): No additional costs, collection of a \$1000 application fee

Longterm (Construction): Onsite improvements are funded by the developer. City Council evaluates any potential public capital projects via budget adoption and capital investment processes.

Options:

- **Approval** - Find that the request meets all criteria
- **Approval, but with conditions** - Find that the request meets all criteria if adhering to a set of conditions
- **Denial** - Find that the request does not meet one or more criteria
- **Table** - Find that more information is necessary to make findings and table the case for a later commission date

Recommended Action:

No staff recommendation shall be provided. Commission action is based on the variance standards defined in Section 30-2.C.14.F and NCGS § 160D-705(d) based on the evidence found in the record.

Attachments:

1. Application
2. Aerial Notification Map
3. Current Zoning Map
4. Future Land Use Map
5. Site Pictures (Subject Site)
6. Site Pictures (Surrounding Properties)
7. Site Plan

Project Overview #2130935

Project Title: Murphys USA #25122 4923 Raeford Rd
Application Type: 5.4) Variance
Workflow: Staff Review

Jurisdiction: City of Fayetteville
State: NC
County: Cumberland

Project Location

Project Address or PIN: 105 HOPE MILLS RD
(0417108460000) **Zip Code:** 28304

Please see checklist for instructions for multiple buildings on a single parcel submittals

Is it in Fayetteville? A Fayetteville mailing address does not mean it is in the jurisdictional boundaries of the city. If you're not sure, click this link: [Cumberland County Tax Office GIS system](#)

E911 Addressing confirmation, please ensure that new developments have an address assigned by Cumberland County E911 before submitting. There may be delays and penalties for not doing so.

GIS Verified Data

Project Address: 105 HOPE MILLS RD

Variance Request Information

Requested Variances: Signage

Describe the nature of your request for a variance and identify the standard(s)/requirement(s) of the City Code proposed to be varied.:

Per City Code in Zoning CC, a pole sign max height is 25' and copy area is 150SF.

We are requesting variance in overall height to 35' due to placement of the sign will need clearance over the roofline of the retail space. Placement of the sign has to be behind the retail space due to a new water main project (T.I.P. NO. U-4405B) that will not allow the sign to be installed in the preferred space that would be within City Code. The new water main project will require 20' clearance which effects placement of the pole sign.

Section of the City Code from which the variance is being requested.: 30-5.L.8. Permanent Signs > B. Permanent Signs Permitted within General Non-Residential Zoning Districts > 1. Freestanding Signs > C. Pole Signs

Identify the zoning district designation and existing use of land for all adjacent properties, including those across the street.:

Adjacent properties:

First Storage Fayetteville: 4909 Raeford Rd, Fayetteville, NC 28304 - **Zoning CC**

Pizza Palace 109 Hope Mills Rd, Fayetteville, NC 28304 - **Zoning LC**

Adjacent Property across the street (Raeford Rd):

Circle K: 971 Glensford Dr, Fayetteville, NC 28314 - **Zoning CC**

Adjacent Properties across the street (Raeford Rd):

5001 Raeford Rd, Fayetteville, NC 28304 - **Zoning CC**

Justification for Variance Request - Use this and the following pages to answer the questions (upload additional sheets if necessary).

The Variance Standards states: A variance application shall be approved only upon a finding that all of the following standards are met.

1. Strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships; it shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;
2. Any practical difficulties or unnecessary hardships result from unique
3. circumstances related to the land, such as location, size, or topography, and are not the result from conditions that are common to the neighborhood or the general public be the basis from granting a variance;
4. The Variance is the minimum action that will make possible a reasonable use of land or structures;
5. The Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit; and
6. In the granting of this Variance, the public safety and welfare have been assured and substantial justice has been done.

Expiration - Variance

30-2.C.14.e.5.- Variance approval shall automatically expire if the applicant does not record the Variance with the Cumberland County Register of Deeds within 30 days after the date the Variance is approved.

Please complete the following five (5) questions to verify the evidence that all the required standards are applicable to your property and/or situation.

Please describe how strict application of the Ordinance requirements results in practical difficulties and unnecessary hardships. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.:

Ordinance requirements do not take into account outside factors (i.e. DOT projects) that would force placement outside normal spaces. In Zoning CC, the limitation on overall height at 25' for a pole sign would not be visible behind the gas station store building.

Please describe how any practical difficulties or unnecessary hardships result from unique circumstances related to the land, such as location, size, or topography, and are not the result of the actions of the landowner, nor may hardships resulting from personal circumstances as well as hardships resulting from conditions that are common to the neighborhood or the general public be the basis for granting a variance.:

There is a unique circumstance outside of the control of property owner: due to the DOT project T.I.P. NO. U-4405B, there is a requirement of 20' clearance for a new water main. This requirement from the DOT project for the new water main will force the normal placement for a pole sign, typically on the lot frontage, to be pushed to the back.

Please describe how the Variance is the minimum action that will make possible a reasonable use of land or structures.:

For viewing clearance, the Variance requested is for the overall height to be increased to 35'.

Due to a 20' spread of lot frontage being unusable from the new water main DOT project and so that the property owner could obtain the pole sign allowed by City Code, the Variance to increase the overall height to 35' would be the minimum action that would make it possible.

Please describe how the Variance is in harmony with the general purpose and intent of this Ordinance and preserves its spirit.:

The Variance requested will allow the property owner to still have the pole sign that is allowed by City Code and at a viewable height. And in harmony with the existing Ordinance, the copy square footage will remain below the allowed allotment per City Code.

Height of Sign Face : 7

Height of Sign Face: 0

Square Footage of Sign Face : 0

Square Footage of Sign Face: 0

Please describe how, in the granting of the Variance, the public safety and welfare have been assured and substantial justice has been done.:

In granting the Variance public safety and welfare will be assured by direct burial installation as require by City Code and engineering requirements. Substantial justice will be done as to allow, per City Code, the property owner to have the pole sign and at a viewable clearance.

Height of Sign Face: 6

Square Footage of Sign Face: 126.5

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0

Square Footage of Sign Face: 0
Square Footage of Sign Face: 0
Square Footage of Sign Face: 0
Square Footage of Sign Face: 0

Square Footage of Sign Face: 0
Square Footage of Sign Face: 0
Square Footage of Sign Face: 0

Primary Contact Information

Project Owner

Wayne McGahee
Stratus
8959 Tyler Blvd
Mentor, OH 44060
P:888.503.1569
Wayne.McGahee@onstratus.com

Indicate which of the following project contacts should be included on this project: Sign Contractor

NC State Electrical Contractor #1 License Number:
NC State Electrical Contractor #2 License Number:
NC State Electrical Contractor #3 License Number:

NC State Mechanical Contractor's #1 License Number:
NC State Mechanical Contractor's #2 License Number:
NC State Mechanical Contractor #3 License Number:
NC State Plumbing Contractor #1 License Number:
NC State Plumbing Contractor #2 License Number:

Project Contact - Sign Contractor

Alpha Signs & Lighting Permitting
Alpha Signs & Lighting, Inc
515 Old Crow Rd
Newton Grove, NC 28366-715
P:9105675813
permitting@alphasignsnc.com

Project Contact - Agent/Representative

Alpha Signs & Lighting Permitting
Alpha Signs & Lighting, Inc
515 Old Crow Rd
Newton Grove, NC 28366-715
P:9105675813
permitting@alphasignsnc.com

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$40,000. :

NC State General Contractor's License Number:



Aerial Notification Map

Case #: A26-26

Request: Increase in pole sign max height

Location: 105 Hope Mills Road
(041.7108460000)

— Streets



A26-26

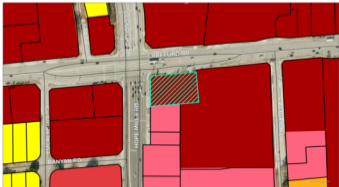


A26-26 Buffer

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



58



Future Land Use Map

Case #: A26-26

Request: Increase in pole sign max height

Location: 105 Hope Mills Road
(041.710846000)

- CC - Community Commercial
- LC - Limited Commercial
- RR-0 - Rural Residential 0
- NC - Neighborhood Commercial

- SF-01 - Single Family Residential 01
- Streets
- A26-26

Letters are being sent to all property owners within the 200' buffer. Subject Property is shown in the hatched pattern.





Future Land Use Map

Case #: A26-26

Request: Increase in pole sign max height

Location: 105 Hope Mills Road
(0417108460000)



