



Legislation Details (With Text)

**File #:** 23-3699      **Version:** 1      **Name:** P23-46 Rezoning  
**Type:** Consent      **Status:** Agenda Ready  
**File created:** 11/8/2023      **In control:** City Council Regular Meeting  
**On agenda:** 11/27/2023      **Final action:** 10/14/2025  
**Title:** P23-46. Rezoning of 4.03 acres ± from Heavy Industrial (HI) to Community Commercial (CC), located at 328 Deep Creek Road (REID # 0447302240000), and being the property of Cumberland County Community Action Program Inc., represented by Del Crawford of Crawford Design Company.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 1. APPLICATION, 2. 2. P23-46 Aerial Notification Map, 3. 3. P23-46 Zoning Map, 4. 4. P23-46 Future Land Use Map, 5. 5. Subject Property, 6. 6. Surrounding Properties, 7. Signed Consistency Statement P23-46, 8. P23-46 CC PowerPoint

Date	Ver.	Action By	Action	Result
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**TO:** Mayor and Members of City Council  
**THRU:** Kelly Olivera - Assistant City Manager  
Dr. Gerald Newton, AICP - Development Services Director  
**FROM:** Will Deaton, AICP - Planning & Zoning Division Manager  
Demetrios Moutos - Planner I  
**DATE:** November 27, 2023

**RE:**  
**P23-46.** Rezoning of 4.03 acres ± from Heavy Industrial (HI) to Community Commercial (CC), located at 328 Deep Creek Road (REID # 0447302240000), and being the property of Cumberland County Community Action Program Inc., represented by Del Crawford of Crawford Design Company.

**COUNCIL DISTRICT(S):**  
2 - Shakeyla Ingram

**Relationship To Strategic Plan:**  
Strategic Operating Plan FY 2022

Goals 2027

- Goal II: Responsive City Government Supporting a Diverse and Viable Economy
  - Objective 2.1 - To ensure a diverse City tax base

Goal III: City invested in Today and Tomorrow

- Objective 3.2 - To manage the City's future growth and strategic land use.

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

- Objective 4.5 - To ensure a place for people to live in great neighborhoods

Goal VI: Collaborative Citizen and Business Engagement

- Objective 6.1 - To ensure collaborative relationships with the business community, local governments, military, and stakeholders.

### **Executive Summary:**

The applicant is seeking to rezone one 4.03 acre ± parcel from Heavy Industrial (HI) to Community Commercial (CC).

The Zoning Commission voted unanimously (4-0) to recommend approval of the requested rezoning on November 14, 2023.

### **Background:**

Owner: Cumberland Community Action Program Inc.

Applicant: Del Crawford

Requested Action: HI to CC

REID #: 0447302240000

Council District: 2 - Shakeyla Ingram

Status of Properties: Currently used as a daycare, containing five modular structures with associated sidewalks, parking, and playgrounds.

Size: 4.03 acres ±

Adjoining Land Use & Zoning:

- North: LC & CC - Vacant land
- South: HI - Second Harvest Food Bank
- East: SF-6 - Vacant land with abutting single family properties
- West: HI - Vacant land and the Cape Fear River

Annual Average Daily Traffic: Deep Creek Road: 1,900 (2016) / Person Street: 15,000 (2021)

Letters Mailed: 79

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 Office / Institutional (OI). These areas allow medium density non-residential uses, light industrial, offices, flex spaces, warehousing, and large schools/institutions. Businesses and building in these areas are sometimes grouped in business parks. These areas also include utilities and city services.

### **Issues/Analysis:**

#### History:

The subject property was annexed into the city in 1988. The subject property was initially developed sometime between 1982 and 1995, according to the aerial photography, which shows four buildings and a parking lot. The fifth building was added sometime between 1995 and 2001. Prior to this, the subject property was vacant. The historical and present use of the site is a daycare center. According to the applicant, the long-range plan is to remove the existing structures and replace with two new buildings and maintain the use as a daycare.

