



Legislation Details (With Text)

File #: 18-322 **Version:** 1 **Name:** P18-22F rezoning of property from DT to LC, located at 117 & 133 Grove Street

Type: Consent **Status:** Agenda Ready

File created: 6/28/2018 **In control:** City Council Regular Meeting

On agenda: 8/27/2018 **Final action:** 10/14/2025

Title: P18-22F - Rezoning of a property from DT - Downtown Zoning to LC - Limited Commercial Zoning, located at 117 & 133 Grove Street (Tax Map Number 0437-75-3736 & 0437-75-4786) near the intersection of Grove & Ann streets, containing approximately 2 acres and being the property of Cedar Creek Crossing West LLC.

Sponsors:

Indexes:

Code sections:

Attachments: 1. P18-22F zoning map, 2. P18-22F Landuse Plan Map, 3. Map Amendment Application Form, 4. Subject Property Photo, 5. Subject Property Photo, 6. Subject Property Photo, 7. Site Photo - North, 8. Site Photo - South, 9. Site Photo - East, 10. Site Photo - West, 11. Use Table

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, AICP, CZO - Senior Planner,
Gerald Newton, AICP - Development Services Director

DATE: August 27, 2018

RE:
P18-22F - Rezoning of a property from DT - Downtown Zoning to LC - Limited Commercial Zoning, located at 117 & 133 Grove Street (Tax Map Number 0437-75-3736 & 0437-75-4786) near the intersection of Grove & Ann streets, containing approximately 2 acres and being the property of Cedar Creek Crossing West LLC.

COUNCIL DISTRICT(S):
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Relationship To Strategic Plan:

Goal II: Diverse and Viable Economy is achieved by bringing new businesses to Fayetteville.
Goal III: High Quality Built Environment is achieved by continued development of the area just outside of the core downtown.

Executive Summary:

The request is to rezone two properties from DT - Downtown zoning to LC - Limited Commercial.

The current DT district is not contiguous with other DT zoning districts; yet, the subject property is mostly surrounded by other commercially zoned lots.

The owner is proposing to erect a structure on each of the two lots. The proposal that at least one of the new buildings will have a drive-thru, which is not allowed in the DT district.

Background:

These properties combined are just over two acres. Each property has a vacant commercial structure.

Applicant: John Tyson
Owner: Cedar Creek Crossing West LLC
Requested Action: DT to LC
Property Address: 117 & 133 Grove Street
Council District: 2
Status of Property: Commercial
Size: 117 Grove 0.944 acres & 133 Grove 1.11 acres
Adjoining Land Use & Zoning:
North: DT - Commercial (extermination business)
South: LC - Retail, Restaurant & Bank
West: LC - Retail
East: MR-5 - Cemetery
Letters Mailed: 32

Cape Fear River Plan:

The Cape Fear River Plan provides recommendations on how to improve the quality of life, strengthen the study area economically, support community health, and reverse negative trends in the area covered by the Plan. The Plan provides direction and guidance to the City of Fayetteville and to the community on future development, community programs, and infrastructure improvements that are tailored to the specific needs of the community.

The Plan provides guidance and recommendations for physical changes, programs, policies, and education. By adopting the Plan, City Council demonstrates the City's commitment to the Plan and its vision. It does not, however, legally obligate the City to complete any particular action item. Rather, implementation will require a concerted effort by the neighborhood, the City, and by other agencies to undertake and fund specific actions. The plan is further discussed under plan and zoning analysis below.

Issues/Analysis:

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.

Map Amendment/Straight Rezoning.

The request is for a rezoning from Downtown (DT) to Limited Commercial (LC). The purpose of the DT District is to "encourage the urban form and architectural character found in the traditional downtown area as well as promote redevelopment that will make the downtown area a more diverse and vibrant mixed-use urban center. The district encompasses the same area as the Downtown

Municipal Service District and the downtown historic districts.”

The reclassification of properties allows all of the business/office 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 regulations that are applicable.

Cape Fear River Plan Analysis

As mentioned, these properties fall within the Cape Fear River Plan study and zoning overlay district. The Cape Fear River Plan Overlay District encompasses 6,941 acres and stretches over 11 miles within Fayetteville’s city limits. It extends on all properties along the Cape Fear River or in near proximity. These particular properties are located approximately one mile from the Cape Fear River.