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





Surrounding Properties



Across – Hope Mills Road



Across – Raeford Road



Adjacent – Raeford Road

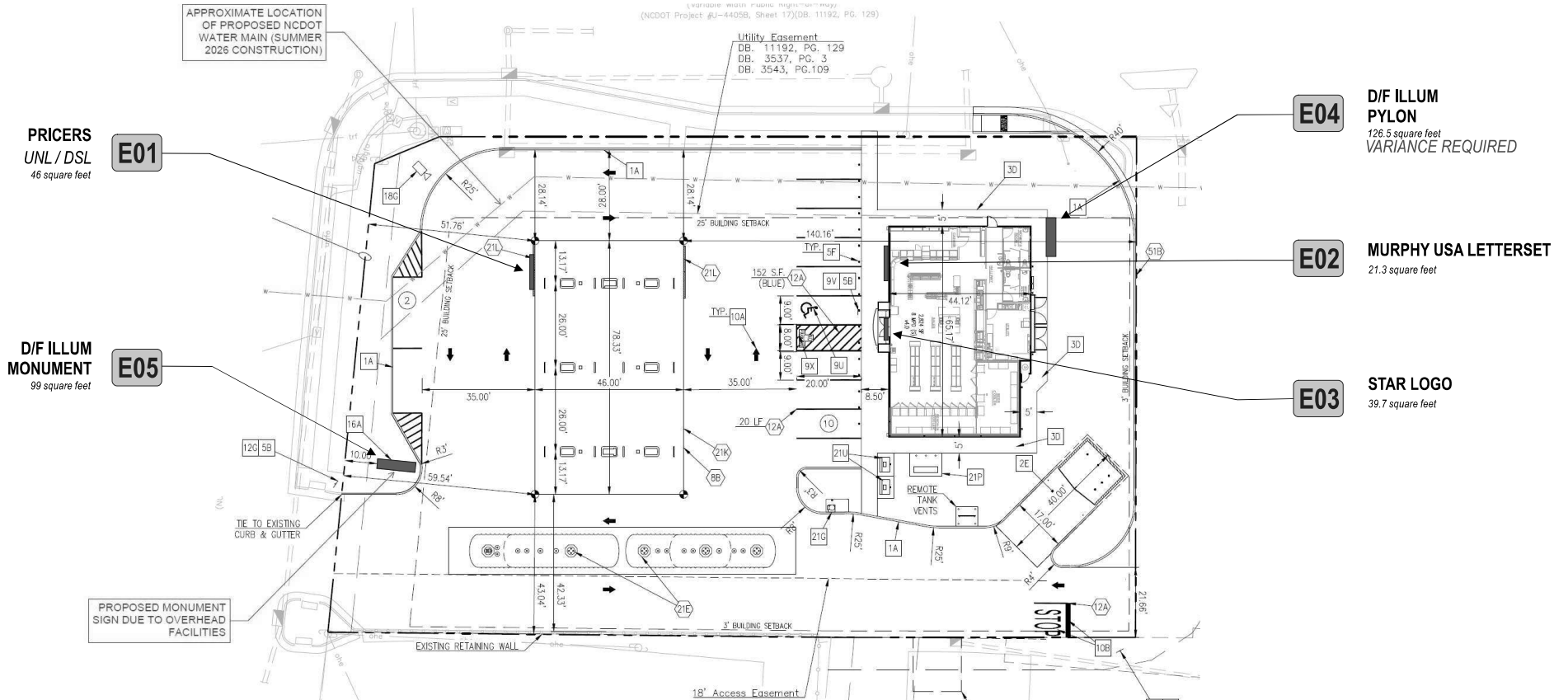


Adjacent – Hope Mills Road



SITE PLAN

SCALE: 1/32"=1'-0"



E01
PRICERS
UNL / DSL
46 square feet

E04
D/F ILLUM
PYLON
126.5 square feet
VARIANCE REQUIRED

E02
MURPHY USA LETTERSET
21.3 square feet

E05
D/F ILLUM
MONUMENT
99 square feet

E03
STAR LOGO
39.7 square feet

Stratus
onestratus.com
8959 Tyler Boulevard
Mentor, Ohio 44060
888.503.1569

CLIENT:
MURPHY USA
ADDRESS:
105 Hope Mills Rd
Fayetteville, NC 28304

ORDER NUMBER:
1243046
SITE NUMBER:
25122
ELECTRONIC FILE NAME:
G:\ACCOUNTS\MURPHY'S USA\LOCATIONS\2025\NC\25122_Fayetteville\25122_Fayetteville Visibility R4.cdr

PROJECT NUMBER:
82972
PROJECT MANAGER:
WAYNE MCGAHEE

Rev #	Req #	Date/Artist	Description	Rev #	Req #	Date/Artist	Description
Original	552005	09/12/25 KW					
Rev 1	569878	12/23/25 KW	Revised site plan				
Rev 2	572015	01/08/26 KW	Revised monument				
Rev 3	572739	01/14/26 KW	Updated sf				
Rev 4	593990	04/24/26 KW	Updated address				

PRINTS ARE THE EXCLUSIVE PROPERTY OF STRATUS. THIS MATERIAL SHALL NOT BE USED, DUPLICATED, OR OTHERWISE REPRODUCED WITHOUT THE PRIOR WRITTEN CONSENT OF STRATUS.

E04

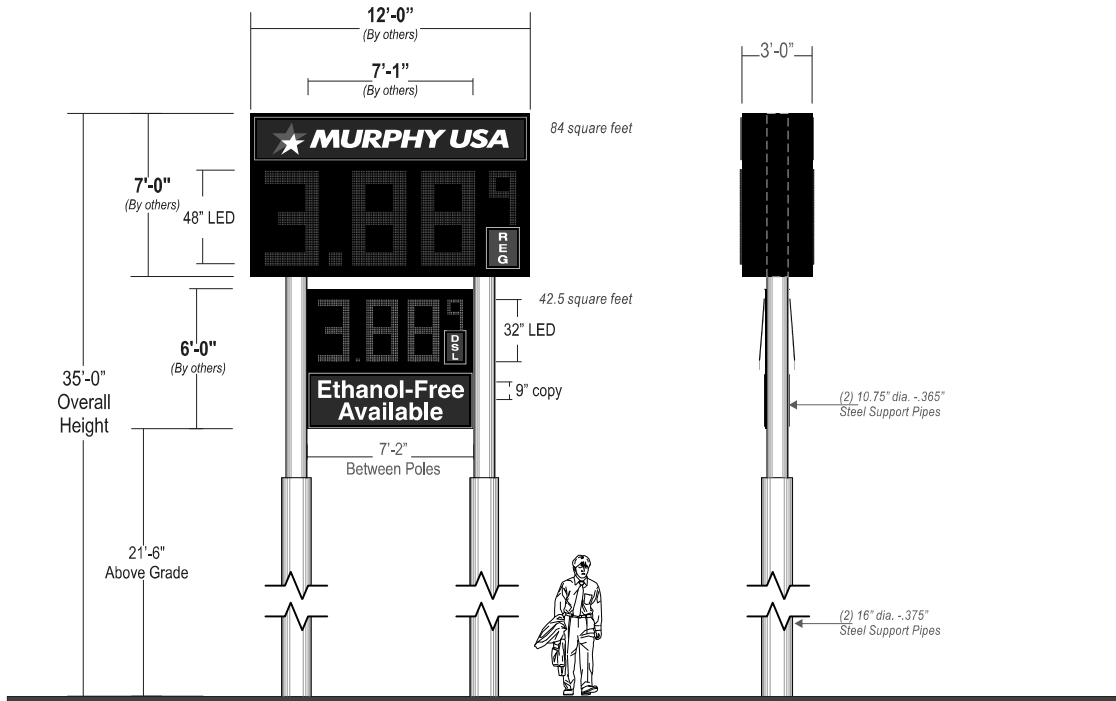
D/F ILLUM. PYLON

Scale: 3/16"=1'-0"

PY126.i

126.5 square feet

VARIANCE REQUIRED



- MAIN CABINET:** 36" deep D/F Illum. cabinet provided BY OTHERS
- SECONDARY CABINET:** 12" deep D/F Illum. cabinets provided BY OTHERS
(1) one of each cabinet shown required
- SUPPORT POLE:** (2) Two telescoping support poles required, painted to match Murphys specs;
- INSTALL:** Direct burial installation as required by city code and engineering requirements;
ADDITIONAL INSTALL AND FOUNDATION DETAILS TO FOLLOW
- QUANTITY:** (1) One Required

JOB NOTES: Sign cabinet to be provided by others; STRATUS to install STRATUS responsible for footer/ foundation/ support poles

ALL SIGNS TO COMPLY WITH UL 48 AND WILL BE MARKED AS SUCH WITH APPROPRIATE LABORATORY LABELS.

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.

THE LOCATION OF THE DISCONNECT SWITCH AFTER INSTALLATION SHALL COMPLY WITH ARTICLE 600.6(A) (1) OF THE NATIONAL ELECTRIC CODE.

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CLIENT:
MURPHY USA

ADDRESS:
105 Hope Mills Rd
Fayetteville, NC 28304

PAGE NO.:
8

ORDER NUMBER:
1243046

SITE NUMBER:
25122

PROJECT NUMBER:
82972

PROJECT MANAGER:
WAYNE MCGAHEE

ELECTRONIC FILE NAME:
G:\ACCOUNTS\MURPHY'S USA\LOCATIONS\2025\NC\25122_Fayetteville\25122_Fayetteville Visibility R4.cdr

Rev #	Req #	Date/Artist	Description	Rev #	Req #	Date/Artist	Description
Original	552005	09/12/25 KW					
Rev 1	569878	12/23/25 KW	Revised OAH				
Rev 2	572015	01/08/26 KW					
Rev 3	572739	01/14/26 KW	Updated logo				
Rev 4	593990	04/24/26 KW	Updated address				

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City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 26-0378

Agenda Date: 6/9/2026

Version: 1

Status: Agenda Ready

In Control: Zoning Commission

File Type: Public Hearing
(Public & Legislative)

Agenda Number: 5.01

TO: Mayor and Members of City Council

THRU: Zoning Commission

FROM: Craig Harmon, Senior Planner

DATE: June 9, 2026

RE:

P25-54: A request to rezone property at 2002 Hope Mills Rd (0416122757000), consisting of 0.24 acres and owned by RAMIREZ, ISAURO;SANCHEZ, MIGDAL PEREZ, from Single Family Residential 10 (SF-10) to Neighborhood Commercial (NC). (Tabled from November 12, 2025)

COUNCIL DISTRICT(S):

District 5 - Lynne Greene

Relationship To Strategic Plan:

The proposed reclassification from **SF-10 (Single-Family Residential 10)** to **NC (Neighborhood Commercial)** advances the **City's FY2025 Strategic Plan** by promoting **context-appropriate, infrastructure-efficient mixed-use and neighborhood-scale commercial development** on a **serviced infill tract**. The NC district allows small-scale retail, service, and office uses designed to serve surrounding neighborhoods-supporting economic resilience, corridor reinvestment, and long-term fiscal health.

Goal II - Diverse & Viable Economy

- Broadens the tax base by allowing commercial and mixed-use activity on already-serviced land, improving taxable value per acre relative to low-density residential patterns.
- Encourages private reinvestment and small-business growth through predictable zoning that supports neighborhood-serving enterprises.
- Maximizes use of existing streets and utilities, improving return on prior public infrastructure investments.

