



Legislation Details (With Text)

File #: 18-150 **Version:** 1 **Name:** P18-14F rezoning of property from CC – Community Commercial to HI/CZ – Heavy Industrial Conditional Zoning

Type: Consent **Status:** Agenda Ready

File created: 4/3/2018 **In control:** City Council Regular Meeting

On agenda: 5/29/2018 **Final action:** 10/14/2025

Title: P18-14F rezoning of property from CC - Community Commercial to HI/CZ - Heavy Industrial Conditional Zoning, located at 505 Middle Road (0447-34-8472) near the intersection of Middle and Dunn Road, containing just under 9 acres and being the property of JFS INVESTMENTS LLC.

Sponsors:

Indexes:

Code sections:

Attachments: 1. P18-14F Zoning Map, 2. P18-14F Current Landuse Map, 3. P18-14F Landuse Plan Map, 4. Conditional Rezoning Application, 5. Site Plan, 6. Site Photo

Date	Ver.	Action By	Action	Result
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TO: Mayor and Members of City Council

THRU: Jay Reinstein, Assistant City Manager

FROM: Craig Harmon, Senior Planner, AICP, CZO

DATE: May 29, 2018

RE:
P18-14F rezoning of property from CC - Community Commercial to HI/CZ - Heavy Industrial Conditional Zoning, located at 505 Middle Road (0447-34-8472) near the intersection of Middle and Dunn Road, containing just under 9 acres and being the property of JFS INVESTMENTS LLC.

COUNCIL DISTRICT(S):
 2

Relationship To Strategic Plan:
 Growth and Development

Executive Summary:
 This proposal would allow Horne Brothers Construction to service and store heavy construction equipment on this property.

Background:

This property is just under 9 acres and has an existing building that was previously used for the servicing of large/heavy trucks and equipment.

Applicant: Scott Brown, 4D Site Solutions, Inc.
Owner: JFS INVESTMENTS LLC
Requested Action: CC to HI/CZ
Property Address: 505 Middle Road
Council District: 2
Status of Property: Unused
Size: 8.7 acres +/-
Adjoining Land Use & Zoning:
North - SF-10 - Vacant
South - HI - Industrial
West - Cape Fear River
East: CC & SF-10 - Commercial Business and Church.
Letters Mailed: 88

2010 Land Use Plan - Heavy Commercial

Strategic Plan:

Goals 2020: The City of Fayetteville will be a highly desirable place to live, work and recreate with thriving neighborhoods and a high quality of life for all residents

Issues/Analysis:

This is a conditional rezoning from Community Commercial to Heavy Industrial. In the existing zone, the purpose of the CC District is 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.” The intent of Heavy Industrial (HI) districts is established and intended to accommodate heavy manufacturing, assembly, fabrication, processing, distribution, storage, research and development, and other industrial uses. This request, however, is not for a straight rezoning to HI. In this case, the applicant is requesting a conditional rezoning and has offered the following conditions to limit what uses can be done on this property.

Modified conditions, by the owner, for conditional rezoning:

1. The property will be used for storing and servicing heavy construction equipment only.
2. Heavy equipment servicing will be limited only to the business located on the subject property
3. Manufacturing operations will be prohibited along with laundry and dry cleaning services and waste related services.
4. Maintain a 50’ vegetated buffer along the northern property line.
5. The storage area will be limited to the gravel yard as shown on the site plan prepared by 4D Site Solutions, Inc.
6. Based on the attached site plan with approval through the City’s TRC.
7. Reduction in the required 250 foot separation between heavy equipment storage areas to approximately 100 feet, as shown on the attached site plan. (While the property to the north is currently zoned for residential use, the future land use plan for this area shows it as industrial).

The applicant’s proposal is congruous with the types of zoning and development along Middle and Dunn Roads as you travel north away from downtown. The recommended zoning in the 2010 Future

Land Use Plan is Heavy Commercial; however, the properties to each side of this site (both north and south) are shown to have a future land use of Heavy Industrial. The property to the south is already zoned Heavy Industrial and has industrial uses on it.

