

# City Council



## P23-11

*May 22, 2023*



# CASE NO. P23-11

**Owners:** Charles Horne, Billy D. Horne & Fay J. Horne

**Applicant:** Cynthia Smith of Moorman, Kizer & Reitzel, Inc.

**Request:** Initial Conditional Zoning of two contiguous properties, requesting annexation, to Heavy Industrial (HI/CZ)

**Located:** 1682 & 1662 Middle River Loop Road

**Acreage:** 4.68 ± total acres

**District:** 2



**REID #:** 0447464759000 & 0447466947000



**Aerial Notification Map**  
Case #: P23-11

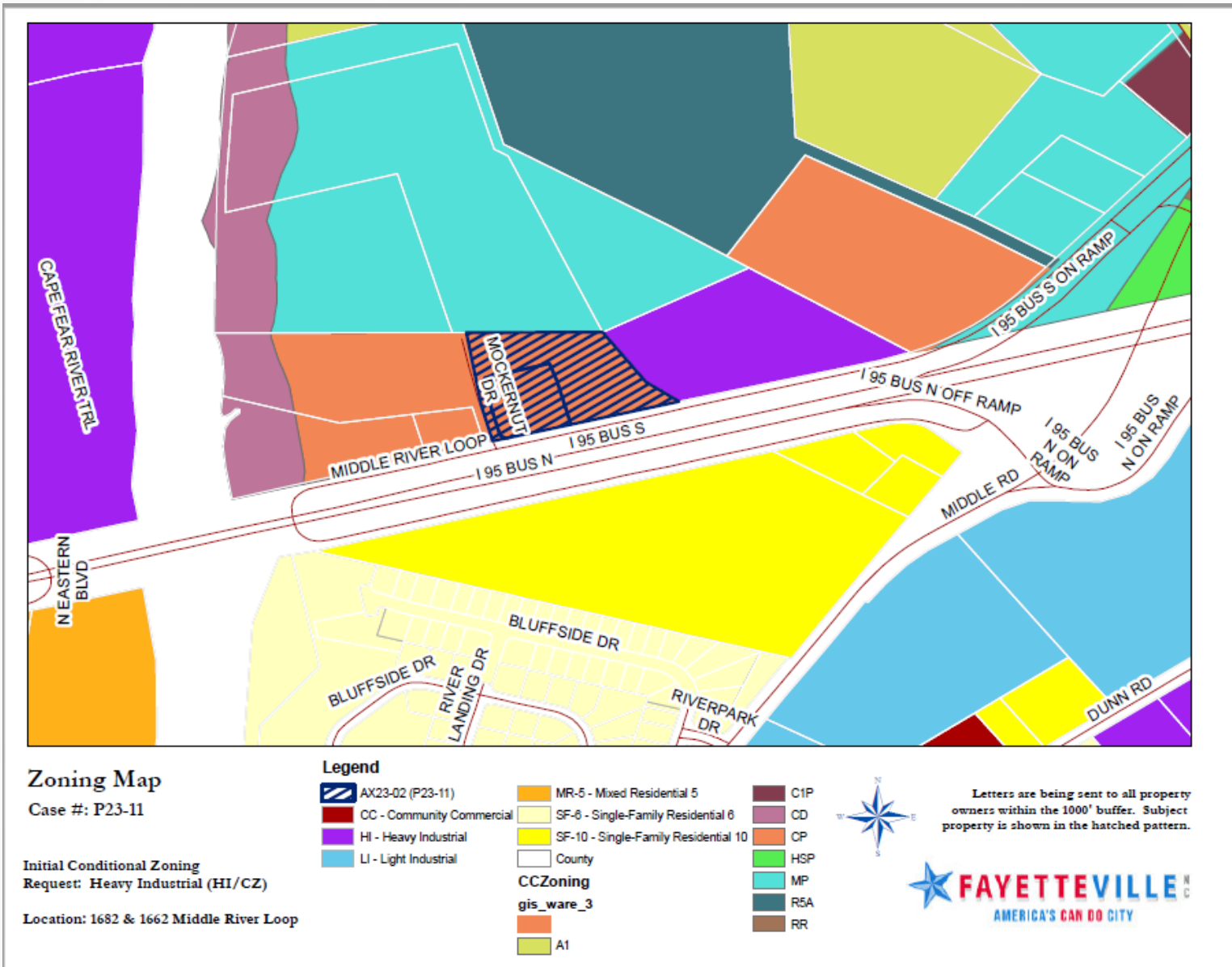
Initial Conditional Zoning  
Request: Heavy Industrial (HI/CZ)  
Location: 1682 & 1662 Middle River Loop

