



FAYETTEVILLE CITY COUNCIL
AGENDA
AUGUST 22, 2011
7:00 P.M.
CITY HALL COUNCIL CHAMBER

1.0 CALL TO ORDER

2.0 INVOCATION

3.0 PLEDGE OF ALLEGIANCE

4.0 APPROVAL OF AGENDA

5.0 ANNOUNCEMENTS AND RECOGNITIONS

6.0 CONSENT

- 6.1 **Case No. P11-21F.** Request for rezoning from R10 Residential District to OI Office and Institutional District in the Hospital Area Overlay District, on property located at 3410 Village Drive. Containing 0.50 acres more or less and being the property of Michael A. Leke.

7.0 PUBLIC HEARINGS

For certain issues, the Fayetteville City Council may sit as a quasi-judicial body that has powers resembling those of a court of law or judge. The Council will hold hearings, investigate facts, weigh evidence and draw conclusions which serve as a basis for its decisions. All persons wishing to appear before the Council should be prepared to give sworn testimony on relevant facts.

- 7.1 **Case No. P11-11F.** Request for rezoning from SF-6 Residential District to LC Limited Commercial District on property located at 120 Lock Trail. Containing 0.39 acres more or less and being the property of Anna B. Singleton.

Presenter(s): Craig Harmon, Planner II

- 7.2 **Case No. P11-12F.** Request for a Special Use Permit (SUP) for Child Care Center in the OI Office / Institutional zoning in the Hospital Area Overlay District, on property located at 3401 Village Drive and 1802 Conover Drive. Containing 0.36 and 0.48 acres more or less and being the property of Kavu, LLC Series 4 and Edward D. Lowry.

Presenter(s): Craig Harmon, Planner II

7.3 Case No. P11-13F. Request for rezoning from SF-10 Residential District to MR-5/CZ Residential District/Conditional Zoning district to develop 78 duplex apartments on property located North of Fisher Road. Containing 8.29 acres more or less and being the property of Willie J Sigler and wife Gabriele. **Staff asks that this item be tabled indefinitely in order to be reviewed under the UDO standards.**
Presenter(s): Craig Harmon, Planner II

7.4 **Case No. P11-15F.** Request for rezoning from HI Heavy Industrial District to MR-5 Mixed Residential District on property located along Grace Avenue (east side of Old Wilmington Rd.). Containing 1 acre more or less and being the property of the City of Fayetteville.
Presenter(s): Craig Harmon, Planner II

7.5 **Case No. P11-18F.** Request for rezoning from AR Agricultural Residential District to SF-6 Residential District on property located at Cliffdale Road & Lowell Harris Road. Containing 29.42 acres more or less and being the property of Retha H. Newton.

Presenter(s): Craig Harmon, Planner II

7.6 **Case No. P11-19F.** Request for a Special Use Permit (SUP) for a Collision Center in the CC Community Commercial District on property located at 5510 Cliffdale Road. Containing 3.3 acres more or less and being the property of Harris Wholesale Inc.

Presenter(s): Craig Harmon, Planner II

7.7 **Case No. P11-20F.** Request for rezoning from LC Commercial District to MR-5 Residential District on property located at 4049 Rosehill Road. Containing 2.33 acres more or less and being the property of Carrie C. Andrews.

Presenter(s): Craig Harmon, Planner II

8.0 ADJOURNMENT

CLOSING REMARKS

POLICY REGARDING NON-PUBLIC HEARING AGENDA ITEMS

Anyone desiring to address the Council on an item that is not a public hearing must present a written request to the City Manager by 10:00 a.m. on the Wednesday preceding the Monday meeting date.

POLICY REGARDING PUBLIC HEARING AGENDA ITEMS

Individuals wishing to speak at a public hearing must register in advance with the City Clerk. The Clerk's Office is located in the Executive Offices, Second Floor, City Hall, 433 Hay Street, and is open during normal business hours. Citizens may also register to speak immediately before the public hearing by signing in with the City Clerk in the Council Chamber between 6:30 p.m. and 7:00 p.m.

POLICY REGARDING CITY COUNCIL MEETING PROCEDURES SPEAKING ON A PUBLIC AND NON-PUBLIC HEARING ITEM

Individuals who have not made a written request to speak on a nonpublic hearing item may submit written materials to the City Council on the subject matter by providing twenty (20) copies of the written materials to the Office of the City Manager before 5:00 p.m. on the day of the Council meeting at which the item is scheduled to be discussed.

