



## Legislation Text

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File #: 23-3697, Version: 1

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

**THRU:** Kelly Olivera, ACM  
Dr. Gerald Newton, AICP - Development Services Director

**FROM:** Will Deaton, AICP - Planning and Zoning Division Manager  
Demetrios Moutos, Planner I

**DATE:** November 27, 2023

**RE:**  
**AX23-05:** The owners of the following address are petitioning to annex into the corporate limits of the City of Fayetteville one contiguous parcel totaling 20.97 ± acres. This parcel is located on the eastern side of McArthur Road at 0 Jossie Street and can be further identified by PIN #: 0520-79-5388 and REID #: 0520795388000.

**COUNCIL DISTRICT(S):**  
Prospective Council District: Kathy Jensen

### **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.

### **Executive Summary:**

The owners of the subject property are submitting a petition for annexation into the corporate limits of the City of Fayetteville. They propose to zone a single parcel, comprising approximately 20.97 acres, as Mixed Residential 5 (MR-5). This parcel is situated on the east side of McArthur Road on the north side of Jossie Street, and is identified by PIN #: 0520-79-5388 and REID #: 0520795388000.

The Zoning Commission conducted a legislative hearing on November 14, 2023. The Zoning Commission unanimously voted (5-0) to recommend the approval of the proposed map amendment.

### **Background:**

The subject property, granted to the Joseph Griffin Sr. Revocable Trust Agreement in October 2007, has remained undeveloped since at least 1968, as indicated by available aerial photography. Surrounding the property, the northern area features a single-family subdivision under County Zoning as R6 Residential District, while the southern side comprises single-family dwellings with a mix of R6 and R6A zoning. To the east, there are single-family dwellings, a cell tower, and open space (County Zoning RR), and to the west, the land is zoned as R6A Residential District, hosting single-family dwellings.

According to the Future Land Use Map, this parcel has been identified for development as “primarily single -family residential neighborhoods with small lots (3-6 dwellings per acre). Duplexes or townhomes may be interspersed, and low-rise apartments are also a possibility. While there is a predominant auto-oriented design, some areas may feature walkable neighborhoods and destinations.” This land is classified under the Medium Density Residential (MDR) designation. The Mixed Residential 5 (MR-5) district allows for uses that fit within this category of land uses.

Attached to this report is a Basic Information Sheet summarizing the site’s existing conditions and required development conditions.

**Issues/Analysis:**

Compliance with North Carolina General Statute §160A-58.1 Petition for annexation; standards.

A determination of petition sufficiency was made by the Real Estate Department on September 19, 2023. Please see attached memorandum. Additionally, the petitioner submitted an application that meets the standards for non-contiguous annexation as outlined by GS §160A-58.1.

Compliance with Development Standards of the UDO

The site is currently undeveloped and is in compliance with the dimensional standards for a lot in the proposed Mixed Residential 5 (MR-5) zoning district. All future development will be subject to the standards set forth in the Unified Development Ordinance and enforced through site plan and building plan review.

Effective Date:

The North Carolina General Statutes require that voluntary petitions of contiguous and noncontiguous areas be annexed immediately or on June 30 after the date of passage of the ordinance, or on June 30 of the following year after the date of passage of the ordinance.

Financial Impact of Annexation:

If the parcel is annexed, the tax burden for the property will increase due to the inclusion of city taxes in addition to the current county tax rate. If annexed into the City of Fayetteville, the burden of the property owner’s county tax rate will be reduced by the county’s fire district tax, special fire tax and the county’s recreation tax.

**Budget Impact:**

Please see the attached Appendix A, which summarizes the financial impact of the provision of services and the assumed tax revenue that the City will receive as a result of annexation. The figures provided assume an annexation date of November 27, 2023.

**Options:**

1. Adopt the annexation ordinance with an effective date of November 27, 2023, this option validates the final action taken by Council on the initial zoning;
2. Adopt the annexation ordinance with an effective date of June 30, 2024, this option validates the final action taken by Council on the initial zoning;
3. Do not adopt the annexation ordinance. This option would mean that the initial zoning would not occur and the parcel would remain outside corporate limits;
4. Defer action and table the annexation petition for further review and discussion.

**Recommended Action:**

Staff recommends Option 1, that the Council move to adopt the proposed ordinance annexing the parcel with an effective date of November 27, 2023 and establish the initial zoning consistent with prior action taken by council concerning the map amendment.

**Attachments:**

1. Appendix A-Summary of Services, Costs, and Revenues
2. Aerial Map
3. Legal Description
4. Basic Information Sheet
5. Sufficiency Memo
6. Draft Ordinance
7. Subject Property
8. Surrounding Properties
9. City Council Presentation