

City of Fayetteville

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

Meeting Agenda - Draft City Council Regular Meeting

Monday, December 14, 2020

7:00 PM

Council Chamber

1.0 CALL TO ORDER

2.0 INVOCATION

3.0 PLEDGE OF ALLEGIANCE

4.0 ANNOUNCEMENTS AND RECOGNITIONS

5.0 APPROVAL OF AGENDA

6.0 CONSENT AGENDA

6.01 Approval of Meeting Minutes:
November 23, 2020 - Discussion of Agenda Items
November 23, 2020 - Regular
December 1, 2020 - Special
December 2, 2020 - Special
December 3, 2020 - Special
December 7, 2020 - Work Session

6.02 P20-34F. A Conditional Zoning request from Heavy Industrial (HI) to Heavy Industrial/Conditional Zoning (HI/CZ), located at 245 Poe St., (Tax Map #'s 0437-40-0221) totaling 2 acres ± and being the property of Ronald Green, represented by Lonnie Player.

6.03 P20-42F. An Initial Zoning request from Cumberland County Agricultural (A1) to Community Commercial (CC), located on Judson Church Road, near its intersection with Cedar Creek Road, (Tax Map #s 0455-48-7292) totaling 0.49 acres ± and being the property of Nick Patel, Naman Hotels.

6.04 P20-44F. A Conditional Zoning request from Agricultural-Residential (AR) to Single-Family Residential 15/Conditional Zoning (SF-15/CZ) for the purposes of operating a Child Care Center, located at 8926 Cliffdale Road, (Tax Map # 9487-02-5349) containing 0.51 acres ± and being the property of Eva Gatlin, represented by Deborah Evans.

- 6.05** P20-45F. A Rezoning request from Heavy Industrial (HI) to Community Commercial (CC), located on Judson Church Road, near its intersection with Cedar Creek Road, (Tax Map # 0455-58-0008) totaling 2.89 acres ± and being the property of Nick Patel, Naman Hotels.
- 6.06** P20-46F. A Rezoning request from Neighborhood Commercial Conditional Zoning (NC/CZ) to Limited Commercial (LC), located at 1501 Pamalee Drive, (Tax Map # 0428-27-0276) totaling 0.65 acres ± and being the property of Rhudys Inc. represented by Chris Phillips.
- 6.07** Adoption of Budget Ordinance Amendment 2021-5 (Stormwater Management Fund) to Provide Funding for Legal and Consulting Services
- 6.08** Adoption of Budget Ordinance Amendment 2021-6 for the General Fund
- 6.09** Addition of Certain Streets to the City of Fayetteville System
- 6.010** Request for Legal Representation of City Employee
- 6.011** Council Approval to Waive Landing Fees for Signatory Airlines for Six Months

7.0 PUBLIC FORUM

8.0 PUBLIC HEARINGS

For certain issues, the Fayetteville City Council may sit as a quasi-judicial body that has powers resembling those of a court of law or judge. The Council will hold hearings, investigate facts, weigh evidence and draw conclusions which serve as a basis for its decisions. All persons wishing to appear before the Council should be prepared to give sworn testimony on relevant facts.

- 8.01** P20-41F. A Special Use Permit request to operate a Child Care Center at 1208 Cedar Creek Road (Tax Map # 0446-63-9772), zoned as Single-Family 6 (SF-6), being 3.03 acres ± and being the property of Len-Care Rest Home, Inc., represented by Evelyn Clark.
- 8.02** AX20-003: An Annexation located on Judson Church Road, near its intersection with Cedar Creek Road, (Tax Map # 0455-48-7292) totaling 2.89 acres ± and being the property of Nick Patel, Naman Hotels.; related to P20-42F: Initial Zoning

9.0 OTHER ITEMS OF BUSINESS

- 9.01** External Committee follow-up: survey consultant, ETC Institute, reviews its survey proposal and sample size questions

10.0 ADJOURNMENT

POLICY REGARDING PUBLIC HEARING AGENDA ITEMS

Citizens wishing to provide testimony in response to a notice of public hearing or to participate in the public forum can obtain instructions to submit a statement by emailing cityclerk@ci.fay.nc.us or by calling 910-433-1312 for assistance. Individuals desiring to testify on a quasi-judicial public hearing must contact the City Clerk by 5:00 p.m. the day of the meeting to sign up to testify; instructions will be provided on how to appear before Council to provide testimony.

POLICY REGARDING NON-PUBLIC HEARING AGENDA ITEMS

Anyone desiring to address the Council on an item that is not a public hearing must present a written request to the City Manager by 10:00 a.m. on the Wednesday preceding the Monday meeting date.

CLOSING REMARKS

POLICY REGARDING CITY COUNCIL MEETING PROCEDURES **SPEAKING ON A PUBLIC AND NON-PUBLIC HEARING ITEM**

Individuals who have not made a written request to speak on a nonpublic hearing item may submit written materials to the City Council on the subject matter by providing thirteen (13) copies of the written materials to the Office of the City Manager before 5:00 p.m. on the day of the Council meeting at which the item is scheduled to be discussed.

COUNCIL MEETING WILL BE AIRED **December 14, 2020 @ 7:00 p.m.**

Notice Under the Americans with Disabilities Act (ADA):

The City of Fayetteville will not discriminate against qualified individuals with disabilities on the basis of disability in the City's services, programs, or activities. The City will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City's programs, services, and activities. The City will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all City programs, services, and activities. Any person who requires an auxiliary aid or service for effective communications, or a modification of policies or procedures to participate in any City program, service, or activity, should contact the office of Human Relations at ynazar@ci.fay.nc.us, 910-433-1696, or the Office of the City Clerk at cityclerk@ci.fay.nc.us, 910-433-1989, as soon as possible but no later than 72 hours before the scheduled event.

City of Fayetteville

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

City Council Action Memo

File Number: 20-1666

Agenda Date: 12/14/2020

Version: 1

Status: Approval Review

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 6.01

TO: Mayor and Members of City Council

THRU: Telly C. Whitfield, Ph.D., Assistant City Manager

FROM: Pamela J. Megill, MMC, City Clerk

DATE: December 14, 2020

RE:

Approval of Meeting Minutes:

November 23, 2020 - Discussion of Agenda Items

November 23, 2020 - Regular

December 1, 2020 - Special

December 2, 2020 - Special

December 3, 2020 - Special

December 7, 2020 - Work Session

COUNCIL DISTRICT(S):

ALL

Relationship To Strategic Plan:

Develop and maintain strong community connections.

Executive Summary:

The Fayetteville City Council conducted meetings on the referenced date during which they considered items of business as presented in the draft.

Background:

The draft minutes are from the meeting held on the above mentioned date.

Issues/Analysis:

N/A

Budget Impact:

N/A

Options:

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

Recommended Action:

Approve the draft minutes.

Attachments:

Draft minutes

DRAFT

**FAYETTEVILLE CITY COUNCIL
DISCUSSION OF AGENDA ITEMS MEETING MINUTES
COUNCIL CHAMBER
NOVEMBER 23, 2020
6:00 P.M.**

Present: Council Members Katherine K. Jensen (District 1); Shakeyla Ingram (District 2); D. J. Haire (District 4); Johnny Dawkins (District 5); Chris Davis (District 6); Larry O. Wright, Sr. (District 7); Courtney Banks-McLaughlin (District 8); Yvonne Kinston (District 9)

Absent: Mayor Mitch Colvin; Council Member Tisha S. Waddell (District 3)

Others Present: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Telly Whitfield, Assistant City Manager
Angel Wright-Lanier, Assistant City Manager
Gina Hawkins, Police Chief
Scott Flowers, Attorney, Hutchins Law Firm, LLP
Pamela Megill, City Clerk
Members of the Press

Mayor Pro Tem Jensen called the meeting to order at 6:00 p.m.

Closed Session

MOTION: Council Member Wright moved to go into closed session for an attorney-client privileged matter.

SECOND: Council Member Ingram

VOTE: UNANIMOUS (8-0)

The regular session recessed at 6:02 p.m. The regular session reconvened at 6:53 p.m.

MOTION: Council Member Wright moved to go into open session.

SECOND: Council Member Kinston

VOTE: UNANIMOUS (8-0)

Mayor Pro Tem Jensen asked Council to review the list of consent and public hearing items for this evening.

Council Member Haire stated he intends to pull Item 6.05, Adoption of Capital Project Ordinances 2021-16 through 2021-22, Capital Project Ordinance Amendments 2021-34 through 2021-44, and Budget Ordinance Amendment 2021-4 for Parks & Recreation Bond Projects.

Mr. Douglas Hewett, City Manager, stated Item 7.01, Text Amendment TA20-005, needs to be pulled to allow staff to conduct further research and to bring this text amendment before Council at a work session in early 2021.

There being no further business, the meeting adjourned at 6:58 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

MITCH COLVIN
Mayor

DRAFT

**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER
NOVEMBER 23, 2020
7:00 P.M.**

Present: Council Members Katherine K. Jensen (District 1); Shakeyla Ingram (District 2) (arrived at 7:10 p.m.); Tisha S. Waddell (District 3) (via zoom); D. J. Haire (District 4); Johnny Dawkins (District 5); Chris Davis (District 6) (arrived at 7:10 p.m.); Larry O. Wright, Sr. (District 7); Courtney Banks-McLaughlin (District 8); Yvonne Kinston (District 9)

Absent: Mayor Mitch Colvin

Others Present: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Telly Whitfield, Assistant City Manager
Gina Hawkins, Police Chief
Sheila Thomas-Ambat, Public Services Director
Tracey Broyles, Budget and Evaluation Director
Jay Toland, Chief Financial Officer
Michael Gibson, Parks, Recreation and Maintenance Director
Taurus Freeman, Planning and Zoning Manager
Craig Harmon, Senior Planner
Jennifer Baptiste, Senior Planner
Robert Van Geons, President/CEO, FCEDC
Pamela Megill, City Clerk
Jennifer Ayre, Deputy City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Colvin called the meeting to order.

2.0 INVOCATION

The invocation was offered by Council Member Wright.

3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Mayor Pro Tem Jensen and City Council.

4.0 ANNOUNCEMENTS AND RECOGNITIONS

Mr. Scott Bullard, Emergency Management Coordinator, provided an update on the COVID-19 pandemic, and stated we are on day 253 under the State of Emergency.

5.0 APPROVAL OF AGENDA

MOTION: Council Member Haire moved to approve the agenda with the removal of Text Amendment TA005 from Item 7.01, Public Hearing for Text Amendments.

SECOND: Council Member Dawkins

VOTE: UNANIMOUS (9-0)

6.0 CONSENT AGENDA

MOTION: Council Member Ingram moved to approve the consent agenda with the exception of Item 6.05 for presentation and separate vote.

SECOND: Council Member Kinston

VOTE: UNANIMOUS (9-0)

6.01 Approval of Meeting Minutes:

November 2, 2020 - Work Session

November 9, 2020 - Discussion of Agenda Items

November 9, 2020 - Regular

6.02 P20-32F. Conditional zoning of property zoned Single-Family 6 (SF-6) to Office and Institutional/Conditional Zoning (OI/CZ), located at 2714-2726 Arlington Avenue (Tax Map #s 0427-30-6816, 0427-30-5835, 0427-30-4864, and 0427-30-3883), totaling 0.34 acres ± and being the property of N & B CO LLC., represented by George M. Rose, P.E.

DRAFT

- 6.03 P20-38F. Rezoning of property from Single-Family 10 (SF-10), Office and Institutional (OI), and Mixed Residential 5 (MR-5) to Single-Family 10 (SF-10), located on Hoke Loop Road (REID #: 9476683778000), totaling 35 acres ± and being the property of Steve Phillips, J & K General Contractors.
- 6.04 P20-39F. Rezoning of a parcel currently zoned as Office and Institutional (OI) to Limited Commercial (LC), located at 1412 Hope Mills Road (Tax Map # 0416-13-3839), totaling 3.03 acres ± and being the property of PSP of Fayetteville, LLC, represented by Lori Epler of Larry King & Associates.
- 6.05 This item was pulled from consent for presentation and separate vote.
- 6.06 Approval of Municipal Certificate with NCDOT for speed limit on Ramsey Street (US 401 Business) between MLK Freeway and Country Club Drive (US 401 Bypass)

NCDOT conducted a review of speed limit ordinances along Ramsey Street (State Road 3950 south of MLK Freeway/US 401 Business north of MLK Freeway). During this review, it was discovered there was an administrative error on the existing speed limit ordinance on Ramsey Street between MLK Freeway and Country Club Drive. Based on this, NCDOT is requesting City Council repeal the prior ordinance and enact a new corrected ordinance for this section of Ramsey Street, correcting the reference to a NCDOT secondary road number. This concurrence will not change any speed limits in the field and the existing 45 mph speed limit will remain.

- 6.07 Award the Design Contract for Fire Station #4 Relocation to Stewart-Cooper-Newell Architects

Council authorizes staff to award and execute a contract with Stewart-Cooper-Newell Architects for the design of Fire Station #4 Relocation.

- 6.08 Rescind Demolition Ordinances:

1023 Deep Creek Road - RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE RESCINDING DEMOLITION ORDINANCE NO. NS2018-015. RESOLUTION NO. R2020-046

1634 Tryon Drive - RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE RESCINDING DEMOLITION ORDINANCE NO. NS2020-011. RESOLUTION NO. R2020-047

4830 Belford Road - RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE RESCINDING DEMOLITION ORDINANCE NO. NS2018-012. RESOLUTION NO. R2020-048

1409 Murchison Road - RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE RESCINDING DEMOLITION ORDINANCE NO. NS2017-011. RESOLUTION NO. R2020-049

- 6.09 Uninhabitable Structures Demolition Recommendations

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY. 808 Cumberland Street, District 2, PIN 0437-39-2455. ORDINANCE NO. NS2020-020

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY. 6428 Starbrook Drive, District 7, PIN 0406-18-1840. ORDINANCE NO. NS2020-021

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY. 726 Rock Spring Road, District 9, PIN 0417-12-0757. ORDINANCE NO. NS2020-022

DRAFT

6.010 Phase 5 Annexation Area 20 - Resolution Confirming Assessment Roll and Levying Assessments

**RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS.
RESOLUTION NO. R2020-050**

6.05 Adoption of Capital Project Ordinances 2021-16 through 2021-22, Capital Project Ordinance Amendments 2021-34 through 2021-44, and Budget Ordinance Amendment 2021-4 for Parks & Recreation Bond Projects

This item was pulled from consent for presentation and separate vote.

Mr. Jay Toland, Chief Financial Officer, presented this item and stated Council is asked to adopt Capital Project Ordinances 2021-16 through 2021-22 and Capital Project Ordinance Amendments 2021-34 through 2021-44 to align project appropriations with the bond project funding plan as presented to Council on November 2, 2020. In addition to appropriating funds for new projects and increased allocations for existing projects, the appropriation actions also include reductions for several completed projects. The remaining bond funding from the completed projects is to be held in a contingency appropriation to be available for re-appropriation as needed for other projects.

Council is also asked to adopt Budget Ordinance Amendment 2021-4 to appropriate \$225,000.00 from General Fund fund balance held for County Parks and Recreation operations to be transferred to the bond project account to fund half of the cost for the splash pad and play unit at E. Melvin Honeycutt School Park. This use of funds has already been approved by Cumberland County.

Council Member Ingram stated she wants the name "Fields Road Site Development" changed to "Park Improvements for East of the River". Council Member Haire stated he is interested in receiving clarification of those park improvements for CPO 2021-16.

MOTION: Council Member Ingram moved to change the name of CPO 2021-16, Fields Road - Site Development to East of the River for the allocated \$1,513,320.00.
SECOND: Council Member Haire
VOTE: UNANIMOUS (9-0)

Discussion ensued.

MOTION: Council Member Dawkins moved to place all of the new items to a future work session.
SECOND: Council Member Waddell

Discussion ensued.

AMENDED MOTION:

Council Member Dawkins moved to adopt Capital Project Ordinances 2021-16 through 2021-22, Capital Project Ordinance Amendments 2021-34 through 2021-44, and Budget Ordinance Amendment 2021-4 as presented, and pull the following three items: CPO 2021-17 - Cape Fear River Park (\$3,681,153.00); CPO 2021-21 - Lake Rim Elementary Splash Pad (\$455,448.00); and CPO 2021-22 - Parks and Recreation Bond Fund Contingency (\$131,736.00); these funds may be allocated however there are to be no funds spent in these three projects unless there is Council action granting approval. These three items to be discussed at a future work session.
SECOND: Council Member Banks-McLaughlin
VOTE: PASSED by a vote of 8 in favor to 1 in opposition (Council Member Ingram)

Council Member Ingram stated she would like to have information on installing lighting at the skateboard park. Council Member Waddell stated she had initiated a conversation with Ms. Wright-Lanier regarding the possibility of installing lights. Council Member Banks-McLaughlin stated she wants the Lake Rim Splash Pad discussed.

MOTION: Council Member Banks-McLaughlin moved to place the Lake Rim Splash Pad item on the December 7, 2020, work session.
SECOND: Council Member Kinston

Discussion ensued pertaining to the amount of time needed by staff to conduct research and prepare a report on the Lake Rim Splash Pad.

DRAFT

Council Member Banks-McLaughlin withdrew her motion.

Mayor Pro Tem Jensen recessed the meeting at 7:57 p.m., and reconvened the meeting at 8:05 p.m.

7.0 PUBLIC HEARINGS

7.01 Public hearing for Text Amendments: TA20-004 and TA20-006 - two proposed text amendments to Article 30 of the Unified Development Ordinance.

Mr. Taurus Freeman, Planning and Zoning Manager, presented this item and stated the two proposed text amendments to the Unified Development Ordinance (UDO) are suggestions for approval by the professional planners of the Development Services Department. A public hearing before the Planning Commission, in accordance with the standards of the Code, shall be held for the Planning Commission's review and recommendation. A public hearing before the City Council, in accordance with the standards of the Code, shall be held for Council to review the Planning Commission's recommendation and other relevant factors prior to rendering a final determination. The proposed two text amendments include:

- TA20-004: Section 30-9. Definition, Table 30-4.A.2, and Section 30-4.C. Use-Specific Standards - to include Day Resource Center
- TA20-006: Section 30-3.H.2.b.3 - revise Hospital Overlay subsection regarding Special Use Permits.

On October 20, 2020, the Planning Commission unanimously recommended approval of the request by a vote of 11 to 0.

Staff identified the proposed text amendments as necessary modifications to the UDO. The purpose of the amendments is to provide uniform requirements for land developments and uses. Text amendments are unlike zoning map amendments, which are parcel specific. The text changes affect is city-wide to the activity added or amended. The following is the analysis for the proposed amendments:

- **TA20-004:** Section 30-9. Definition & Table 30-4.A.2 to include Day Resource Center - Currently, the UDO does not address this type of land use. The addition will provide a definition of a Day Resource Center, permitted districts, use and development standards, and additional requirements. The Day Resource Center (DRC) definition will be located in Section 30-9, and in the Use Table (Table 30-4.A.2) within the Community Services category, under the Public and Institutional Use classification.

As further described in the proposed amendment, a Day Resource Center (DRC) provides services to community members, which may include counseling and training, as well as shower and laundry facilities. Operating hours are limited to specified daytime hours, except during times of declared emergencies in order to provide overnight shelter.

The DRC use will be permitted in Heavy Industrial districts. A Special Use Permit would be required for DRCs in Light Industrial districts, with a maximum square footage of 20,000, and in certain Business districts with a maximum square footage of 10,000. The use will not be permitted in residential districts nor in the Downtown. All DRCs will be subject to 2,640 feet (approximately one-half mile) separation from any other DRC and transitional housing, and 750 feet from any residential district.

- **TA20-006:** Section 30-3.H.2.b.3. Hospital Overlay - Per the UDO, "A Special Use Permit (see Section 30-2.C.7) shall also be required for nonresidential development within 100 feet of a lot occupied by a single-family dwelling." Staff proposes the following amendment:

A Special Use Permit (see Section 30-2.C.7) shall also be required for nonresidential development within 100 feet of a lot occupied by a single-family dwelling; *except, that the following shall be exempt from the SUP requirement: (1) redevelopment; or (2) complete demolition and reconstruction of a building on the same parcel.*

DRAFT

The current subsection unintentionally penalizes the property owner(s) for redeveloping a site near single-family residential dwellings.

This is the advertised public hearing set for this date and time. There being no one present to speak, the public hearing was opened and closed.

Discussion ensued.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING VARIOUS SECTIONS AND TABLES UNDER CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2020-011

MOTION: Council Member Ingram moved to approve Text Amendments TA20-004 and TA20-006.
SECOND: Council Member Haire
VOTE: PASSED by a vote of 6 in favor to 3 in opposition (Council Members Waddell, Haire, and Dawkins)

7.02 Adoption of the Central Campbellton Neighborhood Plan

Ms. Alicia Moore, Esq., MUP, Planner II, presented this item with the aid of a PowerPoint presentation and stated the Central Campbellton Neighborhood Plan provides comprehensive, implementation-oriented strategies for creating sustainable and practical enhancements in one of the City's oldest neighborhoods, located east of and adjacent to Downtown, and that is bisected by a three-quarter mile stretch of Interstate 95 Business/US 301/Eastern Boulevard.

The neighborhood plan assesses the existing conditions to identify issues, strengths, and opportunities; applies informed planning techniques; and outlines focused recommendations. Each recommendation in the plan addresses at least one of the identified needs. Ultimately, the goal for the neighborhood is to exemplify the City's vision of being an attractive, culturally diverse and inclusive City that is safe, prosperous, innovative and unified.

This item was presented to the City Council as Administrative Reports on June 8 and September 14, 2020. On October 20, 2020, the Planning Commission voted unanimously to recommend approval of the Central Campbellton Neighborhood Plan, by a vote of 11 to 0.

The plan is accessible through the City's website, in the Planning and Zoning section (<https://www.fayettevillenc.gov/city-services/development-services/planning-zoning/planning-zoning/studies-and-plans>).

This is the advertised public hearing set for this date and time. There being no one present to speak, the public hearing was opened and closed.

Discussion ensued.

MOTION: Council Member Ingram moved to adopt the Central Campbellton Neighborhood Plan.
SECOND: Council Member Banks-McLaughlin
VOTE: UNANIMOUS (9-0)

7.03 P20-36F. A request for a Special Use Permit for a Telecommunications Tower on a parcel currently zoned Heavy Industrial (HI), located at 517 Lamon Street (Tax Map # 0447-05-3535), totaling 13 acres ± and being the property of HARKEY, PEGGY CULP, C/O MCH LEASING INC.

Mr. Craig Harmon, Planner II, presented this item and stated Metronet looks to install a 79-foot above ground communications tower at 517 Lamon Street. The proposed tower would hold two UHF and one VHF television signal reception antennas. On October 13, 2020, the Zoning Commission voted 5 to 0 to recommend approval of this application.

This is the advertised public hearing set for this date and time. The public hearing was opened.

Mr. Will Hubbard, 1115 Hillsborough Street, Raleigh, NC, Attorney representing the applicant, appeared in favor and stated the application by

DRAFT

Metronet requests the approval to construct and operate a 79-foot communications tower at 517 Lamon Street, across from its intersection with B Street. The proposed tower location is within the Heavy Industrial (HI) zoning district. The City's standards call for a setback of half of the tower height from each of the adjoining property lines. As shown on the site plan, the proposed tower meets this standard. Mr. Hubbard provided the City Council members with a packet of information to be received as evidence.

Mr. Daniel Neppl, 1105 Northview Circle, Erie, Colorado 80516, Engineer and Subject Matter Expert, testified in favor of the application for the Special Use Permit. Mr. Neppl has in excess of 33 years of experience and has been involved with the installation of over 750 communications towers.

The Special Use Permit must meet the following findings of facts:

- (1) The special use complies with all applicable standards in Section 30-4.C, Use-Specific Standards;
- (2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning districts(s) of surrounding lands;
- (3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;
- (4) The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands;
- (5) The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;
- (6) The special use maintains safe ingress and egress onto the site and safe road conditions around the site;
- (7) The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; and
- (8) The Special use complies with all other relevant City, State, and Federal laws and regulations.

There being no one further to speak, the public hearing was closed.

Discussion ensued.

MOTION: Council Member Ingram moved to approve the Special Use Permit (SUP) to allow a communications tower in a HI Heavy Industrial district, as presented by staff, based on the standards of the City's development code and the evidence presented during this hearing. And that the application is consistent with applicable plans because (1) the development is located in a Heavy Industrial District, (2) this use complies with the findings, and (3) the proposed permit is in the public interest because the proposed SUP does fit with the character of the area. If approved, this Special Use Permit shall become effective upon the Mayor's signing the Order of Findings, after its denial by the City Council. The SUP shall expire one year from its effective date if a building permit is not issued within that time.

SECOND: Council Member Dawkins

VOTE: UNANIMOUS (9-0)

8.0 ADJOURNMENT

There being no further business, the meeting adjourned at 10:07 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

MITCH COLVIN
Mayor

DRAFT

**FAYETTEVILLE CITY COUNCIL and PUBLIC WORKS COMMISSION
SPECIAL MEETING MINUTES
FAYETTEVILLE STATE UNIVERSITY
Multipurpose Room, Room 242, Rudolph Jones Student Center
1200 MURCHISON ROAD, FAYETTEVILLE
DECEMBER 1, 2020
6:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Shakeyla Ingram (District 2); D. J. Haire (District 4); Johnny Dawkins (District 5); Chris Davis (District 6); Larry O. Wright, Sr. (District 7); Courtney Banks-McLaughlin (District 8); Yvonne Kinston (District 9)

PWC Commissioners: Wade Fowler (Chair); Evelyn Shaw; Darsweil Rogers; Ralph Huff

Bernhard Capital Partners Representatives: Jim Bernhard, Partner; Jeff Jenkins, Partner; Thomas Henley, Managing Director; Julius Bedford, Associate; Jeff Yuknis, Managing Director

Absent: Council Member Tisha S. Waddell (District 3)

Staff Present: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Telly Whitfield, Assistant City Manager
Jay Toland, Chief Financial Officer
Tracey Broyles, Budget and Evaluation Director
Pamela Megill, City Clerk
Elaina Ball, PWC/CEO General Manager
David Trego, PWC CEO/General Manager
Rhonda Haskins, PWC Chief Financial Officer
James P. West, PWC Chief Legal Officer
Venus Durant, PWC Clerk
Pamela Megill, City Clerk

1.0 CALL TO ORDER

Mayor Colvin called the meeting to order at 6:00 p.m.

2.0 INVOCATION

The invocation was offered by Council Member Davis

3.0 APPROVAL OF AGENDA

MOTION: Council Member Wright moved to approve the agenda.

SECOND: Council Member Haire

VOTE: UNANIMOUS (9-0)

4.0 OTHER ITEMS OF BUSINESS

4.1 Joint closed session with the Public Works Commission of the City of Fayetteville pursuant to N.C.G.S. § 143-318.11(a)(1) to discuss confidential information submitted to both governmental units in accordance with N.C.G.S. § 132-1.2(1) and pursuant to N.C.G.S. § 143-318.11(a)(3) to consult with an attorney in order to preserve the attorney-client privilege.

MOTION: Council Member Haire moved to go into a closed session for a joint closed session with the Public Works Commission of the City of Fayetteville pursuant to N.C.G.S. § 143-318.11(a)(1) to discuss confidential information submitted to both governmental units in accordance with N.C.G.S. § 132-1.2(1) and pursuant to N.C.G.S.

DRAFT

§ 143-318.11(a)(3) to consult with an attorney in order to preserve the attorney-client privilege.
SECOND: Council Member Wright
VOTE: UNANIMOUS (9-0)

The regular session recessed at 6:07 p.m. The regular session reconvened at 6:21 p.m.

MOTION: Council Member Haire moved to go into open session.
SECOND: Council Member Kinston
VOTE: UNANIMOUS (9-0)

6.0 ADJOURNMENT

There being no further business, the meeting adjourned at 7:22 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

MITCH COLVIN
Mayor

DRAFT

**FAYETTEVILLE CITY COUNCIL
SPECIAL MEETING MINUTES
LAFAYETTE CONFERENCE ROOM/ZOOM MEETING
DECEMBER 2, 2020
1:30 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1) (via zoom); Shakeyla Ingram (District 2) (via zoom); Tisha S. Waddell (District 3) (via zoom); D. J. Haire (District 4); Johnny Dawkins (District 5); Chris Davis (District 6); Larry O. Wright, Sr. (District 7); Courtney Banks-McLaughlin (District 8); Yvonne Kinston (District 9)

Others Present: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Telly Whitfield, Assistant City Manager
Angel Wright-Lanier, Assistant City Manager
Anthony Wade, Human Relations Director
Kevin Arata, Corporate Communications Director
Dr. Deborah Walker, Visions, Inc.
Doug Weinstock, Visions, Inc.
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Council Member Wright called the meeting to order.

2.0 INVOCATION

Council Member Haire offered the invocation.

3.0 PLEDGE OF ALLEIGIANCE

The Pledge of Allegiance to the American Flag was led by Mayor Pro Tem Jensen and Council.

4.0 APPROVAL OF AGENDA

MOTION: Council Member Dawkins moved to approve the agenda.
SECOND: Council Member Haire
VOTE: UNANIMOUS (10-0)

5.0 ITEMS OF BUSINESS

Ms. Deborah Walker provided the introductions and invited all attendees to identify themselves and state their respective length of time in office.

Ms. Deborah Walker and Mr. Doug Weinstock provided training on the impact of implicit bias in achieving diversity, equity, and inclusion. The training included the following: information on guidelines or effective cross-cultural dialogue; reflection on guidelines; building a foundation for addressing diversity, equity, and inclusion; multicultural process of change; levels of oppression; analysis and change; focus of change strategies; diversity; equity; inclusion; feelings as messengers; the feeling wheel; my personal next steps; and closure.

Discussion ensued.

DRAFT

6.0 ADJOURNMENT

There being no further business, the meeting adjourned at 3:42 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

MITCH COLVIN
Mayor

120220

DRAFT

**FAYETTEVILLE CITY COUNCIL
SPECIAL MEETING MINUTES
COUNCIL CHAMBER, CITY HALL
DECEMBER 3, 2020
5:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Shakeyla Ingram (District 2); Tisha S. Waddell (District 3); D. J. Haire (District 4); Johnny Dawkins (District 5) (departed at 6:19 p.m.); Chris Davis (District 6); Larry O. Wright, Sr. (District 7); Courtney Banks-McLaughlin (District 8) (departed at 7:01 p.m.); Yvonne Kinston (District 9)

Staff Present: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Kevin Arata, Corporate Communications Director
Pamela Megill, City Clerk

1.0 CALL TO ORDER

Mayor Colvin called the meeting to order at 5:00 p.m.

2.0 INVOCATION

The invocation was offered by Council Member Davis.

3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Colvin.

4.0 APPROVAL OF AGENDA

MOTION: Council Member Dawkins moved to approve the agenda with the removal of Item 5.01, To Conclude 2020 Items of Business.
SECOND: Council Member Wright
VOTE: UNANIMOUS (10-0)

5.0 OTHER ITEMS OF BUSINESS

5.01 To Conclude 2020 Business Items.

This item was removed from the agenda.

6.0 CLOSED SESSION

6.01 Closed Session as permitted under N.C.G.S. § 143-318.11 for personnel matters - evaluation of the City Manager

6.02 Closed Session as permitted under N.C.G.S. § 143-318.11 for personnel matters - evaluation of the City Attorney

MOTION: Council Member Wright moved to go into a closed session for personnel matters - evaluation of the City Manager and evaluation of the City Attorney.
SECOND: Council Member Haire
VOTE: UNANIMOUS (10-0)

The regular session recessed at 5:04 p.m. The regular session reconvened at 7:41 p.m.

MOTION: Council Member Haire moved to go into open session.
SECOND: Council Member Wright
VOTE: UNANIMOUS (10-0)

DRAFT

MOTION: Mayor Pro Tem Jensen moved to approve and authorize the Mayor to effectuate the necessary documents to implement the following for the City Manager:

1. Reinstatement: Reinstate prior city service to access *employee-paid* retirement health insurance and longevity.
2. Payout of Unused Leave: Allow the payout of up to ten (10) days of unused annual leave at the end of each calendar year and unlimited accumulation of earned annual leave.

SECOND: Council Member Wright

VOTE: UNANIMOUS (10-0)

MOTION: Mayor Pro Tem Jensen moved to approve and authorize the Mayor to effectuate the necessary documents to implement the following for the City Attorney:

1. Payout of Unused Leave: Allow the payout of up to ten (10) days of unused annual leave at the end of each calendar year.

SECOND: Council Member Ingram

VOTE: UNANIMOUS (10-0)

6.0 ADJOURNMENT

There being no further business, the meeting adjourned at 7:41 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

MITCH COLVIN
Mayor

120320

DRAFT

**FAYETTEVILLE CITY COUNCIL
WORK SESSION MINUTES
COUNCIL CHAMBER
DECEMBER 7, 2020
5:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1) (via zoom); Shakeyla Ingram (District 2); Tisha S. Waddell (District 3) (via zoom); D. J. Haire (District 4); Johnny Dawkins (District 5); Chris Davis (District 6); Larry O. Wright, Sr. (District 7); Courtney Banks-McLaughlin (District 8); Yvonne Kinston (District 9)

Absent: Council Member Johnny Dawkins (District 5)

Others Present: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Telly Whitfield, Assistant City Manager
Gina Hawkins, Police Chief
Jay Toland, Chief Financial Officer
Kevin Arata, Corporate Communications Director
Toney Coleman, Airport Director
Michael Gibson, Parks, Recreation and Maintenance Director
Robert Van Geons, FCEDC President/CEO
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Colvin called the meeting to order at 5:00 p.m. Mayor Colvin stated he intends to adjourn the meeting around 6:30 p.m., in order for himself and Council to attend the Cumberland County Commissioners swearing in ceremony; some items may need to be moved to accommodate the early adjournment.

2.0 INVOCATION

The invocation was offered by Council Member Wright.

PLEDGE OF ALLEGIENCE

The Pledge of Allegiance to the American Flag was led by Mayor and City Council.

3.0 APPROVAL OF AGENDA

MOTION: Council Member Haire moved to approve the agenda, with the exception of tabling Item 4.04, State Action Plan FY 21 Discussion, and Item 4.05, Introduction to Our Employer of Choice Framework to the January 2021 work session agenda.

SECOND: Council Member Banks-McLaughlin

VOTE: UNANIMOUS (9-0)

4.0 OTHER ITEMS OF BUSINESS

4.01 Airport Brief to City Council

Dr. Toney Coleman, Airport Director, presented this item with the aid of a PowerPoint presentation and stated Airport Management are presenting its plan for addressing passenger traffic at the Fayetteville Regional Airport (FAY); to include marketing efforts, Airline Consultant support, and collaboration with FCEDC. Dr. Coleman stated the Fayetteville Regional Airport will keep moving forward despite the pandemic. The airport has initiated many COVID-19 response actions to include cleaning protocols.

DRAFT

Dr. Coleman introduced Mr. Doug Banez, Managing Director, Hubpoint. Mr. Banez stated global air travel has been severely impacted by COVID-19, and is not expected to fully recover until 2024. The Fayetteville airport is outpacing most carriers in terms of seat retention versus 2019 and is well above the domestic U.S. average. The Fayetteville passenger traffic is recovering faster than most other nearby airports, and since May of this year, load factors at Fayetteville have remained steady as year-over-year seat capacity has increased.

Ms. Tracey Montross, American Airlines, and Mr. Tim DeBord, Delta Airlines, provided an overview of how COVID-19 has affected these major airlines respectively.

Discussion ensued.

Mayor thanked Dr. Coleman for a very thorough and interesting presentation.

4.02 Center City Parks and Trails Master Plan Review

Mr. Michael Gibson, Parks, Recreation, and Maintenance Director, presented this item with the aid of a Power-Point presentation and introduced Mr. Jay Pestrowski, Stewart Urban Design Architects. Mr. Pestrowski provided an overview of the Public Space Audit and Concept Plan, the Master Plan, and the Design Guide. Mr. Pestrowski provided maps displaying the overall concept, greenways and priority projects. Maps and conceptual drawings were provided for the MLK Park Enhancement and Expansion project, Catalyst Site Gateway, and Strambank Park.

Discussion ensued.

4.03 External Committee follow-up: survey consultant, ETC Institute, reviews its survey proposal and sample size questions

Mr. Douglas Hewett, City Manager, asked Council to please e-mail any questions or concerns they may have on this item to himself and Ms. Wright-Lanier prior to the December 14, 2020, City Council meeting.

MOTION: Council Member Wright moved to direct staff to add this item to the December 14, 2020, City Council meeting agenda.

SECOND: Council Member Davis

VOTE: UNANIMOUS (9-0)

4.04 State Action Plan FY 21 Discussion

This item was tabled to the January 2021 City Council work session agenda.

4.05 Introduction to Our Employer of Choice Framework

This item was tabled to the January 2021 City Council work session agenda.

DRAFT

5.0 ADJOURNMENT

There being no further business, the meeting adjourned at 6:32 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk

MITCH COLVIN
Mayor

City of Fayetteville

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

City Council Action Memo

File Number: 20-1645

Agenda Date: 12/14/2020

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 6.02

TO: Mayor and Members of City Council

THRU: Doug Hewett, ICMA-CM - City Manager
Angel Wright-Lanier, ICMA-CM - Assistant City Manager
Dr. Gerald Newton, AICP - Development Services Director
Taurus Freeman, MPA - Planning & Zoning Divisional Manager

FROM: Craig M. Harmon, CZO - Planner II

DATE: December 14, 2020

RE:

P20-34F. A Conditional Zoning request from Heavy Industrial (HI) to Heavy Industrial/Conditional Zoning (HI/CZ), located at 245 Poe St., (Tax Map #'s 0437-40-0221) totaling 2 acres ± and being the property of Ronald Green, represented by Lonnie Player.

COUNCIL DISTRICT(S):

2 - Shakeyla Ingram

Relationship To Strategic Plan:

Goal III: High Quality Built Environment

- Objective A - Manage the City future growth and support strategic land use policy by supporting quality development.

Goal IV: Desirable Place to Live, Work and Recreate

- Objective B - Provide for a clean and beautiful community with increased green spaces.

Executive Summary:

The applicant, Lonnie Player, has submitted a request to conditionally rezone the property to Heavy Industrial/Conditional Zoning. The owner wishes to use this site as a gym for dance, tumbling, fitness, and cheerleading.

The Unified Development Ordinance classifies a gym as a fitness center in the Indoor Commercial Recreation category. Indoor Commercial Recreation is defined as follows: a

private indoor (entirely within an enclosed structure) use providing for sport and recreation activities that are operated or carried on primarily for financial gain. Examples of indoor commercial recreation uses include, but are not limited to, fitness centers, bowling alleys, dancehalls, skating rinks, indoor commercial swimming pools, and racquet and tennis club facilities (indoor).

On November 10th, the Zoning Commission held a public hearing regarding this case. There were two speakers in favor and none in opposition. The Commission voted 5-0 to recommend approval.

Background:

This property is located to the west across Poe Street from the North Carolina Department of Transportation's Fayetteville regional office. The subject property is 0.37 acres $\pm$. The site is formally a towing and auto repair shop.

Applicant: Lonnie Player

Owner: Ronald Green

Requested Action: Heavy Industrial (HI) to Heavy Industrial/Conditional Zoning (HI/CZ)

Property Addresses: 245 Poe St.

Council District: 2

Status of Property: Developed, former towing/auto repair shop

Size: 0.37 acres +/-

Adjoining Land Use & Zoning:

- North: HI - NCDOT Facility
- South: HI - Industrial
- West: HI - Industrial
- East: HI - NCDOT

Letters Mailed: 13

2040 Comprehensive Plan and Future Land Use Map

The 2040 Future Land Use Plan and Map were adopted in 2020. The Plan and Map covers the entirety of Fayetteville's incorporated limits and Municipal Influence Area (MIA). Hence, the plan contains some recommendations, which are broad concepts applicable to all development within those areas.

According to the Plan, this parcel and the immediate area surrounding parcels should be developed for Industrial/Employment Center. The area designation allows for highly intensity nonresidential uses with high impact or likelihood for nuisances. Regional employment centers including large industrial uses or business parks.

Issues/Analysis:

The applicant is proposing to use the property to operate a dance, tumbling, fitness and cheerleading gym. In February of this year, a notice was sent to the property owner and the gym operator informing them that a gym was not allowed in the HI district. Because of that notice, the tenant did vacate the property and the owner filed an application to rezone the property.

According to the applicant, the gym plans to use the existing building and parking as is, unless changes are required by the Unified Development Ordinance (UDO).

Land within the City is generally classified by the Unified Development Ordinance (UDO) to be within one of a number of base zoning districts. When voluntary annexation requests occur, land is to be reclassified to one of a number of comparable zoning districts, in accordance with Section 30-2.C.

Surrounding Area:

Everything surrounding this property is zoned and used for industrial purposes. This entire area is comprised of warehouses, auto repair shops, and North Carolina Department of Transportation (NCDOT) District Office.

Conditional Zoning:

The request is for a conditional zoning from Heavy Industrial (HI) to Heavy Industrial /Conditional Zoning (HI/CZ) zoning district.

The purpose of the HI zoning district is to “established and intended to accommodate heavy manufacturing, assembly, fabrication, processing, distribution, storage, research and development, and other industrial uses that may be large-scale or otherwise have extensive exterior movement of vehicle, materials, and goods, and greater potential for adverse environmental and visual impacts.” Outdoor commercial recreation such as, commercial tourist attractions, privately owned ball fields and basketball courts and drive-in theatres are allowed uses by right in the HI zoning district.

The purpose of the CZ zoning district is “intended to provide a landowner and the City an alternative to rezoning the land to a standard base zoning district, where the base zoning allows certain uses and development that may be appropriate but also allow uses and development that may not conform to City plans or would have adverse impacts on public facilities or surrounding lands. Reclassification of land to a conditional zoning district allows a landowner to propose, and the City Council to consider, additional conditions or restrictions on the range of allowable uses, use standards, development intensities, development standards, and other regulations applicable in the parallel base zoning district. This enables the City to tailor a zoning classification to accommodate desirable development while avoiding or addressing anticipated problems that may arise from development otherwise allowed by the base zoning district.”

Land Use Plan Analysis:

According to Future Land Use Plan Map, this area is recommended to develop as Employment Center (EC). The Employment Center category is classified to accommodate high intensity nonresidential uses with high impact or likelihood for nuisance. Regional employment centers including larger industrial uses or business parks.

By retaining the property as HI/CZ, the owner of the property will be able to retain all of the HI uses.

Specifics of this Conditional Zoning:

The applicant is requesting as part of this rezoning that certain uses not typically allowed in the HI district be allowed. These additional uses include, a fitness center otherwise known as a gym, dance studio, tumbling, fitness, and cheerleading facility.

On November 10th, the Zoning Commission held a public hearing regarding this case. There were two speakers in favor and none in opposition. The Commission voted 5-0 to recommend approval.

Budget Impact:

There is not an immediate budgetary impact but there will be an economic impact associated with this rezoning that will occur over the next decade.

Options:

1. Approval of the map amendment/rezoning to HI/CZ as presented by the Planning staff (recommended).
2. Approval of the map amendment/rezoning to a more restrictive zoning district.
3. Deny the request.

Recommended Action:

The Zoning Commission and City Planning Staff recommend APPROVAL of the conditional zoning to Heavy Industrial/Conditional Zoning (HI/CZ) based on:

- This proposed zoning map amendment implements the policies adopted in the Future Land Use Plan and the Unified Development Ordinance. This district type is intended to meet the diverse needs of City residents by accommodating outdoor commercial recreation. The indoor use of a fitness center will be less intrusive than other uses typically found in the HI zoning district;
- The uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified due to the future land use plan for this area;
- The proposed change is in accordance with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area. The owners and PWC will be providing these features to and in the project.
- There are no other factors which will substantially adversely affect the public health, safety, morals, or general welfare when built in accordance with the conditions.

If Council would like to consider:

- a. Approval of a more restrictive map amendment/rezoning; or
- b. Denial of the request;

Then the appropriate action would be to remove this item from the consent agenda and set it for a Public Hearing on January 25, 2021.