Goal III - Invested in Today & Tomorrow (Strategic Growth & Land Use)

- Directs reinvestment to an infill location contiguous with existing development and utility networks, reducing greenfield pressure and supporting compact,

connected growth.

- Aligns with Comprehensive Plan objectives promoting neighborhood-scale commercial and service uses near established residential areas.
- Encourages integrated site design that provides shared access, landscaping, stormwater best-management practices, and pedestrian connectivity.

Goal IV - Live, Work, & Recreate (Neighborhood Revitalization & Housing Choice)

- Expands access to everyday goods and services within walking or short-drive distance of existing homes, strengthening neighborhood self-sufficiency.
- Supports corridor vitality by adding small businesses and employment opportunities near residential areas.
- Advances complete-neighborhood principles by balancing residential, commercial, and civic uses within close proximity.

Goal VI - Collaborative & Trusted Government

- Advances transparent, predictable decision-making through a legislative rezoning that applies uniform, citywide standards for the NC district.
- Promotes interdepartmental coordination among Planning, Engineering, Stormwater, and Public Works to ensure capacity, access, and safety are addressed at site design and permitting stages.

Performance Indicators

- Net new commercial or mixed-use square footage on infill or serviced sites.
- Increase in taxable value per acre on the subject parcels over a 5-10-year horizon.
- Ratio of infill versus fringe development activity.
- Multimodal access metrics (sidewalk, block length, cross-access, transit adjacency).

Conclusion

The **NC** classification advances the **City's FY2025 Strategic Plan** by supporting **small-scale, neighborhood-serving commercial development** on a **serviced infill site**, strengthening the local tax base, enhancing corridor vitality, and leveraging existing infrastructure in a **fiscally responsible and sustainable** manner.

Executive Summary:

This request seeks to rezone an approximately 0.24-acre property located at 2002 Hope Mills Road from its current residential zoning designation to Neighborhood Commercial (NC) to facilitate a transition to a small-scale, neighborhood-serving commercial or office use. The subject site, which presently contains an existing residential structure, is positioned along a well-traveled urban corridor with direct access to public water and sewer infrastructure and other municipal services.

The proposal envisions adaptive reuse of the existing building, allowing a modest commercial presence that complements surrounding development patterns while maintaining the residential character and scale of the area. Minimal site disturbance is anticipated, as the intent is to repurpose the existing structure rather than pursue full redevelopment. This approach supports the City's goals for infill reinvestment, efficient use of existing infrastructure, and context-sensitive corridor revitalization.

Background:

Owner: Isauro Ramirez & Migdal Perez Sanchez

Applicant: Isauro Ramirez & Zelidee Hernandez

Requested Action: Rezoning from **SF-10 (Single-Family Residential 10)** to **NC (Neighborhood Commercial)**

REID #: 0416122757000

Property Address: 2002 Hope Mills Road, Fayetteville, NC

Status of Property: Developed with a single-family residence

Size: ±0.24 acres

Adjoining Land Use & Zoning

- **North:** SF-10 - Single-family residence
- **South:** OI (Office & Institutional) - Single-family structure utilized for office purposes
- **East:** OI - Single-family structures with a mix of small-scale commercial uses
- **West:** SF-10 - Lafayette Village Subdivision (single-family homes)

Notices Mailed: 151 property owners within a 1,000-foot radius

Proposal Overview

This request seeks to rezone a ±0.24-acre parcel located at **2002 Hope Mills Road** from **SF-10 (Single-Family Residential 10)** to **NC (Neighborhood Commercial)** to allow the adaptive reuse of an existing single-family structure for **low-intensity commercial or office purposes**.

The site lies along a major urban corridor with direct access to **public water and sewer infrastructure**, making it well-positioned for a small-scale commercial transition that complements adjacent land uses. The intent is to **retain and repurpose the existing building**, limiting site disturbance and preserving the established residential scale and character of the area while introducing a more flexible, neighborhood-serving land use.

This modest intensification supports the City's goals for **infill redevelopment, efficient use of existing infrastructure, and corridor revitalization**, while providing new opportunities for local businesses or professional offices in a setting that maintains compatibility with nearby homes.

Land Use Plan Consistency

Under the **2040 Comprehensive Plan: Future Land Use Map & Plan (adopted May 26, 2020)**, the subject property is designated **Office/Institutional (O/I)**. This classification is intended to accommodate **medium-intensity nonresidential uses**, including offices, medical or professional services, educational facilities, and light institutional functions.

The proposed **Neighborhood Commercial (NC)** zoning aligns with this designation by allowing **low- to moderate-intensity commercial uses** that serve nearby neighborhoods, provide employment and service opportunities, and function as a **compatible transitional district** between residential areas and larger commercial or institutional zones. The property's access to public utilities, corridor frontage, and adjacency to existing O/I uses further reinforce the site's suitability for this zoning reclassification.

Issues/Analysis:

The property at **2002 Hope Mills Road** is part of the **Lafayette Village Subdivision**, originally developed for single-family residential use. As the Hope Mills Road corridor

has gradually transitioned from primarily residential to a blend of neighborhood-scale commercial and office uses, this rezoning request represents a natural evolution. The applicant seeks to reclassify the property from **SF-10 (Single-Family Residential 10)** to **NC (Neighborhood Commercial)** to allow the **adaptive reuse of the existing home** for small-scale commercial or professional office purposes. The proposed change would enable low-intensity commercial activity that complements the surrounding development pattern and supports the City's goals for corridor revitalization and reinvestment.

Surrounding Context

The site lies within a **transitional area** where residential and neighborhood-serving commercial uses coexist:

- **North & West:** SF-10 - Detached single-family homes within the Lafayette Village Subdivision.
- **South:** OI - A single-family structure repurposed for office use, indicating a shift toward professional services.
- **East:** OI and SF-10 - A mix of homes and small businesses, illustrating gradual commercial adaptation along Hope Mills Road.

This pattern demonstrates a corridor in transition, with older residences being converted into low-impact commercial uses. The proposed rezoning aligns with that trend while maintaining compatibility with adjacent neighborhoods.

Rezoning Request

The applicant requests a **straight rezoning** from **SF-10** to **NC** under the **Unified Development Ordinance (UDO)**. The **Neighborhood Commercial District** is designed for small-scale, low-intensity retail, service, and office uses that primarily serve nearby residents without generating heavy traffic or disrupting neighborhood character.

All development under NC zoning must meet the **UDO's design and buffering standards (Article 30-5)** to ensure compatibility with surrounding properties. Larger commercial projects exceeding 2,500 square feet require a **Special Use Permit**, providing additional oversight. Residential or mixed-use opportunities are also encouraged to foster a walkable, neighborhood-oriented setting.

Land Use Plan Consistency

The **2040 Comprehensive Plan** designates this area as **Office/Institutional (O/I)**-intended for medium-intensity nonresidential uses such as offices, small institutions, and neighborhood services. The proposed **Neighborhood Commercial (NC)** zoning is compatible with this designation, supporting modest commercial activity that complements surrounding OI and residential districts.

By repurposing an existing structure and utilizing existing public utilities, the proposal advances City objectives for **infill development, adaptive reuse, and corridor revitalization** with minimal environmental or infrastructure impacts.

Consistency and Reasonableness

The rezoning is **consistent with the City's 2040 Comprehensive Plan** and **Unified Development Ordinance**, promoting context-sensitive growth and efficient use of existing infrastructure. The request is **reasonable** given the site's location, surrounding land uses, and established transition toward neighborhood-scale commercial development.

Conclusion

The proposed rezoning of **2002 Hope Mills Road** from **SF-10** to **NC** represents a

logical, low-impact step in the ongoing transformation of the Hope Mills Road corridor. By enabling the reuse of an existing home for small-scale commercial or office purposes, the request balances **neighborhood preservation** with **economic vitality** and supports the City's long-range vision for **strategic, compatible growth**.

Budget Impact:

Rezoning the property from **SF-10 (Single-Family Residential 10)** to **NC (Neighborhood Commercial)** does not, in itself, appropriate public funds or commit the City to new spending. Fiscal effects are realized only when a project is approved, permitted, and constructed. Given the property's **infill location, existing service connections, and limited redevelopment scope**, the near- to mid-term fiscal impact is expected to be **neutral to modestly positive** for the City's **General Fund**. Most costs associated with redevelopment-such as site improvements, utility connections, and driveway modifications-will be borne by the **private developer**, with additional participation from **enterprise funds** (e.g., water, sewer, and stormwater) where applicable.

Revenue Effects

Over time, conversion from low-density residential to small-scale commercial use is anticipated to **increase taxable value per acre**, as Neighborhood Commercial properties typically generate higher assessed valuations than detached residential lots of similar size. This uplift will produce a modest but sustained **increase in ad valorem revenues**.

Incremental business activity on the site may also generate **secondary fiscal benefits**, including elevated **local sales and use tax receipts, vehicle taxes**, and potential business license revenues.

The **Stormwater Utility** will experience a minor increase in billing, measured in **Equivalent Residential Units (ERUs)**, corresponding to any new impervious surfaces such as parking or driveway areas. However, required **on-site stormwater best management practices (BMPs)**-reviewed and enforced at the site plan stage-will mitigate runoff and limit added burdens to the public drainage system.

One-time revenues will be collected through **development-related fees**, including plan review, zoning compliance, and building permits. **Water and sewer system development charges and connection fees**-administered by the utility-are not General Fund revenues but do offset system capacity and extension costs, helping reduce the need for public capital expenditures.

Expenditure Considerations

Operating expenditures for public safety, code compliance, and general city services are expected to **scale minimally** with the proposed commercial reuse, as the Neighborhood Commercial District supports **low-intensity, neighborhood-serving uses** rather than high-traffic retail or industrial activity.

Service delivery efficiencies are enhanced by the site's **proximity to existing fire, police, and sanitation routes**, minimizing incremental operating costs.

Transportation impacts will be addressed through **standard access management practices**, including potential frontage improvements, turn lanes, or multimodal enhancements at the **driveway permitting and engineering review stages**. These improvements are typically **developer-funded** and coordinated with the City and, where applicable, **NCDOT**.