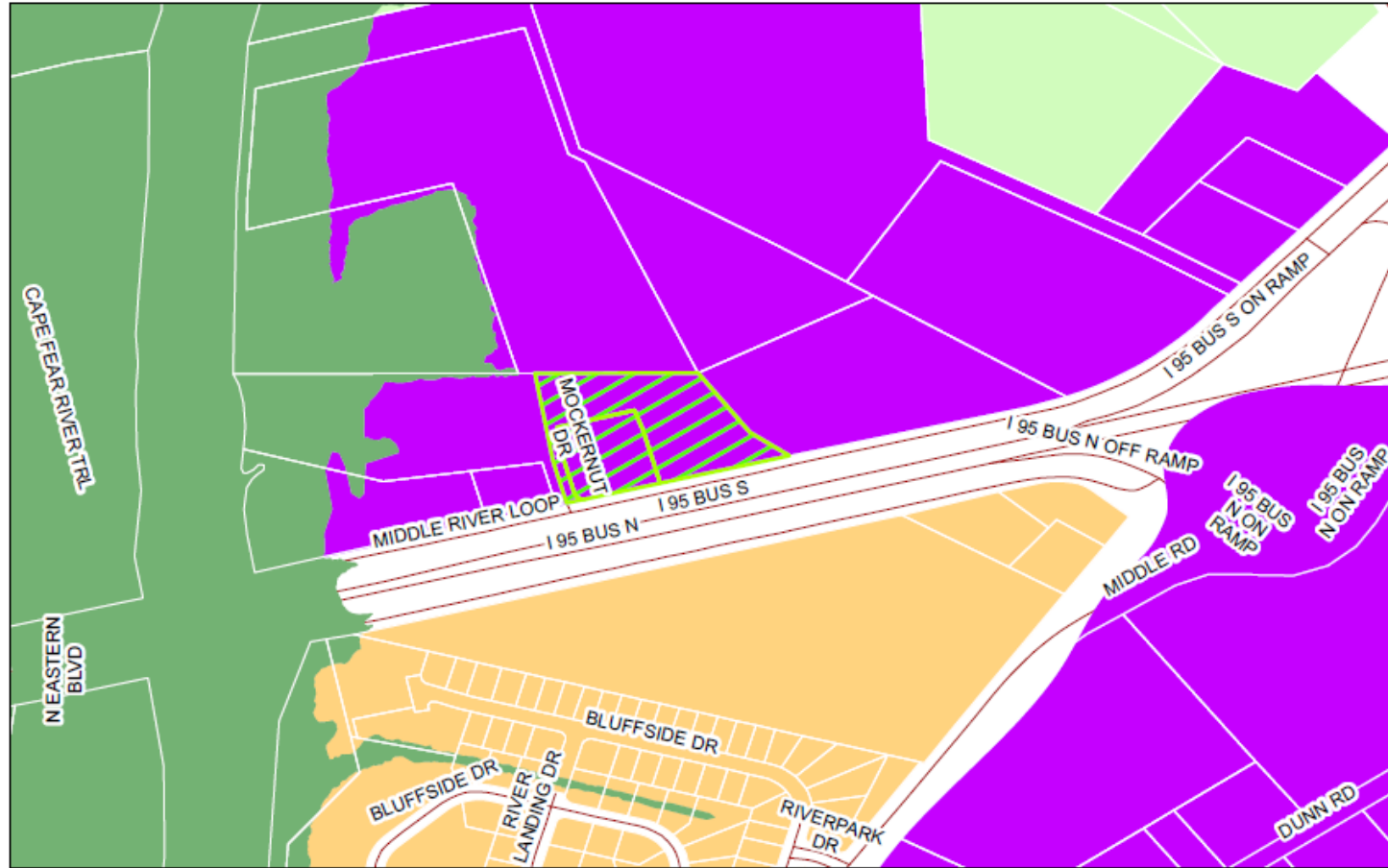
### Legend

-  P23-11 Buffer
-  AX23-02 (P23-11)