Attachments:

1. Application
2. Aerial Notification map
3. Zoning Map
4. Land Use Plan Map
5. Site Photos
6. Surrounding Area Photos
7. UDO Table of Uses

Project Overview

#392448

Project Title: 245 POE STREET

Jurisdiction: City of Fayetteville

Application Type: 5.2) Conditional Rezoning

State: NC

Workflow: Staff Review

County: Cumberland

Project Location

Project Address or PIN: 245 POE ST (0437-40-0221-)

GIS Verified Data

Property Owner: Parcel

- 245 POE ST: GREEN, RONALD KIM & KAYE N

Acreage: Parcel

- 245 POE ST: 0.37

Zoning District:

Subdivision Name: Parcel

- 245 POE ST: E A POE

Fire District:

Airport Overlay District:

Hospital Overlay District:

Coliseum Tourism District:

Cape Fear District:

Downtown Historic District:

Haymount Historic District:

Floodway:

100 Year Flood:

500 Year Flood:

Watershed:

General Project Information

Proposed Conditional Zoning District: HI/CZ - Conditional
Heavy Industrial

Lot or Site Acreage to be rezoned: 2

Was a neighborhood meeting conducted?: No

Date of Neighborhood Meeting:

Number of Residential Units: 0

Nonresidential Square Footage: 0

Landowner Information

Landowner Name: Green, Ronald Kim & Kaye N

Deed Book and Page Number: 1

Written Description of Request - Answer all the questions under this section (upload additional sheets as needed).

A) Describe the proposed use of the rezoned land, including the proposed types of site improvements, buildings, uses, proposed activities, hours of operation, and operating characteristics.:

The land and building were, at an earlier time, utilized as a towing and repair shop. The building is vacant and owner would like to lease the parcel to a proprietor who intends to utilize the subject

B) Describe the proposed conditions that should be applied.: That the property may be used as a dance, tumbling, fitness and cheerleading gym.

property as a dance, tumbling and cheerleading gym. No improvements are necessary.

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

Currently, the land is zoned as Heavy Industrial. The parcel and the lands adjacent are also zoned as Heavy Industrial. However the adjacent Lands were/are used as a Football Training Center and a Wing Chun School.

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.: Rezoning this parcel is consistent with the comprehensive plan and other long-range planning documents which set forth the city and zoning goals. The adjacent landowners to the subject property will not be negatively impacted by allowing the subject property to be conditionally zoned. Traffic and ingress of civilian passenger vehicles will be modest and have no impact upon the adjacent lands.

B) Are there changed conditions that require an amendment? : Yes. The faltering economy, particularly given the Covid-19 concerns, has made it difficult to utilize the property as currently zoned. However, allowing the property HI-CZ would enable the landowner to make the property useful, while having no negative impact upon surrounding parcels.

C) State the extent to which the proposed amendment addresses a demonstrated community need.: The community needs to assure that industrial areas do not fall into disrepair or disuse, and these areas have viable, operable businesses, which bring positive energy, commerce, and desirable traffic to the area. Allowing the parcel to be used as a cheerleading / tumbling / dance gym encourages exercise and fitness while also supporting arts and education.

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.: While the land is zoned as HI (Heavy Industrial), the proposed amendment would allow the parcel to be utilized for a gym. Allowing the subject parcel to be utilized as a gym would not only enhance the atmosphere, but it would assure that the parcel does not fall into disrepair or disuse, and that the parcel generates tax revenue. Currently the adjoining land is used as a football training center. Additionally, the proposed amendment would allow the city to tax a viable business. Whereas if the property is not rezoned, it will likely not be rented, negatively impacting the community and the generation of taxable revenue

E) State the extent to which the proposed amendment results in a logical and orderly development pattern.: The proposed amendment results in a logical and orderly development pattern because it will allow the parcel to be utilized and rented and to generate revenue.

F) State the extent to which the proposed amendment might encourage premature development.: None

G) State the extent to which the proposed amendment results in strip-style commercial development.: None

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.: None

I) State the extent to which the proposed amendment results in significant adverse impacts on the property values of surrounding lands.: None.

J) State the extent to which the proposed amendment results in significantly adverse impacts on the natural environment.: None.

Primary Contact Information

Project Contact - Agent/Representative

Aaron Bailey
Player McLean, LLP
400 Westwood Shopping Center Suite 210, Suite 210

Project Owner

Ronald Green
423 Weathergreen Dr.

Fayetteville, NC 28314
P:910 426 5291
aaron@playermclean.com

Raleigh, NC 27615
P:404-915-5609
rkgrealty@gmail.com

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

Project Contact - Primary Point of Contact for the Attorney

Aaron Bailey
Player McLean, LLP
400 Westwood Shopping Center Suite 210, Suite 210
Fayetteville, NC 28314
P:910 426 5291
aaron@playermclean.com

NC State License Number:

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$30,000. :

Aerial Notification Map

Zoning Commission
10/13/2020
Tabled to 11/10/2020
Case #: P20-34F

Request:
Rezoning/Map Amendment
HI to HI/CZ

Location:
245 Poe St

Pin:
0437-40-0221

Acreage:
0.37 acres



Legend

- 500' Notification Area
- Parcels



Letters are being sent to all property owners within the 500' buffer. Subject property is shown in the hatched pattern.

Recommendation:
Disposition Date:
Final Action:



Zoning Map

Zoning Commission
10/13/2020
Tabled to 11/10/2020
Case #: P20-34F

Request:
Rezoning/Map Amendment
HI to HI/CZ

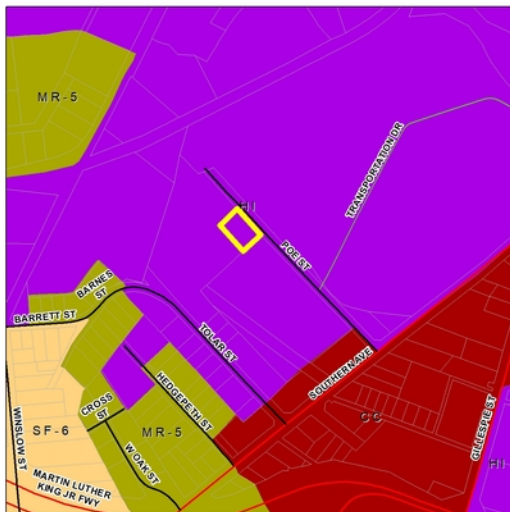
Location:
245 Poe St

Pin:
0437-40-0221

Acresage:
0.37 acres



Legend



Land Use Map

Zoning Commission
10/13/2020
Tabled to 11/10/2020
Case #: P20-34F

Request:
Rezoning/Map Amendment
HI to HI/CZ

Location:
245 Poe St

Pin:
0437-40-0221

Acresage:
0.37 acres



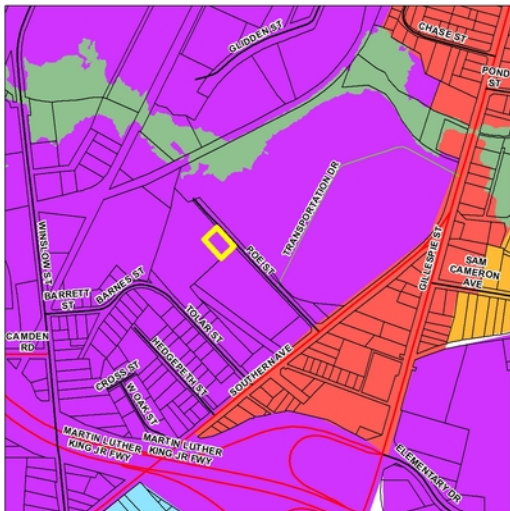
Legend

Parcels

Future Land Use 2040

Character Areas

- PARKS - PARK / OPEN SPACE
- HDR - HIGH DENSITY RESIDENTIAL
- HC - HIGHWAY COMMERCIAL
- CI - OFFICE / INSTITUTIONAL
- EC - EMPLOYMENT CENTER





Subject Property





Adjacent Properties



[illegible]

Table 30-4.A.2 Use Table
P = Permitted Use S = Special Use
MP = Allowed Subject to a Planned Development Master Plan
“/” = Prohibited Use [1]

USE CATEGORY	USE TYPE	ZONING DISTRICTS																		ADDITIONAL REQUIREMENTS		
		SPECIAL		RESIDENTIAL					BUSINESS								PLANNED DEVELOPMENT					
		CD	AR	SF - 15	SF - 10	SF -6	MR -5	MH	OI	NC [3]	LC	CC	MU	DT	BP ₄	LI	HI	PD-R	PD-EC		PD-TN	
	Manufactured home park (Class A or B homes)	/	/	/	/	/	/	P	/	/	/	/	/	/	/	/	/	/	/	/	30-4.C.2.a.4	
Group Living	Dormitory	/	/	/	/	/	S	/	P	/	P	/	P	P	/	/	/	MP	MP	MP	30-4.C.2.b.1	
	Therapeutic home	/	P	P	P	P	P	P	P	P	S	/	P	S	/	/	/	MP	MP	MP	30-4.C.2.b.5	
	Fraternity or sorority house	/	/	/	/	/	S	/	P	/	P	/	P	/	/	/	/	MP	MP	MP		
	Group home, Large	/	/	/	/	S	/	/	S	S	S	S	S	S	/	/	/	MP	/	MP	30-4.C.2.b.2	
	Group home, Small	/	/	P	P	P	P	P	P	P	S	P	P	P	S	/	/	/	MP		MP	30-4.C.2.b.3
	Rooming or boarding house	/	/	/	/	S	P	/	P	P	P	P	P	P	/	/	/	/	MP	MP	MP	30-4.C.2.b.4
	Transitional housing								S	S	S	S	S	S	/							30-4.C.2.b.6
PUBLIC AND INSTITUTIONAL USE CLASSIFICATION																						
Community Services	Community center	S	P	S	S	P	P	P	P	P	P	P	P	P	/	/	/	MP	MP	MP		
	Cultural facility	/	/	/	/	S	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP		
	Library	/	/	S	S	S	P	/	P	P	P	P	P	P	/	/	/	MP	MP	MP		
	Museum	/	/	/	/	S	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP		
	Youth club facility	/	/	/	/	S	P	/	/	S	P	P	P	P	/	/	/	MP	/	MP		
Day Care	Adult day care center	/	/	S	S	S	S	S	P	P	P	P	P	P	/	/	/	MP	MP	MP		
	Child care center	/	/	S	S	S	S	S	P	P	P	P	P	P	S	/	/	MP	MP	MP	30-4.C.3.a	
Educational Facilities	College or university	/	/	/	/	/	/	/	P	P	P	P	P	P	/	/	/	MP	MP	MP		
	School, elementary	/	S	S	S	S	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.3.b	
	School, middle	/	S	S	S	S	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.3.b	
	School, high	/	S	S	S	S	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.3.b	
	Vocational or trade school	/	/	/	/	/	/	/	/	P	P	P	P	P	P	P	P	MP	MP	MP	30-4.C.3.b	
Governmental facilities	Government maintenance, storage, or distribution facility	/	S	/	/	S	S	/	S	S	S	P	S	P	P	P	P	/	MP	/		
	Government office	/	/	/	/	S	S	/	P	P	P	P	P	P	P	P	/	MP	MP	MP		
	Post office	/	/	/	/	/	S	/	P	P	P	P	P	P	/	P	/	MP	MP	MP		
Health Care Facilities	Blood/tissue collection facility	/	/	/	/	/	/	/	/	/	/	P	/	P	/	P	/	/	MP	MP		
	Drug or alcohol treatment facility	/	/	/	/	/	/	/	/	/	P	P	S	S	/	P	/	MP	MP	MP	30-4.C.3.c.3	
	Hospital	/	/	/	/	/	/	/	P	/	/	P	P	S	/	P	/	/	MP	/	30-4.C.3.c.1	
	Medical or dental clinic [3]	/	/	/	/	/	/	/	P	P	P	P	P	P	S	P	/	MP	MP	MP		

Table 30-4.A.2 Use Table
P = Permitted Use S = Special Use
MP = Allowed Subject to a Planned Development Master Plan
"/" = Prohibited Use [1]

USE CATEGORY	USE TYPE	ZONING DISTRICTS																		ADDITIONAL REQUIREMENTS	
		SPECIAL		RESIDENTIAL					BUSINESS									PLANNED DEVELOPMENT			
		CD	AR	SF - 15	SF - 10	SF -6	MR -5	MH	OI	NC [3]	LC	CC	MU	DT	BP ₄	LI	HI	PD-R	PD-EC		PD-TN
	Medical or dental lab	/	/	/	/	/	/	/	P	/	P	/	P	P	P	P	/	/	MP	/	(Reserved)
	Medical treatment facility	/	/	/	/	/	/	/	P	P	P	P	P	P	/	P	/	/	MP	/	30-4.C.3.c.2
	Outpatient facility	/	/	/	/	/	/	/	P	P	P	P	P	P	/	P	/	/	MP	/	
Institutions	Assisted living facility	/	/	S	S	S	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Auditorium	/	/	/	/	/	/	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.3.d.1
	Club or lodge	/	/	/	/	/	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Convention center	/	/	/	/	/	/	/	P	/	/	P	P	P	/	/	/	/	MP	/	30-4.C.3.d.1
	Halfway house	/	/	/	/	/	S	/	S	/	S	S	S	S	/	/	/	MP	/	MP	30-4.C.3.d.2
	Nursing home	/	/	/	/	S	S	/	P	P	P	P	P	S	/	/	/	MP	MP	MP	
	Psychiatric treatment facility	/	/	/	/	/	/	/	S	/	S	S	/	/	/	/	/	/	MP	/	
	Religious institution	/	P/S	P/S	P/S	P/S	P	P	P	P	P	P	P	P	P	/	P	P	MP	MP	MP
Parks and Open Areas	Arboretum or botanical garden	P	P	P	P	P	P	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Cemetery	S	S	S	S	S	S	/	S	S	S	P	P	S	/	/	/	/	/	/	30-4.C.3.e.1
	Columbaria, mausoleum	P	P	P	P	P	P	/	P	P	P	P	P	P	P	/	/	/	/	/	
	Community garden	P	P	P	P	P	P	P	P	P	P	P	P	/	/	/	/	MP	MP	MP	
	Golf course, public	S	P	P	P	S	P	/	P	/	P	P	P	/	/	/	/	MP	MP	MP	
	Greenway	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	
	Park, public or private	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	
	Public square or plaza	/	/	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	
Public Safety	Correctional facility	/	S	/	/	/	/	/	/	/	/	/	/	S	/	S	P	/	/	/	30-4.C.3.f.1
	Fire or EMS facility	/	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	MP	MP	MP	
	Police substation	/	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	
	Police station	/	P	S	S	S	P	S	P	P	P	P	P	P	/	P	P	MP	MP	MP	
Transportation/Communication	Airport	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	/	MP	/	
	Helicopter landing facility	/	/	/	/	/	/	/	S	/	S	S	S	S	P	/	/	/	MP	/	30-4.C.3.h.1
	Passenger terminal, surface transportation	/	/	/	/	/	S	/	P	S	P	P	P	P	P	P	P	MP	MP	MP	
	Small Wireless Facilities	/	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	30-4.C.3.i.7
	Telecommunication	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	30-4.C.3.i.1

Table 30-4.A.2 Use Table
P = Permitted Use S = Special Use
MP = Allowed Subject to a Planned Development Master Plan
"/" = Prohibited Use [1]

USE CATEGORY	USE TYPE	ZONING DISTRICTS																		ADDITIONAL REQUIREMENTS	
		SPECIAL		RESIDENTIAL					BUSINESS								PLANNED DEVELOPMENT				
		CD	AR	SF - 15	SF - 10	SF -6	MR -5	MH	OI	NC [3]	LC	CC	MU	DT	BP 4	LI	HI	PD-R	PD-EC		PD-TN
	s antenna, collocation on existing tower																				
	Telecommunication s antenna, placement on existing building	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	30-4.C.3.i.1
	Telecommunication s tower, freestanding	/	S	S	S	S	S	/	S	S	S	S	S	/	S	S	S	MP	MP	MP	30-4.C.3.i.1
	Utility, major	/	S	S	S	S	S	/	S	S	S	P	S	S	P	P	P	/	MP	/	30-4.C.3.j.2
	Utility, minor	S	P	P	P	P	P	P	P	P	/	P	P	P	P	P	P	MP	MP	MP	
COMMERCIAL USE CLASSIFICATION [1]																					
Adult Entertainment	Adult entertainment	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	/	/	30-4.C.4.a	
Animal Care	Animal grooming	/	/	/	/	/	/	/	/	P	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.4.b
	Animal shelter	/	S	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	/	/	
	Kennel, indoor	/	S	/	/	/	/	/	S	S	S	P	S	S	/	P	/	/	MP	/	
	Kennel, outdoor	/	S	/	/	/	/	/	/	/	S	S	/	/	/	P	/	/	MP	/	
	Veterinary clinic	/	S	/	/	/	/	/	P	S	P	P	S	S	/	/	/	/	MP	/	
Conference and Training Centers	Conference or training center	/	/	/	/	/	/	/	P	P	P	P	P	P	P	/	/	MP	MP	MP	30-4.C.4.d
Eating Establishments	Dinner theater	/	/	/	/	/	/	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Restaurant, with indoor or outdoor seating [4]	/	/	/	/	/	S	/	S	P	P	P	P	P	P	/	/	MP	MP	MP	30-4.C.4.e.1
	Restaurant, with drive-through service [4]	/	/	/	/	/	/	/	/	/	P	P	S	/	P	/	/	/	MP	/	30-4.C.4.e.2
	Specialty eating establishment [4]	/	/	/	/	/	S	/	/	P	P	P	P	P	P	/	/	MP	MP	MP	30-4.C.4.f
Offices	Business services	/	/	/	/	/	/	/	P	P	P	P	P	P	P	S	/	MP	MP	MP	
	Corporate headquarters	/	/	/	/	/	/	/	/	/	P	P	P	P	P	P	P	/	MP	MP	
	Financial services	/	/	/	/	/	/	/	P	P	P	P	P	P	P	/	/	MP	MP	MP	
	Professional services	/	/	/	/	/	/	/	P	P	P	P	P	P	P	S	/	MP	MP	MP	
	Radio and television broadcasting studio	/	/	/	/	/	/	/	P	/	S	P	S	P	P	/	/	/	MP	/	
	Sales (including real estate)	/	/	/	/	/	/	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	
Parking,	Parking lot	/	/	/	/	/	/	/	P	S	P	P	P	P	/	P	/	/	MP	/	30-4.C.4.g.1

Table 30-4.A.2 Use Table
P = Permitted Use S = Special Use
MP = Allowed Subject to a Planned Development Master Plan
“/” = Prohibited Use [1]

USE CATEGORY	USE TYPE	ZONING DISTRICTS																		ADDITIONAL REQUIREMENTS	
		SPECIAL		RESIDENTIAL					BUSINESS									PLANNED DEVELOPMENT			
		CD	AR	SF - 15	SF - 10	SF -6	MR -5	MH	OI	NC [3]	LC	CC	MU	DT	BP 4	LI	HI	PD-R	PD-EC		PD-TN
Commercial	Parking structure	/	/	/	/	/	/	/	S	S	P	P	P	P	P	P	/	MP	MP	MP	30-4.C.4.g.2
	Parking Tractor Trailers etc.	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	/	/	30-4.C.4.g.3
Recreation/ Entertainment, Indoor	Commercial recreation, indoor	/	/	/	/	/	/	/	/	P	P	P	P	P	/	/	/	MP	MP	MP	
	Theater	/	/	/	/	/	/	/	/	P	P	P	P	P	/	/	/	MP	MP	MP	
Recreation/ Entertainment, Outdoor	Arena, amphitheater, or stadium	/	/	/	/	/	/	/	/	/	S	P	S	P	P	/	/	/	MP	/	30-4.C.4.h.1
	Golf course, private	S	S	S	S	S	S	/	P	/	S	P	S	/	/	/	/	MP	MP	MP	
	Athletic field and clubhouse	P	P	S	S	S	P	P	P	P	P	P	P	/	P	/	/	MP	MP	MP	
	Golf driving range	S	S	/	/	/	/	/	P	/	P	P	/	/	/	/	/	MP	MP	MP	
	Swimming pool, private	/	P	P	P	P	P	P	P	P	P	P	P	/	/	/	/	MP	MP	MP	30-4.C.4.h.2
	Swimming pool, non-profit	/	P	P	P	P	P	P	P	P	P	P	P	/	P	/	/	MP	MP	MP	30-4.C.4.h.2
	Tennis court	/	P	P	P	P	P	P	P	P	P	P	P	/	P	/	/	MP	MP	MP	30-4.C.4.h.3
	Other commercial recreation, outdoor	/	/	/	/	/	S	/	P	S	S	P	P	P	/	P	P	MP	MP	MP	
Retail Sales & Services	Bar, nightclub, or cocktail lounge	/	/	/	/	/	/	/	/	/	P	P	P	P	/	P	/	MP	MP	MP	30-4.C.4.i.1
	Entertainment establishment	/	/	/	/	/	/	/	/	S	P	P	P	P	/	/	/	MP	MP	MP	
	Gasoline sales	/	/	/	/	/	/	/	/	S	P	P	S	S	/	/	/	MP	MP	MP	30-4.C.4.i.7
	Crematory	/	/	/	/	/	/	/	/	/	S	S	/	/	/	P	P	/	/	/	
	Financial institution, without drive-through service [4]	/	/	/	/	/	S	/	P	P	P	P	P	P	P	/	/	MP	MP	MP	
	Financial institution, with drive-through service [4]	/	/	/	/	/	/	/	P	S	P	P	P	S	P	/	/	/	MP	/	30-4.C.4.i.5
	Funeral home	/	/	/	/	/	/	/	/	/	P	P	S	P	/	/	/	/	MP	/	
	Laundromat	/	/	/	/	/	S	S	/	P	P	P	P	P	/	/	/	MP	MP	MP	
	Personal services establishment	/	/	/	/	/	S	/	P	P	P	P	P	P	/	P	/	MP	MP	MP	30-4.C.4.i.9
	Tattoo parlor/body piercing establishment	/	/	/	/	/	/	/	/	/	P	P	P	P	/	P	/	/	MP	/	
	Repair establishment	/	/	/	/	/	/	/	/	P	P	P	P	P	/	P	/	MP	MP	MP	30-4.C.4.i.10
	Convenience store,	/	/	/	/	/	S	/	/	P	P	P	P	P	/	/	/	MP	MP	MP	

Table 30-4.A.2 Use Table
P = Permitted Use S = Special Use
MP = Allowed Subject to a Planned Development Master Plan
"/" = Prohibited Use [1]

USE CATEGORY	USE TYPE	ZONING DISTRICTS																			ADDITIONAL REQUIREMENTS
		SPECIAL		RESIDENTIAL						BUSINESS								PLANNED DEVELOPMENT			
		CD	AR	SF - 15	SF - 10	SF - 6	MR - 5	MH	OI	NC [3]	LC	CC	MU	DT	BP ₄	LI	HI	PD-R	PD-EC	PD-TN	
	without gas sales																				
	Convenience store, with gas sales [4]	/	/	/	/	/	/	/	/	S	P	P	S	S	P	/	/	MP	MP	MP	30-4.C.4.i.3
	Drug store or pharmacy, without drive-through service [4]	/	/	/	/	/	S	/	/	P	P	P	P	P	P	/	/	MP	MP	MP	
	Drug store or pharmacy, with drive-through service	/	/	/	/	/	/	/	/	S	P	P	P	S	P	P	/	/	MP	/	30-4.C.4.i.4
	Flea market	/	/	/	/	/	/	/	/	/	S	S	/	/	/	P	/	/	/	/	30-4.C.4.i.6
	Grocery store	/	/	/	/	/	/	/	/	P/S	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.4.i.8
	Liquor store	/	/	/	/	/	/	/	/	/	P	P	P	P	/	/	/	MP	MP	MP	
	Retail sales establishment, large [4]	/	/	/	/	/	/	/	/	/	P	P	P	/	S	S	/	/	MP	/	30-4.C.4.i.11
	Electronic gaming operation	/	/	/	/	/	/	/	/	/	P	S	/	S	/	S	/	/	/	MP	30-4.C.4.i.13
	Other retail sales establishments [3], [4]	/	/	/	/	/	/	/	/	P/S	P	P	P	P	P	/	/	MP	MP	MP	
	Brewpub	/	/	/	/	/	/	/	/	/	S	P	P	P	P	/	/	/			
Self-Service Storage	Mini-warehouse	/	/	/	/	/	/	/	/	/	S	S	S	/	/	P	/	/	MP	/	30-4.C.4.j
Vehicle Sales and Services, Heavy	Aircraft parts, sales, and maintenance	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	MP	/	
	Automotive painting/body shop	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	/	/	30-4.C.4.k.1
	Automotive wrecker service	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	/	/	30-4.C.4.k.5
	Transmission shop	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	MP	/	30-4.C.4.k.7
	Boat and marine rental and sales	/	/	/	/	/	/	/	/	/	P	P	/	/	/	P	P	/	MP	/	
	Truck stop	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	/	/	
Vehicle Sales and Services, Light	Automotive parts and installation	/	/	/	/	/	/	/	/	/	P	P	/	S	/	P	/	/	/	/	30-4.C.4.k.2
	Automobile repair and servicing (without painting/body-work)	/	/	/	/	/	/	/	/	/	S	P	S	S	/	P	P	/	MP	/	30-4.C.4.k.3
	Automobile sales or	/	/	/	/	/	/	/	/	/	P	P	S	S	/	P	/	/	MP	/	30-4.C.4.k.4

Table 30-4.A.2 Use Table
P = Permitted Use S = Special Use
MP = Allowed Subject to a Planned Development Master Plan
"/" = Prohibited Use [1]

USE CATEGORY	USE TYPE	ZONING DISTRICTS																		ADDITIONAL REQUIREMENTS	
		SPECIAL		RESIDENTIAL					BUSINESS									PLANNED DEVELOPMENT			
		CD	AR	SF - 15	SF - 10	SF -6	MR -5	MH	OI	NC [3]	LC	CC	MU	DT	BP ₄	LI	HI	PD-R	PD-EC		PD-TN
	rentals																				
	Car wash or auto-detailing	/	/	/	/	/	/	/	/	/	P	P	/	S	/	P	/	MP	MP	MP	30-4.C.4.k.6
	Taxicab service	/	/	/	/	/	/	/	/	/	S	P	P	P	/	/	/	/	MP	/	
	Tire/muffler sales and mounting	/	/	/	/	/	/	/	/	/	P	P	/	/	/	P	P	/	MP	/	30-4.C.4.k.7
Visitor Accommodations	Bed and breakfast inn	/	/	S	S	S	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.4.l.1
	Hotel or motel [4]	/	/	/	/	/	/	/	P	/	P	P	P	P	P	/	/	/	MP	/	30-4.C.4.l.2
	Hotel or motel, extended stay [4]	/	/	/	/	/	/	/	P	/	P	P	P	P	P	/	/	/	MP	/	30-4.C.4.l.2
	Tourist Home	/	/	/	/	/	S	/	/	P	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.4.l.3
INDUSTRIAL USE CLASSIFICATION [1]																					
Extractive Industry	All uses	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	P	/	/	/	30-4.C.5.a
Industrial Services	Building, heating, plumbing, or electrical contractor with outside storage	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	MP	/	
	Electric motor repair	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	MP	/	30-4.C.5.b.1
	Fuel oil/bottled gas distributor	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	/	/	
	General industrial service	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	P	/	MP	/	
	Heavy equipment sales, rental, or storage	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	MP	/	30-4.C.5.b.2
	Heavy equipment servicing and repair	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	P	/	/	/	
	Laundry, dry cleaning, and carpet cleaning plants	/	/	/	/	/	/	/	/	/	/	P	/	/	/	P	P	/	/	/	30-4.C.5.b.3
	Machine shop	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	MP	/	30-4.C.5.b.1
	Office-warehouse	/	/	/	/	/	/	/	/	/	P	P	P	P	P	P	P	/	MP	MP	
	Repair of scientific or professional instruments	/	/	/	/	/	/	/	/	S	P	P	P	/	P	P	P	/	MP	/	30-4.C.5.b.1
	Research and development	/	/	/	/	/	/	/	P	P	P	P	P	P	P	P	P	/	MP	/	
	Tool repair	/	/	/	/	/	/	/	/	/	/	P	P	S	P	P	P	/	/	/	30-4.C.5.b.1
Manufacturing	Manufacturing,	/	/	/	/	/	/	/	/	/	/	/	/	/	P	/	P	/	MP	/	

Table 30-4.A.2 Use Table
P = Permitted Use S = Special Use
MP = Allowed Subject to a Planned Development Master Plan
"/" = Prohibited Use [1]

USE CATEGORY	USE TYPE	ZONING DISTRICTS																			ADDITIONAL REQUIREMENTS	
		SPECIAL		RESIDENTIAL						BUSINESS									PLANNED DEVELOPMENT			
		CD	AR	SF - 15	SF - 10	SF -6	MR -5	MH	OI	NC [3]	LC	CC	MU	DT	BP ₄	LI	HI	PD-R	PD-EC	PD-TN		
and Production	heavy																					
	Manufacturing, high impact/hazardous	/	/	/	/	/	/	/	/	/	/	/	/	/	S	/	P	/	MP	/	30-4.C.5.c.1	
	Manufacturing, light	/	/	/	/	/	/	/	/	/	/	S	/	/	P	P	P	/	MP	/		
	Research and Technology Production	/	/	/	/	/	/	/	/	S	P	P	/	/	/	P	P	/	/	/		
	Microbrewery	/	/	/	/	/	/	/	/	/	P	P	P	/	P	/	/	MP	MP	MP	30-4.C.5.c.2	
	Microdistillery	/	/	/	/	/	/	/	/	/	P	P	P	/	P	/	/	MP	MP	MP	30-4.C.5.c.2	
Warehouse and Freight Movement	Cold storage plant	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	MP	/		
	Outdoor storage (as a principal use)	/	/	/	/	/	/	/	/	/	/	S	/	/	P	P	P	/	MP	/	30-4.C.5.d.1	
	Parcel services	/	/	/	/	/	/	/	/	/	/	P	/	S	/	P	P	/	MP	/	30-4.C.5.d.2	
	Truck or freight terminal	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	MP	/		
	Warehouse (distribution)	/	/	/	/	/	/	/	/	/	/	S	/	/	P	P	P	/	MP	/		
	Warehouse (storage)	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	P	/	MP	/		
Waste-Related Services	Energy recovery plant	/	/	/	/	/	/	/	/	/	/	/	/	/	S	S	S	/	/	/	30-4.C.5.f.1	
	Hazardous waste collection sites	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	/	/	/		
	Incinerator	/	/	/	/	/	/	/	/	/	/	/	/	/	S	S	P	/	/	/		
	Land application of wastes	/	S	/	/	/	/	/	/	/	/	/	/	/	/	S	S	/	/	/		
	Landfill, land clearing and inert debris or construction debris	/	S	/	/	/	/	/	S	/	/	S	S	/	/	S	S	/	/	/	30-4.C.5.e.2	
	Landfill, sanitary	/	S	/	/	/	/	/	/	/	/	/	/	/	/	S	S	/	/	/	30-4.C.5.e.3	
	Recycling center	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	S	/	/	/	30-4.C.5.e.4	
	Recycling drop-off center	/	/	/	/	S	S	S	P	P	P	P	P	P	/	P	P	MP	MP	MP	30-4.C.5.e.5	
	Salvage and junkyard	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	/	/	/	30-4.C.5.e.6	
	Tire disposal or recycling	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	S	/	/	/		
	Waste composting	/	S	/	/	/	/	/	/	/	/	/	/	/	/	S	S	/	/	/	30-4.C.5.e.1	
Wholesale sales	All uses	/	/	/	/	/	/	/	/	/	/	S	S	/	S	P	/	/	MP	/	30-4.C.5.f	

NOTES:
[1] Some commercial, mixed-use, and industrial uses require additional separation or buffer standards or may require special use permit approval when

Table 30-4.A.2 Use Table
P = Permitted Use S = Special Use
MP = Allowed Subject to a Planned Development Master Plan
"/" = Prohibited Use [1]

USE CATEGORY	USE TYPE	ZONING DISTRICTS																		ADDITIONAL REQUIREMENTS	
		SPECIAL		RESIDENTIAL						BUSINESS								PLANNED DEVELOPMENT			
		CD	AR	SF - 15	SF - 10	SF -6	MR -5	MH	OI	NC [3]	LC	CC	MU	DT	BP 4	LI	HI	PD-R	PD-EC		PD-TN

located adjacent to or across a local street or alley from single-family residential development in accordance with Section Transitional Standards. Cottage developments may require a Neighborhood Compatibility Permit (see Section 30-2.C.21).

[2] Individual manufactured homes located outside of a manufactured home park may only be established on lots located within the Manufactured Home Overlay district.

[3] New construction for individual retail uses over 2,500 square feet in the NC zoning district must be approved through the Special Use Permit process.

[4] In the BP district not more than a cumulative total of 40% of the developable area or 30% of the total area, whichever is less, of each Business Park development shall be used for uses in the following use categories: visitor accommodation, eating establishment, and retail sales and services. Such uses as a park or recreational facility within the BP development shall not be counted toward this commercial use or supportive use limitation. Restaurants with drive-thru service and Convenience Stores with gas sales and drive-thru service shall be limited to the periphery of the BP and within the greater of 1500 feet from an interstate centerline or 1250 feet from the nearest access road to that interstate. All other commercial uses shall be located on the periphery of the Business Park development or at a major internal intersection. These use types in a BP Business Park district must meet the standards for commercial, office and mixed use in Table 30-5.C.3 Required Open Space/Parkland Dedication and Article 30-5.I Commercial, Office and Mixed Use Design Standards.

(Ord. No. S2011-008, §§ 7, 12.2a, 7-25-2011; Ord. No. S2011-013, §§ 1.5, 1.8, 2.2a, 8.3, 11-28-2011; Ord. No. S2011-014, § 3, 11-28-2011; Ord. No. S2012-001, § 5.1, 1-23-2012; Ord. No. S2012-011, § 1, 5-29-2012; Ord. No. S2012-024, §§ 5—7, 11-13-2012; Ord. No. S2012-025, § 16, 11-13-2012; Ord. No. S2013-002, § 11, 2-11-2013; Ord. No. S2014-002, § 2, 3a, 5b, 1-13-2014; Ord. No. S2014-012, § 2, 8-11-2014; Ord. S2014-015, §§ 2b, 4, 8-11-2014; Ord. S2016-007, § 2, 6-27-2016; Ord. S2017-004, § 1a-c, 6-26-2017; Ord. No. S2019-008, 1, 04/23/2019)

Effective on: 6/26/2017

City of Fayetteville

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

City Council Action Memo

File Number: 20-1646

Agenda Date: 12/14/2020

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 6.03

TO: Mayor and Members of City Council

THRU: Doug Hewett, ICMA-CM - City Manager
Angel Wright-Lanier, ICMA-CM - Assistant City Manager
Dr. Gerald Newton, AICP - Development Services Director
Taurus Freeman, MPA - Planning & Zoning Divisional Manager

FROM: Craig M. Harmon, CZO - Planner II

DATE: December 14, 2020

RE:

P20-42F. An Initial Zoning request from Cumberland County Agricultural (A1) to Community Commercial (CC), located on Judson Church Road, near its intersection with Cedar Creek Road, (Tax Map #s 0455-48-7292) totaling 0.49 acres ± and being the property of Nick Patel, Naman Hotels.

COUNCIL DISTRICT(S):

2 - Shakeyla Ingram

Relationship To Strategic Plan:

Goal III: High Quality Built Environment

- Objective A - Manage the City future growth and support strategic land use policy by supporting quality development.

Goal IV: Desirable Place to Live, Work and Recreate

- Objective B - Provide for a clean and beautiful community with increased green spaces.

Executive Summary:

The owners of the property and the adjacent property to the east wants to build a hotel on the two properties. In order to build a hotel, the owners must annex this property and rezone the adjoining property. This case is related to P20-45F.

On November 10th, the Zoning Commission held a public hearing regarding this case. There were two speakers in favor and none in opposition. The Commission voted 5-0 to recommend approval..

Background:

This property is located one block east of Interstate-95, just off Cedar Creek Road. To the north is mostly vacant residential property that will remain in Cumberland County's jurisdiction. To the west is mostly vacant residential land and Judson Baptist Church. To the south are two recently constructed hotels. There are two additional hotels to the southeast, within 700 feet of the subject property.

Applicant: James Futter, Chao and Associates, Inc.

Owners: Nick Patel, Naman Hotels

Requested Action: County to CC

Property Addresses: East side of Judson Road (Just north of Tru by Hilton Hotel)

Council District: 2 - Shakeyla Ingram

Status of Properties: Undeveloped

Size: 0.49 acres

Adjoining Land Use & Zoning:

- North - County: Residential
- South - CC: Hotel
- West - County: Residential
- East - HI: Truck repair

Traffic Count: No traffic counts on Judson Church Road. AADT on Cedar Creek Road 14,000 Autos per day.

Letters Mailed: 24

2040 Comprehensive Plan and Future Land Use Map

The 2040 Future Land Use Plan and Map were adopted in 2020. The Plan and Map covers the entirety of Fayetteville's incorporated limits and Municipal Influence Area (MIA). Hence, the plan contains some recommendations, which are broad concepts applicable to all development within those areas.

The Plan recommends Highway Commercial for this area. The area designation allows for mainly high intensity nonresidential uses often near major intersections and highway interchanges (hotels, gas stations, big box retail, fast food). Redevelopment not likely to include residential. Buffers for adjacent uses.

Issues/Analysis:

The subject property is within an area that contains mainly commercial activities. This property is located just off Cedar Creek Road, a major thoroughfare.

This property is currently undeveloped. If approved, this initial zoning coupled with the adjacent rezoning request would allow the owner to build a hotel on these properties. Surrounding this property is a mix of heavy commercial, industrial, and properties that remain in the County's jurisdiction.

The City's new 2040 Land Use Plan calls for Highway commercial on this property. Hotels are specifically mentioned as uses that should be encouraged in this type of area.

Land within the City is generally classified by the UDO to be within one of a number of

base zoning districts. Land may be reclassified to one of a number of comparable zoning districts in accordance with Section 30-2.C.

Straight Area:

The request is for an initial zoning from the County to Community Commercial (CC). The purpose of the CC zoning district is “established and intended to accommodate a diverse range of medium- to high-intensity retail, service, and office uses that provide goods and services serving the residents and businesses in the community at large-e.g., shopping centers, convenience stores, retail sales establishments, and heavier commercial uses (subject to approval of a Special Use Permit (see Section 30-2.C.7)). The district is typically located along major arterials, at the intersection of arterials, and along growth corridors identified in City plans. Higher-density residential uses are encouraged on the upper floors of nonresidential establishments, and may exist as stand-alone buildings as part of a larger horizontal mixed- use development. The district is subject to standards intended to ensure development is compatible with surrounding uses as well as the design standards in Article 30-5: Development Standards.” The reclassification of land to a straight zoning district allows all of the uses that are shown in the CC district on the attached Use Table taken from the UDO. The City Council may not consider conditions or restrictions on the range of allowable uses, use standards, development intensities, development standards, and other regulations that are applicable.

Land Use Plan Analysis:

According to the 2040 Future Land Use Plan and Map, this area is best served as Highway Commercial.

Zoning Commission Hearing:

On November 10th, the Zoning Commission held a public hearing regarding this case. There were two speakers in favor and none in opposition. The Commission voted 5-0 to recommend approval.

The Zoning Commission and City Planning Staff recommend APPROVAL of the map amendment to CC based on the following:

- This proposed zoning map amendment implements the policies adopted in the Unified Development Ordinance and 2040 Future Land Use Plan and Map. This district type is intended to accommodate a diverse range of medium- to high-intensity retail, service, and office uses that provide goods and services serving the residents and businesses in the community at large. and;
- The uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified due to the existing zoning, uses surrounding this property and the recommendations of the 2040 Future Land Use Plan; and
- There are no other factors, which will substantially affect the public health, safety, morals, or general welfare.

Budget Impact:

There is not an immediate budgetary impact but there may be an economic impact

associated with this rezoning that will occur over the next decade.

Options:

1. Approval of the map amendment/rezoning to CC.
2. Approval of the map amendment/rezoning to a more restrictive zoning district.
3. Deny the rezoning request.

Recommended Action:

Zoning Commission and Planning Staff recommend approval of the requested rezoning to CC (Community Commercial) as presented based on the information provided above and all attachments.

The amendment is consistent with applicable plans because: 1) the City's Unified Development Ordinance and 2040 Future Land Use Plan supports heavy commercial zoning district uses in the area; 2) the uses surrounding this property are mostly commercial, which are compatible with the proposed zoning; and 3) the proposed zoning is reasonable and in the public interest because the proposed zoning fits the character of the overall area.

If Council would like to consider:

- a. Approval of a more restrictive map amendment/rezoning; or
- b. Denial of the request;

Then the appropriate action would be to remove this item from the consent agenda and set it for a Public Hearing on January 25, 2021.

Attachments:

1. Application
2. Annexation Petition
3. Aerial Notification map
4. Zoning Map
5. Land Use Plan Map
6. Subject Properties Photos
7. Surrounding Properties Photos
8. Annexation Petition
9. Survey
10. UDO Table of Uses

Project Overview

#434666

Project Title: Springhill Suites

Jurisdiction: City of Fayetteville

Application Type: 5.1) Rezoning (Map Amendment)

State: NC

Workflow: Staff Review

County: Cumberland

Project Location

Project Address or PIN: 0 JUDSON CHURCH RD (0455-48-7292)

GIS Verified Data

Property Owner:

Acreage:

Zoning District:

Subdivision Name:

Fire District:

Airport Overlay District:

Hospital Overlay District:

Coliseum Tourism District:

Cape Fear District:

Downtown Historic District:

Haymount Historic District:

Floodway:

100 Year Flood:

500 Year Flood:

Watershed:

General Project Information

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

Previous Amendment Approval Date:

Previous Amendment Case #:

Proposed Zoning District: CC

Acreage to be Rezoned: 0.49

Is this application related to an annexation?: Yes

Water Service: Public

Sewer Service: Public

A) Please describe all existing uses of the land and existing structures on the site, if any: one metal building, business closed, formerly a truck maintenance facility

B) Please describe the zoning district designation and existing uses of lands adjacent to and across the street from the subject site.: pin 0455-58-0008 2.89 ac is currently in the City of Fayetteville, NC is zoned HI (heavy industrial), hotels on adjacent property, home on adjacent property and church across the street
 pin 0455-48-7292 0.49 ac is currently in Cumberland County, NC is zoned A1 (agricultural) and fronts on Judson Church Road in front of the 2.89 ac parcel

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.: Spoke to David Nash and Craig Harmon and were informed that CC is the preferred zoning for

these parcels. This fits the long range plan for the area.
A new hotel is planned for this site.

B) Are there changed conditions that require an amendment? : no, rezoning of both parcels and annexation of 0.49 ac parcel into the City of Fayetteville, NC which we were informed could be done together

C) State the extent to which the proposed amendment addresses a demonstrated community need.: I don't believe an ammendment is required, just a zoning change and an annexation of the 0.49 ac parcel into the City of Fayetteville.

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.: Two hotels on adjacent parcels to the south, an access easement to the east, undeveloped land to the north and a single residence and Judson Church Road to the west.

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

F) State the extent to which the proposed amendment might encourage premature development.: No ammendment required.

G) State the extent to which the proposed amendment results in strip-style commercial development.: A hotel will not result in a strip development, no other development is planned.

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.: CC either represents the zoning for the surround parcels or is planned for the surrounding parcels or David Nash and Craig Harmon would not have recommended this change.

I) State the extent to which the proposed amendment results in significant adverse impacts on the property values of surrounding lands.: There is no significant adverse impact to the surrounding lands.

J) State the extent to which the proposed amendment results in significantly adverse impacts on the natural environment.: This development will meet all the environmental standards set by the City of Fayetteville.

Primary Contact Information

Project Contact - Agent/Representative

James Futter
Chao and Associates, Inc
7 Clusters Court
Columbia, SC 29210
P:(803) 772-8420
jimf@chaoinc.com

Project Owner

Nick Patel
Naman Hotels
2200-A David McLeod Blvd.
Florence, SC 29501
P:843-669-0855
F:843-661-0700
nick@namanhotels.com

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

NC State License Number:

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$30,000. :

Project Contact - Primary Point of Contact for the Developer

Nick Patel
Naman Hotels
2200-A David McLeod Blvd.
Florence, SC 29501
P:843-669-0855
F:843-661-0700
nick@namanhotels.com

Project Contact - Primary Point of Contact for Engineer

James Futter
Chao and Associates, Inc
7 Clusters Court
Columbia, SC 29210
P:(803) 772-8420
jimf@chaoinc.com

Project Contact - Primary Point of Contact for the Surveyor

James Futter
Chao and Associates, Inc

7 Clusters Court
Columbia, SC 29210
P:(803) 772-8420
jimf@chaoinc.com

Aerial Notification Map

Zoning Commission
11/10/2020
Case #: P20-02F

Request:
Initial Zoning
HI to CC

Location:
JUDSON CHURCH RD

Pin:
0455-48-7292

Acres:
0.49 acres



Legend

- 500' Notification Buffer
- Parcels



Letters are being sent to all property owners within the 500' buffer. Subject property is shown in the hatched pattern.