**COUNCIL MEETING WILL BE AIRED
AUGUST 8, 2011 - 7:00 PM
COMMUNITY CHANNEL 7**

**COUNCIL MEETING WILL BE RE-AIRED
AUGUST 10, 2011 - 10:00 PM
COMMUNITY CHANNEL 7**

Notice Under the Americans with Disabilities Act (ADA): *The City of Fayetteville will not discriminate against qualified individuals with disabilities on the basis of disability in the City's services, programs, or activities. The City will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City's programs, services, and activities. The City will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all City programs, services, and activities. Any person who requires an auxiliary aid or service for effective communications, or a modification of policies or procedures to participate in any City program, service, or activity, should contact the office of Ron McElrath, ADA Coordinator, at rmcelrath@ci.fay.nc.us, 910-433-1696, or the office of the City Clerk at cityclerk@ci.fay.nc.us, 910-433-1989, as soon as possible but no later than 72 hours before the scheduled event.*

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, Planner II
DATE: August 22, 2011
RE: **Case No. P11-21F. Request for rezoning from R10 Residential District to OI Office and Institutional District in the Hospital Area Overlay District, on property located at 3410 Village Drive. Containing 0.50 acres more or less and being the property of Michael A. Leke.**

THE QUESTION:

Does the proposed rezoning to Office and Institutional fit with the character of the neighborhood and the long range plans of the city of Fayetteville?

RELATIONSHIP TO STRATEGIC PLAN:

Growth and Development

BACKGROUND:

Owner: Michael A. Leke, MD
Applicant: Same
Requested Action: SF-10 to O&I
Property Address: 3410 Village Drive
Status of Property: Developed size: 0.50 acres +/-
Existing Land Use: Residential
Letters Mailed: 26

2010 Land Use Plan: Office
Hospital Area Plan: Office and Institutional

SF-10. The Single-Family Residential 10 (SF-10) District is established to accommodate principally single-family detached residential development at low densities, and to accommodate flexibly-designed residential development that provides variable housing types and arrangements that respond to environmental and site conditions. Uses within the district are subject to the design standards in Article 30-5: Development Standards. The district accommodates two- to four-family dwellings designed to appear as single-family detached homes and zero lot line development subject to the requirements of this Ordinance. District regulations discourage any use that substantially interferes with the development of single-family dwellings and that is detrimental to the quiet residential nature of the district. Also allowed are complementary uses usually found in residential zoning districts, such as parks, open space, minor utilities, accessory dwellings of up to 800 square feet in size, schools, and places of worship.

O&I. The Office & Institutional (OI) District is established and intended to accommodate a mix of small-scale, low-intensity professional and business offices and institutions, together with limited service uses, single family detached, single-family attached, and multi-family residential uses in close proximity to one another, subject to design and compatibility standards. The districts are generally near residential neighborhoods and often serve as a buffer or transition between neighborhoods and more intense business districts. Uses in the district are subject to the design standards in Article 30-5: Development Standards. In many cases, OI districts are evolving from land that was once primarily residential in character, and as such, office and institutional uses should be configured for consistency with surrounding residential uses in physical design, scale, and character.

ISSUES:

This property is located on Village in an area designated for Office and Institutional use by both the 2010 Land Use Plan and the Hospital Area Overlay Plan. Dr. Leke wishes to build a new medical

office on this property. He does have just over the minimum lot size of 20,000 square feet required by the Hospital Overlay District.

Zoning Commission recommended approval. 5-0.

BUDGET IMPACT:

The City would be required to provide an increase in public services that should be offset by the increase this development would bring to the City's tax base.

OPTIONS:

- 1) Approval of rezoning as presented by staff (recommended);
- 2) Approval of rezoning with additional conditions offered by the applicant;
- 3) Denial of the rezoning request.

RECOMMENDED ACTION:

Staff and Zoning Commission Recommendation: Recommends that the Zoning Commission move to APPROVE the rezoning to Office and Institutional as presented by staff.

ATTACHMENTS:

