



## Legislation Text

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File #: 18-536, Version: 1

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**TO:** Mayor and Members of City Council

**THRU:** Kristoff Bauer, Deputy City Manager

**FROM:** Craig Harmon, AICP, CZO - Senior Planner  
Gerald Newton, AICP - Development Services Director

**DATE:** December 10, 2018

**RE:**  
**P18-37F. The issuance of a Special Use Permit to allow the construction of three commercial buildings in the Neighborhood Commercial (NC) Zoning District located at 8108 Cliffdale Road (Tax Map #9487-67-2228) at the intersection of Cliffdale Road and Prestige Boulevard.**

**COUNCIL DISTRICT(S):**  
8 - Ted Mohn

**Relationship To Strategic Plan:**

2024 Goals, Goal II: Diverse and Viable Economy is achieved through the expansion of a local business and the development of a vacant commercial property.

**Executive Summary:**

The subject property is located on the north side of Cliffdale Road, at the intersection of Cliffdale Road and Prestige Boulevard. The property is zoned Neighborhood Commercial (NC). The applicant requests to build a commercial building that is over the typical size allowed in the NC District, which requires a Special Use Permit (SUP).

**Background:**

This property is undeveloped commercial property located near Rim Road on Cliffdale Road. Both the current zoning and the future land use plan show this property as commercial.

Applicant: George Rose  
Owner: NC Land Developers LLC  
Requested Action: SUP  
Property Address: 8108 Cliffdale Road  
Council District: 8  
Status of Property: Vacant Commercial  
Size: 0.98 acres +/-  
Adjoining Land Use & Zoning:  
North: SF-10 - Single-Family

South: SF-10 - Single-Family and Cliffdale Road

West: LC & NC - Limited Commercial & Neighborhood Commercial - Mini Storage & Strip Commercial Center

East: SF-10 - Single-Family

Traffic Count: Cliffdale: 25,000 cars per day (2016) / Prestige: 4,200 cars per day (2016)

Letters Mailed: 74

### **2010 Land Use Plan: Heavy Commercial**

This plan contains some recommendations which are broad concepts applicable to all development in Cumberland County. Developers are allowed some flexibility in selection of the type and location of development they wish to complete.

### **Issues/Analysis:**

A use designated as a special use in a particular zoning district is one that may be appropriate in the district, but because of its nature, extent, and external effects, requires special consideration of its location, design, and methods of operation before it can be deemed appropriate in the district and compatible with its surroundings. The purpose of this section is to establish procedures and standards for review and approval of Special Use Permits that provide for such special consideration.

### **Use Specific Requirements:**

New construction of individual retail space larger than 2,500 square feet in floor area shall first obtain a Special Use Permit, according to Section 30-2.C.7 in the Unified Development Ordinance (UDO). A single building may contain more than one such use, but a nonresidential or mixed-use building with a floor area larger than 7,500 square feet shall obtain a Special Use Permit and comply with the standards for a grocery store in an NC district as shown in Section 30-4.C.4.i.8.

A proposed grocery store over 2,500 square feet within an NC Neighborhood Commercial District shall be subject to a Special Use Permit approval and the following standards:

- a. The store shall not exceed 25,000 square feet.
- b. The building shall be designed to appear as a series of small shops.
- c. The building shall be located proximate to the public right-of-way, to frame the edge of the lot.
- d. Parking shall be located to the interior side and rear of the building.
- e. Site design shall include a pedestrian pathway system on the perimeter and within its site to support neighborhood access from surrounding areas and transit stops on its periphery.

On November 13<sup>th</sup>, the Zoning Commission held a public hearing on this case. There were two speakers who signed up to speak in favor of this proposal, but only one chose to speak. There were no speakers in opposition. The Commission vote 5-0 to recommend approval.

### **The Zoning Commission and Planning Staff recommend APPROVAL of the SUP based on the following:**

- This proposed SUP implements the policies adopted in the Unified Development Ordinance. This district type is generally near residential neighborhoods and often serves as a buffer or transition between neighborhoods and the City's Land Use Plan calls for Heavy Commercial development on this property;

- The uses permitted by the proposed SUP and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified due to the existing zoning and uses surrounding this property;
- The proposed change is in accordance with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area:

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. Many business may move into the site and provide additional jobs and service to the Fayetteville area.

### **Options:**

1. Approval of the SUP as presented by the Planning staff (recommended).
2. Approval of SUP with conditions.
3. Deny the request.

### **Recommended Action:**

#### **OPTION 1**

I move to APPROVE the Special Use Permit (SUP) in a NC Neighborhood Commercial district, as presented by staff, based on the standards of the City's development code and the evidence presented during this hearing. And that the application is consistent with applicable plans because: (1) the development is located in a Neighborhood Commercial District and (2) That the City's Future Land Use Plan calls for Heavy Commercial on this property and (3) that this use complies with the findings listed below and (4) the proposed permit is in the public interest because the proposed SUP does fit with the character of the area.

[Applicable to Motion to Approve] If approved, this Special Use Permit shall become effective ten days after its approval by the City Council, which is December 20, 2018. The SUP shall expire one year from its effective date if a building permit is not issued within that time.

\*For a motion to approve, all eight findings below must be met:

1. The special use will comply with all applicable standards in Section 30-4.C, Use-Specific Standards; [insert supporting facts]
2. The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands; [insert supporting facts]
3. The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration; [insert supporting facts]
4. The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands; [insert supporting facts].
5. The special use avoids significant deterioration of water and air resources, wildlife habitat,

scenic resources, and other natural resources; [insert supporting facts]

6. The special use maintains safe ingress and egress onto the site and safe road conditions around the site; [insert supporting facts].
7. The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; [insert supporting facts]
8. The special use complies with all other relevant City, State, and Federal laws and regulations. [insert supporting facts]

## OPTION 2

I move to DISAPPROVE the Special Use Permit (SUP) in a NC Neighborhood Commercial zoning district, as presented by staff, based on the standards of the City's development code and the evidence presented during this public hearing. And that the application is inconsistent with applicable plans because: (1) the proposed SUP does not meet the City's Unified Development Ordinance (UDO) standards and (2) that this use does not comply with the findings listed below and (3) the proposed permit is not in the public interest because the proposed SUP does not fit with the character of the area. **[List any of the eight findings below that have not been met.]**

[Applicable to Motion to Deny] If denied this action shall become effective ten days after its denial by the City Council, which is December 20, 2018.

\* For a motion to deny only one of the findings shown below needs to not apply.

1. The special use will comply with all applicable standards in Section 30-4.C, Use-Specific Standards; [insert supporting facts]
2. The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands; [insert supporting facts]
3. The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration; [insert supporting facts]
4. The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands; [insert supporting facts].
5. The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources; [insert supporting facts]
6. The special use maintains safe ingress and egress onto the site and safe road conditions around the site; [insert supporting facts].
7. The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; [insert supporting facts]
8. The special use complies with all other relevant City, State, and Federal laws and regulations. [insert supporting facts]

## **Attachments:**

Aerial Map  
Zoning Map  
Land Use Plan Map  
Application

Site Photo