Recommendation:
Disposition Date:
Final Action:



A20-43P

Zoning Map

Zoning Commission
11/10/2020
Case #: P20-02F

Request:
Initial Zoning
County to CC

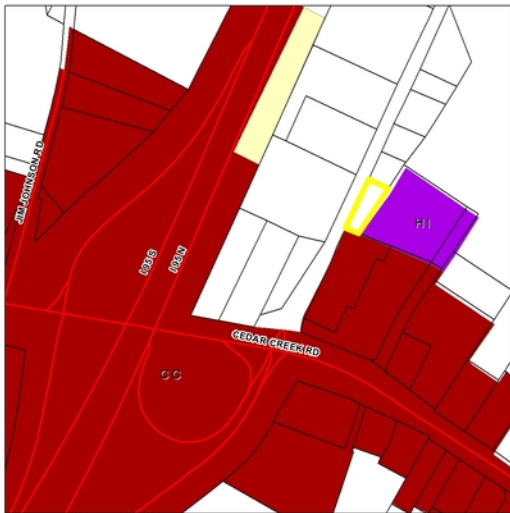
Location:
JUDSON CHURCH RD

Pin:
0455-48-7292

Acres:
0.49 acres



Legend



Land Use Map

Zoning Commission
11/10/2020
Case #: P20-42F

Request:
Initial Zoning
County to CC

Location:
JUDSON CHURCH RD

Pin:
0455-48-7292

Acreage:
0.49 acres



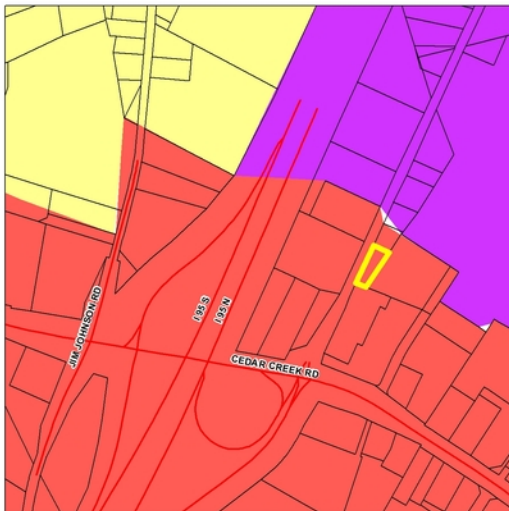
Legend

Parcels

Future Land Use 2040

Character Areas

LDR - LOW DENSITY
HC - HIGHWAY COMMERCIAL
EC - EMPLOYMENT CENTER







Subject Property





Surrounding Properties

South



East



North



South





Petition Requesting Annexation (Contiguous)

433 Hay Street, Fayetteville, North Carolina 28301
910-433-1612 Fax: 910-433-1776

Date Received: _____ Received by: _____
Action by City Council: _____
_____ Approved by City Council (Date Approved: _____)
_____ Denied by City Council (Date Denied: _____)

Who Should Use This Form:

This form should be used by a property owner who is requesting annexation of a contiguous property into the City of Fayetteville.

This form is based on the North Carolina General Statutes governing contiguous voluntary annexations [G.S. 160A-31(a) and (b)].

Statement of the Request:

To the Mayor and City Council of the City of Fayetteville, North Carolina:

1. We the undersigned owners of real property respectfully request that the area described in the attached metes and bounds legal description be annexed to the City of Fayetteville.
2. The area to be annexed is contiguous to the City of Fayetteville and the boundaries of such territory are shown in the attached metes and bounds legal description and in the attached map.

1. General Property Information

Property Address:	520 Judson Church Rd, Fayetteville, NC 28312	
Parcel Identification Number:	0455-48-7292	
Please identify the City of Fayetteville zoning district you are requesting for your property after it is annexed.	CC (Community Commercial)	Lot Area/Acreage: 0.49 acres

Have you obtained a vested right from the County Planning Department for any proposed development at this location?
☐ Yes ☒ No If marked yes, please attach evidence.

2. Submittal Requirement Checklist

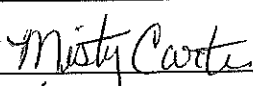
(Submittal should include 1 copy of listed items, unless otherwise stated.)

☐	A <u>metes and bounds legal description</u> of the proposed annexation area is attached.
☐	A deed of the property is attached indicating the deed book and page number.
☐	A map showing the proposed annexation area in relation to the existing City Limits is attached.
☐	Evidence of vested rights obtained from County Planning Department (if applicable).
☐	The area to be annexed is contiguous to the City Limits and a map indicating the boundaries of such territory is attached.

3. Primary Contact Information & Signatures

If the property is owned by an individual (or individuals), please fill in the Individual section below. If the property is owned by a Corporation, Limited Liability Corporation (LLC), or Partnership, please fill in the appropriate section below. Be sure to provide names, signatures, and titles, as specified below.

INDIVIDUALS

<u>ALL</u> Owner Signatures Required *	Print Name	Phone Number	Mailing Address
	Misty Carter	9104894513	6914 Gerhart St Fayetteville, NC 28312
	Terry Carter	9107035875	6914 Gerhart St Fayetteville, NC 28312

CORPORATION

NAME OF CORPORATION:

Signature of ALL individuals, and their Title, who are required to sign for the Corporation *

	Print Name and Title	Phone Number	Mailing Address

LIMITED LIABILITY CORPORATION LLC

NAME OF LLC:

Signature of ALL individuals, and their Title, who are required to sign for the LLC *

	Print Name and Title	Phone Number	Mailing Address

PARTNERSHIP

NAME OF PARTNERSHIP:

Signature of ALL individuals and their Title, who are required to sign for the Partnership *

	Print Name and Title	Phone Number	Mailing Address

*Please use additional paper if necessary.

LEGEND			
	FIRE HYDRANT		CONC. CURB & GUTTER
	WATER VALVE		STORM DRAIN PIPE
	FIRE DEPT. CONNECT		CONCRETE SIDEWALK
	CLEANOUT (CO)		POWER POLE & GUY
	IPF (IRON PIN FOUND)		LIGHT POLE
	DOOR		SHRUB
	OVERHEAD ELECTRIC		RIP RAP
	SPOT GRADE ELEVATION		GRAVEL

LEGAL DESCRIPTION

ALL THAT PIECE, PARCEL OR LOT OF LAND LYING AND BEING IN CUMBERLAND COUNTY & THE CITY OF FAYETTEVILLE, STATE OF NORTH CAROLINA, AND BEING MORE FULLY SHOWN AND DESIGNATED ON AN ALTA/NSPS LAND TITLE SURVEY OF A BOUNDARY & TOPOGRAPHIC SURVEY TO COMBINE PARCELS PREPARED FOR NAMAN JUDSON, LLC BY CHAO & ASSOCIATES, INC., DATED JULY 24, 2020 AND HAVING THE FOLLOWING METES AND BOUNDS TO WIT;

BEGINNING AT A 5/8" REBAR ON THE EASTERN R/W OF JUDSON CHURCH ROAD AND NOTED AS THE POINT OF BEGINNING (POB), BEING LOCATED 650 FEET MORE OR LESS NORTHEAST OF THE INTERSECTION OF CEDAR CREEK ROAD, THENCE RUNNING N 25° 08' 26" E FOR A DISTANCE OF 254.59 FEET TO A 3/4" PINCH TOP PIPE ON THE EASTERN R/W OF JUDSON CHURCH ROAD, THENCE TURNING AND RUNNING ALONG THE PROPERTY NOW OR FORMERLY OF ERIN PIERSON GARNEAU S 64° 57' 24" E FOR A DISTANCE OF 103.48 FEET TO A 5/8" REBAR, THENCE TURNING AND RUNNING ALONG THE PROPERTY NOW OR FORMERLY OF ERIN PIERSON GARNEAU N 33° 24' 08" E FOR A DISTANCE OF 134.48 FEET TO A 5/8" REBAR, THENCE TURNING AND RUNNING ALONG THE PROPERTY NOW OR FORMERLY OF BRUCE BARCLAY CAMERON FOUNDATION INC., PELICAN PROPERTY HOLDINGS, LLC S 56° 28' 48" E FOR A DISTANCE OF 359.22 FEET. TO A 3/4" PINCHED TOP PIPE, THENCE TURNING AND RUNNING ALONG THE PROPERTY NOW OR FORMERLY OF PELICAN PROPERTY HOLDINGS, LLC.; GREAT OAKS PROPERTY HOLDINGS; BRUCE BARCLAY CAMERON FOUNDATION S 33° 19' 31" W FOR A DISTANCE OF 312.91 FEET TO A 5/8" REBAR, THENCE TURNING AND RUNNING ALONG THE PROPERTIES NOW OR FORMERLY OF NAMAN WILMINGTON II, LLC., NAMAN CEDAR CREEK, LLC N 68° 15' 43" W FOR A DISTANCE OF 434.41 FEET TO THE POINT OF BEGINNING WITH PARCEL 1 BEING WITHIN THE CITY OF FAYETTEVILLE CONTAINING 2.89 ACRES AND PARCEL 2 BEING WITHIN CUMBERLAND COUNTY CONTAINING 0.49 ACRES AND THE COMBINED PARCEL CONTAINING 3.38 ACRES. THE PROPERTY SURVEYED IS THE SAME AS THE LAND DESCRIBED IN THE COMMITMENT NO. 2002-2055.

REFERENCES:

- CUMBERLAND COUNTY PIN# 0455-48-7292 & 0455-58-0008
- SUBDIVISION PLAT PREPARED FOR NAMAN WILMINGTON II, LLC. BY M.A.P.S. SURVEYING, INC. DATED AUGUST 5, 2015. RECORDED IN BOOK 136 PAGE 119.
- PELICAN PROPERTY HOLDINGS, LLC.; GREAT OAKS PROPERTY HOLDINGS; BRUCE BARCLAY CAMERON FOUNDATION, DEED BOOK 8868 PAGE 885 FOR PIN# 0455-57-0862.
- BARBARA KELLY TRUST, DEED BOOK 9676 PAGE 849 FOR PIN# 0455-48-9562.
- NAMAN CEDAR CREEK, LLC., DEED BOOK 10238 PAGE 539 FOR PIN# 0455-47-6898.
- MISTY D. CARTER AND TERRY W. CARTER, DEED BOOK 10284 PAGE 45 FOR PIN# 455-48-7292.
- NAMAN WILMINGTON II, LLC., DEED BOOK 9591 PAGE 559 FOR PIN# 0455-47-8725.
- LEISURE INN OF FAYETTEVILLE, INC., DEED BOOK 2946 PAGE 281-283.
- LEISURE INN OF FAYETTEVILLE, INC., DEED BOOK 3010 PAGE 377-380.
- RECOMBINATION PLAT PREPARED FOR MISTY D. CARTER AND NAMAN WILMINGTON II, LLC., BY M.A.P.S. SURVEYING, INC., DATED FEBRUARY 5, 2015. RECORDED IN PLAT BOOK 135 PAGE 126.

FLOOD CERTIFICATION

I HEREBY CERTIFY THAT I HAVE CONSULTED THE NATIONAL FLOOD INSURANCE PROGRAM, "FLOOD INSURANCE RATE MAP", MAP NUMBER 3720044400J, PANEL NUMBER 0444, EFFECTIVE DATE: 1/5/2007. I HAVE DETERMINED THAT THE ABOVE SITE LIES WITHIN AN UNSHADED ZONE "X".

OWNERS CONSENT

THE UNDERSIGNED HEREBY ACKNOWLEDGE THAT THE LAND SHOWN ON THE PLAT IS WITHIN THE SUBDIVISION JURISDICTION OF CUMBERLAND COUNTY AND THE CITY OF FAYETTEVILLE, NC AND THAT THIS PLAT IS MY/OUR FREE ACT AND DEED AND I/WE DO HEREBY DEDICATE TO PUBLIC USE AS STREETS AND EASEMENTS SO SHOWN OR INDICATED ON THIS PLAT.

ASHOK PATEL

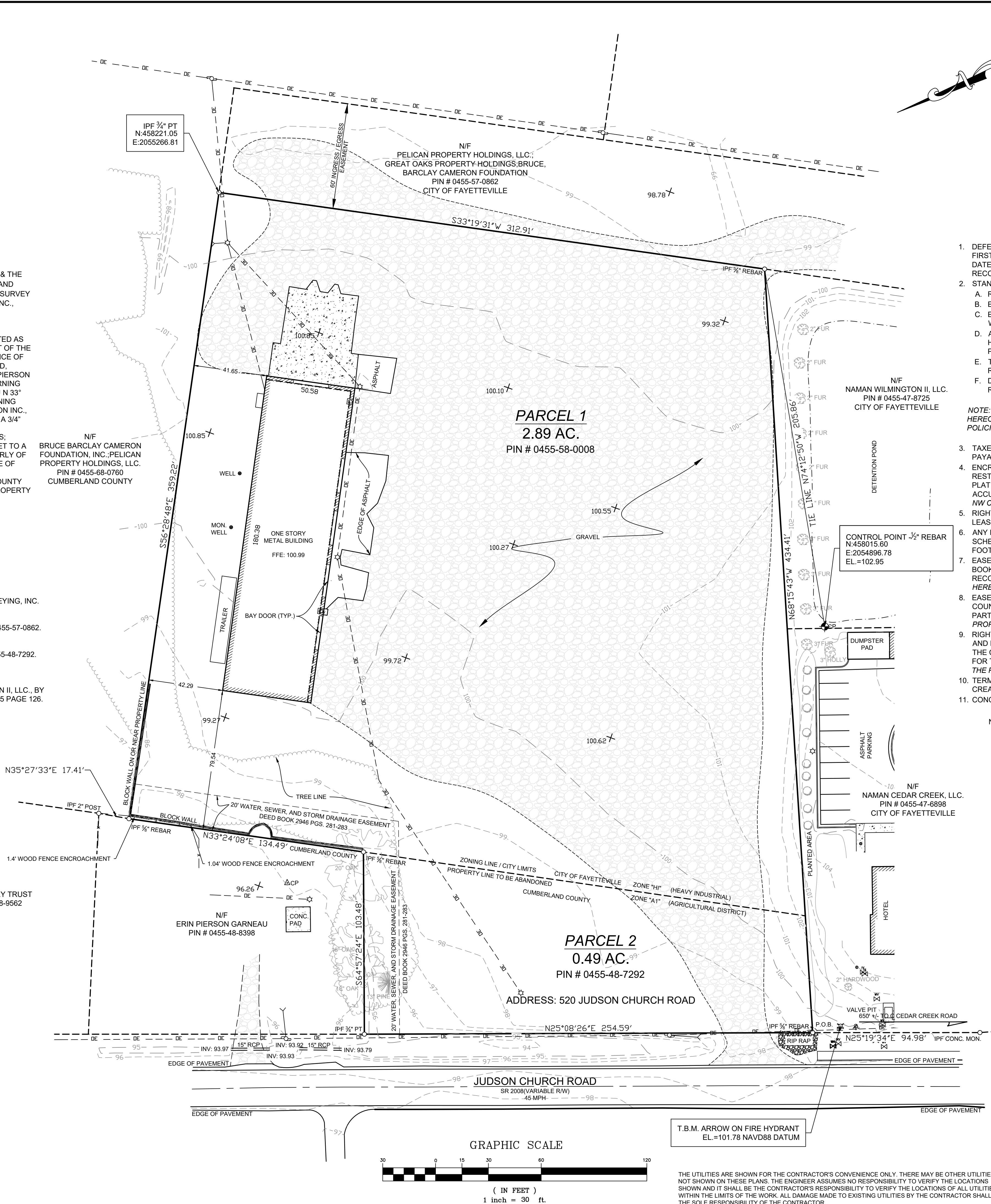
NOTARY

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

I, _____, A NOTARY PUBLIC OF THE COUNTY AND STATE AFORESAID, CERTIFY THAT ASHOK PATEL, SUBJECT PROPERTY OWNER, PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT. WITNESS MY HAND AND OFFICIAL STAMP OR SEAL THIS ____ DAY OF ____.

NOTARY PUBLIC

MY COMMISSION EXPIRES _____



- DEFECTS, LIENS, ENCUMBRANCES, ADVERSE CLAIMS, OR OTHER MATTERS, IF ANY, CREATED, FIRST APPEARING IN THE PUBLIC RECORDS OR ATTACHING SUBSEQUENT TO THE EFFECTIVE DATE HEREOF BUT PRIOR TO THE DATE THE PROPOSED INSURED ACQUIRES FOR VALUE OF RECORD THE ESTATE OR INTEREST OR MORTGAGE THEREON COVERED BY THIS COMMITMENT.
- STANDARD EXCEPTIONS:
 - RIGHTS OR CLAIMS OF PARTIES IN POSSESSION NOT RECORDED IN THE PUBLIC RECORDS.
 - EASEMENTS, OR CLAIMS OF EASEMENTS, NOT RECORDED IN THE PUBLIC RECORDS.
 - ENCROACHMENTS, OVERLAPS, BOUNDARY LINE DISPUTES, OR OTHER MATTERS, WHICH WOULD BE DISCLOSED BY AN ACCURATE SURVEY OR INSPECTION OF THE LAND.
 - ANY LIEN, OR RIGHT TO A LIEN, FOR SERVICES, LABOR, MATERIAL OR EQUIPMENT, HERETOFORE OR HEREAFTER FURNISHED, IMPOSED BY LAW AND NOT RECORDED IN THE PUBLIC RECORDS.
 - TAXES OR ASSESSMENTS WHICH ARE NOT RECORDED AS EXISTING LIENS IN THE PUBLIC RECORDS.
 - DOVER, CURTESY, HOMESTEAD, COMMUNITY PROPERTY, OR OTHER STATUTORY MARITAL RIGHTS, IF ANY OF THE SPOUSE OR OF ANY INDIVIDUAL INSURED.

NOTE: UPON COMPLIANCE WITH ALL REQUIREMENTS SET FORTH UNDER SCHEDULE B, PART I, HEREOF, EXCEPTIONS 1 AND 2 ABOVE MAY BE DELETED, ALTERED OR AMENDED IN THE FINAL POLICIES.

- TAXES AND ASSESSMENTS FOR THE YEAR 2020 AND SUBSEQUENT YEARS, NOT YET DUE AND PAYABLE.
- ENCROACHMENTS, OVERLAPS, OVERHANGS, UNRECORDED EASEMENTS, VIOLATED RESTRICTIVE COVENANTS, DEFICIENCY IN QUANTITY OF GROUND, LACK OF ACCESS, VIOLATED PLAT BUILDING LINES, OR ANY MATTERS NOT OF RECORD, WHICH WOULD BE DISCLOSED BY AN ACCURATE SURVEY AND INSPECTION OF THE LAND. *FENCE ENCROACHMENT SHOWN ON THE NW CORNER OF THE PROPERTY.*
- RIGHTS OF PARTIES IN POSSESSION AS TENANTS, AS TENANTS ONLY, UNDER UNRECORDED LEASES.
- ANY INACCURACY IN THE AREA, SQUARE FOOTAGE, OR ACREAGE OF LAND DESCRIBED IN SCHEDULE A OR ATTACHED PLAT, IF ANY, THE COMPANY DOES NOT INSURE THE AREA, SQUARE FOOTAGE, OR ACREAGE OF THE LAND.
- EASEMENTS, SETBACK LINES AND ANY OTHER FACTS SHOWN ON THAT PLAT RECORDED IN PLAT BOOK 135, PAGE 126 OF THE CUMBERLAND COUNTY REGISTRY, REFERENCE BEING MADE TO THE RECORDS THEREOF FOR THE FULL PARTICULARS. *THIS DESCRIBES THE PROPERTY SHOWN HEREON.*
- EASEMENT TO J.P. RIDDLE AS RECORDED IN BOOK 2946, PAGE 281 OF THE CUMBERLAND COUNTY REGISTRY, REFERENCE BEING MADE TO THE RECORDS THEREOF FOR THE FULL PARTICULARS. *THIS DESCRIBES THE UTILITY EASEMENT ON THE NW CORNER OF THE PROPERTY.*
- RIGHTS OF OTHERS IN AND TO APPURTENANT RIGHTS AND EASEMENTS RESERVED, EXCEPTED AND RETAINED AND DESCRIBED IN QUIT CLAIM DEED AS RECORDED IN BOOK 3010, PAGE 377 OF THE CUMBERLAND COUNTY REGISTRY, REFERENCE BEING MADE TO THE RECORDS THEREOF FOR THE FULL PARTICULARS. *THIS DESCRIBES THE 60' INGRESS / EGRESS EASEMENT EAST OF THE PROPERTY.*
- TERMS, CONDITIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN THE INSTRUMENT WHICH CREATES THE INSURED EASEMENT.
- CONCURRENT RIGHTS OF OTHERS TO USE THE EASEMENT DESCRIBED IN SCHEDULE A.

NOTES:

- HORIZONTAL COORDINATES (NAD 83) AND ELEVATIONS (NAVD 88) BASED ON NGS MONUMENT BEST. PID AH5492. NORTH: 457598.25, EAST: 2053821.19 ELEV. 115.00
- UPON RECORDATION OF THIS PLAT PARCEL 1 AND PARCEL 2 ARE TO BECOME AN UNDIVIDED PARCEL.
- MINIMUM BUILDING SETBACK IN CUMBERLAND COUNTY FOR A-1 ZONING
 - 50' FRONT YARD
 - 25' SIDE YARD
 - 50' REAR YARD
- MINIMUM BUILDING SETBACK IN THE CITY OF FAYETTEVILLE, NC FOR H-1 ZONING
 - 50' FRONT YARD
 - 15' SIDE YARD
 - 20' REAR YARD
- SCREENING IS REQUIRED ON PROPERTY LINES ADJACENT TO PIN 0455-48-8398. SEE UNIFIED DEVELOPMENT ORDINANCE CHAPTER 30-5.

CERTIFICATION

I, JAMES M. FUTTER, CERTIFY TO STEWART TITLE COMPANY AND HARBOR CITY TITLE INSURANCE AGENCY OF NC THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 10284, PAGE 0045; THAT ALL BOUNDARIES WERE SURVEYED AND ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK 135, PAGE 126; THAT THE RATIO OF PRECISION AS CALCULATED BY GPS; THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56. 1600)." THIS 24TH DAY OF JULY, 2020.

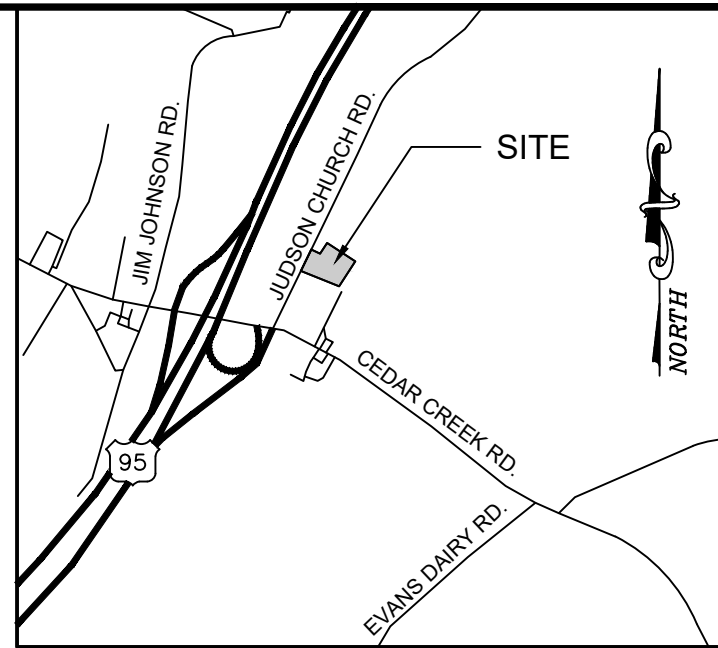
JAMES M. FUTTER, PE, PLS

PLS L-3932



**PRELIMINARY;
NOT FOR
RECORDATION**

OWNER:
ASHOK PATEL
2200-A DAVID MCLEOD BLVD
FLORENCE, SC 29501
(843)-669-0855 OFFICE
(843)-617-7038 CELL



SCHEDULE B - SECTION II
EXCEPTIONS

ALTA / NSPS LAND TITLE SURVEY
BOUNDARY & TOPOGRAPHIC SURVEY TO COMBINE PARCELS
PREPARED FOR
NAMAN JUDSON, LLC.
IN THE CITY OF FAYETTEVILLE & CUMBERLAND COUNTY, NC

Drawn: GHH Checked: JMF

Revised:

File: 327903C-V.dwg
Project No.: 327903C

Chao & Associates, Inc.

Civil - Structural - Survey
7 Clusters Court
Columbia, SC 29210
Voice: (803) 772-8420
Fax: (803) 772-9120
Email: consult@chaoinc.com



V1.0

Sheet Number

7/24/2020

Date

[illegible]

Table 30-4.A.2 Use Table
P = Permitted Use S = Special Use
MP = Allowed Subject to a Planned Development Master Plan
“/” = Prohibited Use [1]

USE CATEGORY	USE TYPE	ZONING DISTRICTS																		ADDITIONAL REQUIREMENTS		
		SPECIAL		RESIDENTIAL					BUSINESS								PLANNED DEVELOPMENT					
		CD	AR	SF - 15	SF - 10	SF -6	MR -5	MH	OI	NC [3]	LC	CC	MU	DT	BP 4	LI	HI	PD-R	PD-EC		PD-TN	
	Manufactured home park (Class A or B homes)	/	/	/	/	/	/	P	/	/	/	/	/	/	/	/	/	/	/	/	30-4.C.2.a.4	
Group Living	Dormitory	/	/	/	/	/	S	/	P	/	P	/	P	P	/	/	/	MP	MP	MP	30-4.C.2.b.1	
	Therapeutic home	/	P	P	P	P	P	P	P	P	S	/	P	S	/	/	/	MP	MP	MP	30-4.C.2.b.5	
	Fraternity or sorority house	/	/	/	/	/	S	/	P	/	P	/	P	/	/	/	/	MP	MP	MP		
	Group home, Large	/	/	/	/	S	/	/	S	S	S	S	S	S	/	/	/	MP	/	MP	30-4.C.2.b.2	
	Group home, Small	/	/	P	P	P	P	P	P	P	S	P	P	P	S	/	/	/	MP		MP	30-4.C.2.b.3
	Rooming or boarding house	/	/	/	/	S	P	/	P	P	P	P	P	P	/	/	/	/	MP	MP	MP	30-4.C.2.b.4
	Transitional housing								S	S	S	S	S	S	/							30-4.C.2.b.6
PUBLIC AND INSTITUTIONAL USE CLASSIFICATION																						
Community Services	Community center	S	P	S	S	P	P	P	P	P	P	P	P	P	/	/	/	MP	MP	MP		
	Cultural facility	/	/	/	/	S	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP		
	Library	/	/	S	S	S	P	/	P	P	P	P	P	P	/	/	/	MP	MP	MP		
	Museum	/	/	/	/	S	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP		
	Youth club facility	/	/	/	/	S	P	/	/	S	P	P	P	P	/	/	/	MP	/	MP		
Day Care	Adult day care center	/	/	S	S	S	S	S	P	P	P	P	P	P	/	/	/	MP	MP	MP		
	Child care center	/	/	S	S	S	S	S	P	P	P	P	P	P	S	/	/	MP	MP	MP	30-4.C.3.a	
Educational Facilities	College or university	/	/	/	/	/	/	/	P	P	P	P	P	P	/	/	/	MP	MP	MP		
	School, elementary	/	S	S	S	S	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.3.b	
	School, middle	/	S	S	S	S	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.3.b	
	School, high	/	S	S	S	S	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.3.b	
	Vocational or trade school	/	/	/	/	/	/	/	/	P	P	P	P	P	P	P	P	MP	MP	MP	30-4.C.3.b	
Governmental facilities	Government maintenance, storage, or distribution facility	/	S	/	/	S	S	/	S	S	S	P	S	P	P	P	P	/	MP	/		
	Government office	/	/	/	/	S	S	/	P	P	P	P	P	P	P	P	/	MP	MP	MP		
	Post office	/	/	/	/	/	S	/	P	P	P	P	P	P	/	P	/	MP	MP	MP		
Health Care Facilities	Blood/tissue collection facility	/	/	/	/	/	/	/	/	/	/	P	/	P	/	P	/	/	MP	MP		
	Drug or alcohol treatment facility	/	/	/	/	/	/	/	/	/	P	P	S	S	/	P	/	MP	MP	MP	30-4.C.3.c.3	
	Hospital	/	/	/	/	/	/	/	P	/	/	P	P	S	/	P	/	/	MP	/	30-4.C.3.c.1	
	Medical or dental clinic [3]	/	/	/	/	/	/	/	P	P	P	P	P	P	S	P	/	MP	MP	MP		

Table 30-4.A.2 Use Table
P = Permitted Use S = Special Use
MP = Allowed Subject to a Planned Development Master Plan
"/" = Prohibited Use [1]

USE CATEGORY	USE TYPE	ZONING DISTRICTS																		ADDITIONAL REQUIREMENTS	
		SPECIAL		RESIDENTIAL					BUSINESS									PLANNED DEVELOPMENT			
		CD	AR	SF - 15	SF - 10	SF -6	MR -5	MH	OI	NC [3]	LC	CC	MU	DT	BP ₄	LI	HI	PD-R	PD-EC		PD-TN
	Medical or dental lab	/	/	/	/	/	/	/	P	/	P	/	P	P	P	P	/	/	MP	/	(Reserved)
	Medical treatment facility	/	/	/	/	/	/	/	P	P	P	P	P	P	/	P	/	/	MP	/	30-4.C.3.c.2
	Outpatient facility	/	/	/	/	/	/	/	P	P	P	P	P	P	/	P	/	/	MP	/	
Institutions	Assisted living facility	/	/	S	S	S	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Auditorium	/	/	/	/	/	/	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.3.d.1
	Club or lodge	/	/	/	/	/	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Convention center	/	/	/	/	/	/	/	P	/	/	P	P	P	/	/	/	/	MP	/	30-4.C.3.d.1
	Halfway house	/	/	/	/	/	S	/	S	/	S	S	S	S	/	/	/	MP	/	MP	30-4.C.3.d.2
	Nursing home	/	/	/	/	S	S	/	P	P	P	P	P	S	/	/	/	MP	MP	MP	
	Psychiatric treatment facility	/	/	/	/	/	/	/	S	/	S	S	/	/	/	/	/	/	MP	/	
	Religious institution	/	P/S	P/S	P/S	P/S	P	P	P	P	P	P	P	P	P	/	P	P	MP	MP	MP
Parks and Open Areas	Arboretum or botanical garden	P	P	P	P	P	P	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Cemetery	S	S	S	S	S	S	/	S	S	S	P	P	S	/	/	/	/	/	/	30-4.C.3.e.1
	Columbaria, mausoleum	P	P	P	P	P	P	/	P	P	P	P	P	P	P	/	/	/	/	/	
	Community garden	P	P	P	P	P	P	P	P	P	P	P	P	/	/	/	/	MP	MP	MP	
	Golf course, public	S	P	P	P	S	P	/	P	/	P	P	P	/	/	/	/	MP	MP	MP	
	Greenway	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	
	Park, public or private	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	
	Public square or plaza	/	/	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	
Public Safety	Correctional facility	/	S	/	/	/	/	/	/	/	/	/	/	S	/	S	P	/	/	/	30-4.C.3.f.1
	Fire or EMS facility	/	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	MP	MP	MP	
	Police substation	/	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	
	Police station	/	P	S	S	S	P	S	P	P	P	P	P	P	/	P	P	MP	MP	MP	
Transportation/Communication	Airport	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	/	MP	/	
	Helicopter landing facility	/	/	/	/	/	/	/	S	/	S	S	S	S	P	/	/	/	MP	/	30-4.C.3.h.1
	Passenger terminal, surface transportation	/	/	/	/	/	S	/	P	S	P	P	P	P	P	P	P	MP	MP	MP	
	Small Wireless Facilities	/	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	30-4.C.3.i.7
	Telecommunication	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	30-4.C.3.i.1

Table 30-4.A.2 Use Table
P = Permitted Use S = Special Use
MP = Allowed Subject to a Planned Development Master Plan
"/" = Prohibited Use [1]

USE CATEGORY	USE TYPE	ZONING DISTRICTS																		ADDITIONAL REQUIREMENTS	
		SPECIAL		RESIDENTIAL					BUSINESS								PLANNED DEVELOPMENT				
		CD	AR	SF - 15	SF - 10	SF -6	MR -5	MH	OI	NC [3]	LC	CC	MU	DT	BP 4	LI	HI	PD-R	PD-EC		PD-TN
	s antenna, collocation on existing tower																				
	Telecommunication s antenna, placement on existing building	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	30-4.C.3.i.1
	Telecommunication s tower, freestanding	/	S	S	S	S	S	/	S	S	S	S	S	/	S	S	S	MP	MP	MP	30-4.C.3.i.1
	Utility, major	/	S	S	S	S	S	/	S	S	S	P	S	S	P	P	P	/	MP	/	30-4.C.3.j.2
	Utility, minor	S	P	P	P	P	P	P	P	P	/	P	P	P	P	P	P	MP	MP	MP	
COMMERCIAL USE CLASSIFICATION [1]																					
Adult Entertainment	Adult entertainment	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	/	/	30-4.C.4.a
Animal Care	Animal grooming	/	/	/	/	/	/	/	/	P	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.4.b
	Animal shelter	/	S	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	/	/	
	Kennel, indoor	/	S	/	/	/	/	/	S	S	S	P	S	S	/	P	/	/	MP	/	
	Kennel, outdoor	/	S	/	/	/	/	/	/	/	S	S	/	/	/	P	/	/	MP	/	
	Veterinary clinic	/	S	/	/	/	/	/	P	S	P	P	S	S	/	/	/	/	MP	/	
Conference and Training Centers	Conference or training center	/	/	/	/	/	/	/	P	P	P	P	P	P	P	/	/	MP	MP	MP	30-4.C.4.d
Eating Establishments	Dinner theater	/	/	/	/	/	/	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Restaurant, with indoor or outdoor seating [4]	/	/	/	/	/	S	/	S	P	P	P	P	P	P	/	/	MP	MP	MP	30-4.C.4.e.1
	Restaurant, with drive-through service [4]	/	/	/	/	/	/	/	/	/	P	P	S	/	P	/	/	/	MP	/	30-4.C.4.e.2
	Specialty eating establishment [4]	/	/	/	/	/	S	/	/	P	P	P	P	P	P	/	/	MP	MP	MP	30-4.C.4.f
Offices	Business services	/	/	/	/	/	/	/	P	P	P	P	P	P	P	S	/	MP	MP	MP	
	Corporate headquarters	/	/	/	/	/	/	/	/	/	P	P	P	P	P	P	P	/	MP	MP	
	Financial services	/	/	/	/	/	/	/	P	P	P	P	P	P	P	/	/	MP	MP	MP	
	Professional services	/	/	/	/	/	/	/	P	P	P	P	P	P	P	S	/	MP	MP	MP	
	Radio and television broadcasting studio	/	/	/	/	/	/	/	P	/	S	P	S	P	P	/	/	/	MP	/	
	Sales (including real estate)	/	/	/	/	/	/	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	
Parking,	Parking lot	/	/	/	/	/	/	/	P	S	P	P	P	P	/	P	/	/	MP	/	30-4.C.4.g.1

Table 30-4.A.2 Use Table
P = Permitted Use S = Special Use
MP = Allowed Subject to a Planned Development Master Plan
"/" = Prohibited Use [1]

USE CATEGORY	USE TYPE	ZONING DISTRICTS																		ADDITIONAL REQUIREMENTS		
		SPECIAL		RESIDENTIAL						BUSINESS									PLANNED DEVELOPMENT			
		CD	AR	SF - 15	SF - 10	SF -6	MR -5	MH	OI	NC [3]	LC	CC	MU	DT	BP 4	LI	HI	PD-R	PD-EC		PD-TN	
Commercial	Parking structure	/	/	/	/	/	/	/	S	S	P	P	P	P	P	P	/	MP	MP	MP	30-4.C.4.g.2	
	Parking Tractor Trailers etc.	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	/	/	30-4.C.4.g.3	
Recreation/ Entertainment, Indoor	Commercial recreation, indoor	/	/	/	/	/	/	/	/	P	P	P	P	P	/	/	/	MP	MP	MP		
	Theater	/	/	/	/	/	/	/	/	P	P	P	P	P	/	/	/	MP	MP	MP		
Recreation/ Entertainment, Outdoor	Arena, amphitheater, or stadium	/	/	/	/	/	/	/	/	/	S	P	S	P	P	/	/	/	MP	/	30-4.C.4.h.1	
	Golf course, private	S	S	S	S	S	S	/	P	/	S	P	S	/	/	/	/	MP	MP	MP		
	Athletic field and clubhouse	P	P	S	S	S	P	P	P	P	P	P	P	/	P	/	/	MP	MP	MP		
	Golf driving range	S	S	/	/	/	/	/	P	/	P	P	/	/	/	/	/	MP	MP	MP		
	Swimming pool, private	/	P	P	P	P	P	P	P	P	P	P	P	/	/	/	/	MP	MP	MP	30-4.C.4.h.2	
	Swimming pool, non-profit	/	P	P	P	P	P	P	P	P	P	P	P	/	P	/	/	MP	MP	MP	30-4.C.4.h.2	
	Tennis court	/	P	P	P	P	P	P	P	P	P	P	P	/	P	/	/	MP	MP	MP	30-4.C.4.h.3	
	Other commercial recreation, outdoor	/	/	/	/	/	S	/	P	S	S	P	P	P	/	P	P	MP	MP	MP		
Retail Sales & Services	Bar, nightclub, or cocktail lounge	/	/	/	/	/	/	/	/	/	P	P	P	P	/	P	/	MP	MP	MP	30-4.C.4.i.1	
	Entertainment establishment	/	/	/	/	/	/	/	/	S	P	P	P	P	/	/	/	MP	MP	MP		
	Gasoline sales	/	/	/	/	/	/	/	/	S	P	P	S	S	/	/	/	MP	MP	MP	30-4.C.4.i.7	
	Crematory	/	/	/	/	/	/	/	/	/	S	S	/	/	/	P	P	/	/	/		
	Financial institution, without drive-through service [4]	/	/	/	/	/	S	/	P	P	P	P	P	P	P	/	/	MP	MP	MP		
	Financial institution, with drive-through service [4]	/	/	/	/	/	/	/	P	S	P	P	P	S	P	/	/	/	MP	/	30-4.C.4.i.5	
	Funeral home	/	/	/	/	/	/	/	/	/	P	P	S	P	/	/	/	/	MP	/		
	Laundromat	/	/	/	/	/	S	S	/	P	P	P	P	P	/	/	/	MP	MP	MP		
	Personal services establishment	/	/	/	/	/	S	/	P	P	P	P	P	P	/	P	/	MP	MP	MP	30-4.C.4.i.9	
	Tattoo parlor/body piercing establishment	/	/	/	/	/	/	/	/	/	P	P	P	P	/	P	/	/	MP	/		
	Repair establishment	/	/	/	/	/	/	/	/	P	P	P	P	P	/	P	/	MP	MP	MP	30-4.C.4.i.10	
	Convenience store,	/	/	/	/	/	S	/	/	P	P	P	P	P	/	/	/	MP	MP	MP		

Table 30-4.A.2 Use Table
P = Permitted Use S = Special Use
MP = Allowed Subject to a Planned Development Master Plan
"/" = Prohibited Use [1]

USE CATEGORY	USE TYPE	ZONING DISTRICTS																			ADDITIONAL REQUIREMENTS
		SPECIAL		RESIDENTIAL						BUSINESS								PLANNED DEVELOPMENT			
		CD	AR	SF - 15	SF - 10	SF -6	MR -5	MH	OI	NC [3]	LC	CC	MU	DT	BP ₄	LI	HI	PD-R	PD-EC	PD-TN	
	without gas sales																				
	Convenience store, with gas sales [4]	/	/	/	/	/	/	/	/	S	P	P	S	S	P	/	/	MP	MP	MP	30-4.C.4.i.3
	Drug store or pharmacy, without drive-through service [4]	/	/	/	/	/	S	/	/	P	P	P	P	P	P	/	/	MP	MP	MP	
	Drug store or pharmacy, with drive-through service	/	/	/	/	/	/	/	/	S	P	P	P	S	P	P	/	/	MP	/	30-4.C.4.i.4
	Flea market	/	/	/	/	/	/	/	/	/	S	S	/	/	/	P	/	/	/	/	30-4.C.4.i.6
	Grocery store	/	/	/	/	/	/	/	/	P/S	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.4.i.8
	Liquor store	/	/	/	/	/	/	/	/	/	P	P	P	P	/	/	/	MP	MP	MP	
	Retail sales establishment, large [4]	/	/	/	/	/	/	/	/	/	P	P	P	/	S	S	/	/	MP	/	30-4.C.4.i.11
	Electronic gaming operation	/	/	/	/	/	/	/	/	/	P	S	/	S	/	S	/	/	/	MP	30-4.C.4.i.13
	Other retail sales establishments [3], [4]	/	/	/	/	/	/	/	/	P/S	P	P	P	P	P	/	/	MP	MP	MP	
	Brewpub	/	/	/	/	/	/	/	/	S	P	P	P	P	/	/	/				30-4.C.4.i.2
Self-Service Storage	Mini-warehouse	/	/	/	/	/	/	/	/	/	S	S	S	/	/	P	/	/	MP	/	30-4.C.4.j
Vehicle Sales and Services, Heavy	Aircraft parts, sales, and maintenance	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	MP	/	
	Automotive painting/body shop	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	/	/	30-4.C.4.k.1
	Automotive wrecker service	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	/	/	30-4.C.4.k.5
	Transmission shop	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	MP	/	30-4.C.4.k.7
	Boat and marine rental and sales	/	/	/	/	/	/	/	/	/	P	P	/	/	/	P	P	/	MP	/	
	Truck stop	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	/	/	
Vehicle Sales and Services, Light	Automotive parts and installation	/	/	/	/	/	/	/	/	/	P	P	/	S	/	P	/	/	/	/	30-4.C.4.k.2
	Automobile repair and servicing (without painting/body-work)	/	/	/	/	/	/	/	/	/	S	P	S	S	/	P	P	/	MP	/	30-4.C.4.k.3
	Automobile sales or	/	/	/	/	/	/	/	/	/	P	P	S	S	/	P	/	/	MP	/	30-4.C.4.k.4

Table 30-4.A.2 Use Table
P = Permitted Use S = Special Use
MP = Allowed Subject to a Planned Development Master Plan
"/" = Prohibited Use [1]

USE CATEGORY	USE TYPE	ZONING DISTRICTS																		ADDITIONAL REQUIREMENTS	
		SPECIAL		RESIDENTIAL					BUSINESS								PLANNED DEVELOPMENT				
		CD	AR	SF - 15	SF - 10	SF -6	MR -5	MH	OI	NC [3]	LC	CC	MU	DT	BP ₄	LI	HI	PD-R	PD-EC		PD-TN
	rentals																				
	Car wash or auto-detailing	/	/	/	/	/	/	/	/	/	P	P	/	S	/	P	/	MP	MP	MP	30-4.C.4.k.6
	Taxicab service	/	/	/	/	/	/	/	/	/	S	P	P	P	/	/	/	/	MP	/	
	Tire/muffler sales and mounting	/	/	/	/	/	/	/	/	/	P	P	/	/	/	P	P	/	MP	/	30-4.C.4.k.7
Visitor Accommodations	Bed and breakfast inn	/	/	S	S	S	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.4.l.1
	Hotel or motel [4]	/	/	/	/	/	/	/	P	/	P	P	P	P	P	/	/	/	MP	/	30-4.C.4.l.2
	Hotel or motel, extended stay [4]	/	/	/	/	/	/	/	P	/	P	P	P	P	P	/	/	/	MP	/	30-4.C.4.l.2
	Tourist Home	/	/	/	/	/	S	/	/	P	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.4.l.3
INDUSTRIAL USE CLASSIFICATION [1]																					
Extractive Industry	All uses	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	P	/	/	/	30-4.C.5.a
Industrial Services	Building, heating, plumbing, or electrical contractor with outside storage	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	MP	/	
	Electric motor repair	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	MP	/	30-4.C.5.b.1
	Fuel oil/bottled gas distributor	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	/	/	
	General industrial service	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	P	/	MP	/	
	Heavy equipment sales, rental, or storage	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	MP	/	30-4.C.5.b.2
	Heavy equipment servicing and repair	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	P	/	/	/	
	Laundry, dry cleaning, and carpet cleaning plants	/	/	/	/	/	/	/	/	/	/	P	/	/	/	P	P	/	/	/	30-4.C.5.b.3
	Machine shop	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	MP	/	30-4.C.5.b.1
	Office-warehouse	/	/	/	/	/	/	/	/	/	P	P	P	P	P	P	P	/	MP	MP	
	Repair of scientific or professional instruments	/	/	/	/	/	/	/	/	S	P	P	P	/	P	P	P	/	MP	/	30-4.C.5.b.1
	Research and development	/	/	/	/	/	/	/	P	P	P	P	P	P	P	P	P	/	MP	/	
	Tool repair	/	/	/	/	/	/	/	/	/	/	P	P	S	P	P	P	/	/	/	30-4.C.5.b.1
Manufacturing	Manufacturing,	/	/	/	/	/	/	/	/	/	/	/	/	/	P	/	P	/	MP	/	

Table 30-4.A.2 Use Table
P = Permitted Use S = Special Use
MP = Allowed Subject to a Planned Development Master Plan
“/” = Prohibited Use [1]

USE CATEGORY	USE TYPE	ZONING DISTRICTS																		ADDITIONAL REQUIREMENTS	
		SPECIAL		RESIDENTIAL					BUSINESS									PLANNED DEVELOPMENT			
		CD	AR	SF - 15	SF - 10	SF -6	MR -5	MH	OI	NC [3]	LC	CC	MU	DT	BP ₄	LI	HI	PD-R	PD-EC		PD-TN
and Production	heavy																				
	Manufacturing, high impact/hazardous	/	/	/	/	/	/	/	/	/	/	/	/	/	S	/	P	/	MP	/	30-4.C.5.c.1
	Manufacturing, light	/	/	/	/	/	/	/	/	/	/	S	/	/	P	P	P	/	MP	/	
	Research and Technology Production	/	/	/	/	/	/	/	/	S	P	P	/	/	/	P	P	/	/	/	
	Microbrewery	/	/	/	/	/	/	/	/	/	P	P	P	/	P	/	/	MP	MP	MP	30-4.C.5.c.2
	Microdistillery	/	/	/	/	/	/	/	/	/	P	P	P	/	P	/	/	MP	MP	MP	30-4.C.5.c.2
Warehouse and Freight Movement	Cold storage plant	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	MP	/	
	Outdoor storage (as a principal use)	/	/	/	/	/	/	/	/	/	/	S	/	/	P	P	P	/	MP	/	30-4.C.5.d.1
	Parcel services	/	/	/	/	/	/	/	/	/	/	P	/	S	/	P	P	/	MP	/	30-4.C.5.d.2
	Truck or freight terminal	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	MP	/	
	Warehouse (distribution)	/	/	/	/	/	/	/	/	/	/	S	/	/	P	P	P	/	MP	/	
	Warehouse (storage)	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	P	/	MP	/	
Waste-Related Services	Energy recovery plant	/	/	/	/	/	/	/	/	/	/	/	/	/	S	S	S	/	/	/	30-4.C.5.f.1
	Hazardous waste collection sites	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	/	/	/	
	Incinerator	/	/	/	/	/	/	/	/	/	/	/	/	/	S	S	P	/	/	/	
	Land application of wastes	/	S	/	/	/	/	/	/	/	/	/	/	/	/	S	S	/	/	/	
	Landfill, land clearing and inert debris or construction debris	/	S	/	/	/	/	/	S	/	/	S	S	/	/	S	S	/	/	/	30-4.C.5.e.2
	Landfill, sanitary	/	S	/	/	/	/	/	/	/	/	/	/	/	/	S	S	/	/	/	30-4.C.5.e.3
	Recycling center	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	S	/	/	/	30-4.C.5.e.4
	Recycling drop-off center	/	/	/	/	S	S	S	P	P	P	P	P	P	/	P	P	MP	MP	MP	30-4.C.5.e.5
	Salvage and junkyard	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	/	/	/	30-4.C.5.e.6
	Tire disposal or recycling	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	S	/	/	/	
	Waste composting	/	S	/	/	/	/	/	/	/	/	/	/	/	/	S	S	/	/	/	30-4.C.5.e.1
Wholesale sales	All uses	/	/	/	/	/	/	/	/	/	/	S	S	/	S	P	/	/	MP	/	30-4.C.5.f

NOTES:
[1] Some commercial, mixed-use, and industrial uses require additional separation or buffer standards or may require special use permit approval when

Table 30-4.A.2 Use Table
P = Permitted Use S = Special Use
MP = Allowed Subject to a Planned Development Master Plan
"/" = Prohibited Use [1]

USE CATEGORY	USE TYPE	ZONING DISTRICTS																		ADDITIONAL REQUIREMENTS	
		SPECIAL		RESIDENTIAL						BUSINESS								PLANNED DEVELOPMENT			
																		PD-R	PD-EC		PD-TN
		CD	AR	SF - 15	SF - 10	SF -6	MR -5	MH	OI	NC [3]	LC	CC	MU	DT	BP 4	LI	HI				

located adjacent to or across a local street or alley from single-family residential development in accordance with Section Transitional Standards. Cottage developments may require a Neighborhood Compatibility Permit (see Section 30-2.C.21).