#### Surrounding Area:

The neighboring land use and zoning of the property are as follows: On the northern side, there is undeveloped land with zoning designated as LC & CC. To the south, the Second Harvest Food Bank occupies property with zoning categorized as HI. Towards the east, there is vacant land zoned as SF-6, which is adjacent to single-family properties. Lastly, on the western side, there is vacant land and the presence of the Cape Fear River, with zoning identified as HI.

#### 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.

The applicant is requesting to rezone one parcel currently zoned Heavy Industrial (HI) to Community Commercial (CC). The Community Commercial (CC) District is designed to support a wide range of retail, service, and office businesses that offer goods and services to the local community. This includes shopping centers, convenience stores, retail shops, and some heavier commercial operations (with approval through a Special Use Permit process). Typically, you'll find CC Districts along major roads, intersections, and areas earmarked for growth in the city's plans. The district encourages having apartments or residential spaces on the upper floors of buildings, especially in mixed-use developments. There are rules in place to make sure that the development fits well with the surrounding area and adheres to specific design standards outlined in Article 30-5.

#### Straight Zoning:

The request is for a straight zoning from Heavy Industrial (HI) to Community Commercial (CC).

The reclassification of land to a base zoning district without conditions allows all of the uses that are shown on the attached Use Table taken from the UDO. The Zoning Commission 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 the Future Land Use Map & Plan, it is recommended that this portion of the city should be developed as Office / Institutional (O/I). These areas permit medium-density non-residential uses, such as light industrial facilities, offices, flexible workspaces, warehouses, and large schools or institutions. Often, businesses and buildings in these areas are clustered together in business parks.

Additionally, these zones are equipped with utilities and city services to support their operations.

The proposed amendment seeks to maintain the existing use of the property, which currently functions as a daycare facility. The long-term plan involves replacing the current structures with two new buildings, aligning with the comprehensive plan and other long-range planning documents. This amendment is necessary because the current zoning designation does not permit daycare use, despite the facility being originally allowed to be constructed. The proposed amendment addresses a demonstrated community need by ensuring the continued provision of essential childcare services, with the current facility being updated to better serve the community.

The proposed amendment is compatible with the surrounding area, which features a mix of residential, commercial, and retail uses. It will not encourage premature development as it pertains to maintaining the existing daycare facility. The amendment is expected to result in a logical and orderly development pattern, enhancing the area's functionality and efficiency. It is unlikely to have significant adverse impacts on property values or the natural environment, as it maintains the current use and complies with regulations and requirements. Overall, the amendment aims to ensure that the property remains a valuable resource for the community's childcare needs while adhering to zoning and development standards.

#### Consistency and Reasonableness Statements:

The Future Land Use Plan includes defined goals, policies, and strategies. This application aligns with the city's strategic growth strategies and fulfills the goals outlined in the attached Consistency and Reasonableness form.

#### **Budget Impact:**

While there won't be an immediate budgetary impact, this rezoning will have an economic impact in the future as it will lead to the collection of taxes.

#### **Options:**

1. City Council moves to approve the map amendment to CC as presented based on the evidence submitted and finds that the rezoning is consistent with the Future Land Use Plan as demonstrated by the attached consistency and reasonableness statement (recommended);
2. City Council moves to approve the map amendment to a more restrictive zoning district based on the evidence submitted and finds that the map amendment would be consistent with the Future Land Use Plan and an amended consistency statement;
3. City Council moves to deny the map amendment request based on the evidence submitted and finds that the map amendment is inconsistent with the Future Land Use Plan.

#### **Recommended Action:**

The Zoning Commission and Professional Planning Staff recommend that the City Council APPROVE the map amendment to CC based on the following:

- The proposed zoning map amendment implements the policies adopted in the Future Land Use Plan (FLUP), and those policies found in the Unified Development Ordinance (UDO). The

Future Land Use Plan calls for the subject property to be developed as Office / Institutional (O/I).

- The uses permitted by the proposed change in zoning district classification and standards apply to such uses are 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 public health, safety, morals, or general welfare.

**Attachments:**

1. Plan Application
2. Aerial Notification Map
3. Zoning Map
4. Land Use Plan Map
5. Subject Property
6. Surrounding Property Photos
7. Consistency and Reasonableness Statement.
8. P23-46 CC PowerPoint