Zoning Map

2010 Plan

Current Landuse

Hospital Area Plan Map

**ZONING COMMISSION
CASE NO. P11-21F**



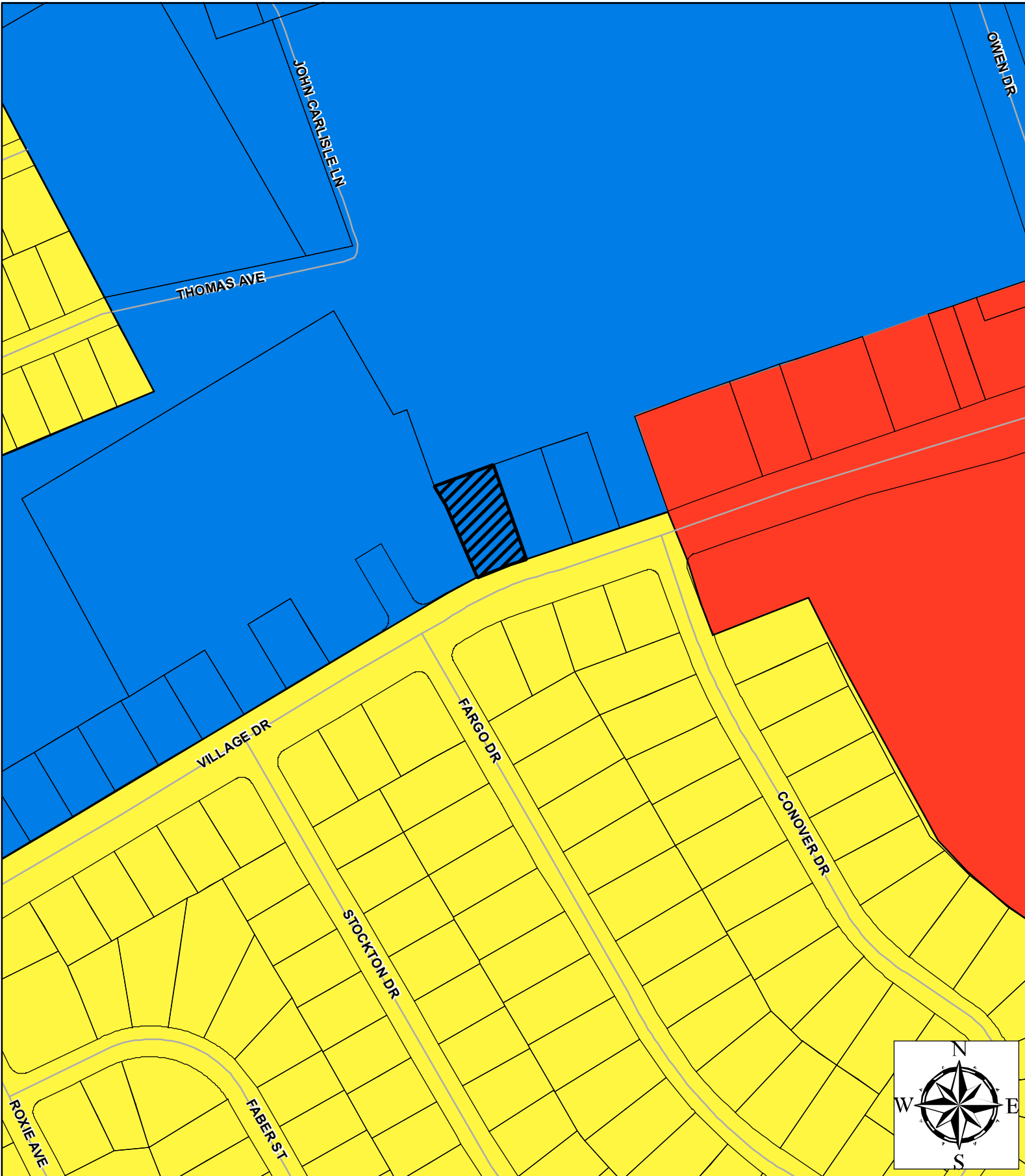
Request: Rezoning
Location: North side of Village Drive.
Acreage: +/- .50 acres

Zoning Commission: 08/09/2011 **Recommendation:** _____
City Council: _____ **Final Action:** _____
Pin: 0416-95-5885

Letters are being sent to all property owners within the circle, the subject property is shown in the hatched pattern.