[2] Individual manufactured homes located outside of a manufactured home park may only be established on lots located within the Manufactured Home Overlay district.

[3] New construction for individual retail uses over 2,500 square feet in the NC zoning district must be approved through the Special Use Permit process.

[4] In the BP district not more than a cumulative total of 40% of the developable area or 30% of the total area, whichever is less, of each Business Park development shall be used for uses in the following use categories: visitor accommodation, eating establishment, and retail sales and services. Such uses as a park or recreational facility within the BP development shall not be counted toward this commercial use or supportive use limitation. Restaurants with drive-thru service and Convenience Stores with gas sales and drive-thru service shall be limited to the periphery of the BP and within the greater of 1500 feet from an interstate centerline or 1250 feet from the nearest access road to that interstate. All other commercial uses shall be located on the periphery of the Business Park development or at a major internal intersection. These use types in a BP Business Park district must meet the standards for commercial, office and mixed use in Table 30-5.C.3 Required Open Space/Parkland Dedication and Article 30-5.I Commercial, Office and Mixed Use Design Standards.

(Ord. No. S2011-008, §§ 7, 12.2a, 7-25-2011; Ord. No. S2011-013, §§ 1.5, 1.8, 2.2a, 8.3, 11-28-2011; Ord. No. S2011-014, § 3, 11-28-2011; Ord. No. S2012-001, § 5.1, 1-23-2012; Ord. No. S2012-011, § 1, 5-29-2012; Ord. No. S2012-024, §§ 5—7, 11-13-2012; Ord. No. S2012-025, § 16, 11-13-2012; Ord. No. S2013-002, § 11, 2-11-2013; Ord. No. S2014-002, § 2, 3a, 5b, 1-13-2014; Ord. No. S2014-012, § 2, 8-11-2014; Ord. S2014-015, §§ 2b, 4, 8-11-2014; Ord. S2016-007, § 2, 6-27-2016; Ord. S2017-004, § 1a-c, 6-26-2017; Ord. No. S2019-008, 1, 04/23/2019)

Effective on: 6/26/2017

City of Fayetteville

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

City Council Action Memo

File Number: 20-1649

Agenda Date: 12/14/2020

Version: 2

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 6.04

TO: Mayor and Members of City Council

THRU: Douglas Hewett, ICMA-CM - City Manager
Angel Wright-Lanier, ICMA-CM - Assistant City Manager
Dr. Gerald Newton, AICP - Development Services Director
Taurus Freeman, MPA - Planning & Zoning Divisional Manager

FROM: Jennifer C Baptiste, Senior Planner

DATE: December 14, 2020

RE:

P20-44F. A Conditional Zoning request from Agricultural-Residential (AR) to Single-Family Residential 15/Conditional Zoning (SF-15/CZ) for the purposes of operating a Child Care Center, located at 8926 Cliffdale Road, (Tax Map # 9487-02-5349) containing 0.51 acres ± and being the property of Eva Gatlin, represented by Deborah Evans.

COUNCIL DISTRICT(S):

8 - Courtney Banks-McLaughlin

Relationship To Strategic Plan:

2030 Goals, Goal II

- Objective A: Sustain a favorable development climate through continual improvement of internal process and by providing redevelopment tools to encourage business growth.

Executive Summary:

The applicant is requesting a Conditional Rezoning from Agricultural-Residential (AR) to Single-Family Residential 15/Conditional Zoning (SF-15/CZ) to operate a Child Care Center at 8926 Cliffdale Road.

On November 10, 2020, the Zoning Commission voted 5-0 to recommend to City Council approval of this Conditional Rezoning to allow a Child Care Center in the SF-15 zoning district.

Background:

Owner: Eva Gatlin

Applicant: Deborah

Evans

Requested Action: Conditional Rezoning

Properties Addresses: 8926 Cliffdale Road

Council District: 8 - Courtney

Banks-McLaughlin Status of Properties: Vacant

Child Care Center Size: Approximately 0.51
acres

Adjoining Land Use & Zoning:

- North - SF-15 - Single-Family Residential Home
- South - AR - Single-Family Residential Home
- West - SF-15 - Single-Family Residential Home
- East - AR - Single-Family Residential

Homes Letters Mailed: 46

Land Use Plan: Low Density

Additional Reviews:

Technical Review Committee (TRC) - A preliminary review has been conducted as part of the Conditional Rezoning application process. In general development comments were received, but specific comments were also provided. Specific comments included:

1. Fire - Inspection conducted; no fire issues.
2. Zoning - Use is required to have 4 parking spaces plus one per employee on the largest shift. A 500 foot separation is required between the use and any bar, nightclub, and adult entertainment.

A full TRC review will be conducted if the Conditional Rezoning is approved.

Issues/Analysis:

The subject property and the surrounding area were annexed into the City of Fayetteville between 2000-2009. When this area of Cliffdale was annexed into the City Limits, the main zoning district assigned to the parcels were either Agricultural-Residential or Single-Family Residential. Since that time, this area has started to experience steady growth and has begun to transition from an undesignated area to mixed use area.

This site is surrounded by Single-Family Residential homes. This portion of Cliffdale Road is densely populated and is mainly dominated by single-family homes on medium to large sized lots or large vacant parcels.

Land within the City is generally classified by the Unified Development Ordinance (UDO) to be within one of a number of base zoning districts. Land may be reclassified to one of a number of comparable zoning districts in accordance with Section 30-2.C.

Conditional Zoning:

The request is for a conditional zoning from Agricultural-Residential (AR) to

Single-Family Residential 15/Conditional Zoning (SF-15/CZ).

The purpose of the CZ zoning district is “intended to provide a landowner and the City an alternative to rezoning the land to a standard base zoning district, where the base zoning allows certain uses and development that may be appropriate but also allow uses and development that may not conform to City plans or would have adverse impacts on public facilities or surrounding lands. Reclassification of land to a conditional zoning district allows a landowner to propose, and the City Council to consider, additional conditions or restrictions on the range of allowable uses, use standards, development intensities, development standards, and other regulations applicable in the parallel base zoning district. This enables the City to tailor a zoning classification to accommodate desirable development while avoiding or addressing anticipated problems that may arise from development otherwise allowed by the base zoning district.”

Specifics of this Conditional Rezoning:

The applicant is requesting a Conditional Zoning to allow the site to be used as a Child Care Center. This is in compliance with the previous use of the property.

The Zoning Commission and Staff recommends that an additional condition of this rezoning be that the applicant also has to follow all developmental standard normally associated with a Special Use Permit request as identified in Section 30-4.C.3.a.1.

Child Care Centers (Non-Residential) in any District and Section 30-4.C.a.2. *Child Care Centers (Non-Residential) in Residential Districts* as identified below:

1. Child Care Centers (Non-Residential) in Any District

Child Care Centers (non-residential) including pre-schools, shall be licensed as a child care center by the State and comply with all State regulations for child care centers. Child care centers in any district except the DT Downtown District shall meet the following standards. Child care centers located in the DT zoning district are exempt from the following standards except as specifically noted below.

a. Separation

Child care centers shall be located at least 500 linear feet from the following uses:

1. Adult entertainment;
2. Bar, nightclub, or cocktail use.

b. Parking Area, Vehicular Circulation, and Drop-Off and Pick-Up

The parking areas and vehicular circulation for the child care center shall be designed to:

1. Enhance the safety of children as they arrive at and leave the facility; and
2. Provide a designated pickup and delivery area that includes at least one parking space per 20 children and is located adjacent to the child care center in such a way that children do not have to cross vehicular travel ways to enter or exit the center.
3. In the DT Downtown District, the City Manager must approve a designated drop-off and pick-up area that, based the maximum capacity of the center as licensed by the State, mitigates traffic congestion and provides for access to the child care center in such a manner that children do not have to cross

vehicular travel ways to enter or exit the center.

c. Accessory Uses

If allowed as an accessory use to a Retail Sales and Service or Office use, the heated floor area of a child care center shall not exceed 20 percent of the heated floor area of the principal use.

d. Outdoor Play Areas

1. Outdoor play areas shall be provided, and shall:
 - A. Be located to the side or rear yard areas;
 - B. Be completely enclosed by a fence that is at least four feet in height;
 - C. Be safely segregated from parking, loading, or service areas; and
2. Outdoor play areas adjacent to a residential lot shall be screened by a six-foot solid fence or wall along with a ten-foot-wide landscaping buffer with evergreen shrubs capable of reaching six feet in height at maturity, planted six feet on- center.

e. Capacity Information

Applications or site plans associated with a child care center shall indicate the maximum number of children, proposed hours of operation, and size of the outdoor play area.

2. Child Care Centers (Non-Residential) in Residential Districts

In addition to meeting the standards of 30-4.C.3(a)(1) above, child care centers (non-resident) in residential districts shall meet the following standards:

a. Minimum Lot Size

A child care center (non-resident) shall be located upon a lot of 20,000 square feet in area or more.

b. Location

1. If not located in a stand-alone building, a child care center shall be segregated (including the restrooms) from the remaining portion of the building in which it is located.
2. New child care centers shall be located on a designated major or minor thoroughfare street.

c. Separation

Child care centers (non-resident) within any residential district shall be at least 1,000 linear feet from any other child care center (non-resident) except as follows. Centers operated in schools, churches and on university campuses in a residential district are exempted from this spacing requirement and will not be considered in the separation requirements for other centers.

d. Outdoor Play Areas

Child Care Centers (non-resident) in residential districts shall not be

operated for outdoor play activities after 8:00 p.m.

Land Use Plan Analysis:

According to Future Land Use Plan Map, this area is recommended to develop as Low Density Residential (LDR). The Low Density Residential category is classified to accommodate mainly single-family residential with some accessory dwellings; occasionally with duplexes (if isolated) or townhomes with lots typically 1-4 dwellings per acre.

The Zoning Commission and City Staff recommends APPROVAL of the map amendment to SF- 15/CZ based on the following:

- This proposed zoning map amendment implements the policies adopted in the Unified Development Ordinance. This district type is intended to provide options to landowners by allowing medium to high intensity uses that would not traditionally be allowed in a zoning district;
- The uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified due to the existing zoning and uses surrounding this property;
- The proposed change is in accordance with the existing or proposed plans for the area; and
- There are no other factors which will substantially affect the public health, safety, morals, or general welfare.

Budget Impact:

There will not be an immediate budgetary impact.

Options:

1. Approval of the map amendment/rezoning to SF-15/CZ with the condition of allowing a Child Care Center be allowed in the SF-15 zoning district.
2. Approval of the map amendment/rezoning to SF-15/CZ with the condition of allowing a Child Care Center be allowed in the SF-15/CZ zoning district along with the development standards identified in Sections 30-4.C.3.a.1. *Child Care Centers (Non-Residential) in any District* and Section 30-4.C.a.2. *Child Care Centers (Non-Residential) in Residential Districts.* (Recommended)
3. Approval of the map amendment/rezoning to SF-15/CZ with the condition of allowing a Child Care Center be allowed in the SF-15/CZ zoning district along with the development standards identified in Sections 30-4.C.3.a.1. *Child Care Centers (Non-Residential) in any District* and Section 30-4.C.a.2. *Child Care Centers (Non-Residential) in Residential Districts* as well as additional development standards.
4. Deny the rezoning request.

Recommended Action:

The Zoning Commission and Staff recommends that the City Council APPROVE the requested rezoning to SF-15/CZ with the condition of allowing a Child Care Center be allowed in the SF-15/CZ zoning district along with the development standards identified in Sections 30-4.C.3.a.1. *Child Care Centers (Non-Residential) in any District* and Section 30-4.C.a.2. *Child Care Centers (Non-Residential) in Residential Districts*. The amendment is consistent with the overall neighborhood and the previous use of the parcel.

If Council would like to consider:

- a. Approval of a more restrictive map amendment/rezoning; or
- b. Denial of the request;

Then the appropriate action would be to remove this item from the consent agenda and set it for a Public Hearing on January 25, 2021.

Attachments:

1. Application
2. Aerial Notification map
3. Zoning Map
4. Land Use Plan Map
5. Site Photos
6. Surrounding Area Photos
7. UDO Table of Uses

Project Overview

#441477

Project Title: Childcare Center

Jurisdiction: City of Fayetteville

Application Type: 5.2) Conditional Rezoning

State: NC

Workflow: Staff Review

County: Cumberland

Project Location

Project Address or PIN: 8926 CLIFFDALE RD (9487-02-5349)

GIS Verified Data

Property Owner:

Acreage:

Zoning District:

Subdivision Name:

Fire District:

Airport Overlay District:

Hospital Overlay District:

Coliseum Tourism District:

Cape Fear District:

Downtown Historic District:

Haymount Historic District:

Floodway:

100 Year Flood:

500 Year Flood:

Watershed:

General Project Information

Proposed Conditional Zoning District: SF-15/CZ - Conditional Single-Family Residential 15

Lot or Site Acreage to be rezoned: .51

Was a neighborhood meeting conducted?: No

Date of Neighborhood Meeting:

Number of Residential Units:

Nonresidential Square Footage: 1472

Landowner Information

Landowner Name: Eva Gatlin

Deed Book and Page Number: 9931-0260

Written Description of Request - Answer all the questions under this section (upload additional sheets as needed).

A) Describe the proposed use of the rezoned land, including the proposed types of site improvements, buildings, uses, proposed activities, hours of operation, and operating characteristics.: The existing use of this land and structure is for childcare use only. The property is already set up for childcare use and has been for years.

B) Describe the proposed conditions that should be applied.: This property has a childcare center designated on the property. The building and property has already been set-up for childcare use. I will be reopening the childcare center.

C) Please describe the zoning district designation and existing uses of lands adjacent to and across the street from the subject site.: Across from the property there are two

houses, which are divided by a 4 lane highway. The land adjacent to the property are occupied by two houses. One on the left and one on the right. The house on the right is vacant. The purpose of the rezoning is to continue to service the community through providing safe reliable childcare for working families.

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 propose amendment is to service the community of Fayetteville families and surrounding counties in need of childcare services. There are a limited amount of childcare programs for families to choose from that are not able to accommodate their needs. We will assure the safety and confident of families by being approved through state licensing. The children will not have to be left home alone as latch- key children, nor be able to be left alone with families who may not be able to care for the child or children. Keeping children safe and helping families is the goal. Children will be able to continue to grow and learn in a safe environment.

B) Are there changed conditions that require an amendment? : Zoning was the change.

C) State the extent to which the proposed amendment addresses a demonstrated community need.: There are families who childcare in order for them to back to work. I we will offer a service that will assist the families in returning to work. Being a licensed childcare provider for 20 years in another county, I get to see the needs that families are in need of. I have families that come from Cumberland county to Hoke county because they were not able to find a childcare program that was able to meet their needs. The program will offer night and weekend care for working families. The main goal is to keep children safe from being left unattended and to assist in helping the children to further enhance their educational goals. We are here to partner with the school to assist in transporting the children to and from schools. This will allow the parent to not have to be concerned able their child being left at home or finding someone to attend to their young child while at work. Being a licensed successful provider in Hoke County. I am here to meet the need of the community by assisting families and their children in providing a safe, loving and educational environment.

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 previous amendment was zoned for childcare due to special use. Due to the expanding of time it was still use as a childcare but not a licensed program. Now that I am in pursue of licensing the program, zoning letter is required to be presented to State licensing consultant. Everything is still set up for childcare usage.

E) State the extent to which the proposed amendment results in a logical and orderly development pattern.: The proposed amendment will not change the development plan. Everything is as is no changes are needed. The building inspection and fire inspection have already been approved. Have documentation.

F) State the extent to which the proposed amendment might encourage premature development.: No premature development.

G) State the extent to which the proposed amendment results in strip-style commercial development.: None.

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.: None.

I) State the extent to which the proposed amendment results in significant adverse impacts on the property values of surrounding lands.: No impacts

J) State the extent to which the proposed amendment results in significantly adverse impacts on the natural environment.: No adverse impact.

Primary Contact Information

Project Contact - Agent/Representative

Deborah Evans
Little Angels Childcare & Development Center II Inc
8926 Cliffdale Road
Raeford, NC 28314
P:910-867-7240

Project Owner

Deborah Evans
Little Angels Childcare & Development Center II Inc
8926 Cliffdale Road
Raeford, NC 28314
P:910-867-7240

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

NC State License Number:

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$30,000. :

Aerial Notification Map

Zoning Commission
11/10/2020

Case #: P20-44F

Request:
Conditional Rezoning
AR to SF-15/ CZ

Location:
8926 Cliffdale Road

Pins:
9487-02-5349

Acreage:
0.51 acres



Legend

-  P20-44F Buffer
-  P20-44F
-  Parcels



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

Recommendation:

Disposition Date:

Final Action:



P20-44F

Zoning Map

Zoning Commission
11/10/2020

Case #: P20-44F

Request:
Conditional Rezoning
AR to SF-15/CZ

Location:
8926 Cliffdale Road

Pins:
9487-02-5349

Acreage:
0.51 acres



Legend

-  P20-44F
-  AR - Agricultural...
-  SF-6 - Single-Fam...
Residential 6
-  SF-10 - Single-Fam...
Residential 10
-  SF-15 - Single-Fam...
Residential 15

City of Fayetteville
PLANNING



Land Use Map

Zoning Commission
11/10/2020

Case #: P20-44F

Request:

Conditional Rezoning
AR to SF-15/CZ

Location:

8926 Cliffdale Road

Pins:

9487-02-5349

Acreage:

0.51 acres



Legend

 P20-44F

**FUTURE
LAND USE**

 LOW DENSITY



P20-44F

Subject Property





Adjacent Properties



CHAPTER 30 – UNIFIED DEVELOPMENT ORDINANCE

30-4.A. Use Table

[illegible]

Table 30-4.A.2 Use Table
P = Permitted Use S = Special Use
MP = Allowed Subject to a Planned Development Master Plan
"/" = Prohibited Use [1]

USE CATEGORY	USE TYPE	ZONING DISTRICTS																		ADDITIONAL REQUIREMENTS	
		SPECIAL		RESIDENTIAL					BUSINESS								PLANNED DEVELOPMENT				
		CD	AR	SF - 15	SF - 10	SF -6	MR -5	MH	OI	NC [3]	LC	CC	MU	DT	BP ₄	LI	HI	PD-R	PD-EC		PD-TN
	homes)																				
Group Living	Dormitory	/	/	/	/	/	S	/	P	/	P	/	P	P	/	/	/	MP	MP	MP	30-4.C.2.b.1
	Therapeutic home	/	P	P	P	P	P	P	P	P	S	/	P	S	/	/	/	MP	MP	MP	30-4.C.2.b.5
	Fraternity or sorority house	/	/	/	/	/	S	/	P	/	P	/	P	/	/	/	/	MP	MP	MP	
	Group home, Large	/	/	/	/	S	/	/	S	S	S	S	S	S	/	/	/	MP	/	MP	30-4.C.2.b.2
	Group home, Small	/	/	P	P	P	P	P	P	P	S	P	P	S	/	/	/	MP		MP	30-4.C.2.b.3
	Rooming or boarding house	/	/	/	/	S	P	/	P	P	P	P	P	/	/	/	/	MP	MP	MP	30-4.C.2.b.4
	Transitional housing								S	S	S	S	S	S	/						30-4.C.2.b.6
PUBLIC AND INSTITUTIONAL USE CLASSIFICATION																					
Community Services	Community center	S	P	S	S	P	P	P	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Cultural facility	/	/	/	/	S	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Library	/	/	S	S	S	P	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Museum	/	/	/	/	S	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Senior center	/	/	/	/	S	P	/	/	P	P	P	S	P	/	/	/	MP	MP	MP	
	Youth club facility	/	/	/	/	S	P	/	/	S	P	P	P	P	/	/	/	MP	/	MP	
Day Care	Adult day care center	/	/	S	S	S	S	S	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Child care center	/	/	S	S	S	S	S	P	P	P	P	P	P	S	/	/	MP	MP	MP	30-4.C.3.a
Educational Facilities	College or university	/	/	/	/	/	/	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	School, elementary	/	S	S	S	S	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.3.b
	School, middle	/	S	S	S	S	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.3.b
	School, high	/	S	S	S	S	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.3.b
	Vocational or trade school	/	/	/	/	/	/	/	/	P	P	P	P	P	P	P	P	MP	MP	MP	30-4.C.3.b
Governmental facilities	Government maintenance, storage, or distribution facility	/	S	/	/	S	S	/	S	S	S	P	S	P	P	P	P	/	MP	/	
	Government office	/	/	/	/	S	S	/	P	P	P	P	P	P	P	P	/	MP	MP	MP	
	Post office	/	/	/	/	/	S	/	P	P	P	P	P	P	/	P	/	MP	MP	MP	
Health Care Facilities	Blood/tissue collection facility	/	/	/	/	/	/	/	/	/	/	P	/	P	/	P	/	/	MP	MP	
	Drug or alcohol treatment facility	/	/	/	/	/	/	/	/	/	P	P	S	S	/	P	/	MP	MP	MP	30-4.C.3.c.3
	Hospital	/	/	/	/	/	/	/	P	/	/	P	P	S	/	P	/	/	MP	/	30-4.C.3.c.1
	Medical or dental clinic [3]	/	/	/	/	/	/	/	P	P	P	P	P	P	S	P	/	MP	MP	MP	
	Medical or dental lab	/	/	/	/	/	/	/	P	/	P	/	P	P	P	P	/	/	MP	/	(Reserved)

Table 30-4.A.2 Use Table
P = Permitted Use S = Special Use
MP = Allowed Subject to a Planned Development Master Plan
"/" = Prohibited Use [1]

USE CATEGORY	USE TYPE	ZONING DISTRICTS																		ADDITIONAL REQUIREMENTS	
		SPECIAL		RESIDENTIAL					BUSINESS								PLANNED DEVELOPMENT				
		CD	AR	SF - 15	SF - 10	SF -6	MR -5	MH	OI	NC [3]	LC	CC	MU	DT	BP ₄	LI	HI	PD-R	PD-EC		PD-TN
	Medical treatment facility	/	/	/	/	/	/	/	P	P	P	P	P	P	/	P	/	/	MP	/	30-4.C.3.c.2
	Outpatient facility	/	/	/	/	/	/	/	P	P	P	P	P	P	/	P	/	/	MP	/	
Institutions	Assisted living facility	/	/	S	S	S	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Auditorium	/	/	/	/	/	/	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.3.d.1
	Club or lodge	/	/	/	/	/	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Convention center	/	/	/	/	/	/	/	P	/	/	P	P	P	/	/	/	/	MP	/	30-4.C.3.d.1
	Halfway house	/	/	/	/	/	S	/	S	/	S	S	S	S	/	/	/	MP	/	MP	30-4.C.3.d.2
	Nursing home	/	/	/	/	S	S	/	P	P	P	P	P	S	/	/	/	MP	MP	MP	
	Psychiatric treatment facility	/	/	/	/	/	/	/	S	/	S	S	/	/	/	/	/	/	MP	/	
	Religious institution	/	P/S	P/S	P/S	P/S	P	P	P	P	P	P	P	P	/	P	P	MP	MP	MP	30-4.C.3.g
Parks and Open Areas	Arboretum or botanical garden	P	P	P	P	P	P	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Cemetery	S	S	S	S	S	S	/	S	S	S	P	P	S	/	/	/	/	/	/	30-4.C.3.e.1
	Columbaria, mausoleum	P	P	P	P	P	P	/	P	P	P	P	P	P	/	/	/	/	/	/	
	Community garden	P	P	P	P	P	P	P	P	P	P	P	P	/	/	/	/	MP	MP	MP	
	Golf course, public	S	P	P	P	S	P	/	P	/	P	P	P	/	/	/	/	MP	MP	MP	
	Greenway	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	
	Park, public or private	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	
	Public square or plaza	/	/	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	
Public Safety	Correctional facility	/	S	/	/	/	/	/	/	/	/	/	/	S	/	S	P	/	/	/	30-4.C.3.f.1
	Fire or EMS facility	/	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	MP	MP	MP	
	Police substation	/	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	
	Police station	/	P	S	S	S	P	S	P	P	P	P	P	P	/	P	P	MP	MP	MP	
Transportation/Communication	Airport	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	/	MP	/	
	Helicopter landing facility	/	/	/	/	/	/	/	S	/	S	S	S	S	P	/	/	/	MP	/	30-4.C.3.h.1
	Passenger terminal, surface transportation	/	/	/	/	/	S	/	P	S	P	P	P	P	P	P	P	MP	MP	MP	
	Small Wireless Facilities	/	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	30-4.C.3.i.7
	Telecommunications antenna, collocation on existing tower	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	30-4.C.3.i.1
	Telecommunications antenna, placement	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	30-4.C.3.i.1

Table 30-4.A.2 Use Table
P = Permitted Use S = Special Use
MP = Allowed Subject to a Planned Development Master Plan
“/” = Prohibited Use [1]

USE CATEGORY	USE TYPE	ZONING DISTRICTS																		ADDITIONAL REQUIREMENTS	
		SPECIAL		RESIDENTIAL					BUSINESS								PLANNED DEVELOPMENT				
		CD	AR	SF - 15	SF - 10	SF -6	MR -5	MH	OI	NC [3]	LC	CC	MU	DT	BP ₄	LI	HI	PD-R	PD-EC		PD-TN
	on existing building																				
	Telecommunications tower, freestanding	/	S	S	S	S	S	/	S	S	S	S	S	/	S	S	S	MP	MP	MP	30-4.C.3.i.1
	Utility, major	/	S	S	S	S	S	/	S	S	S	P	S	S	P	P	P	/	MP	/	30-4.C.3.j.2
	Utility, minor	S	P	P	P	P	P	P	P	P	/	P	P	P	P	P	P	MP	MP	MP	
COMMERCIAL USE CLASSIFICATION [1]																					
Adult Entertainment	Adult entertainment	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	/	/	30-4.C.4.a
Animal Care	Animal grooming	/	/	/	/	/	/	/	/	P	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.4.b
	Animal shelter	/	S	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	/	/	
	Kennel, indoor	/	S	/	/	/	/	/	S	S	S	P	S	S	/	P	/	/	MP	/	
	Kennel, outdoor	/	S	/	/	/	/	/	/	/	S	S	/	/	/	P	/	/	MP	/	
	Veterinary clinic	/	S	/	/	/	/	/	P	S	P	P	S	S	/	/	/	/	MP	/	
Conference and Training Centers	Conference or training center	/	/	/	/	/	/	/	P	P	P	P	P	P	P	/	/	MP	MP	MP	30-4.C.4.d
Eating Establishments	Dinner theater	/	/	/	/	/	/	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.4.e.1
	Restaurant, with indoor or outdoor seating [4]	/	/	/	/	/	S	/	S	P	P	P	P	P	P	/	/	MP	MP	MP	
	Restaurant, with drive-through service [4]	/	/	/	/	/	/	/	/	/	P	P	S	/	P	/	/	/	MP	/	30-4.C.4.e.2
	Specialty eating establishment [4]	/	/	/	/	/	S	/	/	P	P	P	P	P	P	/	/	MP	MP	MP	30-4.C.4.f
Offices	Business services	/	/	/	/	/	/	/	P	P	P	P	P	P	P	S	/	MP	MP	MP	
	Corporate headquarters	/	/	/	/	/	/	/	/	/	P	P	P	P	P	P	P	/	MP	MP	
	Financial services	/	/	/	/	/	/	/	P	P	P	P	P	P	P	/	/	MP	MP	MP	
	Professional services	/	/	/	/	/	/	/	P	P	P	P	P	P	P	S	/	MP	MP	MP	
	Radio and television broadcasting studio	/	/	/	/	/	/	/	P	/	S	P	S	P	P	/	/	/	MP	/	
	Sales (including real estate)	/	/	/	/	/	/	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	
Parking, Commercial	Parking lot	/	/	/	/	/	/	/	P	S	P	P	P	P	/	P	/	/	MP	/	30-4.C.4.g.1
	Parking structure	/	/	/	/	/	/	/	S	S	P	P	P	P	P	P	/	MP	MP	MP	30-4.C.4.g.2
	Parking Tractor Trailers etc.	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	/	/	30-4.C.4.g.3
Recreation/ Entertainment, Indoor	Commercial recreation, indoor	/	/	/	/	/	/	/	/	P	P	P	P	P	/	/	/	MP	MP	MP	
	Theater	/	/	/	/	/	/	/	/	P	P	P	P	P	/	/	/	MP	MP	MP	
Recreation/ Entertainment,	Arena, amphitheater, or	/	/	/	/	/	/	/	/	/	S	P	S	P	P	/	/	/	MP	/	30-4.C.4.h.1

Table 30-4.A.2 Use Table
P = Permitted Use S = Special Use
MP = Allowed Subject to a Planned Development Master Plan
"/" = Prohibited Use [1]

USE CATEGORY	USE TYPE	ZONING DISTRICTS																		ADDITIONAL REQUIREMENTS	
		SPECIAL		RESIDENTIAL					BUSINESS									PLANNED DEVELOPMENT			
		CD	AR	SF - 15	SF - 10	SF -6	MR -5	MH	OI	NC [3]	LC	CC	MU	DT	BP 4	LI	HI	PD-R	PD-EC		PD-TN
Outdoor	stadium																				
	Golf course, private	S	S	S	S	S	S	/	P	/	S	P	S	/	/	/	/	MP	MP	MP	
	Athletic field and clubhouse	P	P	S	S	S	P	P	P	P	P	P	P	/	P	/	/	MP	MP	MP	
	Golf driving range	S	S	/	/	/	/	/	P	/	P	P	/	/	/	/	/	MP	MP	MP	
	Swimming pool, private	/	P	P	P	P	P	P	P	P	P	P	P	/	/	/	/	MP	MP	MP	
	Swimming pool, non-profit	/	P	P	P	P	P	P	P	P	P	P	P	/	P	/	/	MP	MP	MP	
	Tennis court	/	P	P	P	P	P	P	P	P	P	P	P	/	P	/	/	MP	MP	MP	
	Other commercial recreation, outdoor	/	/	/	/	/	S	/	P	S	S	P	P	P	/	P	P	MP	MP	MP	
Retail Sales & Services	Bar, nightclub, or cocktail lounge	/	/	/	/	/	/	/	/	/	P	P	P	P	/	P	/	MP	MP	MP	
	Entertainment establishment	/	/	/	/	/	/	/	/	S	P	P	P	P	/	/	/	MP	MP	MP	
	Gasoline sales	/	/	/	/	/	/	/	/	S	P	P	S	S	/	/	/	MP	MP	MP	
	Crematory	/	/	/	/	/	/	/	/	/	S	S	/	/	/	P	P	/	/	/	
	Financial institution, without drive-through service [4]	/	/	/	/	/	S	/	P	P	P	P	P	P	P	/	/	MP	MP	MP	
	Financial institution, with drive-through service [4]	/	/	/	/	/	/	/	P	S	P	P	P	S	P	/	/	/	MP	/	
	Funeral home	/	/	/	/	/	/	/	/	/	P	P	S	P	/	/	/	/	MP	/	
	Laundromat	/	/	/	/	/	S	S	/	P	P	P	P	P	/	/	/	MP	MP	MP	
	Personal services establishment	/	/	/	/	/	S	/	P	P	P	P	P	P	/	P	/	MP	MP	MP	
	Tattoo parlor/body piercing establishment	/	/	/	/	/	/	/	/	/	P	P	P	P	/	P	/	/	MP	/	
	Repair establishment	/	/	/	/	/	/	/	/	P	P	P	P	P	/	P	/	MP	MP	MP	
	Convenience store, without gas sales	/	/	/	/	/	S	/	/	P	P	P	P	P	/	/	/	MP	MP	MP	
	Convenience store, with gas sales [4]	/	/	/	/	/	/	/	/	S	P	P	S	S	P	/	/	MP	MP	MP	
	Drug store or pharmacy, without drive-through service [4]	/	/	/	/	/	S	/	/	P	P	P	P	P	P	/	/	MP	MP	MP	
	Drug store or pharmacy, with drive-through	/	/	/	/	/	/	/	/	S	P	P	P	S	P	P	/	/	MP	/	

Table 30-4.A.2 Use Table
P = Permitted Use S = Special Use
MP = Allowed Subject to a Planned Development Master Plan
"/" = Prohibited Use [1]

USE CATEGORY	USE TYPE	ZONING DISTRICTS																		ADDITIONAL REQUIREMENTS	
		SPECIAL		RESIDENTIAL					BUSINESS								PLANNED DEVELOPMENT				
		CD	AR	SF - 15	SF - 10	SF -6	MR -5	MH	OI	NC [3]	LC	CC	MU	DT	BP ₄	LI	HI	PD-R	PD-EC		PD-TN
	service																				
	Flea market	/	/	/	/	/	/	/	/	/	S	S	/	/	/	P	/	/	/	/	30-4.C.4.i.6
	Grocery store	/	/	/	/	/	/	/	/	P/S	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.4.i.8
	Liquor store	/	/	/	/	/	/	/	/	/	P	P	P	P	/	/	/	MP	MP	MP	
	Retail sales establishment, large [4]	/	/	/	/	/	/	/	/	/	P	P	P	/	S	S	/	/	MP	/	30-4.C.4.i.11
	Electronic gaming operation	/	/	/	/	/	/	/	/	/	P	S	/	S	/	S	/	/	/	MP	30-4.C.4.i.13
	Other retail sales establishments [3], [4]	/	/	/	/	/	/	/	/	P/S	P	P	P	P	P	/	/	MP	MP	MP	
	Brewpub	/	/	/	/	/	/	/	/	S	P	P	P	P	/	/	/				30-4.C.4.i.2
Self-Service Storage	Mini-warehouse	/	/	/	/	/	/	/	/	/	S	S	S	/	/	P	/	/	MP	/	30-4.C.4.j
Vehicle Sales and Services, Heavy	Aircraft parts, sales, and maintenance	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	MP	/	
	Automotive painting/body shop	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	/	/	30-4.C.4.k.1
	Automotive wrecker service	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	/	/	30-4.C.4.k.5
	Transmission shop	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	MP	/	30-4.C.4.k.7
	Boat and marine rental and sales	/	/	/	/	/	/	/	/	/	P	P	/	/	/	P	P	/	MP	/	
	Truck stop	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	/	/	
Vehicle Sales and Services, Light	Automotive parts and installation	/	/	/	/	/	/	/	/	/	P	P	/	S	/	P	/	/	/	/	30-4.C.4.k.2
	Automobile repair and servicing (without painting/body-work)	/	/	/	/	/	/	/	/	/	S	P	S	S	/	P	P	/	MP	/	30-4.C.4.k.3
	Automobile sales or rentals	/	/	/	/	/	/	/	/	/	P	P	S	S	/	P	/	/	MP	/	30-4.C.4.k.4
	Car wash or auto-detailing	/	/	/	/	/	/	/	/	/	P	P	/	S	/	P	/	MP	MP	MP	30-4.C.4.k.6
	Taxicab service	/	/	/	/	/	/	/	/	/	S	P	P	P	/	/	/	/	MP	/	
	Tire/muffler sales and mounting	/	/	/	/	/	/	/	/	/	P	P	/	/	/	P	P	/	MP	/	30-4.C.4.k.7
Visitor Accommodations	Bed and breakfast inn	/	/	S	S	S	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.4.l.1
	Hotel or motel [4]	/	/	/	/	/	/	/	P	/	P	P	P	P	P	/	/	/	MP	/	30-4.C.4.l.2
	Hotel or motel, extended stay [4]	/	/	/	/	/	/	/	P	/	P	P	P	P	P	/	/	/	MP	/	30-4.C.4.l.2

Table 30-4.A.2 Use Table
P = Permitted Use S = Special Use
MP = Allowed Subject to a Planned Development Master Plan
“/” = Prohibited Use [1]

USE CATEGORY	USE TYPE	ZONING DISTRICTS																		ADDITIONAL REQUIREMENTS		
		SPECIAL		RESIDENTIAL					BUSINESS								PLANNED DEVELOPMENT					
		CD	AR	SF - 15	SF - 10	SF -6	MR -5	MH	OI	NC [3]	LC	CC	MU	DT	BP ₄	LI	HI	PD-R	PD-EC		PD-TN	
	Tourist Home	/	/	/	/	/	S	/	/	P	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.4.I.3	
INDUSTRIAL USE CLASSIFICATION [1]																						
Extractive Industry	All uses	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	P	/	/	/	30-4.C.5.a	
Industrial Services	Building, heating, plumbing, or electrical contractor with outside storage	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	MP	/		
	Electric motor repair	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	MP	/	30-4.C.5.b.1	
	Fuel oil/bottled gas distributor	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	/	/		
	General industrial service	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	P	/	MP	/		
	Heavy equipment sales, rental, or storage	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	MP	/	30-4.C.5.b.2	
	Heavy equipment servicing and repair	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	P	/	/	/		
	Laundry, dry cleaning, and carpet cleaning plants	/	/	/	/	/	/	/	/	/	/	P	/	/	/	P	P	/	/	/	30-4.C.5.b.3	
	Machine shop	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	MP	/	30-4.C.5.b.1	
	Office-warehouse	/	/	/	/	/	/	/	/	/	/	P	P	P	P	P	P	/	MP	MP		
	Repair of scientific or professional instruments	/	/	/	/	/	/	/	/	/	S	P	P	P	/	P	P	P	/	MP	/	30-4.C.5.b.1
	Research and development	/	/	/	/	/	/	/	/	P	P	P	P	P	P	P	P	P	/	MP	/	
	Tool repair	/	/	/	/	/	/	/	/	/	/	/	P	P	S	P	P	P	/	/	/	30-4.C.5.b.1
Manufacturing and Production	Manufacturing, heavy	/	/	/	/	/	/	/	/	/	/	/	/	/	P	/	P	/	MP	/		
	Manufacturing, high impact/hazardous	/	/	/	/	/	/	/	/	/	/	/	/	/	S	/	P	/	MP	/	30-4.C.5.c.1	
	Manufacturing, light	/	/	/	/	/	/	/	/	/	/	S	/	/	P	P	P	/	MP	/		
	Research and Technology Production	/	/	/	/	/	/	/	/	S	P	P	/	/	/	P	P	/	/	/		
	Microbrewery	/	/	/	/	/	/	/	/	/	/	P	P	P	/	P	/	/	MP	MP	MP	30-4.C.5.c.2
	Microdistillery	/	/	/	/	/	/	/	/	/	/	P	P	P	/	P	/	/	MP	MP	MP	30-4.C.5.c.2
Warehouse and Freight Movement	Cold storage plant	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	MP	/		
	Outdoor storage (as a principal use)	/	/	/	/	/	/	/	/	/	/	S	/	/	P	P	P	/	MP	/	30-4.C.5.d.1	
	Parcel services	/	/	/	/	/	/	/	/	/	/	P	/	S	/	P	P	/	MP	/	30-4.C.5.d.2	

Table 30-4.A.2 Use Table
P = Permitted Use S = Special Use
MP = Allowed Subject to a Planned Development Master Plan
"/" = Prohibited Use [1]

USE CATEGORY	USE TYPE	ZONING DISTRICTS																			ADDITIONAL REQUIREMENTS
		SPECIAL		RESIDENTIAL						BUSINESS								PLANNED DEVELOPMENT			
		CD	AR	SF - 15	SF - 10	SF -6	MR -5	MH	OI	NC [3]	LC	CC	MU	DT	BP ₄	LI	HI	PD-R	PD-EC	PD-TN	
	Truck or freight terminal	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	MP	/	
	Warehouse (distribution)	/	/	/	/	/	/	/	/	/	/	S	/	/	P	P	P	/	MP	/	
	Warehouse (storage)	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	P	/	MP	/	
Waste-Related Services	Energy recovery plant	/	/	/	/	/	/	/	/	/	/	/	/	/	S	S	S	/	/	/	30-4.C.5.f.1
	Hazardous waste collection sites	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	/	/	/	
	Incinerator	/	/	/	/	/	/	/	/	/	/	/	/	/	S	S	P	/	/	/	
	Land application of wastes	/	S	/	/	/	/	/	/	/	/	/	/	/	/	S	S	/	/	/	
	Landfill, land clearing and inert debris or construction debris	/	S	/	/	/	/	/	S	/	/	S	S	/	/	S	S	/	/	/	30-4.C.5.e.2
	Landfill, sanitary	/	S	/	/	/	/	/	/	/	/	/	/	/	/	S	S	/	/	/	30-4.C.5.e.3
	Recycling center	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	S	/	/	/	30-4.C.5.e.4
	Recycling drop-off center	/	/	/	/	S	S	S	P	P	P	P	P	P	/	P	P	MP	MP	MP	30-4.C.5.e.5
	Salvage and junkyard	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	/	/	/	30-4.C.5.e.6
	Tire disposal or recycling	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	S	/	/	/	
		Waste composting	/	S	/	/	/	/	/	/	/	/	/	/	/	/	S	S	/	/	/
Wholesale sales	All uses	/	/	/	/	/	/	/	/	/	/	S	S	/	S	P	/	/	MP	/	30-4.C.5.f

NOTES:
[1] Some commercial, mixed-use, and industrial uses require additional separation or buffer standards or may require special use permit approval when located adjacent to or across a local street or alley from single-family residential development in accordance with Section Transitional Standards. Cottage developments may require a Neighborhood Compatibility Permit (see Section 30-2.C.21).
[2] Individual manufactured homes located outside of a manufactured home park may only be established on lots located within the Manufactured Home Overlay district.
[3] New construction for individual retail uses over 2,500 square feet in the NC zoning district must be approved through the Special Use Permit process.
[4] In the BP district not more than a cumulative total of 40% of the developable area or 30% of the total area, whichever is less, of each Business Park development shall be used for uses in the following use categories: visitor accommodation, eating establishment, and retail sales and services. Such uses as a park or recreational facility within the BP development shall not be counted toward this commercial use or supportive use limitation. Restaurants with drive-thru service and Convenience Stores with gas sales and drive-thru service shall be limited to the periphery of the BP and within the greater of 1500 feet from an interstate centerline or 1250 feet from the nearest access road to that interstate. All other commercial uses shall be located on the periphery of the Business Park development or at a major internal intersection. These use types in a BP Business Park district must meet the standards for commercial, office and mixed use in Table 30-5.C.3 Required Open Space/Parkland Dedication and Article 30-5.I Commercial, Office and Mixed Use Design Standards.