If any public infrastructure (such as sidewalks, curb/gutter, or drainage facilities) is dedicated to the City, the municipality would assume routine maintenance responsibilities thereafter. Stormwater-related costs would remain limited to **public conveyances** integrated into the existing system and any **downstream facilities** already maintained by the City.

Administrative and Capital Costs

The rezoning request does **not trigger any immediate City capital project**. Utility capacity, access easements, and off-site improvement requirements will be addressed through the **Technical Review Committee (TRC)** and **permitting processes** prior to development approval.

Administrative costs associated with the rezoning—such as mailed notifications to **151 property owners**, required newspaper advertisements, and staff review—are **minor and absorbed within existing departmental appropriations**.

Overall Fiscal Outlook

Taken together, the **fiscal profile of the proposed SF-10 to NC rezoning is neutral in the short term** (prior to any construction) and expected to become **modestly positive** once the adaptive reuse project is completed and occupied.

As the structure transitions from residential to commercial use, **property tax revenue, utility billing, and fee collections** will rise modestly while ongoing service costs remain low due to the site's infill location and existing infrastructure. The result is a **fiscally sustainable, low-impact land use change** that strengthens the local tax base, supports corridor reinvestment, and contributes to long-term financial resilience for the City.

Options:

1. Approval of the Request (Recommended Action)

Motion to approve the rezoning of the property from SF-10 (Single-Family Residential 10) to NC (Neighborhood Commercial), based on the evidence and information presented by staff and the applicant.

The City Council finds that the proposed map amendment is **consistent with the Future Land Use Plan** and advances the City's adopted goals for compatible, infrastructure-efficient growth, as detailed in the attached **Consistency and Reasonableness Statement**.

2. Approval to a More Restrictive Zoning District

Motion to approve the rezoning of the property to a more restrictive zoning classification than requested, based on the evidence and information presented.

The City Council finds that the revised zoning designation would remain **consistent with the Future Land Use Plan** and associated policy objectives, as reflected in an **amended Consistency and Reasonableness Statement**.

3. Denial of the Request

Motion to deny the rezoning of the property from SF-10 (Single-Family Residential 10) to NC (Neighborhood Commercial), based on the evidence and information presented.

The City Council finds that the requested map amendment is **inconsistent with the Future Land Use Plan** and does not adequately advance the City's adopted land use or strategic growth policies.

Recommended Action:

The **Professional Planning Staff** respectfully recommends that the **Zoning Commission** move to recommend **APPROVAL** of the proposed map amendment from **SF-10 (Single-Family Residential 10)** to **NC (Neighborhood Commercial)** based on the following findings:

- **Consistency with Adopted Plans:**

The proposed zoning map amendment is **consistent with the City’s Future Land Use Plan (FLUP)** and aligns with the guiding principles of the **Unified Development Ordinance (UDO)**. The request supports the City’s vision for **strategic, well-coordinated growth** by encouraging the adaptive reuse of existing structures and promoting small-scale, neighborhood-serving commercial activity within the urban service area.

- **Compatibility with Surrounding Development:**

The **Neighborhood Commercial (NC)** district allows for **low-intensity, context-sensitive commercial and office uses** that are compatible with the existing development pattern along Hope Mills Road. The request represents a **logical extension of nearby commercial zoning**, providing a smooth transition between residential neighborhoods and existing office or institutional uses, while maintaining the area’s overall character and scale.

- **Advancement of Public Interests:**

The proposed rezoning will not result in **adverse impacts to public health, safety, or general welfare**. The site is adequately served by existing public infrastructure, including **water, sewer, and transportation networks**, and redevelopment under the NC classification will be subject to all applicable **site design, buffering, and compatibility standards** outlined in the UDO. Collectively, these provisions ensure that any future use of the property will be **orderly, attractive, and sustainable**.

Attachments:

1. Plan Application
2. Aerial Notification Map
3. Zoning Map
4. Land Use Map
5. Subject Property
6. Surrounding Properties
7. Consistency and Reasonableness Statement

Project Overview #1877899

Project Title: 2002 Hope Mills Rd	Jurisdiction: City of Fayetteville
Application Type: 5.1) Rezoning (Map Amendment)	State: NC
Workflow: Staff Review	County: Cumberland

Project Location

Project Address or PIN: 2002 HOPE MILLS RD (0416122757000)	Zip Code: 28304
--	------------------------

Is it in Fayetteville? If you're not sure, click this link: [Cumberland County Tax Office GIS system](#)

GIS Verified Data

Project Address: 2002 HOPE MILLS RD

General Project Information

<p>Has the land been the subject of a map amendment application in the last five years?: No</p> <p>Previous Amendment Case #:</p> <p>Acreage to be Rezoned: .24</p> <p>Water Service: Public</p> <p>A) Please describe all existing uses of the land and existing structures on the site, if any: N/A</p>	<p>Previous Amendment Approval Date:</p> <p>Proposed Zoning District: COMMERCIAL USE</p> <p>Is this application related to an annexation?: No</p> <p>Sewer Service: Public</p> <p>B) Please describe the zoning district designation and existing uses of lands adjacent to and across the street from the subject site.: requesting for land to be zoned for commercial use. To the left of the property a hair salon is located as well as office use. Down the entire street business usage. To the right is residential.</p>
--	---

Amendment Justification - Answer all questions on this and all pages in this section (upload additional sheets as needed).

A) State the extent to which the proposed amendment is consistent with the comprehensive plan and all other applicable long-range planning documents.:
this will continue to provide business opportunities along Hope Mills Rd as most of Hope Mills Rd is being utilized in a commercial scale

B) Are there changed conditions that require an amendment? :
no

C) State the extent to which the proposed amendment addresses a demonstrated community need.:
provide a ethnic convenient store as there is none near

D) State the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land, and why it is the appropriate zoning district for the land.:

Majority of the area to the left and right are in commercial use

E) State the extent to which the proposed amendment results in a logical and orderly development pattern.:

Commercial usage aligns with the business development off on Hope Mills Rd

F) State the extent to which the proposed amendment might encourage premature development.:

with the commercial changes happening it would not be a premature development

G) State the extent to which the proposed amendment results in strip-style commercial development.:

It would align with the other business in the area as majority of the area is commercial

H) State the extent to which the proposed amendment results in the creation of an isolated zoning district unrelated to adjacent and surrounding zoning districts.:

The proposed amendment does not result in the creation of an isolated zoning district, as the adjacent lots to the left are already zoned for commercial use. Converting this residential lot to commercial use would create continuity with the surrounding zoning pattern and support a more cohesive land use along this section of the street.

I) State the extent to which the proposed amendment results in significant adverse impacts on the property values of surrounding lands.:

Property value would increase to the businesses nearby

J) State the extent to which the proposed amendment results in significantly adverse impacts on the natural environment.:

Currently no adverse impact will be made

Primary Contact Information

Project Owner

Isauro Ramirez

2002 Hope Mills Rd
Fayetteville, NC 28304
P:910-988-0025
ramirezisauro786@gmail.com

Indicate which of the following project contacts should be included on this project:

NC State Electrical Contractor #1 License Number:
NC State Electrical Contractor #2 License Number:
NC State Electrical Contractor #3 License Number:

NC State Mechanical Contractor's #1 License Number:
NC State Mechanical Contractor's #2 License Number:
NC State Mechanical Contractor #3 License Number:
NC State Plumbing Contractor #1 License Number:
NC State Plumbing Contractor #2 License Number:

Project Contact - Agent/Representative

Zelidee Hernandez

1642 Greenock Ave
Fayetteville, NC 28304
P:8325923850
zelideehernandezrealty@gmail.com

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$40,000. :

NC State General Contractor's License Number:



Aerial

Case #: P25-54

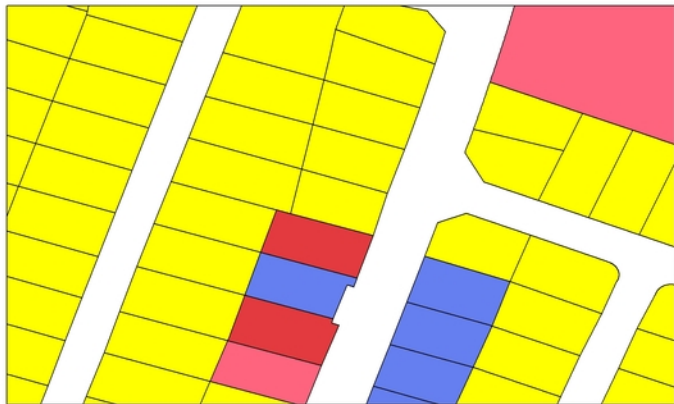
REQUEST: Rezoning SF-10 to NC

LOCATION: 2002 Hope Mills Rd

 1,000 Foot Notification Area



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



Zoning
Case #: P25-54



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

REQUEST: Rezoning SF-10 to NC

LOCATION: 2002 Hope Mills Rd





Future Land Use
Case #: P25-54

City Boundary
 CSR - COMMERCIAL STRIP REDEVELOPMENT
 LDR - LOW DENSITY
 OI - OFFICE / INSTITUTIONAL

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

REQUEST: Rezoning SF-10 to NC

LOCATION: 2002 Hope Mills Rd







Consistency and Reasonableness Statement

Map Amendments

Pursuant to N.C.G.S. §§160D-604 and -605, the Zoning Commission finds that the proposed zoning map amendment in case **P25-54** is consistent with the City of Fayetteville’s Future Land Use Map and Plan (Comprehensive Plan). The following analysis examines the proposed amendment relative to the goals and land-use policies and strategies of the Comprehensive Plan.