2010 Land Use Plan

Case No. P11-21F



Legend

Medium Density Residential

Office / Institutional

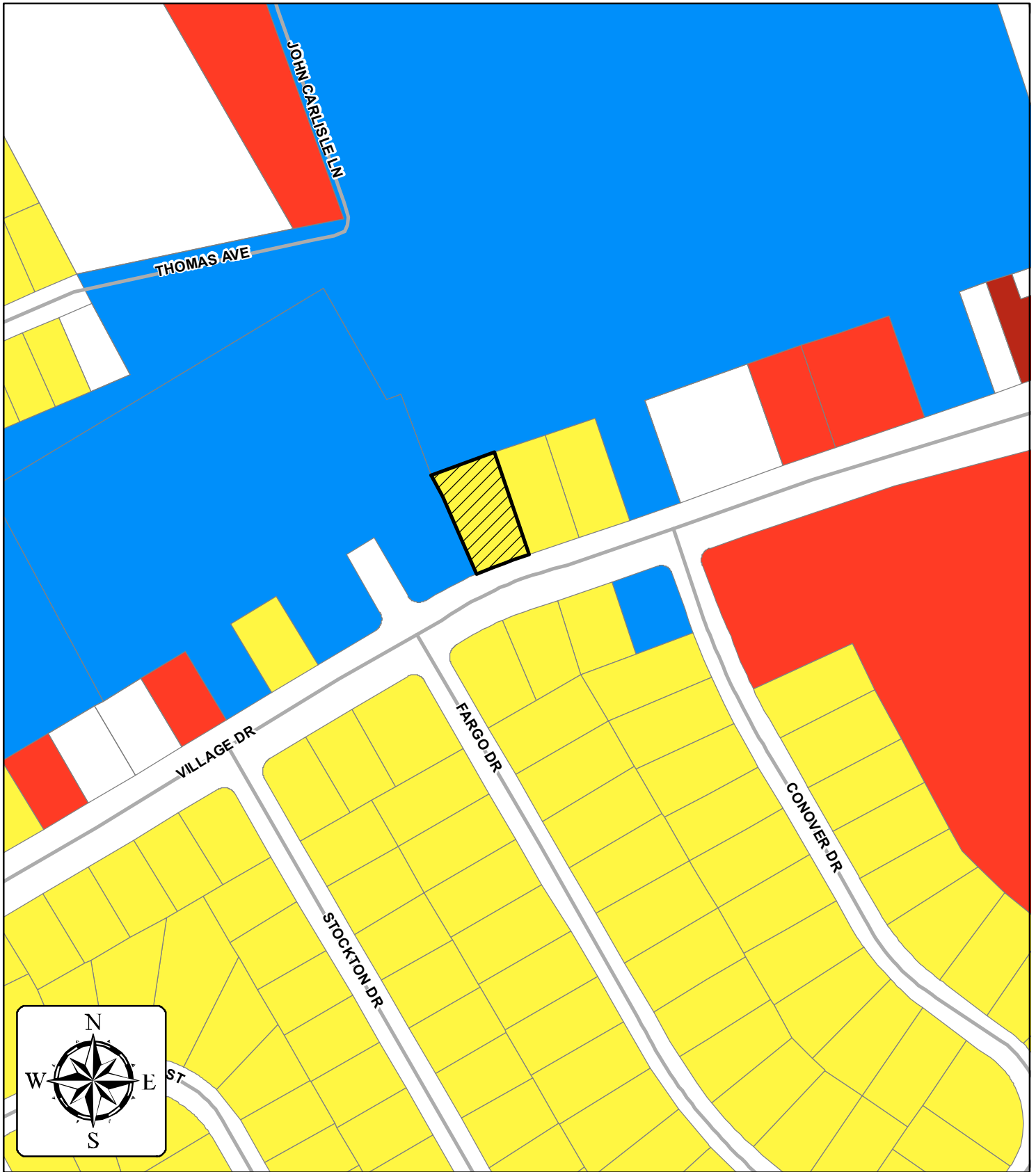
Governmental

Light Commercial

6-1-2-1 Heavy Commercial

Low Density Residential

Current Land Use
P11-21F



Legend

Existing Landuse	Common Area	Group Quarters	Industrial	Multi-Family	Open Space	Communications-Utilities	Vacant Commercial
Single Family Detached	Commercial	Golf Course	Institutional	Mobile Home	Parking	Under Construction	Not Verified
Single Family Attached	Cemetery	Government Office	Lake	Mobile Home Park	Predominantly Vacant	Vacant Land	Null PIN

Hospital Area Plan



CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, Planner II
DATE: August 22, 2011
RE: **Case No. P11-11F. Request for rezoning from SF-6 Residential District to LC Limited Commercial District on property located at 120 Lock Trail. Containing 0.39 acres more or less and being the property of Anna B. Singleton.**

THE QUESTION:

Does the proposed rezoning to Limited Commercial fit the with the character of the neighborhood and the long range plans of the City of Fayetteville?

RELATIONSHIP TO STRATEGIC PLAN:

Growth and Development

BACKGROUND:

Owner: Gary L. Strickland, Sr.
Applicant: William B. Snively
Requested Action: R6 to C-1
Property Address: 120 Lock Trail
Status of Property: Developed
Size: 0.37 acres +/-
Existing Land Use: Rental Dwelling
Letters Mailed: 146

2010 Landuse Plan: Heavy Industrial

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 subject to the requirements of this Ordinance. All uses in the district are subject to the design standards in Article 30-5: Development Standards. District regulations discourage any use that substantially interferes with the development of single-family dwellings and that is detrimental to the quiet residential nature of the district. Also allowed are complementary uses usually found in residential zoning districts, such as parks, open space, minor utilities, accessory dwellings, schools, and places of worship.

The Limited Commercial (LC) District is established and intended to accommodate a wider range of moderate-intensity general retail, business, and service uses that serve groups of neighborhoods instead of just an individual neighborhood—e.g., grocery stores, drugstores, large restaurants, gas stations, and higher order retail uses like specialty stores. The district is not intended to accommodate intensive commercial or other business uses. Residential uses are encouraged on the upper floors of nonresidential establishments. The district is subject to standards intended to ensure development is compatible with surrounding residential neighborhoods.

ISSUES:

There is Limited Commercial zoning on 2 sides of this parcel and a major road on a third side. The remodeling business at the corner of Cedar Creek Rd and Clinton Rd wishes to use this property as additional parking for its existing building and new warehouse.

Property currently has a rental house that will be removed if the rezoning is approved.

Zoning Commission recommended approval. 5-0.

BUDGET IMPACT:

This is a small lot and little to no increase in cost of providing public services and this should not affect the City's tax base greatly.

OPTIONS:

- 1) Approval of rezoning as presented by staff (recommendation);
- 2) Approval of rezoning to a more restrictive zoning district;
- 3) Denial of the rezoning request.

RECOMMENDED ACTION:

Staff and Zoning Commission Recommendation: Recommends that the City Council move to APPROVE the rezoning to Limited Commercial as recommended by staff.