(Ord. No. S2011-008, §§ 7, 12.2a, 7-25-2011; Ord. No. S2011-013, §§ 1.5, 1.8, 2.2a, 8.3, 11-28-2011; Ord. No. S2011-014, § 3, 11-28-2011; Ord. No. S2012-001, § 5.1, 1-23-2012; Ord. No. S2012-011, § 1, 5-29-2012; Ord. No. S2012-024, §§ 5—7, 11-13-2012; Ord. No. S2012-025, § 16, 11-13-2012; Ord. No. S2013-002, § 11, 2-11-2013; Ord. No. S2014-002, § 2, 3a, 5b, 1-13-2014; Ord. No. S2014-012, § 2, 8-11-2014; Ord. S2014-015, §§ 2b, 4, 8-11-2014; Ord. S2016-007, § 2, 6-27-2016; Ord. S2017-004, § 1a-c, 6-26-2017)

Effective on: 6/26/2017

City of Fayetteville

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

City Council Action Memo

File Number: 20-1647

Agenda Date: 12/14/2020

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 6.05

TO: Mayor and Members of City Council

THRU: Doug Hewett, ICMA-CM - City Manager
Angel Wright-Lanier, ICMA-CM - Assistant City Manager
Dr. Gerald Newton, AICP - Development Services Director
Taurus Freeman, MPA - Planning & Zoning Divisional Manager

FROM: Craig M. Harmon, CZO - Planner II

DATE: December 14, 2020

RE:

P20-45F. A Rezoning request from Heavy Industrial (HI) to Community Commercial (CC), located on Judson Church Road, near its intersection with Cedar Creek Road, (Tax Map # 0455-58-0008) totaling 2.89 acres ± and being the property of Nick Patel, Naman Hotels.

COUNCIL DISTRICT(S):

2 - Shakeyla Ingram

Relationship To Strategic Plan:

Goal III: High Quality Built Environment

- Objective A - Manage the City future growth and support strategic land use policy by supporting quality development.

Goal IV: Desirable Place to Live, Work and Recreate

- Objective B - Provide for a clean and beautiful community with increased green spaces.

Executive Summary:

The owners of the property in question and the adjacent property to the west wish to build a hotel on the two properties. In order to build a hotel, the owners must rezone this property and annex the adjoining property. This case is related to P20-42F.

On November 10, 2020, the Zoning Commission recommended approval by a vote of

5-0.

Background:

This property is located one block east of Interstate-95, just off Cedar Creek Road. To the north is mostly vacant residential property that will remain in Cumberland County's jurisdiction. To the west is mostly vacant residential land and Judson Baptist Church. To the south are two recently constructed hotels. There are two additional hotels to the southeast, within 700 feet of the subject property.

Applicant: James Futter, Chao and Associates, Inc

Owners: Nick Patel, Naman Hotels

Requested Action: HI to CC

Property Addresses: East side of Judson Road (Just north of Tru by Hilton Hotel)

Council District: 2 - Shakeyla Ingram

Status of Properties: Truck repair

Size: 2.89 acres

Adjoining Land Use & Zoning:

- North - County: Undeveloped
- South - CC: Hotels
- West - County: Undeveloped
- East - County: Undeveloped

Traffic Count: No traffic counts on Judson Church Road. AADT on Cedar Creek Road 14,000 Autos per day.

Letters Mailed: 24

2040 Comprehensive Plan and Future Land Use Map

The 2040 Future Land Use Plan and Map were adopted in 2020. The Plan and Map covers the entirety of Fayetteville's incorporated limits and Municipal Influence Area (MIA). Hence, the plan contains some recommendations, which are broad concepts applicable to all development within those areas.

The Plan recommends Highway Commercial for this area. The area designation allows for mainly high intensity nonresidential uses often near major intersections and highway interchanges (hotels, gas stations, big box retail, fast food). Redevelopment not likely to include residential. Buffers for adjacent uses.

Issues/Analysis:

The subject property is within an area that contains mainly commercial activities or vacant properties. This property is located just off Cedar Creek Road, a major thoroughfare.

This property is currently used for truck repairs. If approved, this rezoning coupled with the adjacent initial zoning request would allow the owner to build a hotel on these properties. Surrounding this property is a mix of heavy commercial, industrial, and vacant properties that remain in the County's jurisdiction.

The property in question is zoned for heavy industrial uses. The requested Community Commercial district would be a down zoning and more appropriate for the surrounding area.

Land within the City is generally classified by the UDO to be within one of a number of

base zoning districts. Land may be reclassified to one of a number of comparable zoning districts in accordance with Section 30-2.C.

Straight Area:

The request is for a rezoning from Heavy Industrial to Community Commercial (CC). The purpose of the CC zoning district is “established and intended to accommodate a diverse range of medium- to high-intensity retail, service, and office uses that provide goods and services serving the residents and businesses in the community at large-e.g., shopping centers, convenience stores, retail sales establishments, and heavier commercial uses (subject to approval of a Special Use Permit (see Section 30-2.C.7)). The district is typically located along major arterials, at the intersection of arterials, and along growth corridors identified in City plans. Higher-density residential uses are encouraged on the upper floors of nonresidential establishments, and may exist as stand-alone buildings as part of a larger horizontal mixed- use development. The district is subject to standards intended to ensure development is compatible with surrounding uses as well as the design standards in Article 30-5: Development Standards.” The reclassification of land to a straight zoning district allows all of the uses that are shown in the CC district on the attached Use Table taken from the UDO. The City Council may not consider conditions or restrictions on the range of allowable uses, use standards, development intensities, development standards, and other regulations that are applicable.

Land Use Plan Analysis:

According to the 2040 Future Land Use Plan and Map, this area is best served as Highway Commercial, which is high intensity nonresidential uses often near major intersections and highway interchanges (hotels, gas stations, big box retail, fast food). Redevelopment not likely to include residential. Buffers for adjacent uses.

Zoning Commission Hearing:

On November 10th the Zoning Commission held a public hearing regarding this case. There were two speakers in favor and none in opposition. The Commission voted 5-0 to recommend approval.

The Zoning Commission and City Planning Staff recommend APPROVAL of the map amendment to CC based on the following:

- This proposed zoning map amendment implements the policies adopted in the Unified Development Ordinance and 2040 Future Land Use Plan and Map. This district type is intended to accommodate a diverse range of medium- to high-intensity retail, service, and office uses that provide goods and services serving the residents and businesses in the community at large. and;
- The uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified due to the existing zoning, uses surrounding this property and the recommendations of the 2040 Future Land Use Plan; and
- There are no other factors, which will substantially affect the public health, safety, morals, or general welfare.

Budget Impact:

There is not an immediate budgetary impact but there may be an economic impact associated with this rezoning that will occur over the next decade.

Options:

1. Approval of the map amendment/rezoning to CC.
2. Approval of the map amendment/rezoning to a more restrictive zoning district.
3. Deny the rezoning request.

Recommended Action:

Zoning Commission and Planning Staff recommend approval of the requested rezoning to CC (Community Commercial) as presented based on the information provided above and all attachments.

The amendment is consistent with applicable plans because: 1) the City's Unified Development Ordinance and 2040 Future Land Use Plan supports heavy commercial zoning district uses in the area; 2) the uses surrounding this property are mostly commercial uses which are compatible with the proposed zoning; and 3) the proposed zoning is reasonable and in the public interest because the proposed zoning fits the character of the overall area.

Attachments:

1. Application
2. Annexation Petition
3. Aerial Notification map
4. Zoning Map
5. Land Use Plan Map
6. Subject Properties Photos
7. Surrounding Properties Photos
8. Survey
9. UDO Table of Uses

Project Overview

#443134

Project Title: Springhill Suites

Jurisdiction: City of Fayetteville

Application Type: 5.1) Rezoning (Map Amendment)

State: NC

Workflow: Staff Review

County: Cumberland

Project Location

Project Address or PIN: 520 JUDSON CHURCH RD (0455-58-0008)

GIS Verified Data

Property Owner:

Acreage:

Zoning District:

Subdivision Name:

Fire District:

Airport Overlay District:

Hospital Overlay District:

Coliseum Tourism District:

Cape Fear District:

Downtown Historic District:

Haymount Historic District:

Floodway:

100 Year Flood:

500 Year Flood:

Watershed:

General Project Information

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

Previous Amendment Approval Date:

Previous Amendment Case #:

Proposed Zoning District: CC

Acreage to be Rezoned: 2.89

Is this application related to an annexation?: Yes

Water Service: Public

Sewer Service: Public

A) Please describe all existing uses of the land and existing structures on the site, if any: one metal building, business closed, formerly a truck maintenance facility

B) Please describe the zoning district designation and existing uses of lands adjacent to and across the street from the subject site.: 2.89 ac site aka parcel 1 is currently in the City of Fayetteville, NC. It is now zoned HI (Heavy Industrial) and it's requested to be rezoned CC (Community Commercial). There are hotels on property to the south and a residence on the parcel to the northwest fronting on Judson Church Road. There is a church across Judson Church Road. The property immediately to the west (parcel 2, 0.49 ac) we are combining to this property is in Cumberland County and currently zoned A1 in Cumberland County. It's zoning will be changed to CC after annexation.

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.:** spoke to David Nash and Craig Harmon and were informed that CC is the preferred zoning by the City for these parcels. A new hotel is planned for this site.
- B) Are there changed conditions that require an amendment? :** no, rezoning of both 2.89 ac parcel 1 and 0.49 ac parcel 2 (this parcel) can be done together.
- C) State the extent to which the proposed amendment addresses a demonstrated community need.:** We don't believe an ammendment is required. We only need a zoning change and annexation of the 0.49 ac parcel 2 into the City of Fayetteville.
- 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.:** two hotels to the south, access easement to the east, undeveloped land to the north, a residence to the northwest, combining 0.49 ac parcel 2 to the west
- E) State the extent to which the proposed amendment results in a logical and orderly development pattern.:** grouping hotels together
- F) State the extent to which the proposed amendment might encourage premature development.:** no ammendment needed
- G) State the extent to which the proposed amendment results in strip-style commercial development.:** a hotel will not result in a strip development, no other development is currently planned.
- 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.:** CC zoning or like zoning is planned for the entire area. City of Fayetteville planners recommended this zoning designation.
- I) State the extent to which the proposed amendment results in significant adverse impacts on the property values of surrounding lands.:** no significant impact to the surrounding lands.
- J) State the extent to which the proposed amendment results in significantly adverse impacts on the natural environment.:** development will meet all environmental standards set by the City of Fayetteville

Primary Contact Information

Project Contact - Agent/Representative

James Futter
Chao and Associates, Inc
7 Clusters Court
Columbia, SC 29210
P:(803) 772-8420
jimf@chaoinc.com

Project Owner

Nick Patel
Naman Hotels
2200-A David McLeod Blvd.
Florence, SC 29501
P:843-669-0855
F:843-661-0700
nick@namanhotels.com

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

NC State License Number:

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$30,000. :

Project Contact - Primary Point of Contact for the Developer

Nick Patel
Naman Hotels
2200-A David McLeod Blvd.
Florence, SC 29501
P:843-669-0855
F:843-661-0700
nick@namanhotels.com

Project Contact - Primary Point of Contact for Engineer

James Futter
Chao and Associates, Inc
7 Clusters Court
Columbia, SC 29210
P:(803) 772-8420
jimf@chaoinc.com

Project Contact - Primary Point of Contact for the Surveyor

James Futter
Chao and Associates, Inc

7 Clusters Court
Columbia, SC 29210
P:(803) 772-8420
jimf@chaoinc.com

Aerial Notification Map

Zoning Commission
11/10/2020
Case #: P20-45F

Request:
Initial Zoning
IL1 to CC

Location:
JUDSON CHURCH RD

Pin:
0455-58-0008

Acreage:
2.89 acres



Legend

- 500' Notification Buffer
- Parcels



Letters are being sent to all property owners within the 500' buffer. Subject property is shown in the hatched pattern.

Recommendation:
Disposition Date:
Final Action:



Zoning Map

Zoning Commission
11/10/2020
Case #: P20-45F

Request:
Initial Zoning
HI.1 to CC

Location:
JUDSON CHURCH RD

Pin:
0455-58-0008

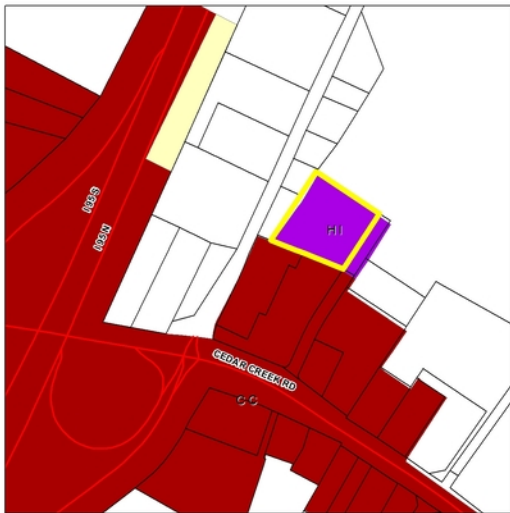
Acreage:
2.89 acres



Legend



City of
Fayetteville
North Carolina
PLANNING



Land Use Map

Zoning Commission
11/10/2020
Case #: P20-45F

Request:
Initial Zoning
HL1 to CC

Location:
JUDSON CHURCH RD

Pin:
0455-58-0008

Acreage:
2.89 acres



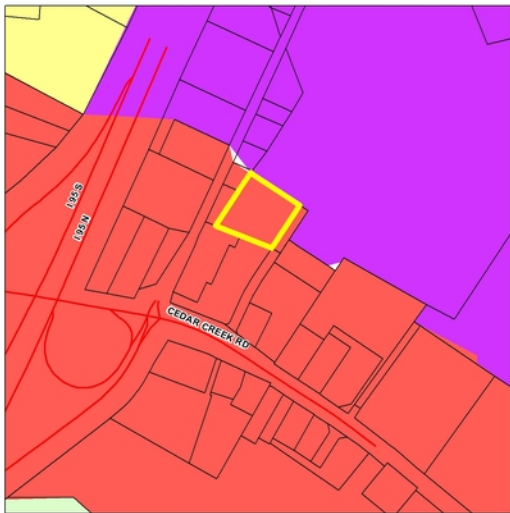
Legend

Parcels

Future Land Use 2040

Character Areas

- RU - RURAL
- OSS - OPEN SPACE SUBDIVISIONS
- LDR - LOW DENSITY
- HC - HIGHWAY COMMERCIAL
- EC - EMPLOYMENT CENTER







Subject Property





Surrounding Properties

South



East



North



South



LEGEND			
	FIRE HYDRANT		CONC. CURB & GUTTER
	WATER VALVE		STORM DRAIN PIPE
	FIRE DEPT. CONNECT		CONCRETE SIDEWALK
	CLEANOUT (CO)		POWER POLE & GUY
	IPF (IRON PIN FOUND)		LIGHT POLE
	DOOR		SHRUB
	OVERHEAD ELECTRIC		RIP RAP
	SPOT GRADE ELEVATION		GRAVEL

LEGAL DESCRIPTION

ALL THAT PIECE, PARCEL OR LOT OF LAND LYING AND BEING IN CUMBERLAND COUNTY & THE CITY OF FAYETTEVILLE, STATE OF NORTH CAROLINA, AND BEING MORE FULLY SHOWN AND DESIGNATED ON AN ALTA/NSPS LAND TITLE SURVEY OF A BOUNDARY & TOPOGRAPHIC SURVEY TO COMBINE PARCELS PREPARED FOR NAMAN JUDSON, LLC BY CHAO & ASSOCIATES, INC., DATED JULY 24, 2020 AND HAVING THE FOLLOWING METES AND BOUNDS TO WIT;

BEGINNING AT A 5/8" REBAR ON THE EASTERN R/W OF JUDSON CHURCH ROAD AND NOTED AS THE POINT OF BEGINNING (POB), BEING LOCATED 650 FEET MORE OR LESS NORTHEAST OF THE INTERSECTION OF CEDAR CREEK ROAD, THENCE RUNNING N 25° 08' 26" E FOR A DISTANCE OF 254.59 FEET TO A 3/4" PINCH TOP PIPE ON THE EASTERN R/W OF JUDSON CHURCH ROAD, THENCE TURNING AND RUNNING ALONG THE PROPERTY NOW OR FORMERLY OF ERIN PIERSON GARNEAU S 64° 57' 24" E FOR A DISTANCE OF 103.48 FEET TO A 5/8" REBAR, THENCE TURNING AND RUNNING ALONG THE PROPERTY NOW OR FORMERLY OF ERIN PIERSON GARNEAU N 33° 24' 08" E FOR A DISTANCE OF 134.48 FEET TO A 5/8" REBAR, THENCE TURNING AND RUNNING ALONG THE PROPERTY NOW OR FORMERLY OF BRUCE BARCLAY CAMERON FOUNDATION INC., PELICAN PROPERTY HOLDINGS, LLC S 56° 28' 48" E FOR A DISTANCE OF 359.22 FEET. TO A 3/4" PINCHED TOP PIPE, THENCE TURNING AND RUNNING ALONG THE PROPERTY NOW OR FORMERLY OF PELICAN PROPERTY HOLDINGS, LLC.; GREAT OAKS PROPERTY HOLDINGS; BRUCE BARCLAY CAMERON FOUNDATION S 33° 19' 31" W FOR A DISTANCE OF 312.91 FEET TO A 5/8" REBAR, THENCE TURNING AND RUNNING ALONG THE PROPERTIES NOW OR FORMERLY OF NAMAN WILMINGTON II, LLC., NAMAN CEDAR CREEK, LLC N 68° 15' 43" W FOR A DISTANCE OF 434.41 FEET TO THE POINT OF BEGINNING WITH PARCEL 1 BEING WITHIN THE CITY OF FAYETTEVILLE CONTAINING 2.89 ACRES AND PARCEL 2 BEING WITHIN CUMBERLAND COUNTY CONTAINING 0.49 ACRES AND THE COMBINED PARCEL CONTAINING 3.38 ACRES. THE PROPERTY SURVEYED IS THE SAME AS THE LAND DESCRIBED IN THE COMMITMENT NO. 2002-2055.

REFERENCES:

- CUMBERLAND COUNTY PIN# 0455-48-7292 & 0455-58-0008
- SUBDIVISION PLAT PREPARED FOR NAMAN WILMINGTON II, LLC. BY M.A.P.S. SURVEYING, INC. DATED AUGUST 5, 2015. RECORDED IN BOOK 136 PAGE 119.
- PELICAN PROPERTY HOLDINGS, LLC.; GREAT OAKS PROPERTY HOLDINGS; BRUCE BARCLAY CAMERON FOUNDATION, DEED BOOK 8868 PAGE 885 FOR PIN# 0455-57-0862.
- BARBARA KELLY TRUST, DEED BOOK 9676 PAGE 849 FOR PIN# 0455-48-9562.
- NAMAN CEDAR CREEK, LLC., DEED BOOK 10238 PAGE 539 FOR PIN# 0455-47-6898.
- MISTY D. CARTER AND TERRY W. CARTER, DEED BOOK 10284 PAGE 45 FOR PIN# 455-48-7292.
- NAMAN WILMINGTON II, LLC., DEED BOOK 9591 PAGE 559 FOR PIN# 0455-47-8725.
- LEISURE INN OF FAYETTEVILLE, INC., DEED BOOK 2946 PAGE 281-283.
- LEISURE INN OF FAYETTEVILLE, INC., DEED BOOK 3010 PAGE 377-380.
- RECOMBINATION PLAT PREPARED FOR MISTY D. CARTER AND NAMAN WILMINGTON II, LLC., BY M.A.P.S. SURVEYING, INC., DATED FEBRUARY 5, 2015. RECORDED IN PLAT BOOK 135 PAGE 126.

FLOOD CERTIFICATION

I HEREBY CERTIFY THAT I HAVE CONSULTED THE NATIONAL FLOOD INSURANCE PROGRAM, "FLOOD INSURANCE RATE MAP", MAP NUMBER 3720044400J, PANEL NUMBER 0444, EFFECTIVE DATE: 1/5/2007. I HAVE DETERMINED THAT THE ABOVE SITE LIES WITHIN AN UNSHADED ZONE "X".

OWNERS CONSENT

THE UNDERSIGNED HEREBY ACKNOWLEDGE THAT THE LAND SHOWN ON THE PLAT IS WITHIN THE SUBDIVISION JURISDICTION OF CUMBERLAND COUNTY AND THE CITY OF FAYETTEVILLE, NC AND THAT THIS PLAT IS MY/OUR FREE ACT AND DEED AND I/WE DO HEREBY DEDICATE TO PUBLIC USE AS STREETS AND EASEMENTS SO SHOWN OR INDICATED ON THIS PLAT.

ASHOK PATEL

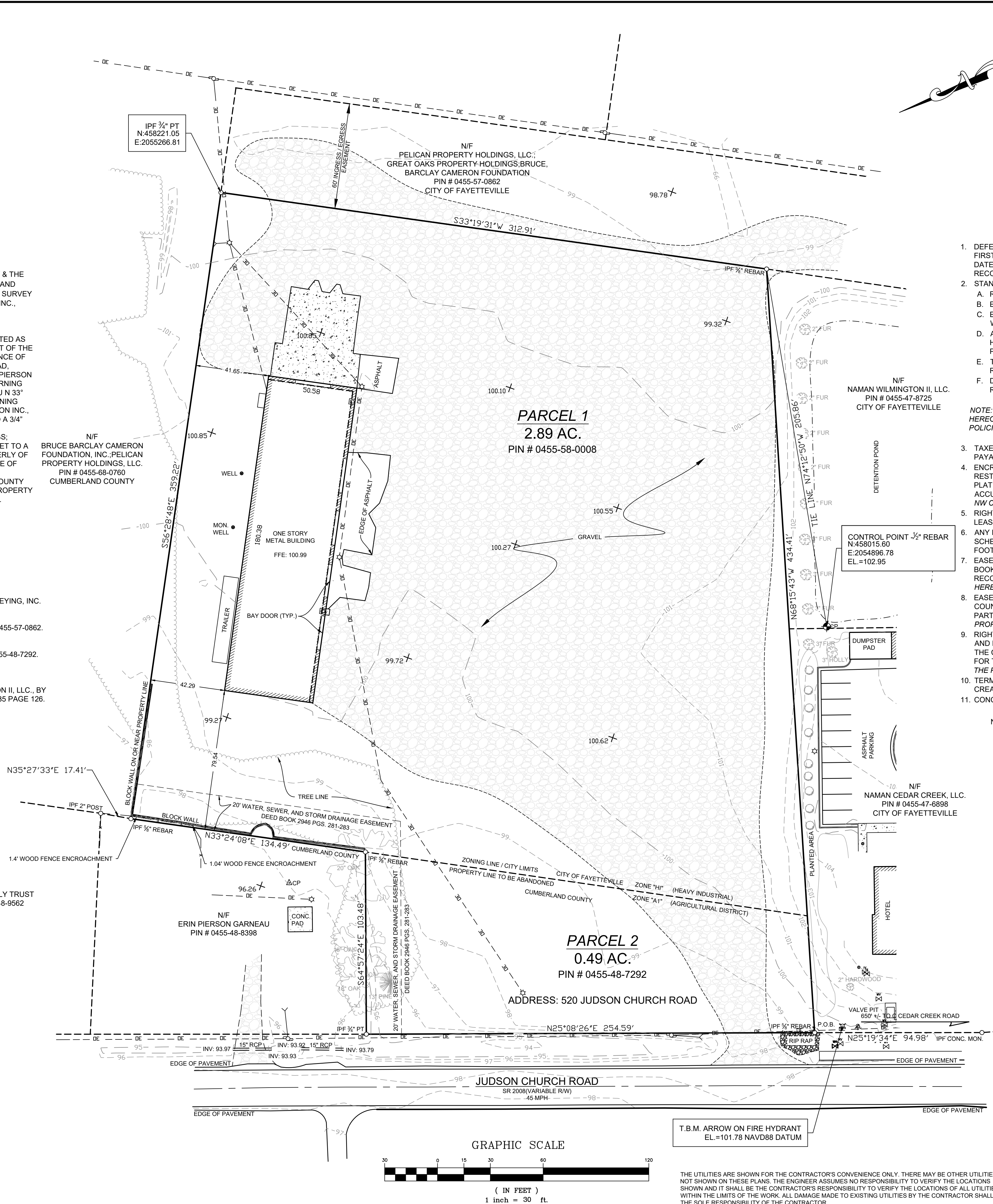
NOTARY

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

I, _____, A NOTARY PUBLIC OF THE COUNTY AND STATE AFORESAID, CERTIFY THAT ASHOK PATEL, SUBJECT PROPERTY OWNER, PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT. WITNESS MY HAND AND OFFICIAL STAMP OR SEAL THIS ____ DAY OF ____.

NOTARY PUBLIC

MY COMMISSION EXPIRES _____



- DEFECTS, LIENS, ENCUMBRANCES, ADVERSE CLAIMS, OR OTHER MATTERS, IF ANY, CREATED, FIRST APPEARING IN THE PUBLIC RECORDS OR ATTACHING SUBSEQUENT TO THE EFFECTIVE DATE HEREOF BUT PRIOR TO THE DATE THE PROPOSED INSURED ACQUIRES FOR VALUE OF RECORD THE ESTATE OR INTEREST OR MORTGAGE THEREON COVERED BY THIS COMMITMENT.
- STANDARD EXCEPTIONS:
 - RIGHTS OR CLAIMS OF PARTIES IN POSSESSION NOT RECORDED IN THE PUBLIC RECORDS.
 - EASEMENTS, OR CLAIMS OF EASEMENTS, NOT RECORDED IN THE PUBLIC RECORDS.
 - ENCROACHMENTS, OVERLAPS, BOUNDARY LINE DISPUTES, OR OTHER MATTERS, WHICH WOULD BE DISCLOSED BY AN ACCURATE SURVEY OR INSPECTION OF THE LAND.
 - ANY LIEN, OR RIGHT TO A LIEN, FOR SERVICES, LABOR, MATERIAL OR EQUIPMENT, HERETOFORE OR HEREAFTER FURNISHED, IMPOSED BY LAW AND NOT RECORDED IN THE PUBLIC RECORDS.
 - TAXES OR ASSESSMENTS WHICH ARE NOT RECORDED AS EXISTING LIENS IN THE PUBLIC RECORDS.
 - DOWER, CURTESY, HOMESTEAD, COMMUNITY PROPERTY, OR OTHER STATUTORY MARITAL RIGHTS, IF ANY OF THE SPOUSE OR OF ANY INDIVIDUAL INSURED.

NOTE: UPON COMPLIANCE WITH ALL REQUIREMENTS SET FORTH UNDER SCHEDULE B, PART I, HEREOF, EXCEPTIONS 1 AND 2 ABOVE MAY BE DELETED, ALTERED OR AMENDED IN THE FINAL POLICIES.

- TAXES AND ASSESSMENTS FOR THE YEAR 2020 AND SUBSEQUENT YEARS, NOT YET DUE AND PAYABLE.
- ENCROACHMENTS, OVERLAPS, OVERHANGS, UNRECORDED EASEMENTS, VIOLATED RESTRICTIVE COVENANTS, DEFICIENCY IN QUANTITY OF GROUND, LACK OF ACCESS, VIOLATED PLAT BUILDING LINES, OR ANY MATTERS NOT OF RECORD, WHICH WOULD BE DISCLOSED BY AN ACCURATE SURVEY AND INSPECTION OF THE LAND. FENCE ENCROACHMENT SHOWN ON THE NW CORNER OF THE PROPERTY.
- RIGHTS OF PARTIES IN POSSESSION AS TENANTS, AS TENANTS ONLY, UNDER UNRECORDED LEASES.
- ANY INACCURACY IN THE AREA, SQUARE FOOTAGE, OR ACREAGE OF LAND DESCRIBED IN SCHEDULE A OR ATTACHED PLAT, IF ANY, THE COMPANY DOES NOT INSURE THE AREA, SQUARE FOOTAGE, OR ACREAGE OF THE LAND.
- EASEMENTS, SETBACK LINES AND ANY OTHER FACTS SHOWN ON THAT PLAT RECORDED IN PLAT BOOK 135, PAGE 126 OF THE CUMBERLAND COUNTY REGISTRY, REFERENCE BEING MADE TO THE RECORDS THEREOF FOR THE FULL PARTICULARS. THIS DESCRIBES THE PROPERTY SHOWN HEREON.
- EASEMENT TO J.P. RIDDLE AS RECORDED IN BOOK 2946, PAGE 281 OF THE CUMBERLAND COUNTY REGISTRY, REFERENCE BEING MADE TO THE RECORDS THEREOF FOR THE FULL PARTICULARS. THIS DESCRIBES THE UTILITY EASEMENT ON THE NW CORNER OF THE PROPERTY.
- RIGHTS OF OTHERS IN AND TO APPURTENANT RIGHTS AND EASEMENTS RESERVED, EXCEPTED AND RETAINED AND DESCRIBED IN QUIT CLAIM DEED AS RECORDED IN BOOK 3010, PAGE 377 OF THE CUMBERLAND COUNTY REGISTRY, REFERENCE BEING MADE TO THE RECORDS THEREOF FOR THE FULL PARTICULARS. THIS DESCRIBES THE 60' INGRESS / EGRESS EASEMENT EAST OF THE PROPERTY.
- TERMS, CONDITIONS, BURDENS AND OBLIGATIONS AS SET FORTH IN THE INSTRUMENT WHICH CREATES THE INSURED EASEMENT.
- CONCURRENT RIGHTS OF OTHERS TO USE THE EASEMENT DESCRIBED IN SCHEDULE A.

NOTES:

- HORIZONTAL COORDINATES (NAD 83) AND ELEVATIONS (NAVD 88) BASED ON NGS MONUMENT BEST, PID AH5492, NORTH: 457598.25, EAST: 2053821.19 ELEV: 115.00
- UPON RECORDATION OF THIS PLAT PARCEL 1 AND PARCEL 2 ARE TO BECOME AN UNDIVIDED PARCEL.
- MINIMUM BUILDING SETBACK IN CUMBERLAND COUNTY FOR A-1 ZONING
 - 50' FRONT YARD
 - 25' SIDE YARD
 - 50' REAR YARD
- MINIMUM BUILDING SETBACK IN THE CITY OF FAYETTEVILLE, NC FOR H-1 ZONING
 - 50' FRONT YARD
 - 15' SIDE YARD
 - 20' REAR YARD
- SCREENING IS REQUIRED ON PROPERTY LINES ADJACENT TO PIN 0455-48-8398. SEE UNIFIED DEVELOPMENT ORDINANCE CHAPTER 30-5.

CERTIFICATION

I, JAMES M. FUTTER, CERTIFY TO STEWART TITLE COMPANY AND HARBOR CITY TITLE INSURANCE AGENCY OF NC THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 10284, PAGE 0045; THAT ALL BOUNDARIES WERE SURVEYED AND ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK 135, PAGE 126; THAT THE RATIO OF PRECISION AS CALCULATED BY GPS; THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56. 1600)." THIS 24TH DAY OF JULY, 2020.

JAMES M. FUTTER, PE, PLS

PLS L-3932



**PRELIMINARY;
NOT FOR
RECORDATION**

OWNER:
ASHOK PATEL
2200-A DAVID MCLEOD BLVD
FLORENCE, SC 29501
(843)-669-0855 OFFICE
(843)-617-7038 CELL



Chao & Associates, Inc.

Civil - Structural - Survey

7 Clusters Court

Columbia, SC 29210

Voice: (803) 772-8420

Fax: (803) 772-9120

Email: consult@chaoinc.com



ALTA / NSPS LAND TITLE SURVEY

BOUNDARY & TOPOGRAPHIC SURVEY TO COMBINE PARCELS

PREPARED FOR

NAMAN JUDSON, LLC.

IN THE CITY OF FAYETTEVILLE & CUMBERLAND COUNTY, NC

Drawn: GHH

Checked: JMF

Revised:

File: 327903C-V.dwg

Project No.: 327903C

V1.0

Sheet Number

7/24/2020

Date

[illegible]

Table 30-4.A.2 Use Table
P = Permitted Use S = Special Use
MP = Allowed Subject to a Planned Development Master Plan
"/" = Prohibited Use [1]

USE CATEGORY	USE TYPE	ZONING DISTRICTS																		ADDITIONAL REQUIREMENTS		
		SPECIAL		RESIDENTIAL					BUSINESS								PLANNED DEVELOPMENT					
		CD	AR	SF - 15	SF - 10	SF -6	MR -5	MH	OI	NC [3]	LC	CC	MU	DT	BP ₄	LI	HI	PD-R	PD-EC		PD-TN	
	Manufactured home park (Class A or B homes)	/	/	/	/	/	/	P	/	/	/	/	/	/	/	/	/	/	/	/	30-4.C.2.a.4	
Group Living	Dormitory	/	/	/	/	/	S	/	P	/	P	/	P	P	/	/	/	MP	MP	MP	30-4.C.2.b.1	
	Therapeutic home	/	P	P	P	P	P	P	P	P	S	/	P	S	/	/	/	MP	MP	MP	30-4.C.2.b.5	
	Fraternity or sorority house	/	/	/	/	/	S	/	P	/	P	/	P	/	/	/	/	MP	MP	MP		
	Group home, Large	/	/	/	/	S	/	/	S	S	S	S	S	S	/	/	/	MP	/	MP	30-4.C.2.b.2	
	Group home, Small	/	/	P	P	P	P	P	P	P	S	P	P	P	S	/	/	/	MP		MP	30-4.C.2.b.3
	Rooming or boarding house	/	/	/	/	S	P	/	P	P	P	P	P	P	/	/	/	/	MP	MP	MP	30-4.C.2.b.4
	Transitional housing								S	S	S	S	S	S	/							30-4.C.2.b.6
PUBLIC AND INSTITUTIONAL USE CLASSIFICATION																						
Community Services	Community center	S	P	S	S	P	P	P	P	P	P	P	P	P	/	/	/	MP	MP	MP		
	Cultural facility	/	/	/	/	S	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP		
	Library	/	/	S	S	S	P	/	P	P	P	P	P	P	/	/	/	MP	MP	MP		
	Museum	/	/	/	/	S	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP		
	Youth club facility	/	/	/	/	S	P	/	/	S	P	P	P	P	/	/	/	MP	/	MP		
Day Care	Adult day care center	/	/	S	S	S	S	S	P	P	P	P	P	P	/	/	/	MP	MP	MP		
	Child care center	/	/	S	S	S	S	S	P	P	P	P	P	P	S	/	/	MP	MP	MP	30-4.C.3.a	
Educational Facilities	College or university	/	/	/	/	/	/	/	P	P	P	P	P	P	/	/	/	MP	MP	MP		
	School, elementary	/	S	S	S	S	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.3.b	
	School, middle	/	S	S	S	S	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.3.b	
	School, high	/	S	S	S	S	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.3.b	
	Vocational or trade school	/	/	/	/	/	/	/	/	P	P	P	P	P	P	P	P	MP	MP	MP	30-4.C.3.b	
Governmental facilities	Government maintenance, storage, or distribution facility	/	S	/	/	S	S	/	S	S	S	P	S	P	P	P	P	/	MP	/		
	Government office	/	/	/	/	S	S	/	P	P	P	P	P	P	P	P	/	MP	MP	MP		
	Post office	/	/	/	/	/	S	/	P	P	P	P	P	P	/	P	/	MP	MP	MP		
Health Care Facilities	Blood/tissue collection facility	/	/	/	/	/	/	/	/	/	/	P	/	P	/	P	/	/	MP	MP		
	Drug or alcohol treatment facility	/	/	/	/	/	/	/	/	/	P	P	S	S	/	P	/	MP	MP	MP	30-4.C.3.c.3	
	Hospital	/	/	/	/	/	/	/	P	/	/	P	P	S	/	P	/	/	MP	/	30-4.C.3.c.1	
	Medical or dental clinic [3]	/	/	/	/	/	/	/	P	P	P	P	P	P	S	P	/	MP	MP	MP		

Table 30-4.A.2 Use Table
P = Permitted Use S = Special Use
MP = Allowed Subject to a Planned Development Master Plan
"/" = Prohibited Use [1]

USE CATEGORY	USE TYPE	ZONING DISTRICTS																		ADDITIONAL REQUIREMENTS	
		SPECIAL		RESIDENTIAL					BUSINESS									PLANNED DEVELOPMENT			
		CD	AR	SF - 15	SF - 10	SF -6	MR -5	MH	OI	NC [3]	LC	CC	MU	DT	BP ₄	LI	HI	PD-R	PD-EC		PD-TN
	Medical or dental lab	/	/	/	/	/	/	/	P	/	P	/	P	P	P	P	/	/	MP	/	(Reserved)
	Medical treatment facility	/	/	/	/	/	/	/	P	P	P	P	P	P	/	P	/	/	MP	/	30-4.C.3.c.2
	Outpatient facility	/	/	/	/	/	/	/	P	P	P	P	P	P	/	P	/	/	MP	/	
Institutions	Assisted living facility	/	/	S	S	S	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Auditorium	/	/	/	/	/	/	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.3.d.1
	Club or lodge	/	/	/	/	/	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Convention center	/	/	/	/	/	/	/	P	/	/	P	P	P	/	/	/	/	MP	/	30-4.C.3.d.1
	Halfway house	/	/	/	/	/	S	/	S	/	S	S	S	S	/	/	/	MP	/	MP	30-4.C.3.d.2
	Nursing home	/	/	/	/	S	S	/	P	P	P	P	P	S	/	/	/	MP	MP	MP	
	Psychiatric treatment facility	/	/	/	/	/	/	/	S	/	S	S	/	/	/	/	/	/	MP	/	
	Religious institution	/	P/S	P/S	P/S	P/S	P	P	P	P	P	P	P	P	P	/	P	P	MP	MP	MP
Parks and Open Areas	Arboretum or botanical garden	P	P	P	P	P	P	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Cemetery	S	S	S	S	S	S	/	S	S	S	P	P	S	/	/	/	/	/	/	30-4.C.3.e.1
	Columbaria, mausoleum	P	P	P	P	P	P	/	P	P	P	P	P	P	P	/	/	/	/	/	
	Community garden	P	P	P	P	P	P	P	P	P	P	P	P	/	/	/	/	MP	MP	MP	
	Golf course, public	S	P	P	P	S	P	/	P	/	P	P	P	/	/	/	/	MP	MP	MP	
	Greenway	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	
	Park, public or private	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	
	Public square or plaza	/	/	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	
Public Safety	Correctional facility	/	S	/	/	/	/	/	/	/	/	/	/	S	/	S	P	/	/	/	30-4.C.3.f.1
	Fire or EMS facility	/	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	MP	MP	MP	
	Police substation	/	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	
	Police station	/	P	S	S	S	P	S	P	P	P	P	P	P	/	P	P	MP	MP	MP	
Transportation/Communication	Airport	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	/	MP	/	
	Helicopter landing facility	/	/	/	/	/	/	/	S	/	S	S	S	S	P	/	/	/	MP	/	30-4.C.3.h.1
	Passenger terminal, surface transportation	/	/	/	/	/	S	/	P	S	P	P	P	P	P	P	P	MP	MP	MP	
	Small Wireless Facilities	/	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	30-4.C.3.i.7
	Telecommunication	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	30-4.C.3.i.1

Table 30-4.A.2 Use Table
P = Permitted Use S = Special Use
MP = Allowed Subject to a Planned Development Master Plan
"/" = Prohibited Use [1]

USE CATEGORY	USE TYPE	ZONING DISTRICTS																		ADDITIONAL REQUIREMENTS	
		SPECIAL		RESIDENTIAL					BUSINESS									PLANNED DEVELOPMENT			
		CD	AR	SF - 15	SF - 10	SF -6	MR -5	MH	OI	NC [3]	LC	CC	MU	DT	BP 4	LI	HI	PD-R	PD-EC		PD-TN
	s antenna, collocation on existing tower																				
	Telecommunication s antenna, placement on existing building	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	30-4.C.3.i.1
	Telecommunication s tower, freestanding	/	S	S	S	S	S	/	S	S	S	S	S	/	S	S	S	MP	MP	MP	30-4.C.3.i.1
	Utility, major	/	S	S	S	S	S	/	S	S	S	P	S	S	P	P	P	/	MP	/	30-4.C.3.j.2
	Utility, minor	S	P	P	P	P	P	P	P	P	/	P	P	P	P	P	P	MP	MP	MP	
COMMERCIAL USE CLASSIFICATION [1]																					
Adult Entertainment	Adult entertainment	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	/	/	30-4.C.4.a
Animal Care	Animal grooming	/	/	/	/	/	/	/	/	P	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.4.b
	Animal shelter	/	S	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	/	/	
	Kennel, indoor	/	S	/	/	/	/	/	S	S	S	P	S	S	/	P	/	/	MP	/	
	Kennel, outdoor	/	S	/	/	/	/	/	/	/	S	S	/	/	/	P	/	/	MP	/	
	Veterinary clinic	/	S	/	/	/	/	/	P	S	P	P	S	S	/	/	/	/	MP	/	
Conference and Training Centers	Conference or training center	/	/	/	/	/	/	/	P	P	P	P	P	P	P	/	/	MP	MP	MP	30-4.C.4.d
Eating Establishments	Dinner theater	/	/	/	/	/	/	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Restaurant, with indoor or outdoor seating [4]	/	/	/	/	/	S	/	S	P	P	P	P	P	P	/	/	MP	MP	MP	30-4.C.4.e.1
	Restaurant, with drive-through service [4]	/	/	/	/	/	/	/	/	/	P	P	S	/	P	/	/	/	MP	/	30-4.C.4.e.2
	Specialty eating establishment [4]	/	/	/	/	/	S	/	/	P	P	P	P	P	P	/	/	MP	MP	MP	30-4.C.4.f
Offices	Business services	/	/	/	/	/	/	/	P	P	P	P	P	P	P	S	/	MP	MP	MP	
	Corporate headquarters	/	/	/	/	/	/	/	/	/	P	P	P	P	P	P	P	/	MP	MP	
	Financial services	/	/	/	/	/	/	/	P	P	P	P	P	P	P	/	/	MP	MP	MP	
	Professional services	/	/	/	/	/	/	/	P	P	P	P	P	P	P	S	/	MP	MP	MP	
	Radio and television broadcasting studio	/	/	/	/	/	/	/	P	/	S	P	S	P	P	/	/	/	MP	/	
	Sales (including real estate)	/	/	/	/	/	/	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	
Parking,	Parking lot	/	/	/	/	/	/	/	P	S	P	P	P	P	/	P	/	/	MP	/	30-4.C.4.g.1

Table 30-4.A.2 Use Table
P = Permitted Use S = Special Use
MP = Allowed Subject to a Planned Development Master Plan
"/" = Prohibited Use [1]

