



Legislation Details (With Text)

File #: 24-3881 **Version:** 1 **Name:** P24-12. Initial Zoning
Type: Public Hearing (Public & Legislative) **Status:** Agenda Ready
File created: 2/26/2024 **In control:** City Council Regular Meeting
On agenda: 3/25/2024 **Final action:**
Title: P24-12. Initial zoning from Rural Residential (RR) (County) and Single Family Residential 15 (SF-15) to Mixed Residential 5 (MR-5) located at 0, 1666 & 1674 Cedar Creek Rd and 0 & 1678 Fields Rd (REID 0446803573000, 0446804658000, 0446709250000, 0445892478000, and 0445894268000) totaling 27.72 acres ± and being the property of Cedar Creek Road, LLC.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Application, 2. Aerial Notification Map, 3. Zoning Map, 4. Land Use Map, 5. Subject Property, 6. Surrounding Properties, 7. P24-12 Cedar Creek (2), 8. Zoning Commission Meeting Minutes

| 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 Manager
Heather Eckhardt, CZO - Planner II

DATE: March 25, 2024

RE:
P24-12. Initial zoning from Rural Residential (RR) (County) and Single Family Residential 15 (SF-15) to Mixed Residential 5 (MR-5) located at 0, 1666 & 1674 Cedar Creek Rd and 0 & 1678 Fields Rd (REID 0446803573000, 0446804658000, 0446709250000, 0445892478000, and 0445894268000) totaling 27.72 acres ± and being the property of Cedar Creek Road, LLC.

COUNCIL DISTRICT(S):

2 - Malik Davis

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.

Executive Summary:

As part of the annexation process, the applicant is requesting to initially zone three parcels. A fourth parcel is partially within the city limits of Fayetteville while the remainder of the parcel is in Cumberland County. The areas that are in the County are currently zoned Rural Residential (RR) while the portion in the currently in the city limits is zoned Single Family Residential 15 (SF-15). The applicant is requesting that all parcels be zoned Mixed Residential 5 (MR-5). Based upon a site plan submitted by the applicant, staff is recommending an initial zoning a district that aligns closer to the area while allowing for potential future further development with issuance of a Special Use Permit. The suggested initial zoning is Single Family Residential 6 (SF-6).

This item was heard at the February 13th Zoning Commission. There were two speakers in favor and eight speakers in opposition. The speakers in opposition expressed concerns regarding traffic, flooding, and overcrowded schools. The Zoning Commission denied the request in a 4-1 vote. The applicant appealed the Zoning Commission's decision, and this item is coming to City Council as a public hearing. Denial of the initial zoning and associated annexation would not prevent the development of the subject properties.

Note: At the time of application, there were a total of five parcels involved in this request. During the process, two parcels were recombined resulting in only four parcels for review. Real Estate Identification Numbers 0446803573000 and 0446804658000 were combined and became 0446804556000.

Background:

Owner: Cedar Creek Road LLC

Applicant: The Charleston Group

Requested Action: Initial zoning from RR to MR-5 and rezoning from SF-15 to MR-5

REID #: 0446804556000, 0446709250000, 0445892478000, and 0445894268000

Council District: 2 - Malik Davis

Status of Properties: 1666 Cedar Creek Road: Single family house

Remaining parcels: vacant

Size: 27.72 acres

Adjoining Land Use & Zoning:

- North: A1 (County) & LC - single family houses and vacant land
- South: RR, C(P) (County) & LC - vacant

- East: CC - self-storage, car wash, automotive sales, and vacant land
- West: RR (County) - single family houses

Annual Average Daily Traffic: Cedar Creek Road: 9,600

Letters Mailed: 87

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 Low Density Residential and Office/Institutional. Low Density Residential is described as mainly single family residential with occasional duplexes or townhomes. Office/Institutional is intended for medium intensity nonresidential uses such as offices and flexspaces.