The properties in question fall within the Neighborhood Living Character Area of the Cape Fear River Plan. The Neighborhood Living area is one of six areas presented in the plan. The properties in question are located in the Grove Street and Person Street Corridor Focus Areas. East-west circulation through the core study area is confined to the two bridge crossings at Person and Grove Streets. It provides connection to Fort Bragg to the west and I-95 to the east. Easy access to and from Interstate 95 is available within four miles of the River along Grove Street, Highway 53, and Highway 87. This is the core area of the urbanized portion of the study area. It should be designated as the principle redevelopment area with access to the River. These streets provide an important opportunity to not only link the River to downtown through new landscaping, infill development, and redevelopment but also to improve these corridors as City gateways.

The Neighborhood Living area encompasses land on the east side of Ramsey Street and a small section on the north side of Grove Street. The Neighborhood Living Area is designed to serve as an “urbanized and growth-oriented area, adjacent to identified activity centers with higher densities and various types of residential dwellings, and mixed-use developments.”

The properties under review are located on the near corner of Grove and Ramsey streets. The proposal is congruous with the types of zoning and development along Grove and Ramsey streets, east of downtown.

The plan’s impact is designed to encourage public and private investment in the entire corridor. One aspect of establishing the plan into action is the creation of the Cape Fear Overlay Zoning district.

Cape Fear River Overlay Zoning.

The Cape Fear River Overlay District was placed in Chapter 30 as Section 30-3.H.10 with “the intent of these standards to promote economic revitalization throughout the river area while providing for an opportunity for enjoyment of the river by a maximum number of citizens, neighbors, and guests”.

The approved overlay zoning district is designed to supplement the “underlying” or conventional zoning of the properties. In this case under consideration, the underlying zoning would be Limited Commercial (LC). The LC zone’s purpose is 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.”

Properties to the north, south, and west are all zoned for business uses. There is currently a restaurant under review by the City's Technical Review Committee for the property located at 133 Grove Street. The existing buildings on these properties will be replaced as the lots are revitalized.

While the River Overlay calls for office and institutional uses on these properties, it is the Planning staff's opinion that more intensive LC zoning for businesses is also appropriate due to the following factors.

1. These properties have a history of being used for commercial purposes and there are no conflicting uses surrounding these properties.
2. Immediately to the north of these lots is Dodson Brother's Exterminating Company, to the south is First Citizen Bank and The Biscuit Kitchen, to the west is CVS and Walgreens drug stores and to the east is Cross Creek Cemetery #2.

On July 10, 2018, the Zoning Commission held a public hearing regarding this case. There was one speaker in favor and none in opposition. According to the applicant, who was the lone speaker, currently their plans are to demo the Hurst Annaho building and build a Biscuitville restaurant in its place. The former restaurant beside of Hurst Annaho would remain for now. The applicant has already begun the review process through the City's TRC for a Biscuitville restaurant. The Commission voted 4-0 to recommend approval.

The Zoning Commission and staff recommend APPROVAL of the map amendment to LC based on:

- (1) This proposed rezoning/zoning map amendment implements the policies of the adopted River Plan, including the Grove Street and Person Street Corridor Focus Area which calls for revitalization;
- (2) 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 because it does fit with the existing zoning and uses surrounding these properties;
- (3) The proposed change is in accord with existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area since this area is already fully developed.
- (4) 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 is an economic impact to this rezoning. A business will move into the site and provide continued jobs and service to the Fayetteville area.

Options:

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

Recommended Action:

The Zoning Commission and Planning Staff recommend that the City Council move to APPROVE the requested rezoning to LC - Limited Commercial Zoning, as presented by the staff. The amendment

is consistent with applicable plans due to the following: 1) the City's existing River plan calls for the Grove Street corridor to be an area of emphasis for revitalization; 2) that the uses surrounding these properties are all compatible with the proposed zoning; 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.

Any action inconsistent with the City's comprehensive plans will serve as a modification of the City's Comprehensive Plans for this area.

Attachments:

Zoning Map

Land Use Plan Map

Application

Site Photos