Consistency

1. GOALS

GOAL(S)	CONSISTENT	INCONSISTENT
<ul style="list-style-type: none"> • Goal 1: Focus value and investments around infrastructure and strategic nodes. <ul style="list-style-type: none"> ○ The site is serviced by public water/sewer. 	X	
<ul style="list-style-type: none"> • Goal 2: Promote compatible economic and commercial development in key identified areas. <ul style="list-style-type: none"> ○ LI/CZ zoning in an established corridor. • Goal 3: Encourage infill/redevelopment where services exist. <ul style="list-style-type: none"> ○ The eliminates split zoning into unified zoning. • Goal 4: Foster safe, stable, and attractive neighborhoods. <ul style="list-style-type: none"> ○ Neighborhood compatibility is addressed through required buffering/height transitions at permitting. • Goal 5: Preserve and enhance environmental features. <ul style="list-style-type: none"> ○ No sensitive features are identified; compliance will be ensured at the TRC/site plan. • Goal 6: Capitalize on major institutions through compatible land use 	X X X X X	

2. LAND USE POLICES AND STRATEGIES:

LAND USE POLICES AND STRATEGIES	CONSISTENT	INCONSISTENT
LU-1 (Strategic, infrastructure-served growth) – Directs growth to serviced nodes; discourages leapfrog extensions.	X	
LU-1.6 (Infrastructure concurrent with development) – Any needed extensions reviewed via standard processes.	X	
LU-2 (Targeted economic development in Employment/Industrial Areas)	X	

3. The proposed amendment is consistent with the Future Land Use Map as follows:

- **Text Consistency:** The proposal aligns with FLU goals/policies to focus employment uses in service corridor. **Consistent.**
- **Map Consistency:** The site lies within the **Employment Center (EC)**.

Reasonableness

The proposed zoning amendment is reasonable and in the public interest because it supports the policies of the Comprehensive Plan as stated above **and** the Strategic Plan (Goal II: diverse tax base) as stated in the Staff Report, and because:

- X The size, physical conditions, and other attributes of the proposed use(s) will benefit the surrounding community by curing a split-zoned, nonconforming condition on a small infill lot.
- X The amendment includes conditions that limit potential negative impacts on neighboring uses.
- X The proposed uses address the needs of the area and/or the City by enabling compliance and modest reinvestment in an existing commercial corridor.

The amendment is also in the public interest because it: [select all that apply]

- X Improves consistency with the long-range plan .
- X Improves the tax base (anticipated neutral-to-modestly positive near-term fiscal outlook)
- Preserves environmental and/or cultural resources.
- X Facilitates a desired kind of development (light-industrial/employment reinvestment in a serviced corridor).
- X Provides a needed **employment/industrial** area.

Additional comments, if any (write-in):

 October 14, 2025
Date

Chair Signature

Print



City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 26-0342

Agenda Date: 6/9/2026

Version: 1

Status: Agenda Ready

In Control: Zoning Commission

File Type: Public Hearing
(Public & Legislative)

Agenda Number: 5.02

TO: Zoning Commission

THRU: Jennifer C. Baptiste - Planning & Zoning Division Manager

FROM: Thomas Cohen - Planner I

DATE: June 9, 2026

RE:

P26-24 - A request by Rishi Shah of ResComm Real Estate LLC and Joe Godwin of Godwin Engineering representing Joo Lee of DJYL Properties LLC to rezone the ± 7.23 acres at 3100 Tallywood Drive (0427021446000) from Conditional Mixed Residential 5 (MR-5/CZ) to Mixed Residential 5 (MR-5).

COUNCIL DISTRICT(S):

5 - Lynne Greene

Relationship To Strategic Plan:

Goal I: Safe & Secure Community

- 1.2 - To ensure traffic and pedestrian safety

The subject property is currently unmanaged and vacant with debris and litter strown along the edges and within. On the opposite side is the fenced off rear of the shopping complex. Residential development would clean up the property, provide eyes on the street, and make drivers hesitant to speed through the area.

Goal II: Responsive city government supporting a diverse & viable economy

- 2.1 - To insure a diverse city tax base

Developed land generates more property tax revenue than undeveloped land. The land is residential, which means new residents who may work and shop within the city, thus generating additional streams of tax revenue.

Goal III: City investment in today & tomorrow

- 3.2 - To manage the City's future growth and strategic land use

Allowing for higher density residential adjacent to a shopping complex complete with a grocery store allows a larger number of residents to make important and necessary life trips within easy walking distance. This reduces reliance on automobile trips and lower

traffic along already burdened major arterials.

Goal IV: Desirable place to live, work, & recreate

- 4.5 - To ensure a place for people to live in great neighborhoods

Walkability is increasingly important in neighborhood choice as is managed land. The land currently is unmanaged and vacant which is aesthetically unpleasing and hosts potential unseen dangers.

Executive Summary:

Request

Rezone from Conditional Mixed Residential 5 (MR-5/CZ) to Mixed Residential 5 (MR-5) to remove all conditions from the subject property.

Zoning Commission Decision Point

The Zoning Commission must decide whether to

- Recommend approval of the request as proposed
- Recommend approval of the request, but to a different zoning district
- Recommend denial of the request

The Zoning Commission must adopt a set of written Consistency and Reasonableness Statements as part of the decision.

Key Findings

Future Land Use: While the request does not directly align with the existing designation it aligns with the intent of the Future Land Use Plan with precedent established by a previous case for the base MR-5 district and for redesignation to HDR to which the area context is in greater alignment.

Local Context: The request aligns with the local context which is a mixture of apartments, single-family homes, and shopping which includes a grocery store. MR-5 is already present yet the area is of low traffic and the potential future residents across a standard residential street from household needs; a setup that is quite walkable.

Background:

Owner: DJYL Properties LLC

Request: MR-5/CZ to MR-5

Parcel Identification Number (PIN): 0427021446000

Parcel Size: ± 7.23

Existing Site Conditions: Wooded and vacant

Adjacent Zoning:

- **North:** SF-10 - Single-family homes and a lake
- **South:** CC/LC - Publix and a shopping center
- **East:** SF-10/MR-5 - Single-family homes, vacant lots, and apartments
- **West:** SF-10 - Single-family homes

Utilities: Public sewer and water

Applicant Narrative (Summary): Existing conditions in place from previous developer are unsuitable for current developer intent of single-family homes.

Public Notice: Notification letters were sent to property owners within 1,000 feet of

the subject site equating to 147 notices sent.

Issues/Analysis:

Case P26-24 is a request to remove the conditions from 3100 Tallywood Drive by rezoning from Conditional Mixed Residential 5 (MR-5/CZ) to Mixed Residential 5 (MR-5). Pursuant to NCGS § 160D, a straight rezoning entitles the landowner to the full range of permitted uses constrained only by the Unified Development Ordinance and applicable licensures and jurisdictions.

Future Land Use Analysis

The Future Land Use Plan 2040 (FLUP) designations are central to policy analysis affixed by reasonableness to local contexts and service of the public good. According to the FLUP, the subject property is designated for Medium Density Residential (MDR); defined as “Primarily single-family residential neighborhoods with small lots (3-6 dwellings per acre). Duplex or townhomes interspersed; low-rise apartments possible. Mostly auto-oriented, but some walkable neighborhoods and destinations.”

The proposed zoning district of MR-5 is established and intended to meet diverse housing needs by accommodating for a wide variety of residential housing types and arrangements at moderate-to-high densities. These housing types range from single-family homes to six floor apartments, so density classification is defined on a per-build basis.

MR-5 is traditionally classified as High-Density Residential (HDR); defined as “Townhomes and apartments in 3-5 story buildings with some very small single-family lots possible. Typically, 5-16 dwellings per acre. Active, compact neighborhoods walkable to adjacent commercial.”

Hence, MR-5 is considered medium-to-high density; the range of potential uses spans the defining characteristics of both residential density designations.

Previous Rezoning Case

While the subject property is designated as MDR it has many characteristics that align with HDR and render it suitable to be zoned into MR-5. This was seen when the previous zoning case P21-17 where the property was rezoned from SF-10 to MR-5/CZ to allow creation of a 56-unit senior living facility. Arguably, the conditions brought the potential intensity back to MDR standards, but ultimately the base district of MR-5 stands lending precedent to MR-5 as the district and if the Future Land Use Plan were adjusted accordingly it would possibly redesignate the parcel as HDR .

Local Context

The neighborhood is a mixture of residential types, commercial uses, and recreative areas with many vacant and wooded lots scattered throughout. The area has the common setup of Raeford Road which is commercial fronting the major arterial and a residential spectrum behind.

The subject property itself is a large vacant and wooded parcel adjacent to a large pond fed by Branson Creek. It is across Tallywood Drive from a Publix that is part of a

small shopping center adjacent to a set of two-to-three floor apartments. Tallywood Drive is an unmarked two-lane road that dead ends at this apartment complex on the western side. The subject property has two potential access points for future development: Tallywood Drive itself and Cowles Street which acts as a residential slip street between Tallywood Drive and Fairfield Road; Fairfield which connects directly to Raeford Road.

Sidewalks do exist in this area and are a common method of travel by locals to the nearby shopping center as the lanes are not wide, traffic is low, and most traffic is to the shopping center and not the residential area.

Conclusion

While the property does not directly align with the Future Land Use Designation of MDR the argument stands that with the previous rezoning the designation should be considered as HDR to which an unconditioned MR-5 does align and the area is more suited towards that designation because it's transitional between commercial and lower density residential while being incredibly walkable to a commercial area capable of handling an influx of new residents.

In relation to local context, unconditioned MR-5 already exists as do apartments. Thus, the potential for more is already precedented. With the addition of already limited traffic during the noontime rush along Raeford Road the highest intensity potential does not represent an increase in traffic that would be disastrous to the area.

Thus, the request serves to enable efficient property and resource utilization; adding to the tax base new residential property and bringing new customers to adjacent stores without the usual parking and traffic burden.

Budget Impact:

Immediate (Legislative): No additional costs, collection of a \$1000 application fee

Longterm (Construction): Onsite improvements are funded by the developer. City Council evaluates any potential public capital projects via budget adoption and capital investment processes.

Options:

- **Approval (Recommended Action):**

Recommend approval of the zoning map amendment as requested - finding that the request is consistent with the Future Land Use Plan and reasonable to local context as outlined by the Consistency and Reasonableness Statements.

