



Legislation Text

File #: 22-2887, Version: 1

TO: Mayor and Members of City Council

**THRU: Telly C. Whitfield, Ph.D. - Assistant City Manager
Dr. Gerald Newton, AICP - Development Services Director**

FROM: Jennifer Baptiste - Planning and Zoning Division Manager

DATE: September 26, 2022

RE:
AX22-07: Annexation request located along the Southeastern side of Ivan Drive and Gillespie Street, consisting of 50.12 +/- acres and being the property of Fayetteville Memorial Cemetery Corporation and Draughon Holdings, LLC; related to P22-26: Initial Zoning.

COUNCIL DISTRICT(S):
2 - Shakeyla Ingram

Relationship To Strategic Plan:
Strategic Operating Plan FY 2022
Goals 2027

- Goal 2: Responsible City Government Supporting a Diverse and Viable Economy
 - Objective 2.1: Ensure a diverse City tax base
- Goal 3: City Investment in Today and Tomorrow
 - Objective 3.2 - Manage the City's future growth and strategic land use
 - Objective 4.5 - Ensure a place for people to live in great neighborhoods

Executive Summary:

The applicant, Fayetteville Memorial Cemetery Corporation, through Corey Breece, President and Draughon Holdings, LLC, through Kelvin Draughon, Member, submitted a petition requesting annexation of 50.12 +/- acres on the southern side of Ivan Drive and the eastern side of Gillespie Street. The area consists of two parcels. The parcels are vacant. The applicants are requesting a Conditional Zoning and also submitted a development plan for the area, as required. The plan indicates that the developer proposes to construct 243 single family residential homes on one parcel of land (maximum allowed 300).

The applicant has requested an initial zoning of the area to MR5/CZ. The Zoning Commission recommended approval of the requested zoning on June 14, 2022.

Professional Planning Staff recommends approval of the annexation request.

Background:

The subject property is owned by Fayetteville Memorial Cemetery Corporation and Draughon Holdings, LLC. The property consists of two parcels with the address of 2881 Gillespie Street (REID: 0435156869000 and 0435155175000), located on the southeast side of Ivan and Gillespie Streets. The property, which is located within the City's Municipal Influence Area (MIA), is non-contiguous to the City's municipal boundaries. The annexation petition has therefore been processed as a non-contiguous, "satellite," annexation. (See Annexation Area Map, attached.)

Because the property is within the City's Municipal Influence Area (MIA), use of PWC services requires that the property be annexed, per City Council Policy 150.2. PWC has reported that sewer and water services are available; the developer will be responsible for extending sewer and water mains to the site.

This is a new type of development, therefore the applicants worked with the City's Planning staff to develop an ordinance creating standards and regulations that the development shall comply with; this was adopted by City Council in March 2022. Review and approval by the Technical Review Committee staff as well as other applicable agencies shall be required.

See the attached Basic Information Sheet for more information about the property.

On June 14, 2022, the Zoning Commission held a public hearing to review the initial zoning request for the property (P22-26). The Zoning Commission recommended Approval of the initial zoning and conditions as per the applicant's request.

During the August 22, 2022 City Council meeting, the Council voted to table this item until the September 26, 2022 meeting.

Issues/Analysis:

Sufficiency: The City's Real Estate Staff has found the annexation petition to be sufficient. (See Sufficiency Memo, attached.)

Compliance with Annexation Standard: Pursuant to the General Statutes, there are five standards that a satellite annexation area must meet in order to be annexed. (N.C.G.S. 160A-58.1(b)). This property meets the five standards, as shown in the attached Proposed Ordinance.

Effective Date: Pursuant to the General Statutes, the annexation ordinance may be made effective immediately or within six months from the date of passage. N.C.G.S. 160A-58.2). Staff recommends an effective date of August 22, 2022.

Compliance with City Development Standards: If the property is annexed, the property must be developed in compliance with City development standards. The owner/developer will be required to formally submit plans to the City for review and approval by the Technical Review Committee (TRC) prior to the issuance of City building permits.

Financial Impact of Annexation on the Property Owners: If the property is annexed, the property tax costs to the owners will increase, due to application of the City tax rate. However, this increase will be reduced by the elimination of certain taxes (such as the County fire district tax and the County recreation tax.)

As the property is developed, the owners will be subject to City property taxes, but the owners will

also receive City services. The owners will also be eligible for PWC inside-City utility rates, which are less than outside-City rates.

Services: City operating departments and PWC divisions have reviewed the proposed annexation, and they have indicated that they will be able to serve the property. (Appendix A, attached, provides a summary of services, costs, and revenues, as reported by City departments and PWC.)

After review of the proposed development the Director of the Airport, Toney Coleman, recommended denial of the proposed project due to the number of homes to be constructed in such close proximity to the airport high impact area. However, some modified version of the project could possibly be developed and potentially worked out through a series of meetings and the technical reviews.

Budget Impact:

Based on the projected costs and revenues, the annexation of the property should yield a positive impact for the City, particularly after the property has been fully developed.

Options:

1. Adopt the Annexation Ordinance with an effective date of September 26, 2022.
2. Adopt the Annexation Ordinance with an effective date of December 27, 2022.
3. Adopt the Annexation Ordinance with an effective date of September 26, 2023.
4. Do not adopt the Annexation Ordinance. This option means the property would remain outside the City, and the initial zoning would not occur. However, the property can still potentially be developed, to some degree, if the plan is reviewed and approved by the Cumberland County Planning Department and the County Commissioners.
5. Table action on the requested annexation.

Recommended Action:

Planning Staff recommends Option 1: Adopt the proposed ordinance annexing the area effective September 26, 2022.

Attachments:

1. Appendix A - Summary of Services, Costs, and Revenues
2. Legal Description
3. Map
4. Basic Information Sheet
5. Sufficiency Memo
6. Proposed Annexation Ordinance