ATTACHMENTS:

Zoning Map
2010 Plan
Current Landuse

**ZONING COMMISSION
CASE NO. P11-11F**



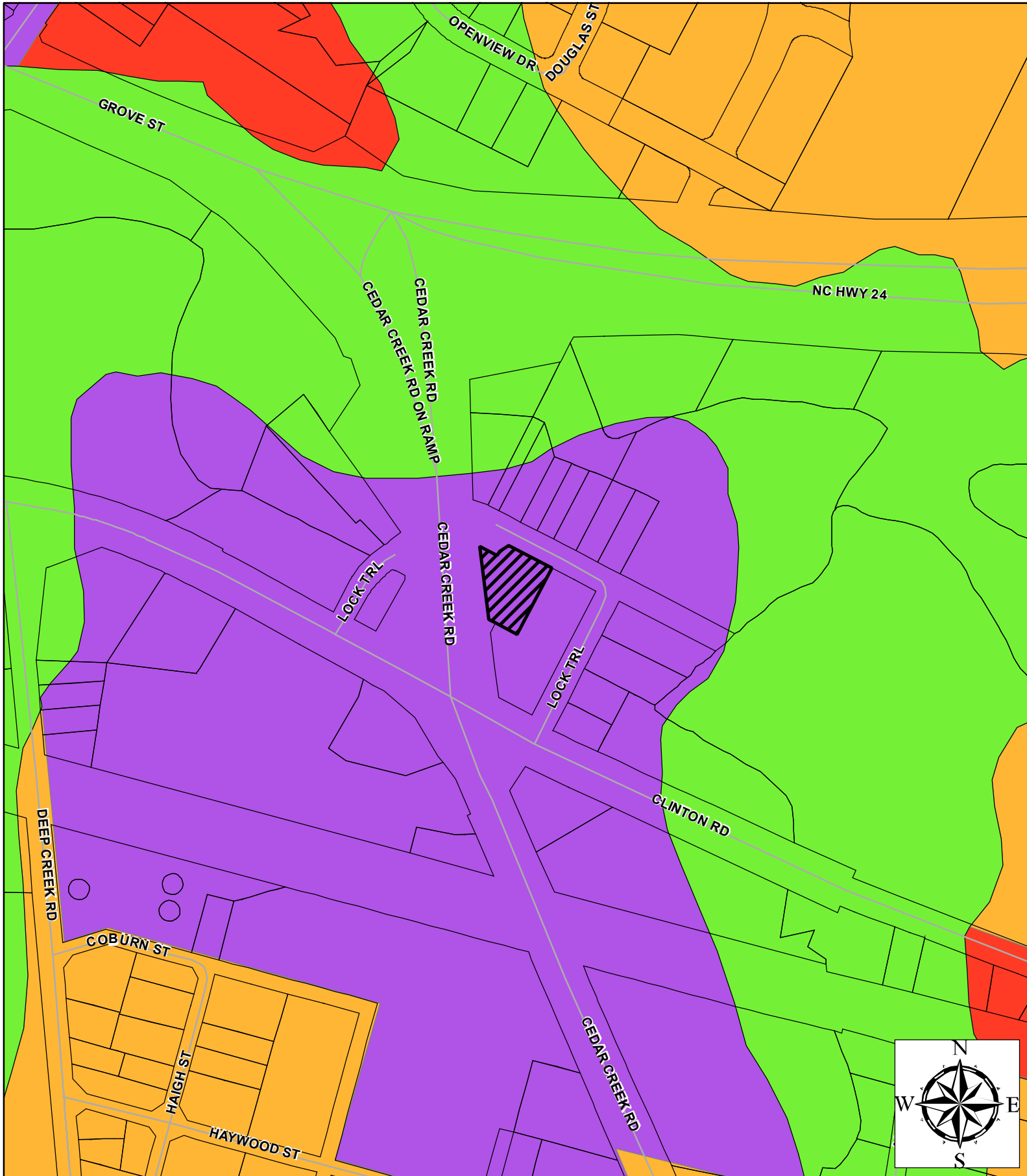
Request: Rezoning
Location: South side of Lock Trail.
Acreage: +/- 3.0 acres

Zoning Commission: 08/09/2011 **Recommendation:** _____
City Council: _____ **Final Action:** _____
Pin: 0447-41-4863

Letters are being sent to all property owners within the circle, the subject property is shown in the hatched pattern.