USE CATEGORY	USE TYPE	ZONING DISTRICTS																		ADDITIONAL REQUIREMENTS	
		SPECIAL		RESIDENTIAL					BUSINESS								PLANNED DEVELOPMENT				
		CD	AR	SF - 15	SF - 10	SF -6	MR -5	MH	OI	NC [3]	LC	CC	MU	DT	BP 4	LI	HI	PD-R	PD-EC		PD-TN
Commercial	Parking structure	/	/	/	/	/	/	/	S	S	P	P	P	P	P	P	/	MP	MP	MP	30-4.C.4.g.2
	Parking Tractor Trailers etc.	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	/	/	30-4.C.4.g.3
Recreation/ Entertainment, Indoor	Commercial recreation, indoor	/	/	/	/	/	/	/	/	P	P	P	P	P	/	/	/	MP	MP	MP	
	Theater	/	/	/	/	/	/	/	/	P	P	P	P	P	/	/	/	MP	MP	MP	
Recreation/ Entertainment, Outdoor	Arena, amphitheater, or stadium	/	/	/	/	/	/	/	/	/	S	P	S	P	P	/	/	/	MP	/	30-4.C.4.h.1
	Golf course, private	S	S	S	S	S	S	/	P	/	S	P	S	/	/	/	/	MP	MP	MP	
	Athletic field and clubhouse	P	P	S	S	S	P	P	P	P	P	P	P	/	P	/	/	MP	MP	MP	
	Golf driving range	S	S	/	/	/	/	/	P	/	P	P	/	/	/	/	/	MP	MP	MP	
	Swimming pool, private	/	P	P	P	P	P	P	P	P	P	P	P	/	/	/	/	MP	MP	MP	30-4.C.4.h.2
	Swimming pool, non-profit	/	P	P	P	P	P	P	P	P	P	P	P	/	P	/	/	MP	MP	MP	30-4.C.4.h.2
	Tennis court	/	P	P	P	P	P	P	P	P	P	P	P	/	P	/	/	MP	MP	MP	30-4.C.4.h.3
	Other commercial recreation, outdoor	/	/	/	/	/	S	/	P	S	S	P	P	P	/	P	P	MP	MP	MP	
Retail Sales & Services	Bar, nightclub, or cocktail lounge	/	/	/	/	/	/	/	/	/	P	P	P	P	/	P	/	MP	MP	MP	30-4.C.4.i.1
	Entertainment establishment	/	/	/	/	/	/	/	/	S	P	P	P	P	/	/	/	MP	MP	MP	
	Gasoline sales	/	/	/	/	/	/	/	/	S	P	P	S	S	/	/	/	MP	MP	MP	30-4.C.4.i.7
	Crematory	/	/	/	/	/	/	/	/	/	S	S	/	/	/	P	P	/	/	/	
	Financial institution, without drive-through service [4]	/	/	/	/	/	S	/	P	P	P	P	P	P	P	/	/	MP	MP	MP	
	Financial institution, with drive-through service [4]	/	/	/	/	/	/	/	P	S	P	P	P	S	P	/	/	/	MP	/	30-4.C.4.i.5
	Funeral home	/	/	/	/	/	/	/	/	/	P	P	S	P	/	/	/	/	MP	/	
	Laundromat	/	/	/	/	/	S	S	/	P	P	P	P	P	/	/	/	MP	MP	MP	
	Personal services establishment	/	/	/	/	/	S	/	P	P	P	P	P	P	/	P	/	MP	MP	MP	30-4.C.4.i.9
	Tattoo parlor/body piercing establishment	/	/	/	/	/	/	/	/	/	P	P	P	P	/	P	/	/	MP	/	
	Repair establishment	/	/	/	/	/	/	/	/	P	P	P	P	P	/	P	/	MP	MP	MP	30-4.C.4.i.10
	Convenience store,	/	/	/	/	/	S	/	/	P	P	P	P	P	/	/	/	MP	MP	MP	

Table 30-4.A.2 Use Table
P = Permitted Use S = Special Use
MP = Allowed Subject to a Planned Development Master Plan
"/" = Prohibited Use [1]

USE CATEGORY	USE TYPE	ZONING DISTRICTS																			ADDITIONAL REQUIREMENTS
		SPECIAL		RESIDENTIAL						BUSINESS								PLANNED DEVELOPMENT			
		CD	AR	SF - 15	SF - 10	SF - 6	MR - 5	MH	OI	NC [3]	LC	CC	MU	DT	BP ₄	LI	HI	PD-R	PD-EC	PD-TN	
	without gas sales																				
	Convenience store, with gas sales [4]	/	/	/	/	/	/	/	/	S	P	P	S	S	P	/	/	MP	MP	MP	30-4.C.4.i.3
	Drug store or pharmacy, without drive-through service [4]	/	/	/	/	/	S	/	/	P	P	P	P	P	P	/	/	MP	MP	MP	
	Drug store or pharmacy, with drive-through service	/	/	/	/	/	/	/	/	S	P	P	P	S	P	P	/	/	MP	/	30-4.C.4.i.4
	Flea market	/	/	/	/	/	/	/	/	/	S	S	/	/	/	P	/	/	/	/	30-4.C.4.i.6
	Grocery store	/	/	/	/	/	/	/	/	P/S	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.4.i.8
	Liquor store	/	/	/	/	/	/	/	/	/	P	P	P	P	/	/	/	MP	MP	MP	
	Retail sales establishment, large [4]	/	/	/	/	/	/	/	/	/	P	P	P	/	S	S	/	/	MP	/	30-4.C.4.i.11
	Electronic gaming operation	/	/	/	/	/	/	/	/	/	P	S	/	S	/	S	/	/	/	MP	30-4.C.4.i.13
	Other retail sales establishments [3], [4]	/	/	/	/	/	/	/	/	P/S	P	P	P	P	P	/	/	MP	MP	MP	
	Brewpub	/	/	/	/	/	/	/	/	/	S	P	P	P	P	/	/	/			
Self-Service Storage	Mini-warehouse	/	/	/	/	/	/	/	/	/	S	S	S	/	/	P	/	/	MP	/	30-4.C.4.j
Vehicle Sales and Services, Heavy	Aircraft parts, sales, and maintenance	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	MP	/	
	Automotive painting/body shop	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	/	/	30-4.C.4.k.1
	Automotive wrecker service	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	/	/	30-4.C.4.k.5
	Transmission shop	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	MP	/	30-4.C.4.k.7
	Boat and marine rental and sales	/	/	/	/	/	/	/	/	/	P	P	/	/	/	P	P	/	MP	/	
	Truck stop	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	/	/	
Vehicle Sales and Services, Light	Automotive parts and installation	/	/	/	/	/	/	/	/	/	P	P	/	S	/	P	/	/	/	/	30-4.C.4.k.2
	Automobile repair and servicing (without painting/body-work)	/	/	/	/	/	/	/	/	/	S	P	S	S	/	P	P	/	MP	/	30-4.C.4.k.3
	Automobile sales or	/	/	/	/	/	/	/	/	/	P	P	S	S	/	P	/	/	MP	/	30-4.C.4.k.4

Table 30-4.A.2 Use Table
P = Permitted Use S = Special Use
MP = Allowed Subject to a Planned Development Master Plan
"/" = Prohibited Use [1]

USE CATEGORY	USE TYPE	ZONING DISTRICTS																		ADDITIONAL REQUIREMENTS	
		SPECIAL		RESIDENTIAL					BUSINESS									PLANNED DEVELOPMENT			
		CD	AR	SF - 15	SF - 10	SF -6	MR -5	MH	OI	NC [3]	LC	CC	MU	DT	BP ₄	LI	HI	PD-R	PD-EC		PD-TN
	rentals																				
	Car wash or auto-detailing	/	/	/	/	/	/	/	/	/	P	P	/	S	/	P	/	MP	MP	MP	30-4.C.4.k.6
	Taxicab service	/	/	/	/	/	/	/	/	/	S	P	P	P	/	/	/	/	MP	/	
	Tire/muffler sales and mounting	/	/	/	/	/	/	/	/	/	P	P	/	/	/	P	P	/	MP	/	30-4.C.4.k.7
Visitor Accommodations	Bed and breakfast inn	/	/	S	S	S	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.4.l.1
	Hotel or motel [4]	/	/	/	/	/	/	/	P	/	P	P	P	P	P	/	/	/	MP	/	30-4.C.4.l.2
	Hotel or motel, extended stay [4]	/	/	/	/	/	/	/	P	/	P	P	P	P	P	/	/	/	MP	/	30-4.C.4.l.2
	Tourist Home	/	/	/	/	/	S	/	/	P	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.4.l.3
INDUSTRIAL USE CLASSIFICATION [1]																					
Extractive Industry	All uses	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	P	/	/	/	30-4.C.5.a
Industrial Services	Building, heating, plumbing, or electrical contractor with outside storage	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	MP	/	
	Electric motor repair	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	MP	/	30-4.C.5.b.1
	Fuel oil/bottled gas distributor	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	/	/	
	General industrial service	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	P	/	MP	/	
	Heavy equipment sales, rental, or storage	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	MP	/	30-4.C.5.b.2
	Heavy equipment servicing and repair	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	P	/	/	/	
	Laundry, dry cleaning, and carpet cleaning plants	/	/	/	/	/	/	/	/	/	/	P	/	/	/	P	P	/	/	/	30-4.C.5.b.3
	Machine shop	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	MP	/	30-4.C.5.b.1
	Office-warehouse	/	/	/	/	/	/	/	/	/	P	P	P	P	P	P	P	/	MP	MP	
	Repair of scientific or professional instruments	/	/	/	/	/	/	/	/	S	P	P	P	/	P	P	P	/	MP	/	30-4.C.5.b.1
	Research and development	/	/	/	/	/	/	/	P	P	P	P	P	P	P	P	P	/	MP	/	
	Tool repair	/	/	/	/	/	/	/	/	/	/	P	P	S	P	P	P	/	/	/	30-4.C.5.b.1
Manufacturing	Manufacturing,	/	/	/	/	/	/	/	/	/	/	/	/	/	P	/	P	/	MP	/	

Table 30-4.A.2 Use Table
P = Permitted Use S = Special Use
MP = Allowed Subject to a Planned Development Master Plan
"/" = Prohibited Use [1]

USE CATEGORY	USE TYPE	ZONING DISTRICTS																		ADDITIONAL REQUIREMENTS	
		SPECIAL		RESIDENTIAL					BUSINESS								PLANNED DEVELOPMENT				
		CD	AR	SF - 15	SF - 10	SF -6	MR -5	MH	OI	NC [3]	LC	CC	MU	DT	BP ₄	LI	HI	PD-R	PD-EC		PD-TN
and Production	heavy																				
	Manufacturing, high impact/hazardous	/	/	/	/	/	/	/	/	/	/	/	/	/	S	/	P	/	MP	/	30-4.C.5.c.1
	Manufacturing, light	/	/	/	/	/	/	/	/	/	/	S	/	/	P	P	P	/	MP	/	
	Research and Technology Production	/	/	/	/	/	/	/	/	S	P	P	/	/	/	P	P	/	/	/	
	Microbrewery	/	/	/	/	/	/	/	/	/	P	P	P	/	P	/	/	MP	MP	MP	30-4.C.5.c.2
	Microdistillery	/	/	/	/	/	/	/	/	/	P	P	P	/	P	/	/	MP	MP	MP	30-4.C.5.c.2
Warehouse and Freight Movement	Cold storage plant	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	MP	/	
	Outdoor storage (as a principal use)	/	/	/	/	/	/	/	/	/	/	S	/	/	P	P	P	/	MP	/	30-4.C.5.d.1
	Parcel services	/	/	/	/	/	/	/	/	/	/	P	/	S	/	P	P	/	MP	/	30-4.C.5.d.2
	Truck or freight terminal	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	MP	/	
	Warehouse (distribution)	/	/	/	/	/	/	/	/	/	/	S	/	/	P	P	P	/	MP	/	
	Warehouse (storage)	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	P	/	MP	/	
Waste-Related Services	Energy recovery plant	/	/	/	/	/	/	/	/	/	/	/	/	/	S	S	S	/	/	/	30-4.C.5.f.1
	Hazardous waste collection sites	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	/	/	/	
	Incinerator	/	/	/	/	/	/	/	/	/	/	/	/	/	S	S	P	/	/	/	
	Land application of wastes	/	S	/	/	/	/	/	/	/	/	/	/	/	/	S	S	/	/	/	
	Landfill, land clearing and inert debris or construction debris	/	S	/	/	/	/	/	S	/	/	S	S	/	/	S	S	/	/	/	30-4.C.5.e.2
	Landfill, sanitary	/	S	/	/	/	/	/	/	/	/	/	/	/	/	S	S	/	/	/	30-4.C.5.e.3
	Recycling center	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	S	/	/	/	30-4.C.5.e.4
	Recycling drop-off center	/	/	/	/	S	S	S	P	P	P	P	P	P	/	P	P	MP	MP	MP	30-4.C.5.e.5
	Salvage and junkyard	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	/	/	/	30-4.C.5.e.6
	Tire disposal or recycling	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	S	/	/	/	
	Waste composting	/	S	/	/	/	/	/	/	/	/	/	/	/	/	S	S	/	/	/	30-4.C.5.e.1
Wholesale sales	All uses	/	/	/	/	/	/	/	/	/	/	S	S	/	S	P	/	/	MP	/	30-4.C.5.f

NOTES:
[1] Some commercial, mixed-use, and industrial uses require additional separation or buffer standards or may require special use permit approval when

Table 30-4.A.2 Use Table
P = Permitted Use S = Special Use
MP = Allowed Subject to a Planned Development Master Plan
"/" = Prohibited Use [1]

USE CATEGORY	USE TYPE	ZONING DISTRICTS																		ADDITIONAL REQUIREMENTS	
		SPECIAL		RESIDENTIAL						BUSINESS								PLANNED DEVELOPMENT			
		CD	AR	SF - 15	SF - 10	SF -6	MR -5	MH	OI	NC [3]	LC	CC	MU	DT	BP 4	LI	HI	PD-R	PD-EC		PD-TN

located adjacent to or across a local street or alley from single-family residential development in accordance with Section Transitional Standards. Cottage developments may require a Neighborhood Compatibility Permit (see Section 30-2.C.21).

[2] Individual manufactured homes located outside of a manufactured home park may only be established on lots located within the Manufactured Home Overlay district.

[3] New construction for individual retail uses over 2,500 square feet in the NC zoning district must be approved through the Special Use Permit process.

[4] In the BP district not more than a cumulative total of 40% of the developable area or 30% of the total area, whichever is less, of each Business Park development shall be used for uses in the following use categories: visitor accommodation, eating establishment, and retail sales and services. Such uses as a park or recreational facility within the BP development shall not be counted toward this commercial use or supportive use limitation. Restaurants with drive-thru service and Convenience Stores with gas sales and drive-thru service shall be limited to the periphery of the BP and within the greater of 1500 feet from an interstate centerline or 1250 feet from the nearest access road to that interstate. All other commercial uses shall be located on the periphery of the Business Park development or at a major internal intersection. These use types in a BP Business Park district must meet the standards for commercial, office and mixed use in Table 30-5.C.3 Required Open Space/Parkland Dedication and Article 30-5.I Commercial, Office and Mixed Use Design Standards.

(Ord. No. S2011-008, §§ 7, 12.2a, 7-25-2011; Ord. No. S2011-013, §§ 1.5, 1.8, 2.2a, 8.3, 11-28-2011; Ord. No. S2011-014, § 3, 11-28-2011; Ord. No. S2012-001, § 5.1, 1-23-2012; Ord. No. S2012-011, § 1, 5-29-2012; Ord. No. S2012-024, §§ 5—7, 11-13-2012; Ord. No. S2012-025, § 16, 11-13-2012; Ord. No. S2013-002, § 11, 2-11-2013; Ord. No. S2014-002, § 2, 3a, 5b, 1-13-2014; Ord. No. S2014-012, § 2, 8-11-2014; Ord. S2014-015, §§ 2b, 4, 8-11-2014; Ord. S2016-007, § 2, 6-27-2016; Ord. S2017-004, § 1a-c, 6-26-2017; Ord. No. S2019-008, 1, 04/23/2019)

Effective on: 6/26/2017

City of Fayetteville

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

City Council Action Memo

File Number: 20-1650

Agenda Date: 12/14/2020

Version: 2

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 6.06

TO: Mayor and Members of City Council

THRU: Douglas Hewett, ICMA-CM - City Manager
Angel Wright-Lanier, ICMA-CM - Assistant City Manager
Dr. Gerald Newton, AICP - Development Services Director
Taurus Freeman, MPA - Planning & Zoning Divisional Manager

FROM: Hadley Joseph, MLA - Planner II

DATE: December 14, 2020

RE:

P20-46F. A Rezoning request from Neighborhood Commercial Conditional Zoning (NC/CZ) to Limited Commercial (LC), located at 1501 Pamalee Drive, (Tax Map # 0428-27-0276) totaling 0.65 acres ± and being the property of Rhudys Inc. represented by Chris Phillips.

COUNCIL DISTRICT(S):

4 - D.J. Haire

Relationship To Strategic Plan:

2030 Goals, Goal II

- Objective B: To implement strategies that diversify the city's tax base and increase the industrial and commercial tax base.

Executive Summary:

The applicant is requesting to rezone a property from Neighborhood Commercial Conditional Zoning (NC/CZ) to Limited Commercial (LC). This is a straight rezoning where all uses of LC are allowed. The applicant indicates the intended use as a tire store. There is an existing structure on the lot, and was used for commercial purposes. The request will not expand commercial uses into the surrounding residential areas. On November 10, 2020 the Zoning Commission voted 5-0 to recommend City Council approve the rezoning from Limited Commercial Conditional Zoning (LC/CZ) to Limited

Commercial (LC).

Background:

This property is located at the north-eastern corner of the intersection of Pamalee Drive and Helen Street. The property is currently developed and is 0.65 acres $\pm$.

Applicant: Qahtan Alsaidi of Tire House

Owner: Rhudys Inc. represented by Chris Phillips

Requested Action: Rezoning from NC/CZ to LC

Property Addresses: 1501 Pamalee Drive

Council District: 4

Status of Properties: Parcel is developed but vacant

Size: 0.65 acres $\pm$

Adjoining Land Use & Zoning:

- North: NC - Daycare center
- South: SF-10 - Single-Family Residential
- East: NC - Retail
- West: OI - Office

Traffic Count: 34,500 on Pamalee Drive per day (2018)

Letters Mailed: 43

Land Use Plans

With the adoption of the 2040 Comprehensive Plan: Future Land Use Map & Plan on May 26, 2020, all properties within the city limits as well as properties identified as being in the Municipal Influence Area (MIA) are subject to this plan.

According to the Plan, it is recommended that this portion of the city should be developed as a Low-Density Residential. However, the site has been developed for commercial uses. Given the prior use and existing configuration of the property, the parcel can be used most suitably for continued commercial.

Issues/Analysis:

History

The subject property and the surrounding area were annexed into the City of Fayetteville between 1960 and 1963. In 2015, the subject property was rezoned from NC to NC/CZ.

The conditions of approval are as follows:

1. Attached site plan.
2. Hours of Operation Monday through Saturday 10 am - 7 pm.
3. Limit uses to those allowed in the NC district plus the added uses of car audio sales along with rims, tires, and window tinting, and installation.

With current zoning and these conditions, the proposed use is not permitted. Hence the rezoning request.

In 2017, a request for the rezoning of properties located at 1428, 1432 & 1436 Pamalee Drive, from Single-Family Residential - 10 (SF-10) to Community Commercial (CC) or Limited Commercial (LC) zoning near the vicinity of the subject property. This request

was denied by the City Council on June 26th. The proposed conditions for the request are as follows:

1. The property has residential development already built on three of its sides.
2. The City's land-use plan calls for low-density residential on this property and currently, these properties are zoned for those types of uses.
3. The rezoning to LC or CC could be considered spot zoning.

In this case, the applicant was requesting a complete abandonment of the Land Use Plan/Map. With this current case, the subject property is already zoned as commercial and developed as commercial.

Surrounding Area:

The subject property is located at the intersection of Pamalee Drive and Helen Street. The general area contains multiple zoning districts to include Mixed Residential-5 (MR-5), Single-Family Residential-10 (SF-10), Neighborhood Commercial (NC), Office-Institutional (OI), and Single-Family Residential-6 (SF-6). The intersection of Pamalee Drive and Helen Street/Cain Road is a commercial node. There is a Dollar General and a Child Care Center located to the north and east of the building. A health care facility is across Helen Street as well as an office building across Pamalee Drive.

Rezoning Request:

The request is to rezone the subject property from Neighborhood Commercial Conditional Zoning (NC/CZ) to Limited Commercial (LC). The property is currently developed, but the building on site is currently vacant. The lot is approximately 0.65 acres.

According to the application submitted, the request is being made to use the vacant building on-site as a Tire House Store, for the use of tire sales. This use is currently permitted in the LC zoning district. The requested rezoning from NC/CZ to LC would allow for the development of that use. The applicant stated that no cars would be stored on-site overnight. However, as a straight rezoning, any and all uses and no conditions can be added to the rezoning request.

Land within the City is generally classified by the Unified Development Ordinance (UDO) to be within one of many base zoning districts. Land may be reclassified to one of several comparable zoning districts in accordance with Section 30-2.C.

Straight Zoning:

The request is for a straight zoning from Neighborhood Commercial Conditional Zoning (NC/CZ) to Limited Commercial (LC).

The purpose of the LC zoning district is to "establish and intended to accommodate a wider range of moderate-intensity general retail, business, and service uses that serve groups of neighborhoods instead of just an individual neighborhood - e.g., grocery stores, drugstores, large restaurants, gas stations, and higher-order retail uses like specialty stores. The district is not intended to accommodate intensive commercial or other business uses. Residential uses are encouraged on the upper floors of nonresidential establishments. The district is subject to standards intended to ensure development is compatible with surrounding residential neighborhoods."

The reclassification of land to a straight zoning district allows all of the uses that are shown on the attached Use Table taken from the UDO. The City Council may not consider conditions or restrictions on the range of allowable uses, use standards, development intensities, development standards, and other applicable regulations.

Land Use Plan Analysis:

According to Future Land Use Map & Plan, this area is recommended to develop as Low

Density Residential (LDR). The Low-Density Residential category is defined as accommodating mainly single-family residential with some accessory dwellings; occasionally with duplexes or townhomes with an auto-oriented character. A change to this rezoning still allows and encourages housing on upper floors and does not necessitate a change in the land use plan map.

Budget Impact:

There is not an immediate budgetary impact but there may be an economic impact associated with this rezoning that will occur.

Options:

1. Approval of the map amendment/rezoning to LC.
2. Approval of the map amendment/rezoning to a more restrictive zoning district.
3. Deny the rezoning request.

Recommended Action:

The Zoning Commission and City Planning Staff recommends APPROVAL of the map amendment to LC based on the following:

- This proposed zoning map amendment does not fully implement the policies adopted in the Future Land Use Plan (FLUP) and the Unified Development Ordinance. However, residential on upper floors is still a potential for long-term redevelopment options of the parcel. As previously mentioned the site and area has been developed for commercial uses. The proposed district type is intended to meet the diverse commercial needs of City residents by accommodating a wide variety of medium intensity nonresidential uses that serve groups of neighborhoods instead of just an individual neighborhood;
- The uses permitted by the proposed change in zoning district classification and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified due to the existing zoning and uses surrounding this property; and

There are no other factors that will substantially affect the public health, safety, morals, or general welfare. Should this request be approved, staff recommends an amendment to the Future Land Use Map to correctly represent the zoning districts and uses in the area.

If Council would like to consider:

- a. Approval of a more restrictive map amendment/rezoning; or
- b. Denial of the request

Then the appropriate action would be to remove this item from the consent agenda and set it for a Public Hearing on January 25, 2021.

Attachments:

1. Plan Application
2. Aerial Notification map

3. Zoning Map
4. Land Use Plan Map
5. Site Plan
6. Subject Property
7. Surrounding Property Photos
8. UDO Table of Uses

Project Overview

#449645

Project Title: Tire House

Jurisdiction: City of Fayetteville

Application Type: 5.1) Rezoning (Map Amendment)

State: NC

Workflow: Staff Review

County: Cumberland

Project Location

Project Address or PIN: 1501 PAMALEE DR (0428270276000)

GIS Verified Data

Property Owner:

Acreage:

Zoning District:

Subdivision Name:

Fire District:

Airport Overlay District:

Hospital Overlay District:

Coliseum Tourism District:

Cape Fear District:

Downtown Historic District:

Haymount Historic District:

Floodway:

100 Year Flood:

500 Year Flood:

Watershed:

General Project Information

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

Previous Amendment Approval Date:

Previous Amendment Case #:

Proposed Zoning District: LC

Acreage to be Rezoned: .65

Is this application related to an annexation?: No

Water Service: Public

Sewer Service: Public

A) Please describe all existing uses of the land and existing structures on the site, if any: There is a former Circle K on site, it is appx 2480 square feet, The last use was gas station, The tanks and canopy have been removed. Corner signalized intersection on Main corridor.

B) Please describe the zoning district designation and existing uses of lands adjacent to and across the street from the subject site.: Adjacent is Dollar General, Behind the property is an office. Across Helen St is an office. Across Pamalee Dr is a house and diagonally is an office complex.

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.: Being that it is located on a busy corridor, signalized intersection, and the fact that this historically was a full functioning gas station and convenience store, We believe a Tire House branded store would fit in well here and serve the community well. Our traffic pattern is much lower than the former use, we store no cars on site. Our hours are much less than the former use. Traffic count of 34,000 a day, seems very likely for LC.

B) Are there changed conditions that require an amendment? : None Known

C) State the extent to which the proposed amendment addresses a demonstrated community need.: Coming from Murchison Rd all the way thru Skibo to Raeford Rd. There appears to be only one similar store.

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.: Again the traffic count, the fact that the former use was a gas station for over 30 years, there is a Dollar General beside it. When this site was translated back when the UDO was implemented, at that time, they made it a non conforming use. The fact that it was a gas station made it non conforming. Most likely this site would have been better translated as LC or even CC.

E) State the extent to which the proposed amendment results in a logical and orderly development pattern.: We are using the existing building, upgrading the structure, and will not be causing any traffic issues at all.

F) State the extent to which the proposed amendment might encourage premature development.: Not sure what this question means. Sorry.

G) State the extent to which the proposed amendment results in strip-style commercial development.: This is a corner location and all adjacent property are already zoned NC. I would think with the new Dollar General beside it, this will be about it.

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.: No adverse impacts on adjoining properties, our brand will help the location and area, nothing worse than a vacant building. Our customers while waiting will walk over the Dollar General and purchase goods.

J) State the extent to which the proposed amendment results in significantly adverse impacts on the natural environment.: We are leaving everything just as it is. No tanks will be used in the ground.

Primary Contact Information

Project Contact - Agent/Representative

Qahtan Alsaidi
tire house
5201 Raeford Rd
Fayetteville, NC 28304
P:9103034471
qalsidi@lmifay.com

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

Project Owner

Chris Phillips
Rhudys Inc
2410 Murchison Rd
fayetteville, NC 28301
P:9105278250
rhudysinc@gmail.com

NC State License Number:

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$30,000. :

Project Contact - Primary Point of Contact for the Developer

Neil Grant

po box 35065
fayetteville, NC 28303
P:9108183252
neil@grantmurrayre.com

Aerial Notification Map

Zoning Commission
01/01/2020
Case #: P20-46F

Request:
Map Amendment
NC/GZ to LC

Location:
1500 Panache Drive

Pin:
8428-27-0276

Acres:
8.85 acres



Legend

- Buffer
- P20-46F
- Parcels

City of
Fayetteville
North Carolina
PLANNING



750-400-4

Zoning Map

Zoning Commission

6/16/2020

Case #: P20-46P

Request:
Map Amendment
NC/CZ to LC

Location:
186 Pamalee Drive

Plot:
6428-27-0276

Acres:
6.85 acres



	Property
	Zoning Map
	NC - Neighborhood Commercial
	NC/CZ - Conditional Neighborhood Commercial
	LC - Office & Institutional
	RF-1 - Single Family Residential
	RF-1A - Single Family Residential 1A
	Future

City of
Eayetteville
North Carolina
PLANNING



Land Use Map

Zoning Commission

8/18/2020

Case #: P20-46P

Request:

Map Amendment
NC/GZ to LC

Location:

186 Pamalee Drive

Pin:

8428-27-0276

Acres:

8.85 acres



Legend

2015-2040

Future Land Use 2040

Character Area

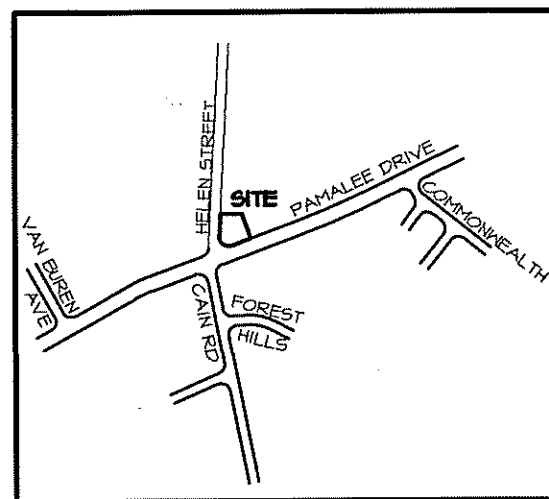
Green - Medium Density Residential

Yellow - Low Density Residential

White - Rural



City of
Eayetteville
North Carolina
PLANNING



VICINITY MAP
NOT TO SCALE

LEGEND

AG = ABOVE GROUND
BG = BELOW GROUND
ECM = EXISTING CONCRETE MONUMENT
EMN = EXISTING MAG NAIL
EIP = EXISTING IRON PIPE
EIR = EXISTING IRON REBAR
SIR = SET IRON REBAR
R/W = RIGHT OF WAY
FP = POWER POLE
SP = SIGNAL POLE
LP = LIGHT POLE
GW = GUY WIRE
GV = GATE VALVE
STB = SIGNAL TRAFFIC BOX
WSB = WATER SAMPLE BOX
TP = TELEPHONE PEDESTAL
BF = BACK FLOW

NOTES:

- TOTAL AREA IN TRACT = 28,266.16 SQUARE FEET = 0.65 ACRES BY COORDINATE COMPUTATION.
- PROPERTY OWNER: PANTRY, INC.,
P.O. BOX 8019
CARY, NC 27512
- REFERENCE: DB 2781, PG 615
- PIN: CUMBERLAND COUNTY 0428-27-0276
- PROPERTY ZONED NC, CITY.
- PROPERTY IS SUBJECT TO ALL EASEMENTS OF RECORD OR OTHERWISE.

STATE OF NORTH CAROLINA
COUNTY OF CUMBERLAND

I, Donna McFarland REVIEW OFFICER
OF CUMBERLAND COUNTY, CERTIFY THAT THE MAP
OR PLAT TO WHICH THIS CERTIFICATE IS AFFIXED
MEETS ALL STATUTORY REQUIREMENTS FOR
RECORDING.

DATE: 7-1-15

THE UNDERSIGNED HERE ACKNOWLEDGES THAT THE LAND
SHOWN ON THIS PLAT IS WITHIN THE SUBDIVISION REGULATION
JURISDICTION OF THE CITY OF FAYETTEVILLE AND THAT THIS PLAT
AND ALLOTMENT IS MY FREE ACT AND DEED.

Rhudy C. Phillips
VICE PRESIDENT - RHUDY'S, INC.

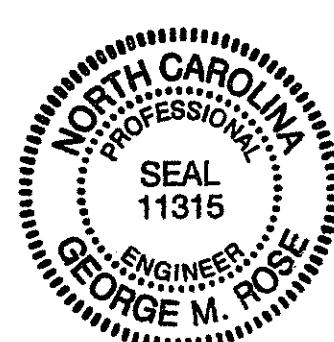
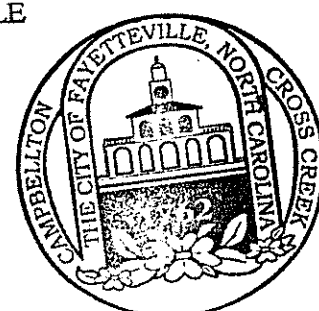
I, GEORGE M. ROSE CERTIFY THAT THIS PLAT WAS
DRAWN UNDER MY SUPERVISION FROM AN ACTUAL
SURVEY MADE UNDER MY SUPERVISION; THAT THE
BOUNDARIES NOT SURVEYED ARE CLEARLY
INDICATED AS DRAWN FROM INFORMATION FOUND
IN THE REFERENCE PLATS AND DEEDS OF THE CUMBERLAND
COUNTY REGISTRY; THAT THE RATIO OF PRECISION
IS 1:10,000; THAT THIS PLAT WAS PREPARED IN
ACCORDANCE WITH G.S. 41-30 AS AMENDED.
WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER
AND SEAL THIS 12 DAY OF JUNE AD 2015.

PROFESSIONAL LAND SURVEYOR L-2721
PE 11315

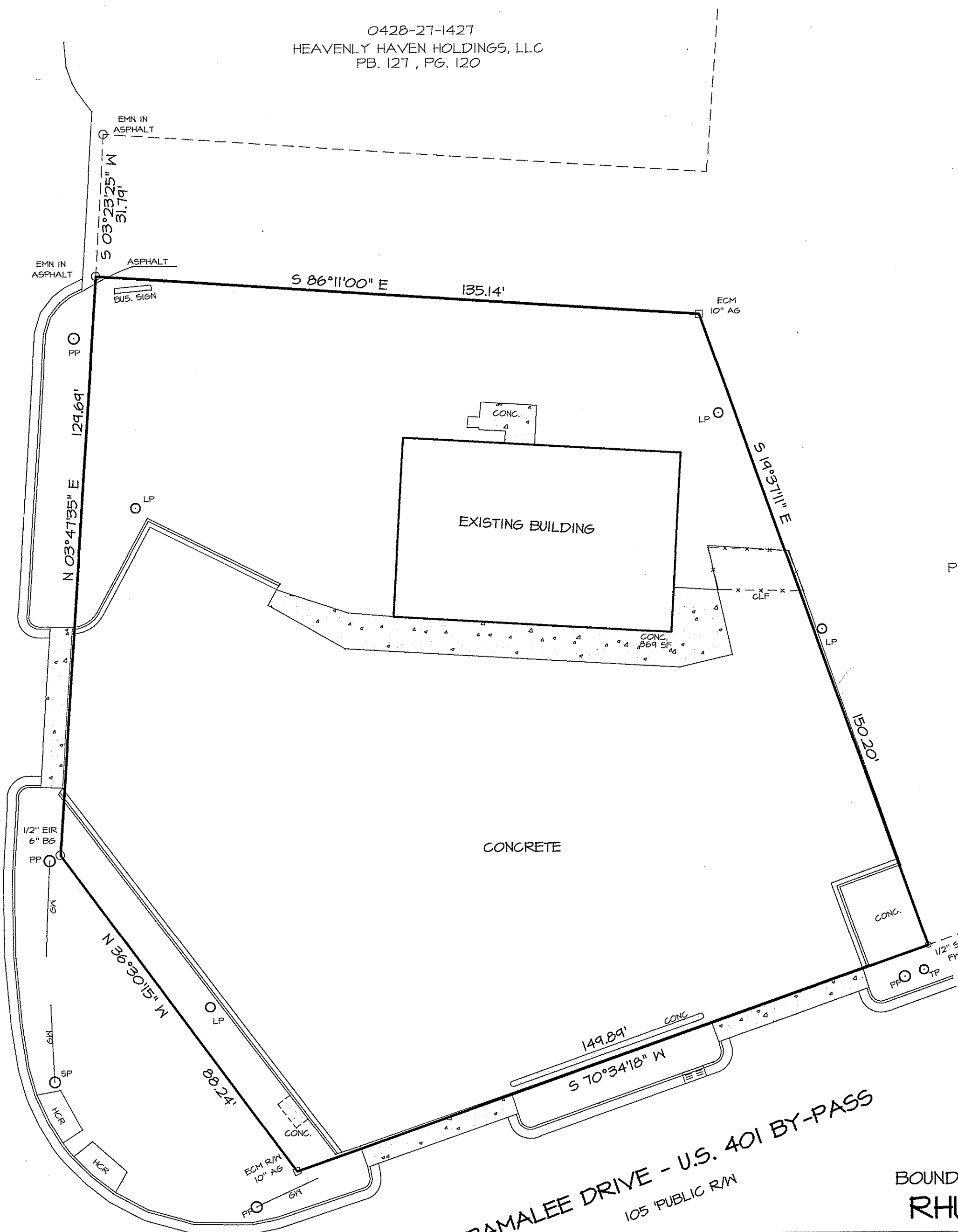
NO APPROVAL REQUIRED
BY THE CITY OF FAYETTEVILLE

Marsha Britt Bryant
SIGNATURE DATE

Dev. Advocate 6-19-15
TITLE



HELEN STREET
80' PUBLIC R/W



PAMALEE DRIVE - U.S. 401 BY-PASS
105' PUBLIC R/W

BOUNDARY SURVEY FOR
RHUDY'S, INC.

CROSS CREEK TOWNSHIP
FAYETTEVILLE
SCALE 1" = 20'

CUMBERLAND COUNTY
NORTH CAROLINA
JUNE 2015

GEORGE M. ROSE, P.E.

P.O. Box 53441
Fayetteville, NC 28305

FILED Jul 01, 2015 09:15:00 am
BOOK 00136
PAGE 0048 THRU 0048
INSTRUMENT # 19572
RECORDING \$21.00
EXCISE TAX (None)

FILED
CUMBERLAND
COUNTY NC
J. LEE WARREN JR.
REGISTER
OF DEEDS
LC



0428-27-2314

(2)

PAR 5 DEVELOPMENT, LLC
PB. 127, PG. 120

CITY OF FAYETTEVILLE:

Certificate of Approval for Record
Watershed Protection

I certify that the plat shown hereon complies with
the Watershed Protection Ordinance and is
approved by the Public Works Commission for
recording in the Register of Deeds office.

Donna McFarland 6-19-15
Watershed Officer Date

NOTICE: This property is within a water supply
watershed and development restrictions may apply.

Subject Property





Surrounding Properties



[illegible]

Table 30-4.A.2 Use Table
P = Permitted Use S = Special Use
MP = Allowed Subject to a Planned Development Master Plan
“/” = Prohibited Use [1]

USE CATEGORY	USE TYPE	ZONING DISTRICTS																		ADDITIONAL REQUIREMENTS		
		SPECIAL		RESIDENTIAL					BUSINESS								PLANNED DEVELOPMENT					
		CD	AR	SF - 15	SF - 10	SF -6	MR -5	MH	OI	NC [3]	LC	CC	MU	DT	BP ₄	LI	HI	PD-R	PD-EC		PD-TN	
	Manufactured home park (Class A or B homes)	/	/	/	/	/	/	P	/	/	/	/	/	/	/	/	/	/	/	/	30-4.C.2.a.4	
Group Living	Dormitory	/	/	/	/	/	S	/	P	/	P	/	P	P	/	/	/	MP	MP	MP	30-4.C.2.b.1	
	Therapeutic home	/	P	P	P	P	P	P	P	P	S	/	P	S	/	/	/	MP	MP	MP	30-4.C.2.b.5	
	Fraternity or sorority house	/	/	/	/	/	S	/	P	/	P	/	P	/	/	/	/	MP	MP	MP		
	Group home, Large	/	/	/	/	S	/	/	S	S	S	S	S	S	/	/	/	MP	/	MP	30-4.C.2.b.2	
	Group home, Small	/	/	P	P	P	P	P	P	P	S	P	P	P	S	/	/	/	MP		MP	30-4.C.2.b.3
	Rooming or boarding house	/	/	/	/	S	P	/	P	P	P	P	P	P	/	/	/	/	MP	MP	MP	30-4.C.2.b.4
	Transitional housing								S	S	S	S	S	S	/							30-4.C.2.b.6
PUBLIC AND INSTITUTIONAL USE CLASSIFICATION																						
Community Services	Community center	S	P	S	S	P	P	P	P	P	P	P	P	P	/	/	/	MP	MP	MP		
	Cultural facility	/	/	/	/	S	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP		
	Library	/	/	S	S	S	P	/	P	P	P	P	P	P	/	/	/	MP	MP	MP		
	Museum	/	/	/	/	S	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP		
	Youth club facility	/	/	/	/	S	P	/	/	S	P	P	P	P	/	/	/	MP	/	MP		
Day Care	Adult day care center	/	/	S	S	S	S	S	P	P	P	P	P	P	/	/	/	MP	MP	MP		
	Child care center	/	/	S	S	S	S	S	P	P	P	P	P	P	S	/	/	MP	MP	MP	30-4.C.3.a	
Educational Facilities	College or university	/	/	/	/	/	/	/	P	P	P	P	P	P	/	/	/	MP	MP	MP		
	School, elementary	/	S	S	S	S	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.3.b	
	School, middle	/	S	S	S	S	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.3.b	
	School, high	/	S	S	S	S	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.3.b	
	Vocational or trade school	/	/	/	/	/	/	/	/	P	P	P	P	P	P	P	P	MP	MP	MP	30-4.C.3.b	
Governmental facilities	Government maintenance, storage, or distribution facility	/	S	/	/	S	S	/	S	S	S	P	S	P	P	P	P	/	MP	/		
	Government office	/	/	/	/	S	S	/	P	P	P	P	P	P	P	P	/	MP	MP	MP		
	Post office	/	/	/	/	/	S	/	P	P	P	P	P	P	/	P	/	MP	MP	MP		
Health Care Facilities	Blood/tissue collection facility	/	/	/	/	/	/	/	/	/	/	P	/	P	/	P	/	/	MP	MP		
	Drug or alcohol treatment facility	/	/	/	/	/	/	/	/	/	P	P	S	S	/	P	/	MP	MP	MP	30-4.C.3.c.3	
	Hospital	/	/	/	/	/	/	/	P	/	/	P	P	S	/	P	/	/	MP	/	30-4.C.3.c.1	
	Medical or dental clinic [3]	/	/	/	/	/	/	/	P	P	P	P	P	P	S	P	/	MP	MP	MP		

Table 30-4.A.2 Use Table
P = Permitted Use S = Special Use
MP = Allowed Subject to a Planned Development Master Plan
"/" = Prohibited Use [1]

USE CATEGORY	USE TYPE	ZONING DISTRICTS																		ADDITIONAL REQUIREMENTS	
		SPECIAL		RESIDENTIAL					BUSINESS									PLANNED DEVELOPMENT			
		CD	AR	SF - 15	SF - 10	SF -6	MR -5	MH	OI	NC [3]	LC	CC	MU	DT	BP ₄	LI	HI	PD-R	PD-EC		PD-TN
	Medical or dental lab	/	/	/	/	/	/	/	P	/	P	/	P	P	P	P	/	/	MP	/	(Reserved)
	Medical treatment facility	/	/	/	/	/	/	/	P	P	P	P	P	P	/	P	/	/	MP	/	30-4.C.3.c.2
	Outpatient facility	/	/	/	/	/	/	/	P	P	P	P	P	P	/	P	/	/	MP	/	
Institutions	Assisted living facility	/	/	S	S	S	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Auditorium	/	/	/	/	/	/	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.3.d.1
	Club or lodge	/	/	/	/	/	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Convention center	/	/	/	/	/	/	/	P	/	/	P	P	P	/	/	/	/	MP	/	30-4.C.3.d.1
	Halfway house	/	/	/	/	/	S	/	S	/	S	S	S	S	/	/	/	MP	/	MP	30-4.C.3.d.2
	Nursing home	/	/	/	/	S	S	/	P	P	P	P	P	S	/	/	/	MP	MP	MP	
	Psychiatric treatment facility	/	/	/	/	/	/	/	S	/	S	S	/	/	/	/	/	/	MP	/	
	Religious institution	/	P/S	P/S	P/S	P/S	P	P	P	P	P	P	P	P	P	/	P	P	MP	MP	MP
Parks and Open Areas	Arboretum or botanical garden	P	P	P	P	P	P	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Cemetery	S	S	S	S	S	S	/	S	S	S	P	P	S	/	/	/	/	/	/	30-4.C.3.e.1
	Columbaria, mausoleum	P	P	P	P	P	P	/	P	P	P	P	P	P	P	/	/	/	/	/	
	Community garden	P	P	P	P	P	P	P	P	P	P	P	P	/	/	/	/	MP	MP	MP	
	Golf course, public	S	P	P	P	S	P	/	P	/	P	P	P	/	/	/	/	MP	MP	MP	
	Greenway	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	
	Park, public or private	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	
	Public square or plaza	/	/	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	
Public Safety	Correctional facility	/	S	/	/	/	/	/	/	/	/	/	/	S	/	S	P	/	/	/	30-4.C.3.f.1
	Fire or EMS facility	/	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	MP	MP	MP	
	Police substation	/	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	
	Police station	/	P	S	S	S	P	S	P	P	P	P	P	P	/	P	P	MP	MP	MP	
Transportation/Communication	Airport	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	/	MP	/	
	Helicopter landing facility	/	/	/	/	/	/	/	S	/	S	S	S	S	P	/	/	/	MP	/	30-4.C.3.h.1
	Passenger terminal, surface transportation	/	/	/	/	/	S	/	P	S	P	P	P	P	P	P	P	MP	MP	MP	
	Small Wireless Facilities	/	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	30-4.C.3.i.7
	Telecommunication	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	30-4.C.3.i.1

