



## Legislation Text

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File #: 22-2820, Version: 1

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

**THRU:** Telly C. Whitfield, Ph.D. - Assistant City Manager  
Dr. Gerald Newton, AICP - Development Services Director  
Jennifer C Baptiste, CZO - Planning and Zoning Division Manager

**FROM:** Craig M. Harmon, CZO - Senior Planner

**DATE:** August 8, 2022

**RE:**  
**P22-24.** Initial zoning to Community Commercial (CC) as part as an annexation petition, located at 6765 Ramsey Street (REID #0541199007000), containing 15.29 acres ± and being the property of SRW Commercial Development, LLC, represented by Brad Shuler of Paramounte Engineering, Inc.

**COUNCIL DISTRICT(S):**  
1 - Mayor Pro Tem Kathy Jensen

### **Relationship To Strategic Plan:**

Strategic Operating Plan FY 2022

Goals 2026

Goal II: Responsive City Government Supporting a Diverse and Viable Economy

- Objective 2.1 - To ensure a diverse City tax base
- Objective 2.4 - To sustain a favorable development climate to encourage business growth.

Goal III: City invested in Today and Tomorrow

- Objective 3.2 - To manage the City's future growth and strategic land use.
- Objective 3.3 - To sustain a favorable development and business climate through timely and accurate construction review and building inspection services

Goal IV: Desirable Place to Live, Work and Recreate

- Objective 4.3 - To improve mobility and connectivity through sidewalk, trail, and bike lane investments
- Objective 4.4 - To provide a clean and beautiful community with increased green spaces
- Objective 4.5 - To ensure a place for people to live in great neighborhoods

### **Executive Summary:**

The owner of this property is requesting to annex and initially zone this 15.29 acre property to CC - Community Commercial from Cumberland County's C(P) - Commercial with a Plan.

The Community Commercial (CC) District is established and intended to accommodate a diverse range of medium- to high- intensity retail, service, and office uses that provide goods and services serving the residents and businesses in the community at large-e.g., shopping centers, convenience stores, retail sales establishments, and heavier commercial uses (subject to approval of a Special Use Permit (see Section 30-2.C.7)).

On June 14, 2022, the Zoning Commission held a Legislative Hearing regarding this case. There were no speakers in opposition. The Commission voted 5-0 to recommend approval.

### **Background:**

This property is located at the intersection of Ramsey Street and Slocomb Road. The property is in Fayetteville's Municipal Influence Area (MIA) and has petitioned for annexation. This is a non-contiguous rezoning and annexation; however, there are incorporated sections of Fayetteville both to the north and south of this property.

To the west and north of this property is single-family detached houses in Cumberland County's jurisdiction. To the south are mostly undeveloped parcels and to the east are single-family detached houses and Kelly Springfield.

Applicant: Brad Schuler, Paramounte Engineering, Inc.

Owner: Palmer Williams, SRW Commercial Development, LLC

Requested Action: C(P) to CC

Property Address: 6765 Ramsey Street

Council District: 1 - Kathy Jensen

Status of Property: Large Lot - Undeveloped

Size: 15.29 acres ±

Adjoining Land Use & Zoning:

- North: Cumberland County PND -Single Family Detached
- South: Cumberland County M(P) - Mostly Vacant
- East: Cumberland County C(P) & M(P) - Residential & Kelly Springfield
- West: Cumberland County PND -Single Family Detached

Letters Mailed: 67

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 develop as Industrial/Employment Center (EC).

Industrial/Employment Center is best described as high intensity nonresidential uses with high impact

or likelihood for nuisance such as regional employment centers including larger industrial uses or business parks.

### **Issues/Analysis:**

#### History:

Although this is a straight rezoning, the owner has submitted a site plan to the City's Technical Review Committee (TRC) for the construction of mini storage warehouses on the southern portion of this property.

#### Surrounding Area:

This property is located at the intersection of Ramsey Street and Slocomb Road. The property is in Fayetteville's Municipal Influence Area (MIA) and is considered as a satellite annexation. The property is surrounded by county zoned properties, but is located approximately 0.50 miles north and 0.74 south of the current City of Fayetteville's City Limits along Ramsey Street.

#### Rezoning Request:

The applicant is requesting to initially zone an area currently zoned C(P) in Cumberland County to the City of Fayetteville's Community Commercial (CC) which would allow commercial development. This initial zoning would be seen as a one to one conversion with the County's zoning.

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.

#### Straight Zoning:

The request is for a straight initial zoning from C(P) to CC.

The CC District is established and intended to accommodate a diverse range of medium- to high-intensity retail, service, and office uses that provide goods and services serving the residents and businesses in the community at large-e.g., shopping centers, convenience stores, retail sales establishments, and heavier commercial uses (subject to approval of a Special Use Permit (see Section 30-2.C.7)). The district is typically located along major arterials, at the intersection of arterials, and along growth corridors identified in City plans. Higher-density residential uses are encouraged on the upper floors of nonresidential establishments, and may exist as stand-alone buildings as part of a larger horizontal mixed- use development. The district is subject to standards intended to ensure development is compatible with surrounding uses as well as the design standards in Article 30-5: Development Standards.

The proposed zoning district is compatible with the area, as this district requires uses in keeping with the City's Future Land Use Plan. This rezoning would not present the issue of spot-zoning.

The proposed zoning district is compatible with the area as similar County zoning already exists in the area.

#### Land Use Plan Analysis:

According to Future Land Use Map & Plan, this area is recommended to be developed as Industrial/Employment Center (EC), which is best described as high intensity nonresidential uses with high impact or likelihood for nuisance. Regional employment centers including larger industrial uses or business parks.

The entire subject property is located within the Fayetteville Municipal Influence Area and is located within an Area of Consideration for Future Annexation as adopted by the City Council on August 23, 2010.

#### Consistency and Reasonableness Statements:

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

#### **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. Approval of the map amendment to CC. (recommended);
2. Approval of the map amendment to a more restrictive zoning district.
3. Move to deny the map amendment request.

#### **Recommended Action:**

The Zoning Commission and Professional Planning Staff recommend that the City Council move to Approve this initial zoning/map amendment to CC based on the following:

- The proposed zoning map amendment implements many of the policies adopted in the Future Land Use Plan (FLUP), and the Unified Development Ordinance. The Future Land Use Plan calls for Industrial/Employment Center, which is best described as high intensity nonresidential uses with high impact or likelihood for nuisance. Regional employment centers including larger industrial uses or business parks.
- The uses permitted by the CC zoning district classification and standards apply to such use and will be 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 Statements