- **Approval, but to a more restrictive district:**

Recommend approval of the zoning map amendment from MR-5 to one that is more restrictive, but consistent with the Future Land Use Plan and Reasonable to the local contexts with amended Consistency and Reasonableness Statements.

- **Denial:**

Recommend denial of the proposed map amendment - find that the request is inconsistent with the Future Land Use Plan and unreasonable to the local context.

- **Table the Case:**

The Zoning Commission may offer to table the case to allow the applicant to reapply for Conditional Rezoning to address consistency and reasonableness concerns.

Recommended Action:

The Planning Staff recommends that the Zoning Commission recommend that the City Council **APPROVE** the request of rezoning the approximately 7.23 acres at 3100 Tallywood Drive from MR-5/CZ to MR-5.

Attachments:

1. Application
2. Aerial Notification Map
3. Current Zoning Map
4. Future Land Use Map
5. Site Pictures (Subject Site)
6. Site Pictures (Surrounding Properties)
7. Consistency and Reasonableness Statements

Project Overview #2155412

Project Title: 3100 Tallywood Dr	Jurisdiction: City of Fayetteville
Application Type: 5.1) Rezoning (Map Amendment)	State: NC
Workflow: Staff Review	County: Cumberland

Project Location

Project Address or PIN: 3100 TALLYWOOD DR (0427021446000)	Zip Code: 28303
---	------------------------

Please see checklist for instructions for multiple buildings on a single parcel submittals

Is it in Fayetteville? A Fayetteville mailing address does not mean it is in the jurisdictional boundaries of the city. If you're not sure, click this link: [Cumberland County Tax Office GIS system](#)

E911 Addressing confirmation, please ensure that new developments have an address assigned by Cumberland County E911 before submitting. There may be delays and penalties for not doing so.

GIS Verified Data

Project Address: 3100 TALLYWOOD DR

General Project Information

Has the land been the subject of a map amendment application in the last five years?: No

Previous Amendment Case #:

Acreage to be Rezoned: 7.23

Water Service: Public

A) Please describe all existing uses of the land and existing structures on the site, if any:

Site is wooded and vacant. There is an unusable structure in the middle of the land the owner plans to demolish.

Previous Amendment Approval Date:

Proposed Zoning District: MR5

Is this application related to an annexation?: No

Sewer Service: Public

B) Please describe the zoning district designation and existing uses of lands adjacent to and across the street from the subject site.:

Current zoning designation of the subject property is MR5CZ with the conditional zoning to allow a 76,140 SF 56 apartment unit for the aging and elderly. The existing uses of lands adjacent to and across the street from the subject site are both commercial and residential. There is a Publix Shopping Center across the street, apartments adjacent, and residential adjacent.

Amendment Justification - Answer all questions on this and all pages in this section (upload additional sheets as needed).

A) State the extent to which the proposed amendment is consistent with the comprehensive plan and all other applicable long-range planning documents.:

The proposed amendment keeps the same base zoning that is consistent with the comprehensive plan for residential in this area.

B) Are there changed conditions that require an amendment? :

We want to drop the conditional zoning as the developer who applied for it will not be able to complete the project.

C) State the extent to which the proposed amendment addresses a demonstrated community need.:

There is a need for additional housing in this area with the expansion of Fayetteville's population and the local development including the new medical school and overall expansion of Cape Fear Valley Hospital.

D) State the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land, and why it is the appropriate zoning district for the land.:

It is compatible with the surrounding MR5 and SF10 zonings and the commercial zoning across the street. This is only a request to remove the conditional zoning amendment.

E) State the extent to which the proposed amendment results in a logical and orderly development pattern.:

The current conditions on the zoning is not conducive to the residential demand in the area. We would like to support the need for residential development in the area.

F) State the extent to which the proposed amendment might encourage premature development.:

The surrounding area is already developed residential and commercial. This is in line with the existing surrounding development.

G) State the extent to which the proposed amendment results in strip-style commercial development.:

It does not.

H) State the extent to which the proposed amendment results in the creation of an isolated zoning district unrelated to adjacent and surrounding zoning districts.:

It does not.

I) State the extent to which the proposed amendment results in significant adverse impacts on the property values of surrounding lands.:

The proposed amendment does not have adverse impact on the property values of surrounding lands.

J) State the extent to which the proposed amendment results in significantly adverse impacts on the natural environment.:

The proposed amendment does not result in significantly adverse impacts on the natural environment.

Primary Contact Information

Project Owner

Joo Lee
DJYL Properties LLC
2911 Bragg Blvd
Fayetteville, NC 28303
P:9103642795
lejobi11888@gmail.com

Project Contact - Agent/Representative

Joe Godwin
Godwin Engineering
1403 NC 50 S
Benson, NC 27504
P:9192750644
joe@godwinengineering.com

Indicate which of the following project contacts should be included on this project: Developer,Engineer,Other

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$40,000. :

Project Contact - Developer

Joo Lee
DJYL Properties LLC
2911 Bragg Blvd
Fayetteville, NC 28303
P:9103642795
lejobi11888@gmail.com

NC State Electrical Contractor #1 License Number:

NC State Electrical Contractor #2 License Number:

NC State Electrical Contractor #3 License Number:

Project Contact - Engineer

Joe Godwin

Godwin Engineering

1403 NC 50 S

Benson, NC 27504

P:9192750644

joe@godwinengineering.com

NC State General Contractor's License Number:

NC State Mechanical Contractor's #1 License Number:

NC State Mechanical Contractor's #2 License Number:

NC State Mechanical Contractor #3 License Number:

NC State Plumbing Contractor #1 License Number:

NC State Plumbing Contractor #2 License Number:

Other

Rishi Shah

ResComm Real Estate LLC

2112 Skibo Rd

Fayetteville, NC 28314

P:9109771596

rishisrealestate@gmail.com



Aerial Notification Map

Case #: F26-24

Request: MR-5/CZ to MR-5
Location: 3100 Tollywood Drive
(0427021446000)

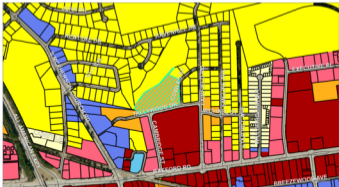
— Streets

 F26-24

 F26-24 Buffer

Letters are being sent to all property owners within the 100' buffer. Subject Property is shown in the hatched pattern.





Zoning Map
Case #: F26-24

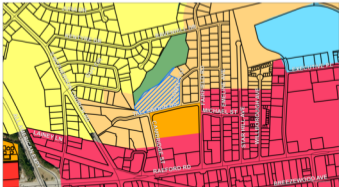
Request: MR-5/CZ to MR-5
Location: 3100 Tollywood Drive
(0427021446000)



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



90



Future Land Use Map
Case #: F26-24

Request: MR-5/CZ to MR-5
Location: 3100 Tollywood Drive
(0427021446000)

 PARKS / PARK / OPEN SPACE	 HC - HIGHWAY COMMERCIAL
 LR - LOW DENSITY	 OI - OFFICE / INSTITUTIONAL
 MR - MEDIUM DENSITY	 SHAL
 HR - HIGH DENSITY RESIDENTIAL	 F26-24
 CC - COMMUNITY CENTER	

Letters are being sent to all property owners within the 100' buffer. Subject Property is shown in the hatched pattern.





Surrounding Properties



Consistency and Reasonableness Statement

Map Amendments

Pursuant to N.C.G.S. § 160D-604 and § 160D-605, the Zoning Commission determines that the proposed zoning map amendment in case P26-24 is consistent with the City of Fayetteville’s Future Land Use Map as well as the Comprehensive Plan and Strategic Plan.

The following analysis reviews the proposed amendment in relation to the goals and policies of the Future Land Use Map, Comprehensive Plan, and Strategic Plan following the Commission’s established review format.

Consistency

1. STRATEGOC PLAN GOALS

GOAL(S)	CONSISTENT	INCONSISTENT
<p>Goal I: Safe & Secure Community (Objective 1.2)</p> <ul style="list-style-type: none"> The subject property is currently unmanaged and vacant with debris and litter strown along the edges and within. On the opposite side is the fenced off rear of the shopping complex. Residential development would clean up the property, provide eyes on the street, and make drivers hesitant to speed through the area. 	X	
<p>Goal II: Responsive City Government Supporting a Diverse & Viable Economy (Objectives 2.1)</p> <ul style="list-style-type: none"> Developed land generates more property tax revenue than undeveloped land. The land is residential, which means new residents who may work and shop within the city, thus generating additional streams of tax revenue. 	X	
<p>Goal III: City Investment in Today & Tomorrow (Objective 3.2)</p> <ul style="list-style-type: none"> Allowing for higher density residential adjacent to a shopping complex complete with a grocery store allows a larger number of residents to make important and necessary life trips within easy walking distance. This reduces reliance on automobile trips and lower traffic along already burdened major arterials. 	X	
<p>Goal IV: Desirable Place to Live, Work, & Recreate (Objectives 4.2 & 4.5)</p> <ul style="list-style-type: none"> Walkability is increasingly important in neighborhood choice as is managed land. The land currently is unmanaged and vacant which is aesthetically unpleasing and hosts potential unseen dangers. 	X	

2. FUTURE-LAND USE POLICES AND STRATEGIES:

LAND USE POLICIES AND STRATEGIES	CONSISTENT	INCONSISTENT
<p>LU-1: Encourage growth in areas well-served by infrastructure and urban services (Objectives 1.2, 1.6, and 1.7)</p> <ul style="list-style-type: none"> The area is along Raeford Road and is suitable to further residential development as it's already served by infrastructure and is infill development. 	X	
<p>LU-3: Encourage redevelopment along underutilized strip corridors and reinvestment in distressed residential neighborhoods (Objective 3.1).</p> <ul style="list-style-type: none"> The parcel is a large area of unmanaged and vacant land surrounded by both residential and commercial properties. 	X	
<p>LU-4: Create well-designed and walkable commercial and mixed-use districts (Objectives 4.1 and 4.2)</p> <ul style="list-style-type: none"> The parcel is adjacent to walkable leisure shopping as well as household necessities via a grocery store and mental health services. The area is a mixture of commercial and residential properties. 	X	
<p>LU-6: Encourage Development Standards that result in quality neighborhoods (Objectives 6.1 & 6.2)</p> <ul style="list-style-type: none"> The development of an unmanaged nuisance lot to residential will be an excellent source of quality housing within walking distance of amenities. 	X	

3. The proposed amendment is consistent with the Future Land Use Map as follows:

X	The requested map amendment is consistent or aligns with the area's designation on the FLUM	OR	The requested map amendment is NOT consistent or DOES NOT align with the area's designation on the FLUM
X	As requested, the proposed designation would permit uses complementary to those existing on adjacent tracts.	OR	As requested, the proposed designation would permit uses incongruous to those existing on adjacent tracts.