On April 10th the Zoning Commission held a public hearing regarding this case. There were two speakers in favor and none in opposition. However, Ms. Page Farrell (owner of the residential property to the north) did email city staff with concerns about the proposal and to notify staff that she could not make the Zoning Commission meeting. These concerns were shared with the Zoning Commission. The Commission voted 4-0 to recommend approval.

Here is a summary of the Zoning Commission meeting.

Speaking in favor:

Scott Brown, Engineer, 4D Solutions, Fayetteville, NC

Horne Brothers Construction is currently located as you enter Roseboro on Hwy 24, they wish to move their base of operation to the Fayetteville area. The property is currently zoned CC and they are requesting it to be rezoned as HI; this will enable them to service their own equipment. The future land use plan does call for HI surrounding this property. It was a truck service center in the past. The existing building on the property will be used; the house on the property is owned by Horne Brothers also and they may use the building as an office at a later date. They are requesting the setback be reduced to 250'. If you do the current setback you lose half of the property use. There will be a 50' buffer with heavy trees and heavy undergrowth that is currently there. If a supplemental buffer is needed, it will be added. The gravel area will be used as a storage yard. The yard will be fenced off and secured. This project has been through TRC already. The entire storage yard will be used for equipment.

Questions asked by the Zoning Commission: 1) Do you have concern for water quality with the river right there? There is a concrete wash pad; it will be used to clean the trucks and will be using the runoff catch basin. There will also be a pond for storm water issues. Very little additional run off will be generated. 2) Is there already an established truck route? Will the trucks be running through the neighborhood? I-95 is less than a mile away to the North and Hwy 24 is one stop light away to the South. Trucks will not be running through the neighborhood.

Robert Van Geons, President & CEO, Fayetteville-Cumberland County Economic Development Corporation, Fayetteville, NC

It is a pleasure to be here tonight in support of one of our local industries. This proposed project balances a number of competing interests exceptionally well. Economic development and job creation with protections in place to surrounding neighbors. An opportunity for the next generation emerging economy jobs will also facilitate the adaptive reuse of a vacant and underutilized structure. And an opportunity for a company who is growing nationally to create jobs and reinvest in the City's core.

The Zoning Commission and City staff recommend APPROVAL of the rezoning to HI based on:

1. The proposed rezoning is consistent with prior actions of the city council to identify this portion of the city as appropriate for Heavy Industrial development.
2. The City's land use plan calls for Heavy Commercial; however, trends in the area and the properties to the north and south are shown to have a future use of Heavy Industrial.
3. This property is surrounded by Heavy Commercial and Heavy Industrial zoning and uses.
4. This rezoning is based on the six conditions that have been offered by the applicant/owner.

5. The proposal includes a 50 foot vegetated buffer between this property and the property to the north.

On April 20th, Ms. Farrell filed an appeal to the Zoning Commission's recommendation. Ms. Farrell had several questions and concerns regarding the proposed use. Over the course of the next three weeks, Ms. Farrell was able to get all of her questions answered sufficiently from the City's staff, the project engineer and Horne Brother's Construction. On May 11th, Ms. Farrell withdrew her appeal.

Budget Impact:

This action may result in an increase in City services that would be offset by the increased revenue collected through the City's taxes.

Options:

- 1) Approval of the rezoning to HI/CZ with the conditions listed above (recommended)
- 2) Approval of the rezoning to HI/CZ with additional conditions.
- 3) Deny the request.

Recommended Action:

The Zoning Commission and City staff recommend that the City Council move to APPROVE the requested rezoning to HI/CZ - Heavy Industrial Conditional Zoning, as presented by the staff. The Amendment is consistent with applicable plans because: 1) the City's existing zoning calls for this area to be used for heavy commercial and industrial purposes and 2) that the uses surrounding this property are all compatible with the proposed zoning and 3) the proposed zoning is reasonable and in the public interest because the proposed zoning does fit with the character of the development in this area. This proposed amendment would replace the 2010 Future Land Use Plan recommendation in keeping with current zoning and use trends.

Attachments:

Zoning Map
Current Land Use Map
Land Use Plan Map
Application
Site Plan
Site Photo