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











### Future Land Use Map

Case #: P23-11

Initial Conditional Zoning  
Request: Heavy Industrial (HI/CZ)

Location: 1682 & 1662 Middle River Loop

### Legend

- |  |  |
|--|--|
|  AX23-02 (P23-11)   |  PARKOS - PARK / OPEN SPACE |
|  Land Use Plan 2040 |  MDR - MEDIUM DENSITY       |
| <b>Character Areas</b>   |  EC - EMPLOYMENT CENTER     |
|  RU - RURAL         |  |



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**West**



**North**

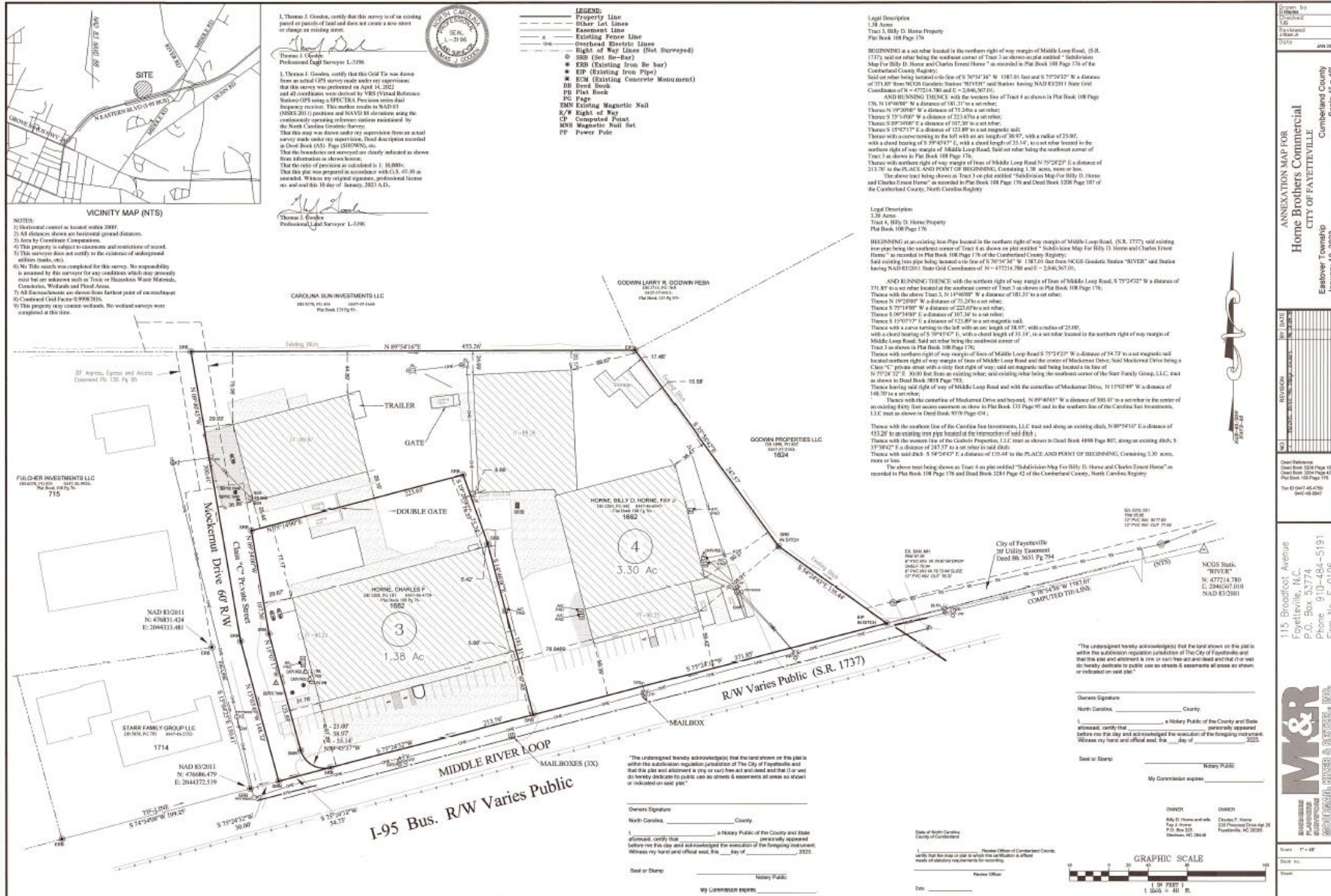


**East**



**South**





**ANNEXATION MAP FOR**  
**Home Brothers Commercial**  
**CITY OF FAYETTEVILLE**  
 Cumberland County  
 Scale: 1" = 40'

Drawn by: [Signature]  
 Checked: [Signature]  
 Reviewed: [Signature]  
 Date: [Date]  
 Title: [Title]  
 File: [File Name]