Reasonableness

The proposed zoning map amendment of MR-5/CZ to MR-5 is both reasonable and in the interest of the public. It supports the policies of the Comprehensive and Strategic Plans because: [select all that apply]

- The size, features, and other conditions of the site support modest infill pattern that is compatible with existing nearby residential and commercial activity and available utilities
- The amendment includes conditions that limit potential negative impacts on neighboring uses.
- The proposed use addresses the needs of the area by enabling nuisance parcels to be repurposed.
- The proposal promotes orderly development by aligning with surrounding land uses.

The amendment is also in the public interest because it: [select all that apply]

- Improves net total consistency with the Future Land Use Map and Comprehensive Plan.
- Improves the net total tax base.
- Preserves environmental and/or cultural resources.
- Facilitates desired development such as infill and/or in an infrastructure-served area.
- Provides needed housing/commercial area.

Additional comments: None

June 9, 2026
Date

Vice Chair Signature

Print



City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 26-0343

Agenda Date: 6/9/2026

Version: 1

Status: Agenda Ready

In Control: Zoning Commission

File Type: Public Hearing
(Public & Legislative)

Agenda Number: 5.03

TO: Zoning Commission

THRU: Jennifer C. Baptiste - Planning & Zoning Division Manager

FROM: Thomas Cohen - Planner I

DATE: June 9, 2026

RE:

P26-25 - A request by Naphasorn Reyes of BLC Group Home to rezone the ± 0.46 acres at 8424 King Road (9484886353000) from Agricultural-Residential (AR) to Single Family 15 (SF-15).

COUNCIL DISTRICT(S):

6 - Mayor Pro Tem Derrick Thompson

Relationship To Strategic Plan:

Goal II: Responsive city government supporting a diverse & viable economy

- 2.3 - To leverage partnerships for job creation and retention, with a focus on the local and regional workforce to increase per capita income.

In Level III Group Homes staff must be licensed and always present. This means that well paid and local professionals who specialize in such work will be employed and contribute to the local economy.

Goal III: City investment in today & tomorrow

- 3.2 - To manage the City's future growth and strategic land use.

Locating suitable placement for a Level III Group Home is difficult and conversion of an existing home with appropriate space while keeping the property residentially zoned will save on land used and make reconversion back to standard residential use seamless.

Goal IV: Desirable place to live, work & recreate

- 4.2 - To enhance diverse recreation, leisure, and cultural opportunities.
- 4.6 - To reduce poverty and homelessness.

A Level III Group Home provides a stable and supportive environment for minors who need individualized care, support, and development that will prepare them better for

adult life. This can provide previously unavailable enrichment opportunities and help prevent future homelessness.

Goal VI: Collaborative citizen & business engagement base

- 6.1 - To ensure collaborative relationships with the business community, local governments, military, and stakeholders.

A group home requires licensure from the NC Department of Health Service Regulation (DHSR), program accreditation, and a Letter of Support from a local management entity to operate. It will also require inspections from local government to ensure compliance and a suitable environment.

Executive Summary:

Request

Rezone from Agricultural-Residential (AR) to Single Family 15 (SF-15)

Zoning Commission Decision Point

The Zoning Commission must decide whether to

- Recommend approval of the request as proposed
- Recommend approval of the request, but to a different zoning district
- Recommend denial of the request

The Zoning Commission must adopt a set of written Consistency and Reasonableness Statements as part of the decision.

Key Findings

Future Land Use: The Future Land Use Designation is for Low Density Residential (LDR) a designation that is quintessential to the requested zoning district.

Local Context: The local context aligns with the requested zoning district as the area is almost exclusively Agricultural-Residential (AR) or Single Family 15 (SF-15) with properties being almost exclusively single-family homes; many have large lots relative to housing size.

Planning Staff Recommendation

The Planning Staff recommends that the Zoning Commission recommend to City Council **APPROVAL** of the request AR to SF-15 based on the consistency with the Future Land Use Plan and the reasonableness to local contexts.

Background:

Owner: Kyledevin Reyes

Request: AR to SF-15

Parcel Identification Number (PIN): 9484886353000

Parcel Size: ± 0.46

Existing Site Conditions: Single family home and shed

Adjacent Zoning:

- North: AR - Single family homes with accessory structures
- South: RR (County) - Single family homes
- East: SF-15 - Single family homes
- West: AR - Single family homes

Utilities: Access to public sewer, water, and electricity

Applicant Narrative (Summary): Seeking rezoning to use existing single-family home for a Level 3 Group Home, Small.

Public Notice: Notification letters were sent to property owners within 1,000 feet of the subject site equating to 96 notices sent.

Issues/Analysis:

Case P26-25 is a request to rezone the parcel located at 8424 King Road from Agricultural-Residential (AR) to Single Family 15 (SF-15). Pursuant to NCGS § 160D, a straight rezoning entitles the landowner to the full range of permitted uses constrained only by the Unified Development Ordinance and applicable licensures and jurisdictions.

Land Use Analysis

The Future Land Use Plan 2040 (FLUP) designations are central to policy analysis affixed by reasonableness to local contexts and service of the public good. According to the FLUP, the subject property is designated for Low Density Residential (LDR); defined as “Mainly single family residential with some accessory dwellings; occasionally with duplexes (if isolated) or townhomes. Lots typically 1-4 dwellings per acre. Suburban, auto-oriented character with utility services.”

The proposed zoning district of SF-15 is the quintessential LDR zoning district as it’s meant to accommodate single family detached and two-to-four family homes with a minimum lot area of 15,000 square feet or a third of an acre. This is the lowest density residential district within Residential Base Zoning Districts (Section 30-3.D).

The current zoning district is a Special Base Zoning District (Section 30-3.C) which also fits within the LDR designation. The purpose of the AR District is to accommodate rural uses, including agricultural or that which is supportive, and very low-density residential to allow residential development while preserving farmland or open space. There is no two-to-four family permitted use and lot area minimum of 20,000 square feet.

Thus, both the proposed and existing zoning district are considered suitable for the Future Land Use Designation of Low Density Residential as the primary distinction between these districts is lot area minimum and permitted uses.

Local Context

The neighborhood resides on the border between the City of Fayetteville and Cumberland County while being half a mile east of Hoke County. King Road runs parallel to this border until it converts to Swift Creek in Hoke or Lakewood Drive within the city to head north. It also overpasses I-295 N which is under a quarter mile from the subject property.

The neighborhood is almost exclusively residential and mostly made of Rural Residential (RR) on the county side of the border and AR and SF-15 on the city side. RR is the county’s equivalent to the AR zoning district but allows for uses otherwise not permitted in AR such as manufactured homes.

The neighborhood character is that of low density residential with a focus on single-family homes on large lots on the periphery of the city.

The property itself is a single floor, single-family home, with a shed in the backyard. Were it not for the double entry driveway and sideways configuration it would be identical in make, style, and size to the rest of the neighborhood. The block that the property resides on is a mix of AR and SF-15 with two abutting properties being SF-15.

Thus, the proposed zoning district of SF-15 directly matches the neighborhood character as it's well established within the neighborhood with approximately 60 houses currently zoned as SF-15 within a quarter mile radius.

Conclusion

The request aligns directly with the Future Land Use Plan and fits well within the local area context. While the applicant seeks the rezoning for the purposes of a Level III Group Home the request is a straight rezoning and as stated within the first paragraph of this analysis the applicant will be entitled to the full range of permitted uses with only justifiable avenues of constraint. While a Level III Group Home and the use case "Group Home, Small" are both in alignment with the Future Land Use Plan and reasonable to the local context consideration for the application must be focused on the array of potential uses and not legally unbound claims of use as dictated by state law within NCGS 160D.

Budget Impact:

Immediate (Legislative): No additional costs, collection of a \$1000 application fee

Longterm (Construction): Onsite improvements are funded by the developer. City Council evaluates any potential public capital projects via budget adoption and capital investment processes.

Options:

- **Approval (Recommended Action):**

Recommend approval of the zoning map amendment as requested - finding that the request is consistent with the Future Land Use Plan and reasonable to local context as outlined by the Consistency and Reasonableness Statements.

- **Approval, but to a more restrictive district:**

Recommend approval of the zoning map amendment from SF-15 to one that is more restrictive, but consistent with the Future Land Use Plan and Reasonable to the local contexts with amended Consistency and Reasonableness Statements.

- **Denial:**

Deny of the proposed map amendment - find that the request is inconsistent with the Future Land Use Plan and unreasonable to the local context.

- **Table the Case:**

The Zoning Commission may offer to table the case to allow the applicant to reapply for Conditional Rezoning to address consistency and reasonableness concerns.

Recommended Action:

The Professional Planning Staff recommends that the Zoning Commission

recommend to City Council that the request be **APPROVED** as presented - from Agricultural-Residential (AR) to Single Family 15 (SF-15) for the approximately 0.46 acres located at 8424 King Road.

