



AMERICA'S SOUTHWEST CITY

Fayetteville, North Carolina 28301 910-433-1612 Fax #
910-433-1776

433 Hay Street,

Case # P24-22 Submittal Date:

5/21/24

\$300.00 Fee Received

Received by: Craig Harnow Meeting Date:

Approval/Denial Date: _____

Notice of Appeal

Notes:

1. An appeal shall stay all proceedings by the City related to the decision being appealed, except in cases where a stay would cause imminent peril to life or property.
2. Different review bodies hear different types of appeals as indicated in the Guide to Development Review Structure in the Fayetteville Administrative Procedures Manual.

1. General Information

Date Filed:

05/21/2024

Type of decision, interpretation, or action, being appealed:

Zoning Board Decision on May 14, 2024

City Project Identification Number of action being appealed:

P24-22

Decision-making body responsible for the decision, interpretation, or action being appealed: Zoning Commission

Date of action that is being appealed:

May 14, 2024

Has an appeal been filed for this property within the last year? Yes

Please identify what you are appealing. Also identify the error made by the City official or decision-making body, along with supporting information you believe supports your opinion (supporting information may be attached on separate sheets).

I am appealing the decision by the Zoning Board to amend zoning of area described in case P24-22 from Rural Residential and Single Family Residential 15 to Mixed Residential 5 Conditional Zoning MR-5/CZ.

Errors made by Zoning Board:

1. Due to a preset time limit, not all speakers who signed up to speak were given a chance to speak to voice their concerns or present information pertaining to the case
2. Speakers who were allowed to speak were not given adequate time to present all information and evidence needed to describe their concerns and reasons for why rezoning should not be allowed.
3. There was no opportunity given for rebuttal of misleading statements given by lawyer Jonathan Charleston that represents Cedar Creek Road, LLC.
4. Zoning Board did not adequately address recommendations of the 2040 Plan which recommend this portion of city be developed as Low Density Residential and Office/Institutional
5. Zoning board failed to address the incongruity of a large scale apartment complex with adjacent areas immediately surrounding the property. There are no other apartment complexes in immediate area: North of the property lies Single Family Homes and vacant land, South is vacant land only, East is a storage facility/car wash/vacant land and West are Single Family Homes.
6. Zoning Board did not address the TRC report "that found no major concerns" however the Engineering Department determined that "this project is located in a watershed that has well-documented water quantity problems."
7. The Zoning Board failed to acknowledge the Residential Suitability Map which indicates this property is located in an area of Low to Low/Medium. The City Council Action Memo from the Zoning Department dated May 14, 2024 indicated this property is located in an area of Medium to Medium/High which is incorrect. The location of the property according to the Suitability Rating should only support Low Density zoning.

8. Zoning Board failed to explain what specific part of the TRC report that caused them to reverse their prior vote of denying the rezoning on February 13, 2024.

3. Submittal Requirement Checklist

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Notice of Appeal Form

Application fee

Primary Point of Contact Name:

Robert Naylor

Mailing Address:

1997 Water Oaks Dr, Fayetteville, N.C. 28312

Fax
No.:

Phone No.: Email: 910-489-8427, naylorey@gmail.com

Signature: Date:

Robert Naylor

5/21/24

Revised 07/22/2021

CITY OF FAYETTEVILLE CITY HALL 433 HAY
STREET FAYETTEVILLE, NC 28301
910-433-1676 FINANCE DEPARTMENT

AYETTEVILLE NC

DEVELOPMENT SERVICES

ning Revenue Accounts

DEPT#: 355
Miscellaneous GL OC 1x 300.00 300.00

GL Account:
071.14.201.0000.6631116.00000000.00000
Description: Appeal Fee to City Council

Description/Payee: Robert Naylor
-CedarCreek

Subtotal: 300.00
Total: 300.00
1.Cash 300.00

5/21/2024 11:19
#0530134 /4/2 LD

THANK YOU!

JB GL #	Revenue Account Description	Amount
0000.6631110.0000	Zoning Code Text Amendment Citizen Request	\$
0000.6631113.0000	Historical Resources COA Applications	\$
0000.6631101.0000	Site & Subdivision Plan Reviews & Revisions, Plats	\$
0000.6631102.0000	Rezoning & Conditional Zoning Request	\$
0000.6514201.0000	Special Use Permit Request	\$
0000.6631103.0000	Variance Request	\$
0000.00000		
110.5425.1 011.00.000.0000.6514202.0000 0000.00000	Clear-Cutting Permit Application Note: payments are generally less than \$300	\$
110.5465 011.15.201.0000.6631111.0000 0000.00000	Copies & Maps	\$
450.5458.1 S/L 8456101A 011.00.000.0000.6514202.0000 0000.00000	Specimen Tree Removal Payment-in-Lieu Fee- Block A Note: payments are generally over \$3000	\$
450.5458.1 S/L 8456102A 011.00.000.0000.6514202.0000 0000.00000	Specimen Tree Removal Payment-in-Lieu Fee- Block B Note: payments are generally over \$3000	\$
450.5458.1 S/L 8456103A 011.00.000.0000.6514202.0000 0000.00000	Specimen Tree Removal Payment-in-Lieu Fee- Block C Note: payments are generally over \$3000	\$
450.5458.1 S/L 8456104A 011.00.000.0000.6514202.0000 0000.00000	Specimen Tree Removal Payment-in-Lieu Fee- Block D Note: payments are generally over \$3000	\$
11.4202.Other 011.00.000.0000.3130200.0000 0000.00000	Cash Bond Account- Landscaping Completion	\$
450.5458 S/L 8456201A 011.00.000.0000.6631104.0000 0000.00000	Open Space Payment-in-Lieu Fee - Block A	\$
450.5458 S/L 8456202A 011.00.000.0000.6631104.0000 0000.00000	Open Space Payment-in-Lieu Fee - Block B	\$
450.5458 S/L 8456203A 011.00.000.0000.6631104.0000 0000.00000	Open Space Payment-in-Lieu Fee - Block C	\$
450.5458 S/L 8456204A 011.00.000.0000.6631104.0000 0000.00000	Open Space Payment-in-Lieu Fee - Block D	\$