Scale: 1" = 40'

115 Broadcraft Avenue  
 Fayetteville, NC 28734  
 P.O. Box 9174  
 Phone: 919-484-5191  
 Fax: 919-484-5196

**M&R**  
 MORGAN, RICE & RICE, INC.  
 Surveyors & Engineers

City of Fayetteville  
 20 Utility Eastmont  
 Deed BK 5651 Pg 704

NCGIS State "RIVER"  
 N: 47214.730  
 E: 284607.610  
 NAD 83(2011)

"The undersigned hereby acknowledges that the land shown on the plat is within the jurisdictional jurisdiction of The City of Fayetteville and that the plat and allotment is true and correct and that the land do hereby dedicate to public use as streets & easements as shown or indicated on said plat."

Owners Signature: \_\_\_\_\_ County: \_\_\_\_\_  
 I, \_\_\_\_\_ a Notary Public of the County and State of North Carolina, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official seal this \_\_\_\_ day of \_\_\_\_\_, 2023.

Seal or Stamp: \_\_\_\_\_ Notary Public  
 My Commission expires: \_\_\_\_\_

OWNER: \_\_\_\_\_ OWNER: \_\_\_\_\_  
 300 Pine Street  
 Fayetteville, NC 28401

GRAPHIC SCALE  
 1" = 40' FT  
 1" = 80' FT  
 1" = 160' FT



- This initial zoning request is to initially zone a parcel with conditions in conjunction with annexation to Heavy Industrial Conditional Zoning (HI/CZ) to facilitate the continued use of the site as a telecommunications contractor and connect to water and sewer services.
- While the proposed zoning would allow for the existing use to continue, it's important to note that the existing site does not conform to the development standards of the Heavy Industrial (HI) zoning district.
- According the Future Land Use Map, this parcel has been identified for development with regional employment centers, including larger industrial uses or business parks under the Industrial/Employment Center (EC) designation. **The Heavy Industrial district allows for uses that fit within this category of land uses.**

1. The existing building setbacks from the adjoining property lines as well as the interior property remain as they currently exist on the site.
2. The existing use areas around the site remain as they currently exist and function.
3. The existing setbacks from the private street right of way remain as they currently exist.
4. The loading docks on the building at 1662 remain as they currently exist and function without additional screening.
5. The existing access points, vehicular use area and parking around the site remain as they currently exist.

The Professional Planning Staff recommends that the Zoning Commission move to recommend APPROVAL of the proposed map amendment to initially conditionally zone two parcels to Heavy Industrial Conditional Zoning (HI/CZ based on the following:

- The proposed zoning map amendment adheres to the policies adopted in the Future Land Use Plan and can be made to conform with the provisions found in the Unified Development Ordinance (UDO). The Future Land Use Plan calls for the subject parcel to be developed as Industrial/ Employment Center (EC) and the proposed zoning district allows for uses that fit this category; and
- The proposed zoning district already exists east of the site and would promote compatible economic and commercial development consistent with Goal #2 of the Future Land Use Goals
- The proposed zoning district promotes logical and orderly development that would make no substantial impact upon the public health, safety, or general welfare.

1. Recommend approval of the map amendment to HI/CZ as presented based on the evidence submitted and the five conditions listed above that have been submitted by the owners and finds that the map amendment/conditional zoning is consistent with the Future Land Use Plan as demonstrated by the attached consistency statement. (Recommended);
2. Recommend approval of the map amendment/conditional zoning to a more restrictive zoning district based on the evidence submitted and the five conditions listed above that have been submitted by the owners and finds that the map amendment/conditional zoning would be consistent with the Future Land Use Plan and an amended consistency and reasonableness statement.
3. Recommend denial of the map amendment/conditional zoning based on the evidence submitted and finds that the map amendment/conditional zoning is inconsistent with the Future Land Use Plan.