Attachments:

1. Application
2. Aerial Notification Map
3. Current Zoning Map
4. Future Land Use Map
5. Site Pictures (Subject Site)
6. Site Pictures (Surrounding Properties)
7. Consistency and Reasonableness Statements

Project Overview #2146687

Project Title: 8424 King road	Jurisdiction: City of Fayetteville
Application Type: 5.1) Rezoning (Map Amendment)	State: NC
Workflow: Staff Review	County: Cumberland

Project Location

Project Address or PIN: 8424 KING RD (9484886353000) **Zip Code:** 28306

Please see checklist for instructions for multiple buildings on a single parcel submittals

Is it in Fayetteville? A Fayetteville mailing address does not mean it is in the jurisdictional boundaries of the city. If you're not sure, click this link: [Cumberland County Tax Office GIS system](#)

E911 Addressing confirmation, please ensure that new developments have an address assigned by Cumberland County E911 before submitting. There may be delays and penalties for not doing so.

GIS Verified Data

Project Address: 8424 KING RD

General Project Information

Has the land been the subject of a map amendment application in the last five years?: No

Previous Amendment Case #:

Acreage to be Rezoned: 0.46

Water Service: Public

A) Please describe all existing uses of the land and existing structures on the site, if any:

Family home , shed

Previous Amendment Approval Date:

Proposed Zoning District: SF15

Is this application related to an annexation?: No

Sewer Service: Public

B) Please describe the zoning district designation and existing uses of lands adjacent to and across the street from the subject site.:

North to the west it zone for AR then to east zone for SF 10.
To the south is RR

Amendment Justification - Answer all questions on this and all pages in this section (upload additional sheets as needed).

A) State the extent to which the proposed amendment is consistent with the comprehensive plan and all other applicable long-range planning documents.:

Looking at a Low density resi

B) Are there changed conditions that require an amendment? :

Yes , it need for the group home

C) State the extent to which the proposed amendment addresses a demonstrated community need.:

The proposed amendment addresses a significant community need for additional Level 3 group home placements for minors with behavioral, emotional, and mental health needs. Many families, care coordinators, and agencies experience

difficulty locating safe, structured, and therapeutic placements for youth who require a higher level of supervision and support.

The Level 3 group home will provide a stable and supportive environment for minors ages 517 who need individualized care, behavioral support, life skills development, and consistent supervision. The program will help reduce placement disruptions, support family involvement when appropriate, and provide youth with access to community resources, education, and therapeutic services.

D) State the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land, and why it is the appropriate zoning district for the land.:

The proposed use is appropriate for the zoning district because it supports community-based residential services and promotes the health, safety, and welfare of youth in need of supportive housing and behavioral services. The operation of the group home will have minimal impact on surrounding properties, traffic, and public services, while contributing a needed community resource within the area.

In addition, the property is suitable for this use due to its access to schools, healthcare providers, community resources, and transportation, which are important for meeting the needs of minors placed in care. The amendment will allow the property to be used in a manner that benefits both the residents of the home and the greater community.

E) State the extent to which the proposed amendment results in a logical and orderly development pattern.:

Resident prop

F) State the extent to which the proposed amendment might encourage premature development.:

It won

G) State the extent to which the proposed amendment results in strip-style commercial development.:

It wont , an adjacent property it SF10

H) State the extent to which the proposed amendment results in the creation of an isolated zoning district unrelated to adjacent and surrounding zoning districts.:

It wont, an adjacent property SF10

I) State the extent to which the proposed amendment results in significant adverse impacts on the property values of surrounding lands.:

It wo

J) State the extent to which the proposed amendment results in significantly adverse impacts on the natural environment.:

It won

Primary Contact Information

Project Owner

Naphasorn Reyes
BLC Group Home
3501 Castlefield Lane
Fayetteville, NC 28306
P:641-426-3956
KAL_management@outlook.com

Indicate which of the following project contacts should be included on this project:

NC State Electrical Contractor #1 License Number:

NC State Electrical Contractor #2 License Number:

NC State Electrical Contractor #3 License Number:

Project Contact - Agent/Representative

Naphasorn Reyes
BLC Group Home
3501 Castlefield Lane
Fayetteville, NC 28306
P:641-426-3956
KAL_management@outlook.com

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$40,000. :

NC State General Contractor's License Number:

NC State Mechanical Contractor's #1 License Number:

NC State Mechanical Contractor's #2 License Number:

NC State Mechanical Contractor #3 License Number:

NC State Plumbing Contractor #1 License Number:

NC State Plumbing Contractor #2 License Number:



Aerial Notification Map

Case #: P26-25

Request: AR to SF-15
Location: 8424 King Road
(9484886353000)



Letters are being sent to all property owners within the 100' buffer. Subject Property is shown in the hatched pattern.



105



Zoning Map
Case #: F26-25

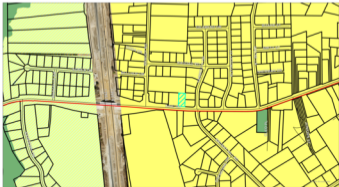
Request: AR to SF-15
Location: 8424 King Road
(9484886353000)



Letters are being sent to all property owners within the 100' buffer. Subject Property is shown in the hatched pattern.



106



Zoning Map

Case #: F26-25

Request: AR to SF-15
 Location: 8424 King Road
 (9484886353000)



City Boundary



PARKS - PARK / OPEN SPACE



OSS - OPEN SPACE SUBDIVISIONS



LDR - LOW DENSITY



Streets



F26-25

Letters are being sent to all property owners within the 100' buffer. Subject Property is shown in the hatched pattern.



107



Surrounding Properties

Across

Across



Consistency and Reasonableness Statement

Map Amendments

Pursuant to N.C.G.S. § 160D-604 and § 160D-605, the Zoning Commission determines that the proposed zoning map amendment in case P26-25 is consistent with the City of Fayetteville’s Future Land Use Map as well as the Comprehensive Plan and Strategic Plan.

The following analysis reviews the proposed amendment in relation to the goals and policies of the Future Land Use Map, Comprehensive Plan, and Strategic Plan following the Commission’s established review format.

Consistency

1. STRATEGOC PLAN GOALS

GOAL(S)	CONSISTENT	INCONSISTENT
<p>Goal II: Responsive City Government Supporting a Diverse & Viable Economy (Objectives 2.3)</p> <ul style="list-style-type: none"> In Level III Group Homes staff must be licensed and always present. This means that well paid and local professionals who specialize in such work will be employed and contribute to the local economy. 	<p>X</p>	
<p>Goal III: City Investment in Today & Tomorrow (Objective 3.2)</p> <ul style="list-style-type: none"> Locating suitable placement for a Level III Group Home is difficult and conversion of an existing home with appropriate space while keeping the property residentially zoned will save on land used and make reconversion back to standard residential use seamless. 	<p>X</p>	
<p>Goal IV: Desirable Place to Live, Work, & Recreate (Objectives 4.2 & 4.6)</p> <ul style="list-style-type: none"> A Level III Group Home provides a stable and supportive environment for minors who need individualized care, support, and development that will prepare them better for adult life. This can provide previously unavailable enrichment opportunities and help prevent future homelessness. <p>Goal VI: Collaborative citizen & business engagement base (Objective 6.1)</p> <ul style="list-style-type: none"> A group home requires licensure from the NC Department of Health Service Regulation (DHSR), program accreditation, and a Letter of Support from a local management entity to operate. It will also require inspections from local government to ensure compliance and a suitable environment. 	<p>X</p>	

2. FUTURE-LAND USE POLICES AND STRATEGIES:

LAND USE POLICES AND STRATEGIES	CONSISTENT	INCONSISTENT
<p>LU-3: Encourage redevelopment along underutilized strip corridors and reinvestment in distressed residential neighborhoods (Objective 3.2).</p> <ul style="list-style-type: none"> • Rezoning from AR to SF-15 will enable an array of different housing options including duplexes and Group Homes (Small). 	X	
<p>LU-4: Create well-designed and walkable commercial and mixed-use districts (Objectives 4.2)</p> <ul style="list-style-type: none"> • Group Homes and Therapeutic Homes are recommended to be within a quiet and residential context for the health, safety, and development of residents within the home. The area is a quiet residential area on the edge of the city. 	X	
<p>LU-6: Encourage Development Standards that result in quality neighborhoods (Objectives 6.1 & 6.2)</p> <ul style="list-style-type: none"> • The request keeps the property within a residential zone and context while providing access to quality temporary housing and services to needful youth whom are non-violent and non-threatening. 	X	
<p>LU-7: Encourage a mix of housing types for all ages and incomes (Objectives 7.1, 7.3, and 7.4)</p> <ul style="list-style-type: none"> • The request enables a variety of housing types to be developed outside of the Group Home context. Level III Group Homes focus on children and adolescents and are subject to both state and city level requirements that require proper upkeep and maintenance of the property. 	X	

3. The proposed amendment is consistent with the Future Land Use Map as follows:

X	The requested map amendment is consistent or aligns with the area's designation on the FLUM	OR	The requested map amendment is NOT consistent or DOES NOT align with the area's designation on the FLUM
X	As requested, the proposed designation would permit uses complementary to those existing on adjacent tracts.	OR	As requested, the proposed designation would permit uses incongruous to those existing on adjacent tracts.

Reasonableness

The proposed zoning map amendment of AR to SF-15 is both reasonable and in the interest of the public. It supports the policies of the Comprehensive and Strategic Plans because: [select all that apply]

 X The size, features, and other conditions of the site support the request and potential use cases.

 The amendment includes conditions that limit potential negative impacts on neighboring uses.

 X The proposed use addresses the needs of the area by enabling child and adolescent care services.

 X The proposal promotes orderly development by aligning with surrounding land uses.

The amendment is also in the public interest because it: [select all that apply]

 X Improves net total consistency with the Future Land Use Map and Comprehensive Plan.

 X Improves the net health and safety of the community.

 X Preserves environmental and/or cultural resources.

 X Facilitates desired development such as infill and/or in an infrastructure-served area.

 X Provides needed housing/commercial area.

Additional comments:

 June 9, 2026
Date

Vice Chair Signature

Print