Table 30-4.A.2 Use Table
P = Permitted Use S = Special Use
MP = Allowed Subject to a Planned Development Master Plan
"/" = Prohibited Use [1]

USE CATEGORY	USE TYPE	ZONING DISTRICTS																		ADDITIONAL REQUIREMENTS	
		SPECIAL		RESIDENTIAL					BUSINESS								PLANNED DEVELOPMENT				
		CD	AR	SF - 15	SF - 10	SF -6	MR -5	MH	OI	NC [3]	LC	CC	MU	DT	BP 4	LI	HI	PD-R	PD-EC		PD-TN
	s antenna, collocation on existing tower																				
	Telecommunication s antenna, placement on existing building	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	30-4.C.3.i.1
	Telecommunication s tower, freestanding	/	S	S	S	S	S	/	S	S	S	S	S	/	S	S	S	MP	MP	MP	30-4.C.3.i.1
	Utility, major	/	S	S	S	S	S	/	S	S	S	P	S	S	P	P	P	/	MP	/	30-4.C.3.j.2
	Utility, minor	S	P	P	P	P	P	P	P	P	/	P	P	P	P	P	P	MP	MP	MP	
COMMERCIAL USE CLASSIFICATION [1]																					
Adult Entertainment	Adult entertainment	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	/	/	30-4.C.4.a
Animal Care	Animal grooming	/	/	/	/	/	/	/	/	P	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.4.b
	Animal shelter	/	S	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	/	/	
	Kennel, indoor	/	S	/	/	/	/	/	S	S	S	P	S	S	/	P	/	/	MP	/	
	Kennel, outdoor	/	S	/	/	/	/	/	/	/	S	S	/	/	/	P	/	/	MP	/	
	Veterinary clinic	/	S	/	/	/	/	/	P	S	P	P	S	S	/	/	/	/	MP	/	
Conference and Training Centers	Conference or training center	/	/	/	/	/	/	/	P	P	P	P	P	P	P	/	/	MP	MP	MP	30-4.C.4.d
Eating Establishments	Dinner theater	/	/	/	/	/	/	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	
	Restaurant, with indoor or outdoor seating [4]	/	/	/	/	/	S	/	S	P	P	P	P	P	P	/	/	MP	MP	MP	30-4.C.4.e.1
	Restaurant, with drive-through service [4]	/	/	/	/	/	/	/	/	/	P	P	S	/	P	/	/	/	MP	/	30-4.C.4.e.2
	Specialty eating establishment [4]	/	/	/	/	/	S	/	/	P	P	P	P	P	P	/	/	MP	MP	MP	30-4.C.4.f
Offices	Business services	/	/	/	/	/	/	/	P	P	P	P	P	P	P	S	/	MP	MP	MP	
	Corporate headquarters	/	/	/	/	/	/	/	/	/	P	P	P	P	P	P	P	/	MP	MP	
	Financial services	/	/	/	/	/	/	/	P	P	P	P	P	P	P	/	/	MP	MP	MP	
	Professional services	/	/	/	/	/	/	/	P	P	P	P	P	P	P	S	/	MP	MP	MP	
	Radio and television broadcasting studio	/	/	/	/	/	/	/	P	/	S	P	S	P	P	/	/	/	MP	/	
	Sales (including real estate)	/	/	/	/	/	/	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	
Parking,	Parking lot	/	/	/	/	/	/	/	P	S	P	P	P	P	/	P	/	/	MP	/	30-4.C.4.g.1

Table 30-4.A.2 Use Table
P = Permitted Use S = Special Use
MP = Allowed Subject to a Planned Development Master Plan
“/” = Prohibited Use [1]

USE CATEGORY	USE TYPE	ZONING DISTRICTS																		ADDITIONAL REQUIREMENTS	
		SPECIAL		RESIDENTIAL						BUSINESS								PLANNED DEVELOPMENT			
		CD	AR	SF - 15	SF - 10	SF -6	MR -5	MH	OI	NC [3]	LC	CC	MU	DT	BP 4	LI	HI	PD-R	PD-EC		PD-TN
Commercial	Parking structure	/	/	/	/	/	/	/	S	S	P	P	P	P	P	P	/	MP	MP	MP	30-4.C.4.g.2
	Parking Tractor Trailers etc.	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	/	/	30-4.C.4.g.3
Recreation/ Entertainment, Indoor	Commercial recreation, indoor	/	/	/	/	/	/	/	/	P	P	P	P	P	/	/	/	MP	MP	MP	
	Theater	/	/	/	/	/	/	/	/	P	P	P	P	P	/	/	/	MP	MP	MP	
Recreation/ Entertainment, Outdoor	Arena, amphitheater, or stadium	/	/	/	/	/	/	/	/	/	S	P	S	P	P	/	/	/	MP	/	30-4.C.4.h.1
	Golf course, private	S	S	S	S	S	S	/	P	/	S	P	S	/	/	/	/	MP	MP	MP	
	Athletic field and clubhouse	P	P	S	S	S	P	P	P	P	P	P	P	/	P	/	/	MP	MP	MP	
	Golf driving range	S	S	/	/	/	/	/	P	/	P	P	/	/	/	/	/	MP	MP	MP	
	Swimming pool, private	/	P	P	P	P	P	P	P	P	P	P	P	/	/	/	/	MP	MP	MP	30-4.C.4.h.2
	Swimming pool, non-profit	/	P	P	P	P	P	P	P	P	P	P	P	/	P	/	/	MP	MP	MP	30-4.C.4.h.2
	Tennis court	/	P	P	P	P	P	P	P	P	P	P	P	/	P	/	/	MP	MP	MP	30-4.C.4.h.3
	Other commercial recreation, outdoor	/	/	/	/	/	S	/	P	S	S	P	P	P	/	P	P	MP	MP	MP	
Retail Sales & Services	Bar, nightclub, or cocktail lounge	/	/	/	/	/	/	/	/	/	P	P	P	P	/	P	/	MP	MP	MP	30-4.C.4.i.1
	Entertainment establishment	/	/	/	/	/	/	/	/	S	P	P	P	P	/	/	/	MP	MP	MP	
	Gasoline sales	/	/	/	/	/	/	/	/	S	P	P	S	S	/	/	/	MP	MP	MP	30-4.C.4.i.7
	Crematory	/	/	/	/	/	/	/	/	/	S	S	/	/	/	P	P	/	/	/	
	Financial institution, without drive-through service [4]	/	/	/	/	/	S	/	P	P	P	P	P	P	P	/	/	MP	MP	MP	
	Financial institution, with drive-through service [4]	/	/	/	/	/	/	/	P	S	P	P	P	S	P	/	/	/	MP	/	30-4.C.4.i.5
	Funeral home	/	/	/	/	/	/	/	/	/	P	P	S	P	/	/	/	/	MP	/	
	Laundromat	/	/	/	/	/	S	S	/	P	P	P	P	P	/	/	/	MP	MP	MP	
	Personal services establishment	/	/	/	/	/	S	/	P	P	P	P	P	P	/	P	/	MP	MP	MP	30-4.C.4.i.9
	Tattoo parlor/body piercing establishment	/	/	/	/	/	/	/	/	/	P	P	P	P	/	P	/	/	MP	/	
	Repair establishment	/	/	/	/	/	/	/	/	P	P	P	P	P	/	P	/	MP	MP	MP	30-4.C.4.i.10
	Convenience store,	/	/	/	/	/	S	/	/	P	P	P	P	P	/	/	/	MP	MP	MP	

Table 30-4.A.2 Use Table
P = Permitted Use S = Special Use
MP = Allowed Subject to a Planned Development Master Plan
"/" = Prohibited Use [1]

USE CATEGORY	USE TYPE	ZONING DISTRICTS																		ADDITIONAL REQUIREMENTS	
		SPECIAL		RESIDENTIAL						BUSINESS								PLANNED DEVELOPMENT			
		CD	AR	SF - 15	SF - 10	SF -6	MR -5	MH	OI	NC [3]	LC	CC	MU	DT	BP ₄	LI	HI	PD-R	PD-EC		PD-TN
	without gas sales																				
	Convenience store, with gas sales [4]	/	/	/	/	/	/	/	/	S	P	P	S	S	P	/	/	MP	MP	MP	30-4.C.4.i.3
	Drug store or pharmacy, without drive-through service [4]	/	/	/	/	/	S	/	/	P	P	P	P	P	P	/	/	MP	MP	MP	
	Drug store or pharmacy, with drive-through service	/	/	/	/	/	/	/	/	S	P	P	P	S	P	P	/	/	MP	/	30-4.C.4.i.4
	Flea market	/	/	/	/	/	/	/	/	/	S	S	/	/	/	P	/	/	/	/	30-4.C.4.i.6
	Grocery store	/	/	/	/	/	/	/	/	P/S	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.4.i.8
	Liquor store	/	/	/	/	/	/	/	/	/	P	P	P	P	/	/	/	MP	MP	MP	
	Retail sales establishment, large [4]	/	/	/	/	/	/	/	/	/	P	P	P	/	S	S	/	/	MP	/	30-4.C.4.i.11
	Electronic gaming operation	/	/	/	/	/	/	/	/	/	P	S	/	S	/	S	/	/	/	MP	30-4.C.4.i.13
	Other retail sales establishments [3], [4]	/	/	/	/	/	/	/	/	P/S	P	P	P	P	P	/	/	MP	MP	MP	
	Brewpub	/	/	/	/	/	/	/	/	S	P	P	P	P	/	/	/				30-4.C.4.i.2
Self-Service Storage	Mini-warehouse	/	/	/	/	/	/	/	/	/	S	S	S	/	/	P	/	/	MP	/	30-4.C.4.j
Vehicle Sales and Services, Heavy	Aircraft parts, sales, and maintenance	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	MP	/	
	Automotive painting/body shop	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	/	/	30-4.C.4.k.1
	Automotive wrecker service	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	/	/	30-4.C.4.k.5
	Transmission shop	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	MP	/	30-4.C.4.k.7
	Boat and marine rental and sales	/	/	/	/	/	/	/	/	/	P	P	/	/	/	P	P	/	MP	/	
	Truck stop	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	/	/	
Vehicle Sales and Services, Light	Automotive parts and installation	/	/	/	/	/	/	/	/	/	P	P	/	S	/	P	/	/	/	/	30-4.C.4.k.2
	Automobile repair and servicing (without painting/body-work)	/	/	/	/	/	/	/	/	/	S	P	S	S	/	P	P	/	MP	/	30-4.C.4.k.3
	Automobile sales or	/	/	/	/	/	/	/	/	/	P	P	S	S	/	P	/	/	MP	/	30-4.C.4.k.4

Table 30-4.A.2 Use Table
P = Permitted Use S = Special Use
MP = Allowed Subject to a Planned Development Master Plan
"/" = Prohibited Use [1]

USE CATEGORY	USE TYPE	ZONING DISTRICTS																		ADDITIONAL REQUIREMENTS		
		SPECIAL		RESIDENTIAL					BUSINESS								PLANNED DEVELOPMENT					
		CD	AR	SF - 15	SF - 10	SF -6	MR -5	MH	OI	NC [3]	LC	CC	MU	DT	BP ₄	LI	HI	PD-R	PD-EC		PD-TN	
	rentals																					
	Car wash or auto-detailing	/	/	/	/	/	/	/	/	/	P	P	/	S	/	P	/	MP	MP	MP	30-4.C.4.k.6	
	Taxicab service	/	/	/	/	/	/	/	/	/	S	P	P	P	/	/	/	/	MP	/		
	Tire/muffler sales and mounting	/	/	/	/	/	/	/	/	/	P	P	/	/	/	P	P	/	MP	/	30-4.C.4.k.7	
Visitor Accommodations	Bed and breakfast inn	/	/	S	S	S	S	/	P	P	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.4.l.1	
	Hotel or motel [4]	/	/	/	/	/	/	/	P	/	P	P	P	P	P	/	/	/	MP	/	30-4.C.4.l.2	
	Hotel or motel, extended stay [4]	/	/	/	/	/	/	/	P	/	P	P	P	P	P	/	/	/	MP	/	30-4.C.4.l.2	
	Tourist Home	/	/	/	/	/	S	/	/	P	P	P	P	P	/	/	/	MP	MP	MP	30-4.C.4.l.3	
INDUSTRIAL USE CLASSIFICATION [1]																						
Extractive Industry	All uses	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	P	/	/	/	30-4.C.5.a	
Industrial Services	Building, heating, plumbing, or electrical contractor with outside storage	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	MP	/		
	Electric motor repair	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	MP	/	30-4.C.5.b.1	
	Fuel oil/bottled gas distributor	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	/	/		
	General industrial service	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	P	/	MP	/		
	Heavy equipment sales, rental, or storage	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	MP	/	30-4.C.5.b.2	
	Heavy equipment servicing and repair	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	P	/	/	/		
	Laundry, dry cleaning, and carpet cleaning plants	/	/	/	/	/	/	/	/	/	/	P	/	/	/	P	P	/	/	/	30-4.C.5.b.3	
	Machine shop	/	/	/	/	/	/	/	/	/	/	S	/	/	/	P	P	/	MP	/	30-4.C.5.b.1	
	Office-warehouse	/	/	/	/	/	/	/	/	/	/	P	P	P	P	P	P	/	MP	MP		
	Repair of scientific or professional instruments	/	/	/	/	/	/	/	/	/	S	P	P	P	/	P	P	P	/	MP	/	30-4.C.5.b.1
	Research and development	/	/	/	/	/	/	/	/	P	P	P	P	P	P	P	P	/	MP	/		
	Tool repair	/	/	/	/	/	/	/	/	/	/	/	P	P	S	P	P	P	/	/	/	30-4.C.5.b.1
Manufacturing	Manufacturing,	/	/	/	/	/	/	/	/	/	/	/	/	/	P	/	P	/	MP	/		

Table 30-4.A.2 Use Table
P = Permitted Use S = Special Use
MP = Allowed Subject to a Planned Development Master Plan
"/" = Prohibited Use [1]

USE CATEGORY	USE TYPE	ZONING DISTRICTS																			ADDITIONAL REQUIREMENTS	
		SPECIAL		RESIDENTIAL						BUSINESS									PLANNED DEVELOPMENT			
		CD	AR	SF - 15	SF - 10	SF -6	MR -5	MH	OI	NC [3]	LC	CC	MU	DT	BP ₄	LI	HI	PD-R	PD-EC	PD-TN		
and Production	heavy																					
	Manufacturing, high impact/hazardous	/	/	/	/	/	/	/	/	/	/	/	/	/	S	/	P	/	MP	/	30-4.C.5.c.1	
	Manufacturing, light	/	/	/	/	/	/	/	/	/	/	S	/	/	P	P	P	/	MP	/		
	Research and Technology Production	/	/	/	/	/	/	/	/	S	P	P	/	/	/	P	P	/	/	/		
	Microbrewery	/	/	/	/	/	/	/	/	/	P	P	P	/	P	/	/	MP	MP	MP	30-4.C.5.c.2	
	Microdistillery	/	/	/	/	/	/	/	/	/	P	P	P	/	P	/	/	MP	MP	MP	30-4.C.5.c.2	
Warehouse and Freight Movement	Cold storage plant	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	MP	/		
	Outdoor storage (as a principal use)	/	/	/	/	/	/	/	/	/	/	S	/	/	P	P	P	/	MP	/	30-4.C.5.d.1	
	Parcel services	/	/	/	/	/	/	/	/	/	/	P	/	S	/	P	P	/	MP	/	30-4.C.5.d.2	
	Truck or freight terminal	/	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	/	MP	/		
	Warehouse (distribution)	/	/	/	/	/	/	/	/	/	/	S	/	/	P	P	P	/	MP	/		
	Warehouse (storage)	/	/	/	/	/	/	/	/	/	/	/	/	/	P	P	P	/	MP	/		
Waste-Related Services	Energy recovery plant	/	/	/	/	/	/	/	/	/	/	/	/	/	S	S	S	/	/	/	30-4.C.5.f.1	
	Hazardous waste collection sites	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	/	/	/		
	Incinerator	/	/	/	/	/	/	/	/	/	/	/	/	/	S	S	P	/	/	/		
	Land application of wastes	/	S	/	/	/	/	/	/	/	/	/	/	/	/	S	S	/	/	/		
	Landfill, land clearing and inert debris or construction debris	/	S	/	/	/	/	/	S	/	/	S	S	/	/	S	S	/	/	/	30-4.C.5.e.2	
	Landfill, sanitary	/	S	/	/	/	/	/	/	/	/	/	/	/	/	S	S	/	/	/	30-4.C.5.e.3	
	Recycling center	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	S	/	/	/	30-4.C.5.e.4	
	Recycling drop-off center	/	/	/	/	S	S	S	P	P	P	P	P	P	/	P	P	MP	MP	MP	30-4.C.5.e.5	
	Salvage and junkyard	/	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	/	/	/	30-4.C.5.e.6	
	Tire disposal or recycling	/	/	/	/	/	/	/	/	/	/	/	/	/	/	S	S	/	/	/		
	Waste composting	/	S	/	/	/	/	/	/	/	/	/	/	/	/	S	S	/	/	/	30-4.C.5.e.1	
Wholesale sales	All uses	/	/	/	/	/	/	/	/	/	/	S	S	/	S	P	/	/	MP	/	30-4.C.5.f	

NOTES:
[1] Some commercial, mixed-use, and industrial uses require additional separation or buffer standards or may require special use permit approval when

Table 30-4.A.2 Use Table
P = Permitted Use S = Special Use
MP = Allowed Subject to a Planned Development Master Plan
“/” = Prohibited Use [1]

USE CATEGORY	USE TYPE	ZONING DISTRICTS																		ADDITIONAL REQUIREMENTS	
		SPECIAL		RESIDENTIAL						BUSINESS								PLANNED DEVELOPMENT			
		CD	AR	SF - 15	SF - 10	SF -6	MR -5	MH	OI	NC [3]	LC	CC	MU	DT	BP 4	LI	HI	PD-R	PD-EC		PD-TN

located adjacent to or across a local street or alley from single-family residential development in accordance with Section Transitional Standards. Cottage developments may require a Neighborhood Compatibility Permit (see Section 30-2.C.21).

[2] Individual manufactured homes located outside of a manufactured home park may only be established on lots located within the Manufactured Home Overlay district.

[3] New construction for individual retail uses over 2,500 square feet in the NC zoning district must be approved through the Special Use Permit process.

[4] In the BP district not more than a cumulative total of 40% of the developable area or 30% of the total area, whichever is less, of each Business Park development shall be used for uses in the following use categories: visitor accommodation, eating establishment, and retail sales and services. Such uses as a park or recreational facility within the BP development shall not be counted toward this commercial use or supportive use limitation. Restaurants with drive-thru service and Convenience Stores with gas sales and drive-thru service shall be limited to the periphery of the BP and within the greater of 1500 feet from an interstate centerline or 1250 feet from the nearest access road to that interstate. All other commercial uses shall be located on the periphery of the Business Park development or at a major internal intersection. These use types in a BP Business Park district must meet the standards for commercial, office and mixed use in Table 30-5.C.3 Required Open Space/Parkland Dedication and Article 30-5.I Commercial, Office and Mixed Use Design Standards.

(Ord. No. S2011-008, §§ 7, 12.2a, 7-25-2011; Ord. No. S2011-013, §§ 1.5, 1.8, 2.2a, 8.3, 11-28-2011; Ord. No. S2011-014, § 3, 11-28-2011; Ord. No. S2012-001, § 5.1, 1-23-2012; Ord. No. S2012-011, § 1, 5-29-2012; Ord. No. S2012-024, §§ 5—7, 11-13-2012; Ord. No. S2012-025, § 16, 11-13-2012; Ord. No. S2013-002, § 11, 2-11-2013; Ord. No. S2014-002, § 2, 3a, 5b, 1-13-2014; Ord. No. S2014-012, § 2, 8-11-2014; Ord. S2014-015, §§ 2b, 4, 8-11-2014; Ord. S2016-007, § 2, 6-27-2016; Ord. S2017-004, § 1a-c, 6-26-2017; Ord. No. S2019-008, 1, 04/23/2019)

Effective on: 6/26/2017

City of Fayetteville

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

City Council Action Memo

File Number: 20-1616

Agenda Date: 12/14/2020

Version: 3

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 6.07

TO: Mayor and Members of City Council

THRU: Doug Hewett, ICMA-CM, City Manager

FROM: Sheila Thomas-Ambat, PE, CCM, CFM - Public Services Director
Byron Reeves, PE, CFM Assistant City Engineer/Stormwater Manager
Tracey Broyles, Budget and Evaluation Director

DATE: December 14, 2020

RE:

Adoption of Budget Ordinance Amendment 2021-5 (Stormwater Management Fund) to Provide Funding for Legal and Consulting Services

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

Goal 3: City Investment in Today and Tomorrow

Executive Summary:

Budget Ordinance Amendment (BOA) 2021-5 will appropriate \$400,000 from Stormwater Management Fund net assets to provide \$250,000 funding for ongoing legal services for the Liberty Hills and Devonwood-Loch Lomond lawsuits and \$150,000 for related consulting services.

Background:

Legal and engineering consulting services have been provided by outside counsel and an engineering consultant in coordination with two suits the City is currently litigating. The Liberty Hills suit stems from the issuance of a Notice of Violation of the Stormwater Ordinance and assessment of civil penalties. The Devonwood-Loch Lomond suit stems from four private homeowner associations filing suit against the City in an effort to assign

responsibility of private dams, damaged during Hurricane Matthew, to the City.

Issues/Analysis:

None

Budget Impact:

Adoption of BOA 2021-5 will appropriate funding from Stormwater Management Fund net assets to offset annual operating budget being expended on legal services and related engineering consulting services.

Options:

- Adopt BOA 2021-5 to provide funding for ongoing legal services and consulting services.
- Do not adopt BOA 2021-5 and provide further direction to staff.

Recommended Action:

Staff recommends that Council move to adopt Budget Ordinance Amendment 2021-5 as presented.

Attachments:

Budget Ordinance Amendment 2021-5 (Stormwater Management Fund)

**2020-2021 BUDGET ORDINANCE AMENDMENT
CHANGE 2021-5**

BE IT ORDAINED BY THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA:

That the City of Fayetteville Budget Ordinance adopted June 29, 2020 is hereby amended as follows:

Section 1. It is estimated that the following revenues and other financing sources will be available during the fiscal year beginning July 1, 2020, and ending June 30, 2021, to meet the appropriations listed in Section 2.

<u>Item</u>	<u>Listed As</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule J: Stormwater Management Fund</u>			
Net Assets Appropriation	\$ 1,330,062	\$ 400,000	\$ 1,730,062
All Other Stormwater Fund Revenues and Financing Sources	11,349,020	-	11,349,020
Total Estimated Stormwater Management Fund Revenues and Other Financing Sources	<u>\$ 12,679,082</u>	<u>\$ 400,000</u>	<u>\$ 13,079,082</u>

Section 2. The following amounts are hereby appropriated for the operations of the City Government and its activities for the fiscal year beginning July 1, 2020, and ending June 30, 2021, according to the following schedules:

<u>Item</u>	<u>Listed As</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule J: Stormwater Management Fund</u>			
Total Estimated Stormwater Management Fund Expenditures and Other Financing Uses	<u>\$ 12,679,082</u>	<u>\$ 400,000</u>	<u>\$ 13,079,082</u>

Adopted this 14th day of December, 2020.

City of Fayetteville

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

City Council Action Memo

File Number: 20-1659

Agenda Date: 12/14/2020

Version: 4

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 6.08

TO: Mayor and Members of City Council

THRU: Telly C. Whitfield, Ph.D., Assistant City Manager

FROM: Tracey Broyles, Budget and Evaluation Director

DATE: December 14, 2020

RE:

Adoption of Budget Ordinance Amendment 2021-6 for the General Fund

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

Goal 1: Safe and Secure Community

Strategic Objective 1.3: Ensure low incidents of property and violent crime

Goal 3: City Investment in Today and Tomorrow

Strategic Objective 3.5: Increase our Smart City capacity

TFA 3.5.1 Build Smart City Capacity

Goal 4: Desirable Place to Live, Work, and Recreate

Strategic Objective: Provide a Clean and Beautiful Community with Increased
Green Space

TFA 4.4.1 Study ROW Maintenance and Litter

Goal 6: Collaborative Citizens & Business Engagement

Executive Summary:

Council is asked to adopt Budget Ordinance Amendment (BOA) 2021-6 to appropriate \$353,166 from General Fund fund balance to provide funding needed for the items listed below, which will enhance the daily operations of the City:

Project Description Estimated Cost

Downtown Security Cameras \$ 22,023

Data Storage for Body Worn Cameras 155,160

Communications, Analytics, and Public Engagement	156,604
Illegal Dumping Signage and Portable Surveillance Camera	19,379
Total:	\$353,166

Background:

Downtown Security Cameras

The initial downtown camera project was created several years ago to place cameras, monitored by Fayetteville Police Department (FPD), within the revitalized city entertainment and arts core to assist in crime prevention, law enforcement and provide a greater sense of community safety. FPD identified critical areas needing enhanced video coverage due to recent events in 2020. The current proposal is projected to cost \$22,023 for fiscal year 2021, to cover the areas of highest identified risk at this time. Staff is continuing to study and evaluate security camera options to ensure effective and efficient enhancements for community safety and security.

Data Storage for Body Worn Cameras

Five years ago, the FPD was awarded a substantial grant that allowed for the implementation of Body Worn Cameras (BWC) for each officer. This implementation also required data storage and licensing through a cloud-based service. The original contract is ending, and the storage needs for the department have increased from the original contract. At this time, staff is requesting \$155,160 in funding to provide for the expanded level of storage capacity and continual data access licenses. Staff will be evaluating options over the coming year with respect to technology supporting body worn cameras, in-car cameras and Tasers which are now capable of interfacing with camera systems.

Communications, Analytics, and Public Engagement

As the City Council envisions a 21st Century community, it has placed emphasis on increasing our Smart City capacity. In fact, once again the 2021 Strategic Operating Plan lists Smart City initiatives as a specific Strategic Objective (3.5) with a correlated Target For Action (TFA). The term "Smart City" covers technology strategies and implementation actions that achieve improved livability, sustainability and resiliency in a world that is increasingly digital, mobile, connected and urban. Smart City is more than just expanding broadband access. Smart City efforts can foster increased innovation, citizen involvement and collaboration with public, private and academic partners in the city and regionally.

In line with the Smart City initiative and the need to analyze our public feedback processes more effectively, funding is requested to begin strategic communication efforts to engage multiple stakeholders and use Artificial Intelligence (AI) driven data analytic software. This capability will help predict customer satisfaction perceptions as well as increase the staff's responsiveness to feedback from the myriad of sources that exist. The AI driven data analytical software, branding, advertising, and specialized consulting all have as its goals to increase public education and engagement, along with produce more impactful service outcomes.

City Council has also placed emphasis on the gateways and corridors across the community for quite some time. The 2021 Strategic Operating Plan continues this effort through Strategic Objective 4.4, which focuses on providing “a clean and beautiful community.” City Council established a Target For Action (TFA) regarding Right-of-Way maintenance and litter abatement. As Council has invested in an additional crew to increase efficiency in litter collection, staff has also researched best and promising practices to deter littering, illegal dumping, non-compliance to the municipal waste ordinance, cross-contaminated recycling and other issues that have become a detriment to the beautification of Fayetteville. Additional funds of \$156,604 are requested to support the public awareness and educational campaigns about our community and what residents, business owners and visitors can do to make it a better community.

Illegal Dumping Signage and Portable Surveillance Camera System

Through research and modeling, staff has developed an approach to address illegal dumping in the city by strategically placing motion light actuated flashing signs in areas known to have high volumes of illegal dumping. The signs will inform residents of surveillance and the criminal punishment involved with illegal dumping. In addition, staff is prepared to utilize a portable surveillance camera system at the various dump sites to aid in code enforcement. Resources (\$19,379) are requested to pilot this project.

Issues/Analysis:

Any recurring costs associated with these projects will be considered in the upcoming process for the development of the Fiscal Year 2022 annual operating budget.

Budget Impact:

The proposed source of funding for the request is a \$353,166 appropriation from General Fund fund balance. The fund balance policy adopted by City Council establishes a minimum General Fund unassigned fund balance of at least 10 percent of the succeeding year's General Fund expenditure budget, excluding the budget for the County recreation program. The City's target for unassigned fund balance, however, is at least 12 percent and will remain over that threshold after with this appropriation request.

Options:

- Adopt Budget Ordinance Amendment 2021-6 as presented
- Do not adopt the Budget Ordinance Amendment and provide further direction to staff.

Recommended Action:

Staff recommends that Council move to adopt Budget Ordinance Amendment 2021-6 as

presented.

Attachments:

Budget Ordinance Amendment 2021-6

**2020-2021 BUDGET ORDINANCE AMENDMENT
CHANGE 2021-6**

BE IT ORDAINED BY THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA:

That the City of Fayetteville Budget Ordinance adopted June 29, 2020 is hereby amended as follows:

Section 1. It is estimated that the following revenues and other financing sources will be available during the fiscal year beginning July 1, 2020, and ending June 30, 2021, to meet the appropriations listed in Section 2.

<u>Item</u>	<u>Listed As</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule A: General Fund</u>			
Fund Balance Appropriation	\$ 14,463,082	\$ 353,166	\$ 14,816,248
All Other General Fund Revenues and Financing Sources	171,055,774	-	171,055,774
Total Estimated General Fund Revenues and Other Financing Sources	<u>\$ 185,518,856</u>	<u>\$ 353,166</u>	<u>\$ 185,872,022</u>

Section 2. The following amounts are hereby appropriated for the operations of the City Government and its activities for the fiscal year beginning July 1, 2020, and ending June 30, 2021, according to the following schedules:

<u>Item</u>	<u>Listed As</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule A: General Fund</u>			
Community Investment	\$ 6,611,303	\$ 19,379	\$ 6,630,682
Operations	127,742,237	242,787	127,985,024
Support Services and Administration	20,309,321	91,000	20,400,321
Other Appropriations	30,855,995	-	30,855,995
Total Estimated General Fund Expenditures and Other Financing Uses	<u>\$ 185,518,856</u>	<u>\$ 353,166</u>	<u>\$ 185,872,022</u>

Adopted this 14th day of December, 2020.

City of Fayetteville

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

City Council Action Memo

File Number: 20-1657

Agenda Date: 12/14/2020

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 6.09

TO: Mayor and Members of City Council

THRU: Doug Hewett, ICMA-CM, City Manager

FROM: Sheila Thomas-Ambat, PE, Public Services Director

DATE: December 14, 2020

RE:

Addition of Certain Streets to the City of Fayetteville System

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

Goal I: Safe and Secure Community

Goal II: High Quality Built Environment

Executive Summary:

The Fayetteville street system includes 745.96 center line miles and is one of the City's largest assets impacting every citizen, employee, emergency service personnel, commuter, and visitor. As new development progresses, new streets are built in accordance with the City's standards and can be designated for private or public ownership and maintenance. When streets are constructed to City standards it requires a Council action to add the streets to the City's system. Streets added to our system qualify for Powell Bill Program allocations, which is a North Carolina funding program for the building and maintenance of major city streets.

Staff has identified nine (9) recently constructed streets for subdivisions throughout the City that are now acceptable for addition to the City of Fayetteville system of streets. These streets and drainage systems within the street rights-of-way have been inspected by staff and are now acceptable for addition to the City of Fayetteville system of streets. The 1.13 mile addition will bring the City's street system total to 747.09 miles.

Background:

Per City Council Policy 160.06 streets that have been designed and constructed in accordance with City standards can only be added to the City's system of streets through a City Council action after the streets have been constructed and recorded. Right-of-ways are dedicated for the streets and the developer identifies early in the development process if intended for private or public ownership and maintenance. As streets are satisfactorily completed, staff provides recommendation to Council for official addition to the City's system of streets.

Issues/Analysis:

Addition of these streets to the City's system of streets does not constitute the acceptance of maintenance responsibilities for drainage systems outside of street rights-of-way.

These streets and drainage systems located within the street rights-of-way need to be officially accepted and added to City of Fayetteville system of streets for the City to begin providing maintenance services and be included in our 2021 Powell Bill appropriation.

Budget Impact:

Street maintenance cost will increase while the funds received from Powell Bill increase as well. As these road segments are newly constructed, significant maintenance cost is not expected for several years.

Options:

- Approve the attached list of streets and associated infrastructure for inclusion in the City of Fayetteville system of streets.
- Do not approve the attached list of streets and associated infrastructure for inclusion in the City of Fayetteville system of streets.
- Modify the list of streets and associated infrastructure before approval

Recommended Action:

Staff recommends that Council accept the attached list of streets and drainage systems located within the street rights-of-way for inclusion in the City's system of streets.

Attachments:

Street acceptance December 2020

**NEW STREETS FOR
COUNCIL APPROVAL
December 2020**

STREET NAME	FROM	TO	LENGTH TO BE ACCEPTED	SUBDIVISION
ENFORCEMENT DR	RAEFORD RD	IDENTITY LN	0.04	CAPES LANDING (PB 136, PG 79)
IDENTITY LN	ENFORCEMENT DR	BRANCHWOOD CIR	0.17	
LETTERFEARN DR	SE CORNER LOT 74	CARSWELL DR	0.17	FAIRFIELD FARMS SEC 6 PT 1
CARSWELL DR	NW CORNER LOT 250	NE CORNER LOT 253	0.07	PB 144 PG 177
STONEWASH DR	SW CORNER LOT 99	NE CORNER LOT 24	0.19	LAKEDALE SECT 2, PTS 2-3
OLD KILN DR	STONEWASH DR	LOOM DR	0.06	PB 145 PG 43
LOOM DR	STONEWASH DR	NW CORNER LOT 91	0.12	
THOMAS WOOD DR	NE CORNER LOT 104	CUL-DE-SAC	0.25	WESTHAVEN SECT 3
SANCTUARY DR	THOMAS WOOD DR	CUL-DE-SAC	0.06	PB 145 PG 43

1.13

Beginning Mileage 745.96
Mileage Added 1.13
New Mileage 747.09

City of Fayetteville

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

City Council Action Memo

File Number: 20-1663

Agenda Date: 12/14/2020

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 6.010

TO: Mayor and Members of City Council

THRU: Karen M. McDonald, City Attorney

FROM: Michael R. Whyte, Police Attorney

DATE: December 14, 2020

RE:

Request for Legal Representation of City Employee

COUNCIL DISTRICT(S):

All Districts

Relationship To Strategic Plan:

Goal V - Sustainable Organizational Capacity

Executive Summary:

The purpose of this agenda item is to receive authorization from the City Council to provide legal representation for City employee Patrick Guilette in the matter of Robert Earl Edwards. The employee was acting within the scope and course of his employment with the City when the alleged incident occurred.

Background:

Patrick Guilette is employed by the City of Fayetteville Police Department as a police officer. He has been named as a possible defendant in a potential lawsuit to be filed by Robert Earl Edwards in reference to an incident on March 4, 2019. Guilette was acting within the scope and course of his employment with the City when the incident occurred. He has requested legal representation pursuant to N.C.G.S. § 160A-167, which provides for the defense of an employee based on acts done within the course and scope of employment.

Issues/Analysis:

No none issues.

Budget Impact:

Unknown at this time.

Options:

1. Authorize the request for legal representation.
2. Reject the request for legal representation.
3. Provide additional direction to staff.

Recommended Action:

Staff recommends that Council move to authorize the City to provide legal representation for Patrick Guilette in the matter of Robert Earl Edwards.

Attachments:

No Attachments

City of Fayetteville

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

City Council Action Memo

File Number: 20-1665

Agenda Date: 12/14/2020

Version: 4

Status: Approval Review

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 6.011

TO: Mayor and Members of City Council

THRU: Angel Wright-Lanier, ICMA-CM, Assistant City Manager

FROM: Toney Coleman, PhD, A.A.E., Airport Director

DATE: December 14, 2020

RE:

Council Approval to Waive Landing Fees for Signatory Airlines for Six Months

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

Goal 4: Desirable Place to Live, Work and Recreate

Objective 4.1: Maintain public transportation investments with high quality transit and airport services.

Executive Summary:

The Airport Commission, at the recommendation of airport management, approved the waiver of landing fees for signatory airlines for the six-month period beginning January 1, 2021 through June 30, 2021. Council approval is required to implement this waiver as the fees are adopted by Council with the adoption of the annual operating budget each fiscal year.

Background:

As discussed at the Council Work Session on December 7, 2020, the COVID-19 pandemic has had significant impacts on the airport and its signatory airline partners, American Airlines and Delta Airlines. While passenger loads at Fayetteville have not been degraded as much as at other airports in the state and nation, the operating impacts for the airlines have been substantial.

In the interest of retaining incumbent airlines and incentivizing sustained or possibly improved local air service, airport management and the Airport Commission are recommending waiver of landing fees for the signatory airlines from January 1, 2021 through June 30, 2021. This action will aid in mitigating the impact of the COVID-19 pandemic on our partner airlines.

Issues/Analysis:

See Budget Impact below.

Budget Impact:

Staff anticipated declines in landing fee revenues in the development of the fiscal year 2021 annual operating budget. While revenues budgeted for landing fees from signatory airlines total \$151,000 for the fiscal year, actual collections to date through October total \$83,600, or an average of \$20,900 per month. On that basis, staff would conservatively project that collections for the first half of the fiscal year will reach approximately \$120,000. While the recommendation to waive the landing fees for these airlines for the last half of the fiscal year will likely result in a projected loss of potential revenue of an equal amount of \$120,000, the shortfall to the budgeted revenues would only be \$31,000.

Options:

- Approve a six-month waiver of signatory airline landing fees for the period of January 1, 2021 to June 30, 2021 as approved by the Airport Commission.
- Disapprove the requested six-month waiver of signatory airlines landing fees.

Recommended Action:

Staff recommends that Council move to approve a waiver of landing fees for signatory airlines for the period of January 1, 2021 to June 30, 2021 to help mitigate the financial impact of the COVID-19 pandemic.

Attachments:

None

City of Fayetteville

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

City Council Action Memo

File Number: 20-1648

Agenda Date: 12/14/2020

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Public Hearing

Agenda Number: 8.01

TO: Mayor and Members of City Council

THRU: Douglas Hewett, ICMA-CM - City Manager
Angel Wright-Lanier, ICMA-CM - Assistant City Manager
Dr. Gerald Newton, AICP - Development Services Director
Taurus Freeman - Planning & Zoning Divisional Manager

FROM: Jennifer C. Baptiste, Senior Planner

DATE: December 14, 2020

RE:

P20-41F. A Special Use Permit request to operate a Child Care Center at 1208 Cedar Creek Road (Tax Map # 0446-63-9772), zoned as Single-Family 6 (SF-6), being 3.03 acres ± and being the property of Len-Care Rest Home, Inc., represented by Evelyn Clark.

COUNCIL DISTRICT(S):

2 - Shakeyla Ingram

Relationship To Strategic Plan:

2030 Goals, Goal II

Objective A: Sustain a favorable development climate through continual improvement of internal process and by providing redevelopment tools to encourage business growth.

Executive Summary:

The applicant is requesting a Special Use Permit to operate a Child Care Center at 1208 Cedar Creek Road. This property is currently zoned Single-Family Residential 6 and a Special Use Permit is required to locate a Child Care Center in this zoning district.

On November 10, 2020, the Zoning Commission voted 5-0 to recommend City Council approve the Special Use Request to allow a Child Care Center at 1208 Cedar Creek Road.

Background:

Owner: Len-Care Rest Home, Inc.

Applicant: Evelyn Clark

Requested Action: SUP

Properties Addresses: 1208 Cedar Creek Road

Council District: 2 - Shakeyla Ingram

Status of Properties: Vacant office building

Size: Approximately 3.00 acres

Adjoining Land Use & Zoning:

- North - SF-15 - City of Fayetteville Fire Station
- South - County RR - Undeveloped
- West - County RR - Undeveloped
- East - SF-15 - Single-Family Homes

Letters Mailed: 22

Land Use Plan: Low Density

Additional Reviews:

Technical Review Committee (TRC) - A preliminary review has been conducted as part of the Special Use Permit application process. In general development comments were received, but specific comments were also provided. Specific comments included:

1. Fire - Has spoken to the applicant. Since this is a change of occupancy, an architect needs to submit plans.
2. Zoning - Use is required to have 4 parking spaces plus one per employee on the largest shift. A 500 foot separation is required between the use and any bar, nightclub, and adult entertainment.
3. Traffic Services - A new driveway permit may be needed.

A full TRC review will be conducted if the Special Use Permit approved.

Issues/Analysis:

History

This building was originally constructed in 1991 and is approximately 2,238 square feet brick veneer structure. As late as 2019, this site was used as the medical offices of Pediatric Services of America.

Surrounding Area

To the north of the subject property is the City of Fayetteville's Fire Station 16 and Creekside Assisted Living Center. Both properties are located in the City of Fayetteville's City Limits. The property to the south and west of the site is currently undeveloped and heavily wooded. This property is located within Cumberland County's jurisdiction. Across Cedar Creek Road to the east are several single-family residential homes that are located in the City of Fayetteville's City Limits.

Special Use Permit Request

The applicant is requesting a Special Use Permit to operate a Child Care Center at 1208 Cedar Creek Road. According to the application submitted by the applicant. The operation hours for the facility will be 6:00am to 6:00pm Monday through Friday. The facility will be able to accommodate approximately 35 clients and will have four

employees.

This use is compatible with the overall area and will not detract from the overall area. Land within the City is generally classified by the Unified Development Ordinance (UDO) to be within one of a number of base zoning districts. Land may be reclassified to one of a number of comparable zoning districts in accordance with Section 30-2.C. However., The SUP must meet the following findings of facts:

(1) The special use complies with all applicable standards in Section 30-4.C, Use-Specific Standards;

1. *Child Care Centers (Non-Residential) in Any District*

Child Care Centers (non-residential) including pre-schools, shall be licensed as a child care center by the State and comply with all State regulations for child care centers. Child care centers in any district except the DT Downtown District shall meet the following standards. Child care centers located in the DT zoning district are exempt from the following standards except as specifically noted below.

a. *Separation*

Child care centers shall be located at least 500 linear feet from the following uses:

1. Adult entertainment;
2. Bar, nightclub, or cocktail use.

b. *Parking Area, Vehicular Circulation, and Drop-Off and Pick-Up*

The parking areas and vehicular circulation for the child care center shall be designed to:

1. Enhance the safety of children as they arrive at and leave the facility; and
2. Provide a designated pickup and delivery area that includes at least one parking space per 20 children and is located adjacent to the child care center in such a way that children do not have to cross vehicular travel ways to enter or exit the center.
3. In the DT Downtown District, the City Manager must approve a designated drop-off and pick-up area that, based the maximum capacity of the center as licensed by the State, mitigates traffic congestion and provides for access to the child care center in such a manner that children do not have to cross vehicular travel ways to enter or exit the center.

c. *Accessory Uses*

If allowed as an accessory use to a Retail Sales and Service or Office use, the heated floor area of a child care center shall not exceed 20 percent of the heated floor area of the principal use.

d. *Outdoor Play Areas*

1. Outdoor play areas shall be provided, and shall:
 - A. Be located to the side or rear yard areas;

- B. Be completely enclosed by a fence that is at least four feet in height;
 - C. Be safely segregated from parking, loading, or service areas; and
2. Outdoor play areas adjacent to a residential lot shall be screened by a six-foot solid fence or wall along with a ten-foot-wide landscaping buffer with evergreen shrubs capable of reaching six feet in height at maturity, planted six feet on-center.

e. Capacity Information

Applications or site plans associated with a child care center shall indicate the maximum number of children, proposed hours of operation, and size of the outdoor play area.

2. Child Care Centers (Non-Residential) in Residential Districts

In addition to meeting the standards of 30-4.C.3(a)(1) above, child care centers (non-resident) in residential districts shall meet the following standards:

a. Minimum Lot Size

A child care center (non-resident) shall be located upon a lot of 20,000 square feet in area or more.

b. Location

- 1. If not located in a stand-alone building, a child care center shall be segregated (including the restrooms) from the remaining portion of the building in which it is located.
- 2. New child care centers shall be located on a designated major or minor thoroughfare street.

c. Separation

Child care centers (non-resident) within any residential district shall be at least 1,000 linear feet from any other child care center (non-resident) except as follows. Centers operated in schools, churches and on university campuses in a residential district are exempted from this spacing requirement and will not be considered in the separation requirements for other centers.

d. Outdoor Play Areas

Child Care Centers (non-resident) in residential districts shall not be operated for outdoor play activities after 8:00 p.m.

(2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning districts(s) of surrounding lands;

The use is compatible with the overall area as it is a use that can support the adjacent neighborhood.

(3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;

The current site is existing and any additions to the site will have to meet the

requirements of the UDO. The site has sufficient on-site parking adjacent to the building.

(4) The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands;

The site is already developed and has been in the area since 1991 and has generally always been used as a commercial site.

(5) The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;

This property is already developed and the proposed site plan demonstrates how this property meets the requirements of the UDO.