Issues/Analysis:

History:

A portion of the parcel at the corner of Cedar Creek Road and Water Oaks Drive was annexed into the City of Fayetteville in 1988. The surrounding area along Cedar Creek Road was annexed in 1988 also. The single family house at 1666 Cedar Creek Road was built prior to 1968. There was also a single family house located at 1678 Fields Road which was demolished in the late 1990s or early 2000s. The remaining parcels have remained vacant during this time.

Surrounding Area:

Single family residential houses and vacant land are located to the north of the subject properties. The area to the south of the vacant land is vacant and undeveloped. Several single family houses on large parcels are located to the west of the subject property. A self-storage facility, car wash, and automotive sales office are located to the east of the subject property.

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 initially zone three parcels. A fourth parcel is partially within the city limits of Fayetteville while the remainder of the parcel is in Cumberland County. The areas that are in the County are currently zoned Rural Residential (RR) while the portion in the currently in the city limits is zoned Single Family Residential 15 (SF-15). The applicant is requesting that all parcels be initially zoned Mixed Residential 5 (MR-5). The application has not been amended but the Applicant has submitted for a SF-6 zoning concept plan for review by the Technical Review Committee. The SF-6 zoning is a more appropriate initial zoning designation.

Straight Zoning:

The request is for an initial zoning and rezoning from Rural Residential (RR) (County) and Single Family Residential 15 (SF-15) to Mixed Residential 5 (MR-5).

The Mixed Residential 5 (MR-5) district is established and intended to meet the diverse housing needs of City residents by accommodating a wide variety of residential housing types and arrangements at moderate to high densities, including single-family detached dwellings, two- to four-family dwellings, multi-family dwellings, and other residential development that may include single-family attached dwellings, and zero lot line development.

The Single-Family Residential 6 (SF-6) District is established and intended to accommodate principally single-family detached residential development at moderate densities that is designed to respond to environmental and site conditions. It also accommodates two- to four-family dwellings, single-family attached, and zero lot line development.

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 City Council 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 Low Density Residential and Office/Institutional. Low Density Residential is described as mainly single family residential with occasional duplexes or townhomes.

Office/Institutional is intended for medium intensity nonresidential uses such as offices and flexspaces.

According to the 2040 Future Land Use Plan, this proposed development falls within Goal # 1: Focus value and investments around infrastructure and strategic nodes, Goal # 2: Promote compatible economic and commercial development in key identified areas and Goal # 4: Foster safe, stable and attractive neighborhoods.

Under the plan's Land Use Policies and Strategies section, subsection Strategic, Compatible Growth, this proposed development falls under the following sections:

LUP 1: Encourage growth in areas well-served by infrastructure and urban services, including roads, utilities, parks, schools, police, fire, and emergency services.

- 1.3: Consider the costs and benefits of future extensions of utility service
- 1.4: Require annexation and adherence to development standards for an development proposal within the city's Municipal Influence Area (MIA) if city services are to be provided.
- 1.6: Require adequate infrastructure to be in place prior to or in tandem with new development
- 1.7: Encourage a logical progression of housing development and discourage "leapfrog" development

LUP 2: Encourage strategic economic development

- 2.1 Encourage economic development in designated areas

LUP 4: Create well-designed and walkable commercial and mixed-use districts

- 4.1: Ensure new development meet basic site design standards
- 4.2: Encourage context-sensitive site design

LUP 5: Improve gateways

- 5.1: Continue to require perimeter landscaping and planting islands in significant renovations and redevelopment along commercial corridors.

LUP 6: Encourage development standards that result in quality neighborhoods

- 6.1: Encourage quality neighborhood design through maintaining and improving standards for streets, sidewalks, stormwater and open space.

LUP 7: Encourage a mix of housing types for all age and incomes

- 7.1: Allow a mix of housing, including attached and multi-family homes, to create diverse neighborhoods, especially within and near Downtown and designated Regional, Community, and Neighborhood Centers.

LUP 10: Support land use, site design and capital improvement initiatives that increase resiliency and reduce impacts from flooding and natural disasters.