2010 Land Use Plan

Case No. P11-11F



Legend

 Medium Density Residential

 Office / Institutional

 Governmental

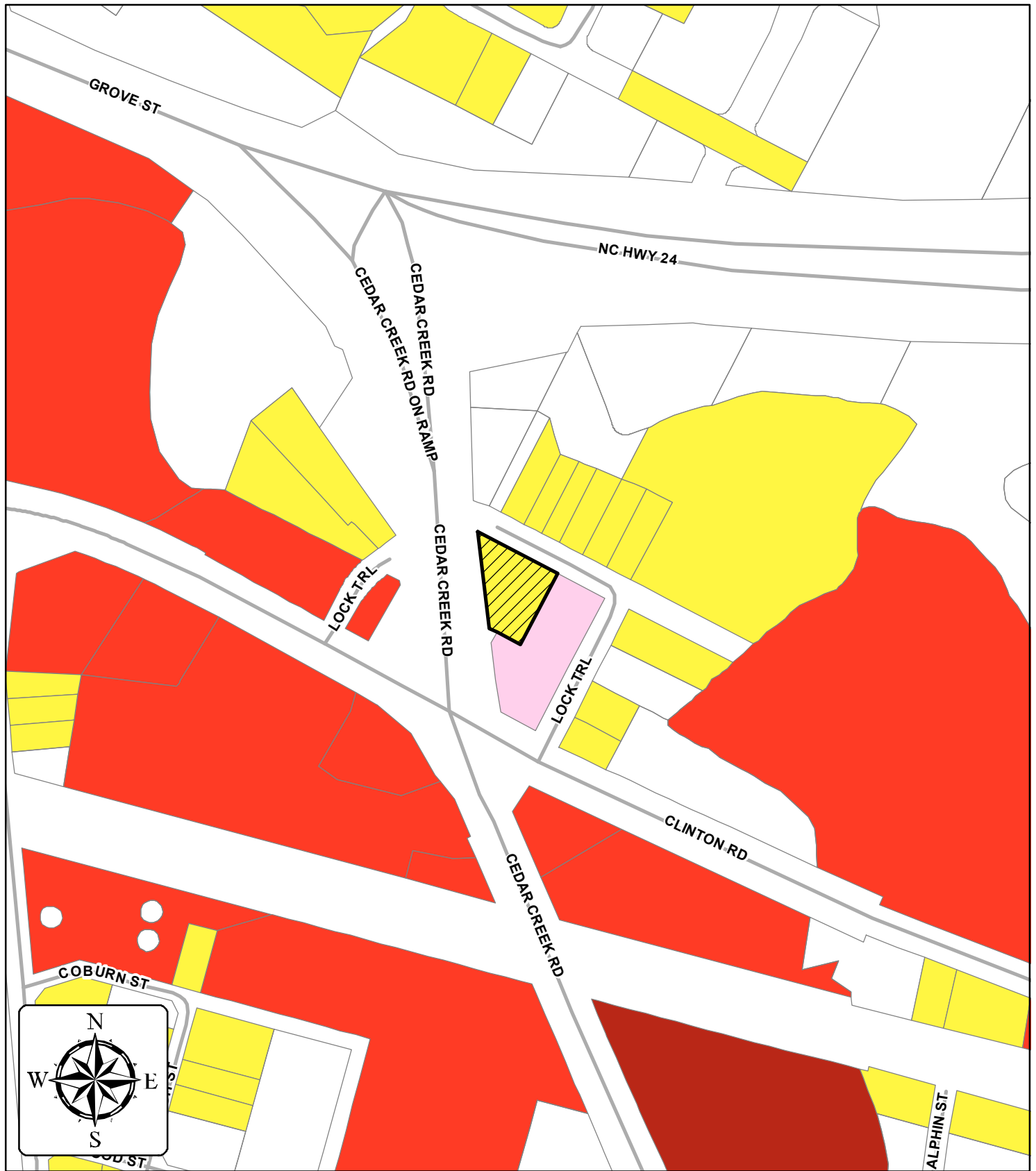
 Light Commercial

 Heavy Commercial

 Low Density Residential

Current Land Use

P11-11F



Legend

Existing Landuse	Common Area	Group Quarters	Industrial	Multi-Family	Open Space	Communications-Utilities	Vacant Commercial
Single Family Detached	Commercial	Golf Course	Institutional	Mobile Home	Parking	Under Construction	Not Verified
Single Family Attached	Cemetery	Government Office	Lake	Mobile Home Park	Predominantly Vacant	Vacant Land	Null PIN

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, Planner II
DATE: August 22, 2011
RE: **Case No. P11-12F. Request for a Special Use Permit (SUP) for Child Care Center in the OI Office / Institutional zoning in the Hospital Area Overlay District, on property located at 3401 Village Drive and 1802 Conover Drive. Containing 0.36 and 0.48 acres more or less and being the property of Kavuu, LLC Series 4 and Edward D. Lowry.**

THE QUESTION:

Does the proposed Special Use Permit fit with the nature and character of the surrounding neighborhood?

RELATIONSHIP TO STRATEGIC PLAN:

Growth and Development

BACKGROUND:

Owner: KAAVU, LLC, Series #4 and KAAVU, LLC, Series #6
Applicant: Same
Requested Action: SUP Child Care Center
Property Address: 3401 Village Drive and 1802 Conover Drive
Status of Property: Developed
Size: 0.84 acres +/-
Existing Land Use: Office
Letters Mailed: 44

Hospital Area Plan: Office and Institutional

30-4B.4(b) Day Care

(1) Characteristics The Day Care Use Category is characterized by use types that provide care, protection, and supervision for children or adults on a regular basis away from their primary residence, and typically for less than 24 hours per day. Care can be provided during daytime or nighttime hours. Accessory uses include offices, food preparation, recreation areas, and parking.