(6) The special use maintains safe ingress and egress onto the site and safe road conditions around the site;

This property is located on a major arterial road and will not require new ingress and egress points to accommodate the proposed use.

(7) The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; and

This is an existing use and no documentation has been submitted showing that property values would be negatively affected.

(8) The Special use complies with all other relevant City, State, and Federal laws and regulations.

The applicant will be required to meet all applicable standards.

Budget Impact:

This action should result in no increase in City services.

Options:

- 1) Approval of the SUP with any conditions listed above (Recommended).
- 2) Approval of the SUP with additional conditions.
- 3) Approval of the SUP without conditions.
- 4) Denial of the SUP

Recommended Action:

The Zoning Commission and City Staff recommend approval of the requested Special Use Permit (SUP) to operate a Child Care Center on the parcel currently zoned Single-Family Residential 6 (SF-6), as presented by Staff and based on the information provided above and all attachments.

- The SUP is consistent with applicable plans because: 1) the City's Unified Development Ordinance and 2040 Future Land Use Plan both support this type of business in this location; 2) the uses surrounding this property are a mix of uses which are compatible with the proposed SUP; and 3) the proposed SUP is

reasonable and in the public interest because the proposed zoning fits the character of the overall area.

Attachments:

1. Application
2. Aerial Map
3. Zoning Map
4. Land Use Plan Map
5. Subject Properties
6. Surrounding Properties

Project Overview

#431961

Project Title: Nana & Pop Childcare Center
Application Type: 5.3) Special Use Plan Review
Workflow: Staff Review

Jurisdiction: City of Fayetteville
State: NC
County: Cumberland

Project Location

Project Address or PIN: 1208 CEDAR CREEK RD (0446-63-9772)

GIS Verified Data

Property Owner:
Zoning District:
Fire District:

Acreage:
Subdivision Name:
Airport Overlay District: Airport Overlay District
 • 1208 CEDAR CREEK RD: 1

Hospital Overlay District:
Cape Fear District: Cape Fear District
 • 1208 CEDAR CREEK RD: 0

Coliseum Tourism District:
Downtown Historic District:

Haymount Historic District:
100 Year Flood:
Watershed:

Floodway:
500 Year Flood:

Written Description of Special Use

Is the proposed project for a cell tower?: No

A) Provide a written description of the proposed special use, including summary of existing uses and the proposed use/activity in detail. Also include hours and days of operation, number of employees, number of clients, etc.: I would like to open a childcare center to provide care for school age children for working parents that have concerns about their children attending school during this pandemic. Also to offer childcare in this area due to it not being a lot of childcare facilities in this area to help accommodate the community with the childcare needs. Will also be offering nutritional meals and a learning environment while helping with remote learning. Operation hours will be 6:00 am-6:00 pm Monday-Friday and 2nd shift care for essential workers with the capacity of 35 clients and 4 employees.

B) Please provide a description of the Zoning District designations and existing uses on adjacent properties, including across the street.: THE fire station is beside 1208 behind is the assist living facility ,HWY 53 same as cedar creek is

the main hwy.houses are located across the street..

Special Use Justification. Answer all questions on this and the following pages (upload additional sheets as needed).

Indicate how the special use complies with all applicable use-specific standards in the City Code of Ordinances.: The special use will allow me to operate by the city code.

Describe how the special use is compatible with the character and uses permitted in the zoning district(s) of surrounding lands.: The business will be providing services to the community much like the nursing facility and will also have employees to come in 1st & 2nd shift to help contribute to the needs of the facility for those of the community.

Indicate how the special use avoids significant adverse impact on surrounding lands regarding service delivery, parking and loading, odors, noise, glare, and vibration.: The building has been in existing for as long as the nursing facility and the building has it own parking, driveway, service delivery and loading. It's also free from odor, noise, glare, and vibration.

Demonstrate how the special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands.: The facility will have a privacy fence to avoid visual contact for example the fence will separate between the childcare facility and the nursing facility so that there will be no visual disruption.

Explain how the special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.: The special use will not have any deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.

Indicate how the special use maintains safe ingress and egress onto the site and safe road conditions around the site.: THE facility has a safe in and out conditions.

Demonstrate how the special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district.: THE special use will not have any effect on property values or neighboring land.

The special use complies with all other relevant City, State, and Federal laws and regulations.: yes.

Primary Contact Information

Project Contact - Agent/Representative

Evelyn Clark
Nana & Pop Childcare Center
1208 Cedar Creek Rd
Fayetteville, NC 28312
P:9105274601
evelynclark42@yahoo.com

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

Project Owner

Evelyn Clark
Nana & Pop Childcare Center
1208 Cedar Creek Rd
Fayetteville, NC 28312
P:9105274601
evelynclark42@yahoo.com

NC State License Number:

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$30,000. :

Aerial Notification Map

Zoning Commission
11/10/2020

Case #: P20-41F

Request:
Special Use Permit

Location:
1208 Cedar Creek Road

Pins:
0446-63-9772

Acreage:
3.00 acres



Legend

-  P20-41 Buffer
-  P20-41F
-  Parcels



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



P20-41F

Zoning Map

Zoning Commission
11/10/2020

Case #: P20-41F

Request:
Special Use Permit

Location:
1208 Cedar Creek Road

Pins:
0446-63-9772

Acreage:
3.00 acres



Legend

P20-41F

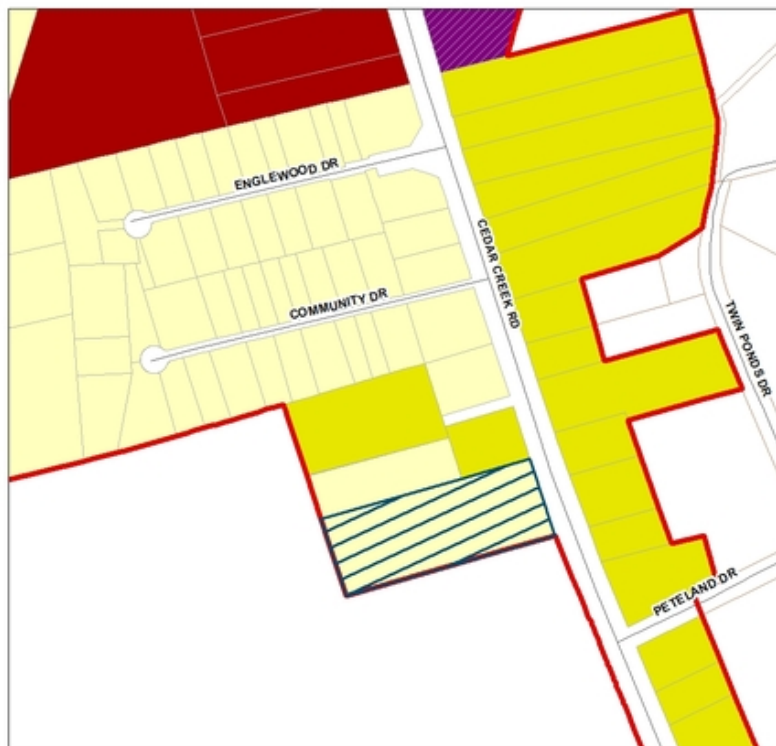
CC -
Community
Commercial

MU/CZ -
Conditional
Mixed-Use

SF-6 - Single-
Fam...
Residential 6

SF-15 -
Single-Fam...
Residential 15

City of
Fayetteville
North Carolina
PLANNING



Land Use Map

Zoning Commission
11/10/2020

Case #: P20-41F

Request:
Special Use Permit

Location:
1208 Cedar Creek Road

Pins:
0447-63-9772

Acresage:
3.00 acres



Legend

 P20-41F

FUTURE LAND USE

 PARKOS - PARK / OPEN SPACE

 OSS - OPEN SPACE SUBDIVISIONS

 LOW DENSITY

 MEDIUM DENSITY

 HIGHWAY COMMERCIAL

 OI - OFFICE / INSTITUTIONAL

City of Fayetteville
PLANNING





Subject Property





Surrounding Properties



City of Fayetteville

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

City Council Action Memo

File Number: 20-1644

Agenda Date: 12/14/2020

Version: 2

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Public Hearing

Agenda Number: 8.02

TO: Mayor and Members of City Council

THRU: Douglas Hewett, ICMA-CM - City Manager
Angle Wright-Lanier, ICMA-CM - Assistant City Manager
Dr. Gerald Newton, AICP - Development Services Director
Taurus Freeman, MPA - Planning and Zoning Divisional Manager

FROM: David Nash, AICP, Senior Planner

DATE: December 14, 2020

RE:

AX20-003: An Annexation located on Judson Church Road, near its intersection with Cedar Creek Road, (Tax Map # 0455-48-7292) totaling .49 acres ± and being the property of Misty D. Carter and Terry W. Carter.; related to P20-42F: Initial Zoning

COUNCIL DISTRICT(S):

2 - Shakeyla Ingram

Relationship To Strategic Plan:

2030 Goals-Goal II-Diverse and Viable Economy

Objective B: To implement strategies that diversity the City's tax base

Executive Summary:

A developer has proposed to build a new Springhill Suites motel along the eastern side of Judson Church Road, east of Interstate-95. Most of the development site is within the incorporated limits of the City. However, one small parcel along Judson Church Road is not, and the annexation provides access to the larger parcel, Tax Map #0455-58-0008, which is landlocked. The owner has requested that this parcel be annexed.

On November 10, 2020, the Zoning Commission recommended approval of the initial rezoning request, P20-42F, by a vote of 5-0.

Background:

A developer has proposed to build a new Springhill Suites motel in the commercial and motel area located at Exit 49 of I-95. This new motel will be on the eastern side of I-95, north of Cedar Creek Road and east of Judson Church Road (see Vicinity Map and Legal Description Map). One parcel, which makes up most of the development site, is already inside the City. But, a second smaller parcel, located along the eastern side of Judson Church Road, is not in the City. The developer stated the two parcels will be combined, and use PWC water and sewer for the location of a new motel.

The parcel not yet in the City is in the Fayetteville Municipal Influence Area (MIA). Since the parcel is in the Fayetteville's MIA, the use of PWC sewer requires that the parcel be annexed, per City Council Policy 150.2.

The parcel requested for annexation (PIN 0455-48-7292) consists of about .49 acres. It is currently owned by Misty D. Carter and Terry W. Carter (who also currently own the larger parcel). If the annexation is approved and the development proceeds, it is expected that the developer will buy the two parcels from Mr. and Mrs. Carter. It is also expected that the developer will then combine the two parcels.

The parcel requested for annexation is vacant. However, 2017 aerial photography shows that part of the parcel was used for vehicle parking. As the motel site is developed, it is expected that part of the parcel requested for annexation will be used as an entranceway to the motel site and the remainder will be used as a stormwater facility.

See the Basic Information Sheet for more information about the parcel requested for annexation, factors affecting its development, and future development.

The parcel requested for annexation is contiguous to the City. This means that the request has been processed as a contiguous annexation.

On November 10, 2020, the Zoning Commission held an initial zoning public hearing for this parcel. The Zoning Commission voted to recommend approval of Community Commercial (CC), if the property is annexed.

A public hearing on the annexation request has been scheduled for the December 14, 2020 City Council meeting.

Issues/Analysis:

Sufficiency: The City's Real Estate Staff has found that the annexation petition submitted by Misty D. Carter and Terry W. Carter is sufficient. See Sufficiency Memo (attached).

Compliance with Contiguous Annexation Standard: The one standard that must be met is that the area must be contiguous. This area is contiguous.

Effective Date: The 2011 changes to the state annexation law regarding effective dates require that a contiguous area be annexed either immediately, or on the June 30 after the date of passage of the ordinance, or on the June 30 of the following year after the date of passage of the ordinance. Staff recommends December 14, 2020 as the effective date.

Compliance with City Development Standards: If the property is annexed, the parcel will be developed in compliance with City development standards. The developer has already submitted preliminary development plans to the City for review.

Financial Impact of Annexation on the Current Owner and Future Residents: As noted in the Basic Information Sheet (attached), the parcel is currently vacant, and it is not in the

present use, (i.e., farm) program. If the property is annexed, the property tax costs to the current owner will increase slightly, due to application of the City tax rate. However, this increase will be reduced by the elimination of certain taxes (such as the County fire district tax, the County special fire tax, and the County recreation tax.)

Assuming the property is developed in the future, the County Tax Department will adjust the value upward. This will increase the City tax bill to the owner.

Services: City operating departments and PWC divisions have reviewed the proposed annexation and they should be able to serve the property. Appendix A (attached) provides a summary of services, costs, and revenues.

Budget Impact:

Analyzing the budgetary impact of an annexation on the City involves comparing projected costs with projected revenues. Appendix A includes a table showing that the budgetary impact of annexing the area should be positive for the City. The figures assume that the annexation will be effective on December 14, 2020.

Options:

1. Adopt the Annexation Ordinance with an effective date of December 14, 2020, and include approval of the final action consistent with the prior action on the zoning;
2. Adopt the Annexation Ordinance with an effective date of June 30, 2021, and include approval of the final action consistent with the prior action on the zoning;
3. Adopt the Annexation Ordinance with an effective date of June 30, 2022, and include approval of the final action consistent with the prior action on the zoning;
4. Do not adopt the Annexation Ordinance. This option means the property would remain outside the City, and the initial zoning would not occur; or
5. Table action on the requested annexation.

Recommended Action:

The City staff recommends Option 1: that the City Council moves to adopt the proposed ordinance annexing the area effective December 14, 2020, and establish the initial zoning consistent with the prior action on the zoning case.

Attachments:

1. Appendix A-Summary of Services, Costs, and Revenues
2. Vicinity Map
3. Legal Description Map
4. Basic Information Sheet
5. Sufficiency Memo
6. Proposed Annexation Ordinance

7. Site Photos

APPENDIX A
SUMMARY OF SERVICES, COSTS, AND REVENUES
Name of Area: Part of the Development Site for a Proposed Springhill Suites Motel-
(One Parcel on the Eastern Side of Judson Church Road)
Assumed Effective Date: December 14, 2020

BUILD-OUT ASSUMPTIONS

The one parcel is vacant. Future plans show that part of the parcel will serve as an entranceway to the motel site and the remainder will serve as a stormwater facility. It is expected that these changes will be completed by December 31, 2021.

CITY SERVICES

If the area is annexed, the City would provide services, as explained below. Since the area is vacant, the demand for City services will be minimal in the beginning. After the area is developed, (eg, as an entranceway and as a stormwater facility), the demand for City services will still be minimal.

Fire Department-

- Fire Protection Services-The department reports that it would use current deployment. City Station 16, which currently operates from 1126 Cedar Creek Road, is 2.0 miles away. County Station 2, which is at 3509 Clinton Road, is 2.5 miles away.
- Debt Assumption-Sometimes, the City might need to assume some of the debt of a rural fire department that provides services to an annexed area. The annex area is in Tax District 0101, which means that the Vander Fire Department currently serves the area. This means that the City might have to assume some of the debt of Vander, if the value of the annex area is high enough in relation to the current overall value of the Vander District. A determination will need to be made at the end of Calendar Year 2020.
- Fire Inspection Services-The City Fire Department would normally provide fire inspection services for any buildings on the property, but no buildings are there now and none are expected. .

Police Department-

- Patrol Services-The department reports that it can provide services to the area with existing resources.

Public Services Department-

- Engineering Division-This division will provide professional plan review, infrastructure permitting, and inspections.
- Stormwater Division-During construction, this division will inspect the stormwater system. After construction, this division will do periodic inspection of SCM's (stormwater control measures, ie, ponds). This division notes that it has already given a preliminary review of the site through the TRC process. It also notes that the developer is the same developer who built two hotels on adjacent property. So, the developer and his consultant (Chao and Associates) are aware of the City's stormwater requirements.
- Street Maintenance- This division will not be responsible for providing street maintenance services, since no public streets are expected.
- Traffic Services Division-This division will not be responsible for installing signs or maintaining signs in the area, since no public streets are expected. This division has submitted comments regarding access through the TRC process.
- Solid Waste Division-This division will not need to provide garbage collection and recycling services to the annexed area, because no single-family homes will be built in the area. This division has pointed out that the motel developer must comply with the City's Solid Waste Ordinance regarding the location of containers

Transit Department

Route 3 currently provides service to the motel area on the eastern side of I-95. The route terminates at The Deluxe Inn. The Transit Department reports that it might add another stop east of I-95.

Summary of City Costs and Revenues-Regarding costs, departments report that they can absorb the area at little or no cost, so staff has not projected any costs. Regarding revenues, staff has projected two alternative ad valorem revenues. Alternative 1 is based on the assumption that the value of the .49 acre of land remains the same in the future. This will not actually happen, but it can serve as a starting point. Alternative 2 is based on a calculated value of land per acre on an adjacent parcel, and the application of a 90 percent reduction to the value that is assumed to be in the stormwater pond. It should be noted that a County appraiser will eventually assign a value to the stormwater pond, after it is completed. Only at that time will the true value be known. It will be included in the land value of the parcel.

	FY 20-21 6 months	FY 21-22 1 st Full FY	FY 22-23	FY 23-24	FY 24-25	FY 25-26	FY 26-27	Totals
REVENUES								
Alternative 1	7	15	15	15	15	15	15	97
Alternative 2	7	15	147	147	147	147	147	757

PWC SERVICES

If the area is annexed, PWC would provide services, as explained below.

PWC Water and Sewer Division

Note: For water and sewer services, this information is based on a review by the PWC Water and Sewer staff and a map prepared by the PWC staff. It is also based on a Utility Plan Map, dated September 15, 2020. (This map was prepared by Chao and Associates, Inc., the engineer for the motel developer.) It should be noted that the parcel requested for annexation is merely part of the motel development site. The parcel requested for annexation will not need PWC water and sewer itself.

Sewer: PWC reports that there is an existing gravity sewer main south of the proposed development. The developer would install the necessary sewer main extension/laterals to serve the property (ie, the motel building). According to the map prepared by Chao, it is not expected that the sewer line extension will pass through the parcel requested for annexation.

Water: PWC reports that there is an existing water main near the southwestern corner of the property in the Judson Church Road right-of-way. The developer would install the necessary water main extension/laterals to serve the property (ie, the motel building). According to the map prepared by Chao, it is expected that the water line extension will pass along the Judson Church Road side of the parcel requested for annexation, before it turns eastward toward the motel building.

Fire Hydrants: PWC reports that there is an existing fire hydrant near the southwestern property corner in the Judson Church Road right-of-way. Additional fire hydrants would be provided by the developer as required by the City Fire Marshal's office.

Costs to PWC: PWC would have normal operation and maintenance costs.

Revenues to PWC: PWC would receive revenue from the new sewer and water accounts. (This revenue would be associated with the motel, not the parcel requested for annexation.)

PWC Electrical Division-

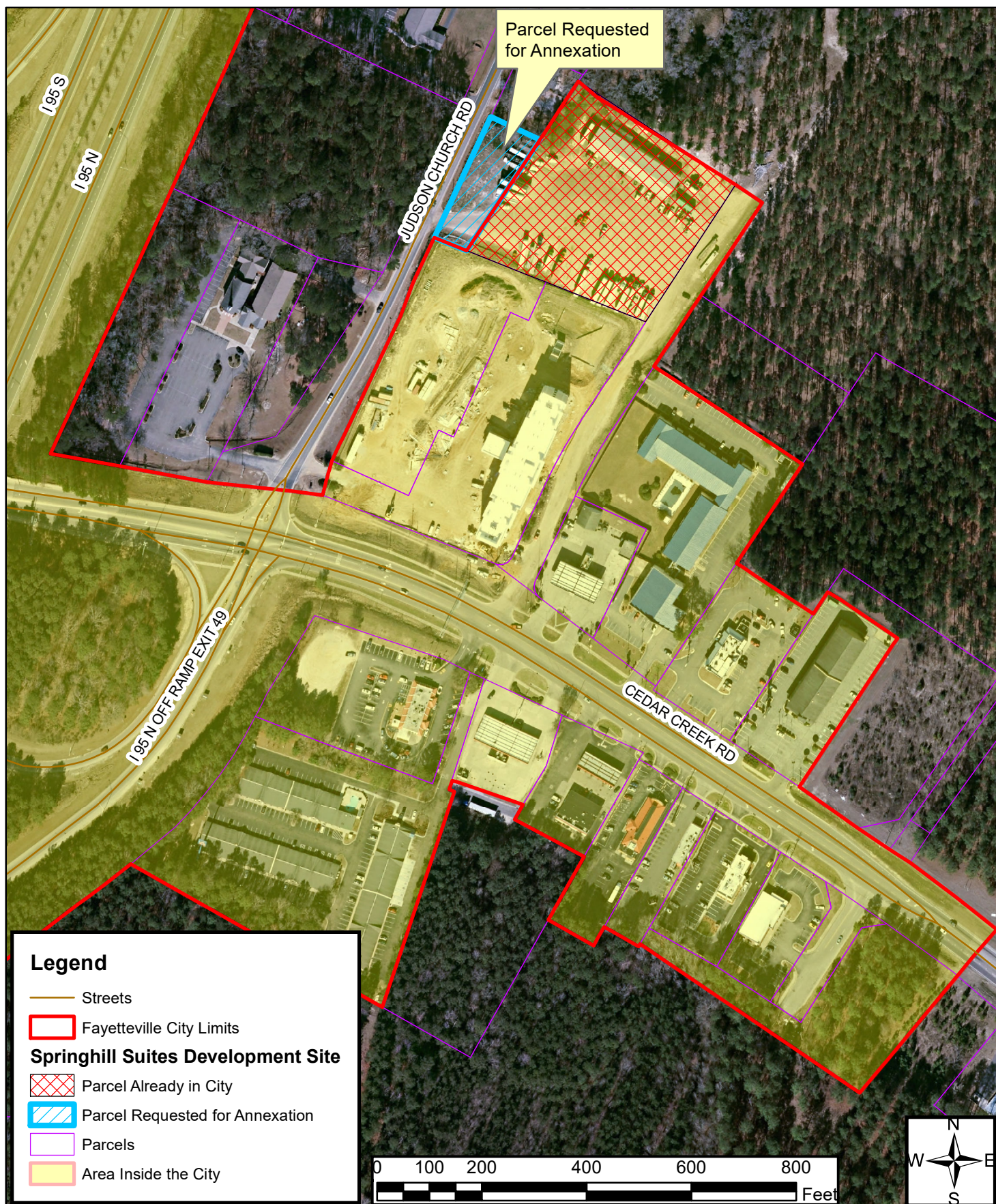
Electrical: PWC reports that Duke Energy Progress is the electrical provider for this site.

Street Lights: PWC did not report on street lights. It is assumed street lights will not be provided by PWC.

Costs to PWC-Not applicable.

Revenues to PWC-Not applicable.

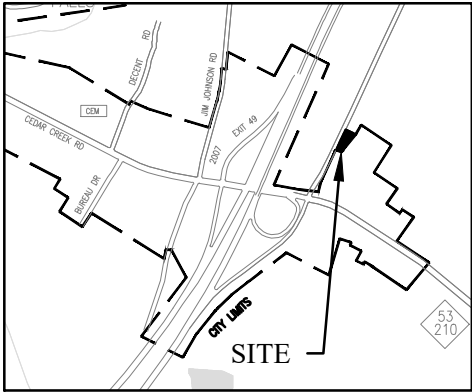
Vicinity Map



Map Prepared 11/18/20

Note: Aerial photography is as of 2017.

NC GRID NAD 83 (2011)



VICINITY MAP (N.T.S.)

THIS MAP MAY NOT BE A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS AND HAS NOT BEEN REVIEWED FOR COMPLIANCE WITH RECORDING REQUIREMENTS FOR PLATS.

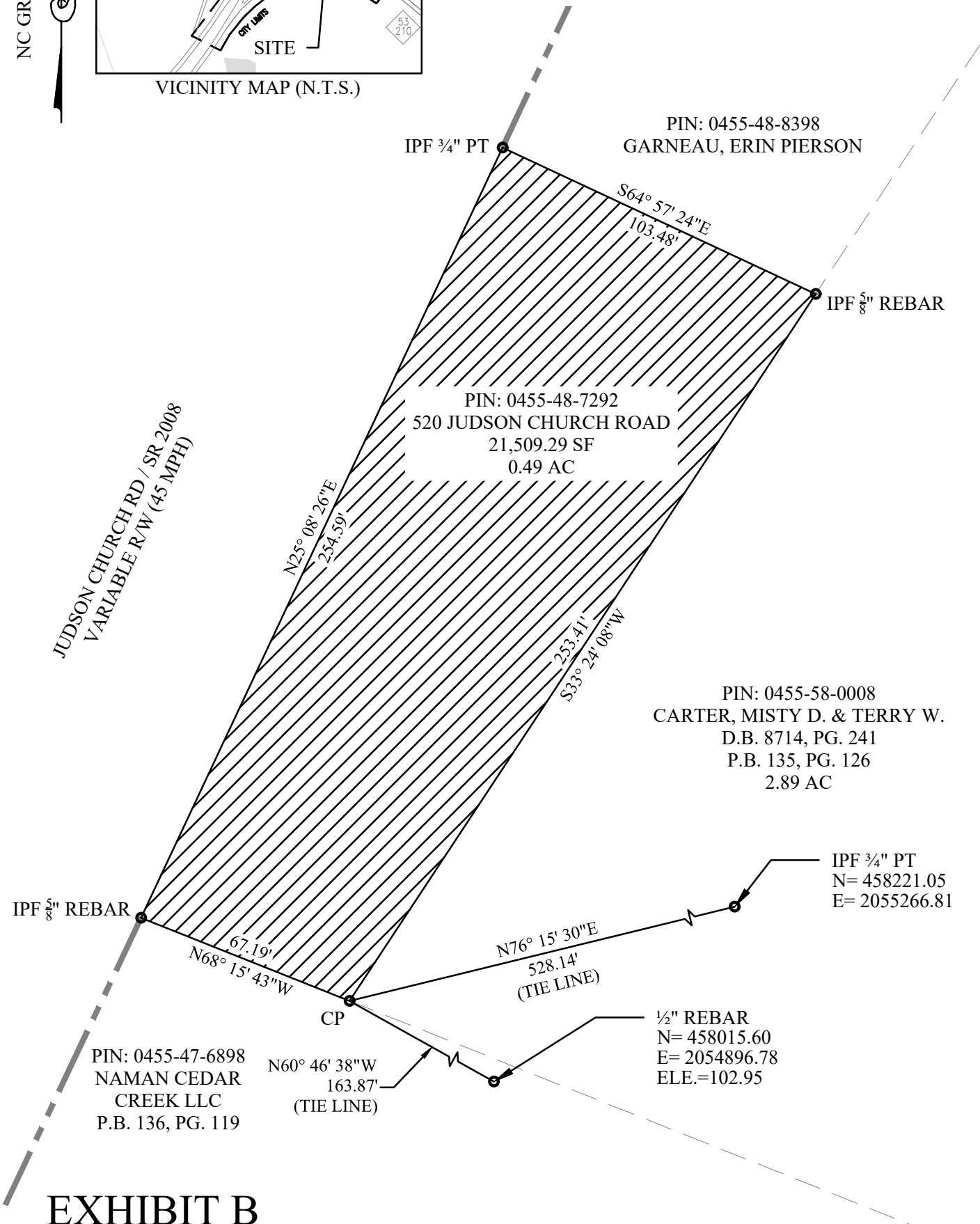


EXHIBIT B

LEGEND

- | | |
|-----------------------|-----------------------|
| IPF - IRON PIPE FOUND | PT - PINCHED TOP |
| R/W - RIGHT OF WAY | SF - SQUARE FOOTAGE |
| CP - CALCULATED POINT | AC - ACRES |
| N.T.S. - NOT TO SCALE | |
| N - NORTH | - PROPOSED ANNEXATION |
| S - SOUTH | ----- -R/W LINE |
| E - EAST | ----- -PARCEL LINE |
| W - WEST | |



PUBLIC SERVICES DEPARTMENT
ENGINEERING DIVISION
433 HAY ST. 28301
(910) 433-1656

ANNEXATION ??
CARTER, MISTY D. & TERRY W.
0455-48-7292
±0.49 ACRES

BASIC INFORMATION ABOUT THE AREA
Information Updated as of: 11/25/20
Date Petition Received: 9/23/20
Ordinance Adoption Date: / Effective Date:

1. Name of Area:	Part of the Development Site for a Proposed Springhill Suites Motel-(One Parcel on the Eastern Side of Judson Church Road) (AX20-003)
2. Name of Owner:	Misty D. Carter and Terry W. Carter
3. General Location/Nearby Land Uses/Address	<u>General Location:</u> Eastern side of City, east of I-95. On eastern side of Judson Church Road. <u>Nearby Land Uses:</u> South: Tru by Hilton Motel; Southeast: Hampton Inn; Southwest: Judson Baptist Church. <u>Address:</u> Not yet assigned
4. Tax Identification Numbers (PIN):	Area includes one tax parcel (PIN: 0455-48-7292; REID: 0455487292000).
5. Fire Department To Be Affected:	Vander Fire District, Tax District 0101.
6. Is the Area Contiguous?	Yes
7. Is the Area in the Fayetteville MIA (Municipal Influence Area)?	Yes
8. Type of Annexation:	Petition-initiated contiguous area
9. Background:	A developer plans to build a new motel to be known as Springhill Suites. Two parcels make up the development site. A large parcel is already in the City, but a smaller parcel is not. If annexed, it is assumed this small parcel will be combined with the larger parcel.
10. Reason the Annexation was Proposed:	The developer would like to use PWC sewer and water. Policy 150.2 requires annexation to use PWC sewer.
11. Number of Acres in Area:	0.49 acres +/-
12. Type of Development in Area:	Vacant. Note: 2017 aerial photo shows part of parcel was being used for vehicle parking.
13. Present Conditions:	a. <u>Present Land Use:</u> Vacant b. <u>Present Number of Housing Units:</u> 0 c. <u>Present Demographics:</u> Total Population=0 d. <u>Present Streets:</u> None e. <u>Water and Sewer Service:</u> . f. <u>Electrical:</u> This area is served by Duke Energy Progress. g. <u>Current Real Property Tax Value:</u> The 1 tax parcel is not in the farm program. Taxable Value is \$2,962 (Total Assessed Value = \$2,962 Land=\$2,962. Building=\$0; Extra Feature=\$0) Source: GIS parcel file. h. <u>Current Personal Property Tax Value:</u> \$0
14. Factors Likely to Affect Future of Area:	a. <u>Plans of Owner:</u> The owners plan to build a new motel. b. <u>Development Controls</u> 1. <u>Land Use Plans</u> a. <u>2010 Plan</u>-(1996) Activity Node (City GIS) b. <u>2030 Plan</u>-(2009)- Urban Area (City GIS) c. <u>Future Land Use Plan</u>-2040 (2020)- HC-Highway Commercial (City GIS) 2. <u>Zoning</u> a. <u>Current Zoning in County:</u>A1 (County GIS) b. <u>Expected Zoning After Annexation:</u> CC-Community Commercial (Fayetteville Zoning Commission recommended approval on November 10, 2020) 3. <u>Plan Approvals</u>-Preliminary development plans have been submitted to TRC. c. <u>Fayetteville Airport Impacts</u> 1. <u>In Fay Airport Impact Zones?</u> No 2. <u>In Fay Airport Overlay District?</u>-No

BASIC INFORMATION ABOUT THE AREA
Information Updated as of: 11/25/20
Date Petition Received: 9/23/20
Ordinance Adoption Date: / Effective Date:

	d. <u>Military Base Impacts</u> 1. <u>In Simmons Noise Contours?</u> No (2018 JLUS Report) 2. <u>In Simmons Accident Potential Zones?</u>-No (2018 JLUS Rep) 3. <u>Red-Cockaded Woodpecker Impacts?</u>-Not known. e. <u>Environmental Factors</u> 1. <u>Watershed Basin</u>-Cape Fear 2 2. <u>Drainage Patterns</u>-Topo lines suggest from west to east. 3. <u>Flood Zones</u>- None (City GIS) 4. <u>Endangered/Threatened Species</u>-Not yet determined (Sandhills GIS Map Viewer) 5. <u>Soils</u>-AaA (City GIS)-Alluvial land, 0-2% slopes 6. <u>Wetlands</u>- None (City GIS)
15. Expected Future Conditions:	a. <u>Future Land Use</u>: Entranceway to motel site; stormwater pond b. <u>Future Number of Housing Units</u>: (At Build-Out) Total=0 (0 HU x .9167% occupancy rate*= 0 occupied HU) * Based on 2010 Census data for Fayetteville c. <u>Future Demographics</u>: (At Build-Out) Total Pop=0 (0 occupied HU x 2.45 avg household size*=0 population) *Based on 2010 Census data for Fayetteville d. <u>Future Streets</u>: No new public streets are expected within the area. e. <u>Water and Sewer Service</u>: PWC f. <u>Electric Service</u>-It is assumed the developer will use Duke Energy Progress, since PWC does not serve this area. g. <u>Future Real Property Tax Value</u>: It is assumed property value will increase if future development occurs. For the non-stormwater part of the parcel, (.14 acre), the following values have been projected: (Total: \$23,481 Land \$23,481. Building: \$.0 Extra Features: \$0.) In addition, it is expected that about .35 acres of land will be used as a stormwater pond. The value of this land is projected to be \$ 5,870. The grand total real property value is projected to be \$29,351. h. <u>Future Personal Property Tax Value</u>: None i. <u>Future Total Value</u>-Real Property Value (\$29,351) plus Personal Property Value (\$0) equals \$29,351. .

MEMO

To: David Nash, Planning Department

From: Brandy Bishop, Senior Paralegal

CC: To the file

Date: November 23, 2020 at 8:00 a.m.

Re: Sufficiency of Annexation Petition

SIGNERS OF THE PETITION: Misty Carter and Terry Carter

Misty D. Carter and husband, Terry W. Carter per recorded deed recorded in Deed Book 10284, Page 45, Cumberland County Registry North Carolina, are the record owners for the 0.49 acre tract.

1: 0455-48-7292- Carter & Naman Wilmington, II, LLC Recomb Lo Sm Pt 1 Sec 1
PL0135-126

My search ended November 12, 2020 at 8:00 a.m. No pertinent out conveyances were recorded for this property.

Petition is sufficient!

Annexation Ordinance No: _____
Part of the Development Site for a Proposed
Springhill Suites Motel-One Parcel on the Eastern
Side of Judson Church Road
PIN: 0455-48-7292/ REID: 0455487292000

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
CITY OF FAYETTEVILLE, NORTH CAROLINA**

WHEREAS, the City Council has been petitioned under G.S. 160A-31 to annex the area described below; and

WHEREAS, the City of Fayetteville has investigated the sufficiency of the petition; and

WHEREAS, the City of Fayetteville has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at City Hall Council Chambers at 7:00 p.m. on December 14, 2020, after due notice by publication on December 4, 2020; and

WHEREAS, the City Council further finds that the petition meets the requirements of G.S. 160A-31;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Fayetteville, North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described contiguous property owned by Misty D. Carter and Terry W. Carter is hereby annexed and made part of the City of Fayetteville, North Carolina as of December 14, 2020:

Misty D. Carter and husband, Terry W. Carter
Annexation Petition PIN# 0455-48-7292-
0.49 Acres +-

BEGINNING at an iron pipe found in the eastern right-of-way margin of Judson Church Road said point also being the southwest corner of Lot No. 1, as depicted on a map entitled, "RECOMBINATION FOR MISTY D. CARTER & NAMAN WILMINGTON II LLC," duly recorded in Book of Plats 135, Page 126, Cumberland County Registry, North Carolina, and running thence with the eastern right-of-way margin of Judson Church Road North 25 degrees 08 minutes 26 seconds East 254.59 feet to iron pin found in the eastern right-of-way margin of Judson Church Road and running thence South 64 degrees 57 minutes 24 seconds East 103.48 feet to an iron pipe found, running thence South 33 degrees 24 minutes 08 seconds West 253.41 feet to a calculated point, running thence North 68 degrees 15 minutes 43 seconds West 67.19 feet to the point of BEGINNING and containing 0.49 acres more or less.

Section 2. Upon and after December 14, 2020, the effective date of this ordinance, the above-described area and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Fayetteville and shall be entitled to the same privileges and benefits as other parts of the City of Fayetteville. Said area shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the City of Fayetteville shall cause to be recorded in the office of the Register of Deeds of Cumberland County, and in the Office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed area, described in Section 1 above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Cumberland County Board of Elections, as required by G.S. 163-288.1.

Adopted this ____ day of _____, 20__.

ATTEST:

Mitch Colvin, Mayor

Pamela J. Megill, City Clerk



Subject Property



City of Fayetteville

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

City Council Action Memo

File Number: 20-1651

Agenda Date: 12/14/2020

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Other Items of
Business

Agenda Number: 9.01

TO: Mayor and Members of City Council

THRU: Douglas J. Hewett, ICMA - CM, City Manager

FROM: Angel Wright-Lanier, ICMA - CM, Assistant City Manager

DATE: December 14, 2020

RE:

**External Committee follow-up: survey consultant, ETC Institute, reviews its
survey proposal and sample size questions**

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

GOAL I: Safe and Secure Community.

GOAL IV: Desirable Place to Live, Work, and Recreate

GOAL VI: Citizen Engagement & Partnerships.

Executive Summary:

The External Committee began meeting in August of this year. Council Member Wright serves as chair and Council Members Dawkins, Ingram, and Banks-McLaughlin are assigned to the committee. Mayor Colvin and MPT Jensen serve as co-chairs for continuity that bridges both the external and internal committees.

The City of Fayetteville, NC strives to be an attractive culturally diverse and inclusive city that is safe, prosperous, innovative and unified. While the city still is a great place to live, work and play, persistent disparities predictable by race, residential neighborhood, and other social categories exist in life outcomes such as education, employment, health, etc. There are no quick fixes to systems and structures that impact these outcomes, but we can identify where change needs to happen and take incremental steps to show progress.

Mayor Colvin established this committee to identify areas of focus that will improve the

equitable opportunity for all residents to succeed - regardless of their race, color, sex, nationality, sexual orientation, religion, disability, income or zip code.

Background:

The External Committee presented two recommendations to the full City Council on November 9, 2020. One of the recommendations was to conduct a survey of City of Fayetteville residents to determine their sentiments related to race relations and the Market House. On November 18, 2020, during the External Committee meeting, staff presented information from ETC Institute's proposal to deliver a survey for the City of Fayetteville's External Committee. ETC was previously hired to conduct the Social Capital Survey, at that time, ETC used 600 people as a representative sample for the City's population. During staff's presentation, several Council members questioned how ETC determines what is statistically significant for a city of 208,000 people. Jason Morado, Director of Community Research for ETC Institute, will attend the December work session to answer City Council's questions about their process and provide an overview of their survey process.

Issues/Analysis:

The survey was recommended to gauge the sentiments of the City of Fayetteville's residents. After the survey is completed and the data is analyzed, it will be used to inform the Town halls that will be coordinated and implemented and by the Human Relations Commission.

Budget Impact:

Fee

The table below shows a breakdown of the fees for the services described in this proposal. The total cost for a sample size of 600 surveys would be \$20,000, and 800 surveys would be \$24,500. The City Council also has the option to increase the sample size for an additional fee.

Task	600 Surveys	800 Surveys
Design Survey & Prepare Sampling Plan	\$3,000.00	\$4,000.00
Administration of a survey	\$15,000.00	\$18,500.00
Formal Report <i>(includes executive summary, charts, tabular data, cross-tabulations)</i>	\$2,000.00	\$2,000.00
TOTAL	\$20,000.00	\$24,500.00

Optional Services. If desired, ETC Institute will provide the following "optional" services. The fees for "optional" services would be in addition to the prices shown in the table above.

- A webinar presentation of the final results at a date to be determined by the City (\$500).
- An on-site presentation of the final results at a date to be determined by the City (\$2,500).

Options:

1. Accept ETC's proposal to provide service to the City of Fayetteville.
2. Do not accept ETC's proposal and look for another firm to conduct the survey

Recommended Action:

Accept ETC's proposal to provide services to the City of Fayetteville

Attachments:

1. Fayetteville Community Survey Scope of Work Fees from ETC Institute



November 17, 2020

Angel Wright-Lanier, MPA, MS
Assistant City Manager, ICMA-CM
City Manager's Office
433 Hay Street/Fayetteville, NC 28301-5534
(910) 433-1994 (O)
Email: AWright-Lanier@ci.fay.nc.us

Subject: Proposal to Conduct a Community Survey for the City of Fayetteville

Dear Ms. Wright-Lanier:

ETC Institute is pleased to submit a quote to conduct a Community Survey for the City of Fayetteville, North Carolina. If selected for this project, ETC Institute will provide the following services:

Task 1: Design the Survey and Prepare the Sampling Plan. Task 1 will include the following services:

- Working with City staff to develop the content of the survey. ETC Institute will meet with the City via phone to discuss the goals and objectives for the project. To facilitate the survey design process, ETC Institute will also provide the City with sample surveys created for similar projects. It is anticipated that 3-4 drafts of the survey will be prepared before the survey is approved by the City.
- Participating in meetings by phone to develop the survey.
- Conducting a pilot test of the survey to ensure the questions are understood by residents. Based on the results of the pilot test, ETC Institute will recommend changes (if needed) to the survey.
- Selecting a random sample of residents to be contacted for the survey. The sample will be address-based.

Deliverable Task 1. ETC Institute will provide a copy of approved survey instrument.

Task 2: Administer the Survey. Task 2 will include the following services:

- ETC Institute will administer the survey by a combination of mail, Internet and phone.
- ETC Institute will mail the survey and a cover letter (on City letterhead) to a random sample of households in the City. Only one survey per household will be sent. Postage-paid envelopes will be provided by ETC Institute for each respondent. The City will provide a cover letter for the mailed survey. The cover letter will contain a link to an online version of the survey. Residents who receive the survey will have the option of returning the printed survey by mail or completing it on-line.
- Approximately 7-10 days after the surveys are mailed, ETC Institute will follow-up via e-mail and/or phone with households that received a mailed survey. ETC Institute will continue following up with households until reaching the targeted number of completed surveys. Listed below are two sampling plan options for your consideration:
 - A sample of 600 completed surveys. A sample size of 600 completed surveys will provide results that have a margin of error of +/-4% at the 95% level of confidence at the City level.
 - A sample of 800 completed surveys. A sample size of 800 completed surveys will provide results that have a margin of error of +/-3.5% at the 95% level of confidence at the City level.
- ETC Institute will monitor the distribution of the sample to ensure that the sample reasonably reflects the demographic composition of the City with regard to geographic dispersion, age, gender, race/ethnicity and other factors. ETC Institute will geocode households that completed a survey.

Deliverable Task 2. ETC Institute will provide a copy of the overall results for each question on the survey.

Task 3: Analysis and Final Report. ETC Institute will submit a final report to the City. At a minimum, this report will include the following items:

- Formal report that includes an executive summary of the survey methodology and a description of major findings.
- Charts and graphs that show the overall results of each question on the survey.
- Tabular data that shows the results for each question on the survey, including open ended questions.
- Cross-tabulations that show the results for different demographic groups and other variables as desired by the City.
- A copy of the survey instrument

Deliverable Task 3: ETC Institute will submit the survey findings report in an electronic format. ETC Institute will also provide the raw data in an Excel database, or other format as requested by the City.

Project Schedule

Listed below is ETC Institute's typical timeline for administering a community survey. Since the surveys will be administered entirely in-house, the completion date for the project is completely within our control. If desired, we can meet a more ambitious timeline and are available to start at a date most convenient for the City.

- **December 2020**
Design survey instrument
Finalize sampling plan
- **January 2021**
Administer the survey
- **February 2021**
Draft Report Submitted for review
Prepare and Deliver the Final Report

Fee

The table below shows a breakdown of the fees for the services described in this proposal. The total cost for a sample size of 600 surveys would be \$20,000, and 800 surveys would be \$24,500.

Task	600 Surveys	800 Surveys
Design Survey & Prepare Sampling Plan	\$3,000.00	\$4,000.00
Administration of a survey	\$15,000.00	\$18,500.00
Formal Report (<i>includes executive summary, charts, tabular data, cross-tabulations</i>)	\$2,000.00	\$2,000.00
TOTAL	\$20,000.00	\$24,500.00

Optional Services. If desired, ETC Institute will provide the following "optional" services. The fees for "optional" services would be in addition to the prices shown in the table above.

- A webinar presentation of the final results at a date to be determined by the City (\$500).
- An on-site presentation of the final results at a date to be determined by the City (\$2,500).

CLOSING: We appreciate your consideration of this proposal and look forward to your decision. If you have any questions, please do not hesitate to call me at (913) 254-4514.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jason Morado". The signature is fluid and cursive, with the first name "Jason" and last name "Morado" clearly distinguishable.

Jason Morado
Director of Community Research
ETC Institute
725 W. Frontier Circle
Olathe, KS 66061
(913) 254-4514
jason.morado@etcinstitute.com