- 10.1: Encourage on-site stormwater control measures that reduce impacts of new development
- 10.4: Carefully control development within the floodplain.

Consistency and Reasonableness Statements:

The Future Land Use Plan also sets forth written goals, policies, and strategies. This application does follow the City's strategic, compatible growth strategies and does meet the goals of the Land Use Plan found on the attached Consistency and Reasonableness form.

Conclusion:

Although the Future Land Use Plan advocates for a blend of Low Density Residential and Office/Institutional development in this area, the stretch of Cedar Creek Road between L A Dunham Road and I-95 currently hosts various commercial districts and activities. These commercial establishments face Cedar Creek Road, while residential neighborhoods lie behind them.

The applicant has requested a rezoning to the Mixed Residential 5 zoning district. The MR-5 zoning district presents an opportunity for accommodating two-to-four family and multi-family dwellings, serving as a transitional buffer between commercial zones and single-family residences.

The Future Land Use Plan underscores the importance of incorporating diverse housing options to foster vibrant and inclusive neighborhoods. The Mixed Residential 5 and Single Family Residential 6 zoning districts allows for a range of residential uses such as single family and multi family housing. However, the multi-family housing must be approved through the Special Use Permit process in the Single Family Residential 6 (SF-6).

During the Zoning Commission meeting, residents voiced concerns about frequent flooding in the area, particularly in the Cedar Falls subdivision on the east side of Cedar Creek Road. The Public

Services Department's Engineering Division has proposed a stormwater project near Cedar Falls to address some of these flooding issues. Assessment of potential floodplain development occurs during the Technical Review Committee review process, and enforcement of floodplain ordinances is overseen by the Public Services Department as part of the permitting process.

Furthermore, any future development in the area will need to adhere to the standards outlined in the Unified Development Ordinance, including the stormwater ordinance. The Future Land Use Plan emphasizes careful control over development within floodplains.

The Technical Review Committee is responsible for evaluating site plans, offering feedback on proposals, and granting approval if the plan satisfies all relevant criteria. While it's not mandatory for applicants to seek review by the Technical Review Committee during the initial zoning process, the applicant has chosen to do so preemptively. The applicant has submitted two potential site plans both are drafted to the Single Family Residential 6 zoning district. It's important to note that this preemptive review should not be regarded as a prerequisite or condition for the initial zoning request. The applicant has submitted two development plans to be reviewed at the March 20th meeting of the Technical Review Committee. Comments from the Technical Review Committee were unavailable at the time of writing this report.

While the applicant has requested the Mixed Residential 5 zoning district, the more restrictive Single Family Residential 6 zoning district would allow for a range of uses similar to those permitted in the Mixed Residential 5 zoning district however, additional review by the City Council during the Special Use Permit process would be required. Additionally, the more restrictive SF-6 zoning district would reduce the permitted number of dwelling units allowed for the subject properties.

Budget Impact:

There is not an immediate budgetary impact but there will be an economic impact associated with this rezoning that will occur due to taxes collected in the future.

Options:

1. Approve of the initial zoning to the Single Family Residential 6 (SF-6) zoning district based on the evidence submitted and find that the map amendment would be consistent with the Future Land Use Plan and an amended consistency statement (recommended).
2. Approve of the initial zoning to MR-5 as presented based on the evidence submitted or established during the public hearing and as demonstrated by a consistency and reasonableness statement.
3. Deny the map amendment request based on the evidence submitted and finds that the map amendment is inconsistent with the Future Land Use Plan.
4. Table any action to allow for further investigation of the initial zoning request.

Recommended Action:

Professional Planning Staff recommends that the City Council move to APPROVE the map amendment to a more restrictive zoning district (SF-6) 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 designates the subject properties for Low Density Residential (LDR) and Office/Institutional (OI) development. However, it's crucial to consider that these properties are situated along a major corridor, adjacent to existing commercial zoning districts to the north and east.
- The uses permitted by the proposed change to the SF-6 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. Powerpoint
8. Zoning Commission Meeting Minutes