(2) Examples Example use types include adult day care centers and child care centers.

(3) Exceptions The Day Care Use Category does not include incidental child care within a primary residence, drop-in or short-term day care provided in connection with employment or shopping center, recreational facility, religious institution, hotel, or other principal use, where children are temporarily cared for while parents or guardians are employed part-time or temporarily occupied on the premises or in the immediate vicinity.

ISSUES:

In the new O&I (Office and Institutional) district under the UDO, Child Care Centers are a permitted use. The area currently zoned SF-6, however does still require a Special Use Permit (SUP). The applicant intends to use both the existing office building fronting Village Drive and the home behind it on Conover Drive for the Center. Attached please find a copy for the site plan for the proposed development. Some modifications may still occur after review by the TRC (Technical Review Committee).

The closest Child Care Center is over 1,000' away. The UDO requires a minimum 500ft separation. The SUP is to be conditioned to the attached site plan with any modifications as required by City or State code.

Zoning Commission recommended approval. 5-0.

The Zoning Commission found that the applicant had met all 8 findings as listed below:

Special Use Permit Standards

A Special Use Permit shall be approved only upon a finding that all of the following standards are met:

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

BUDGET IMPACT:

This is a small lot and little to no increase in cost of providing public services and this should not affect the City's tax base greatly.

OPTIONS:

- 1) Approval of the SUP as presented by staff (Recommended);
- 2) Approval of the SUP with added conditions;
- 3) Denial of the SUP request.

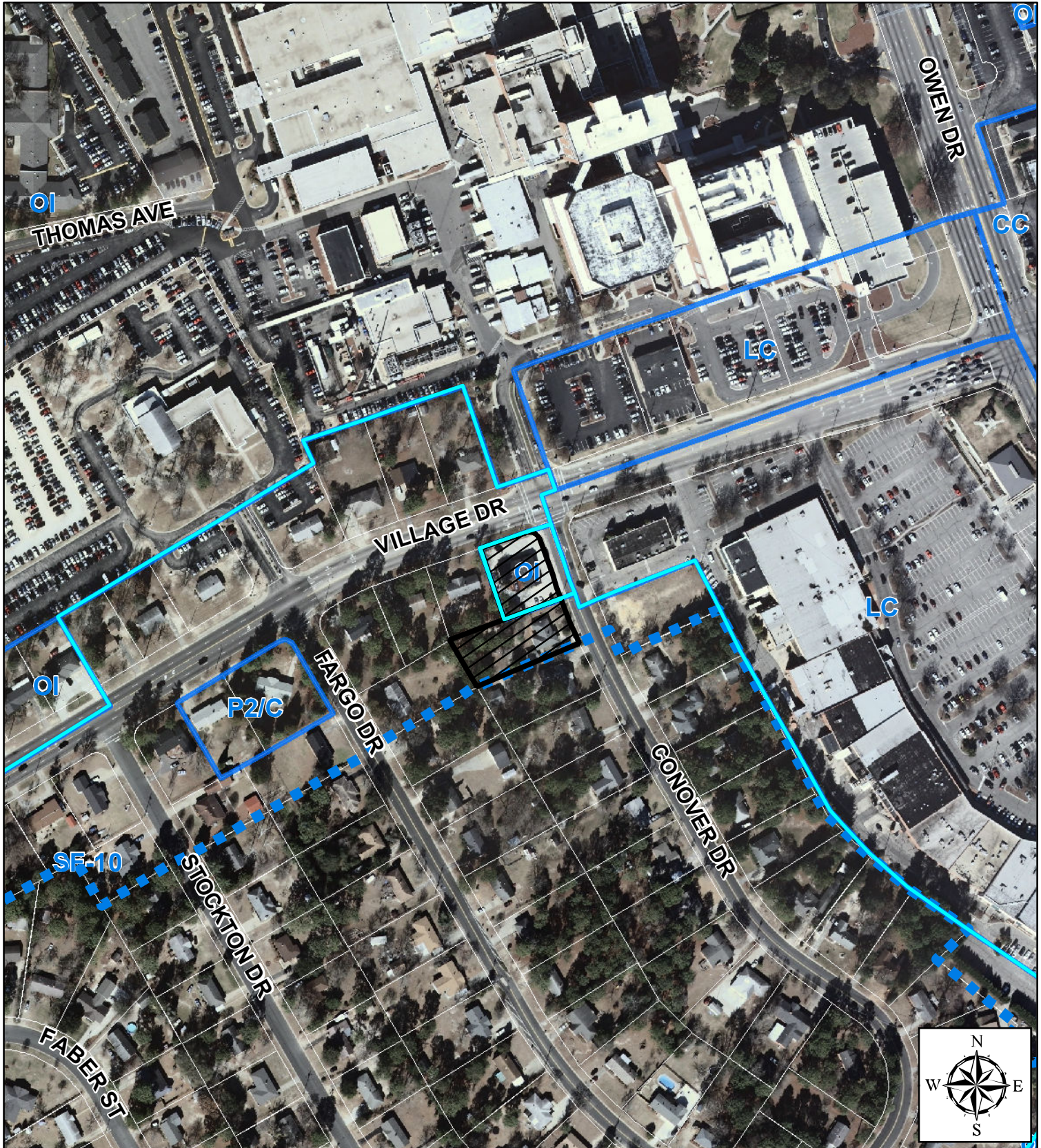
RECOMMENDED ACTION:

Zoning Commission Recommends: That the City Council move to APPROVE the Special Use Permit based on the eight required findings of fact being found in the affirmative.

ATTACHMENTS:

- Zoning Map
- Current Landuse
- 2010 Plan
- Site Plan

**ZONING COMMISSION
CASE NO. P11-12F**

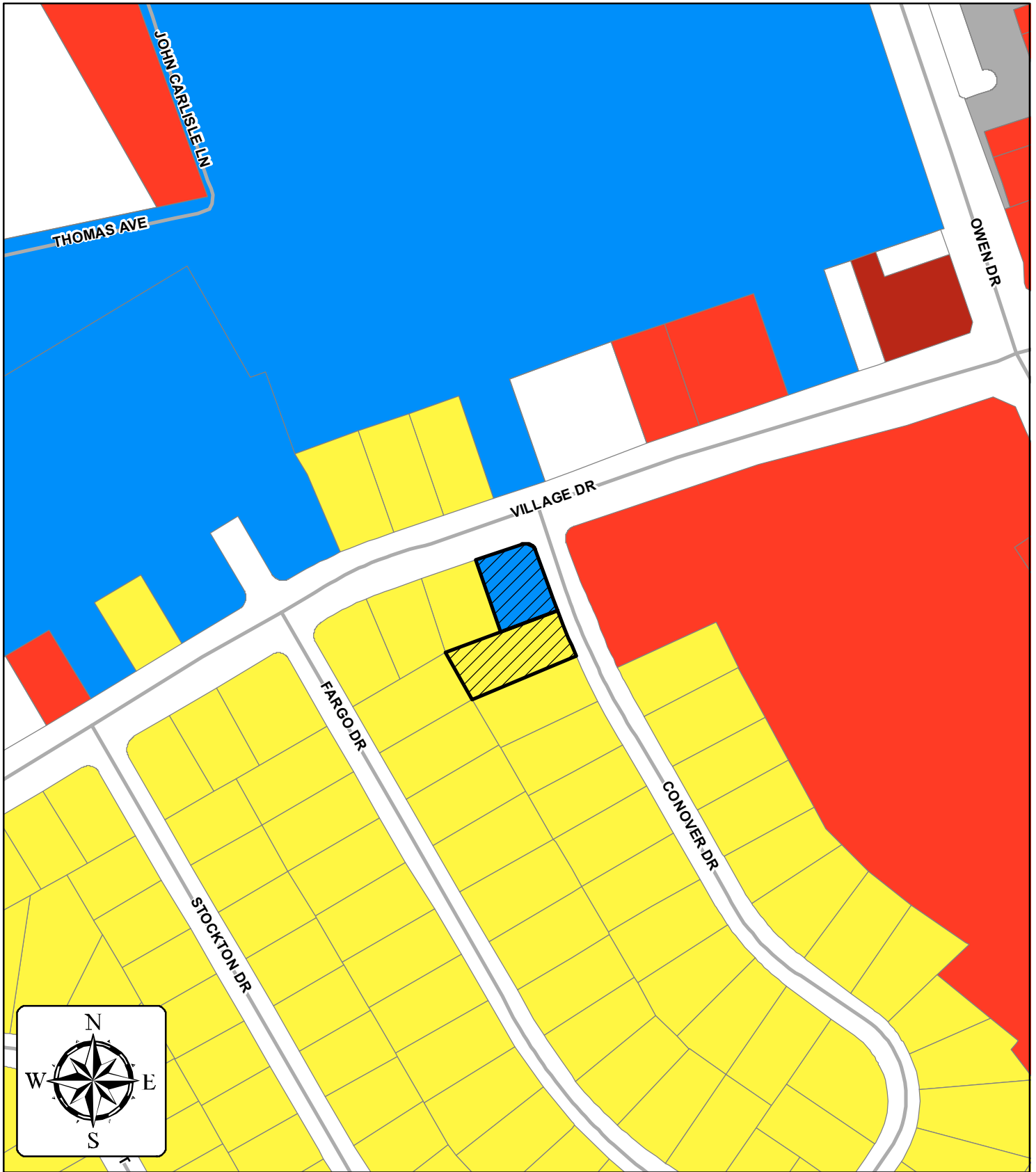


Request: Special Use Permit
Location: South side of Village Drive
Acreage: +/- .84 acres

Zoning Commission: 08/09/2011 **Recommendation: _____**
City Council: _____ **Final Action: _____**
Pin: 0416-95-8697 and 0416-95-8584

Letters are being sent to all property owners within the circle, the subject property is shown in the hatched pattern.

Current Land Use
P11-12F

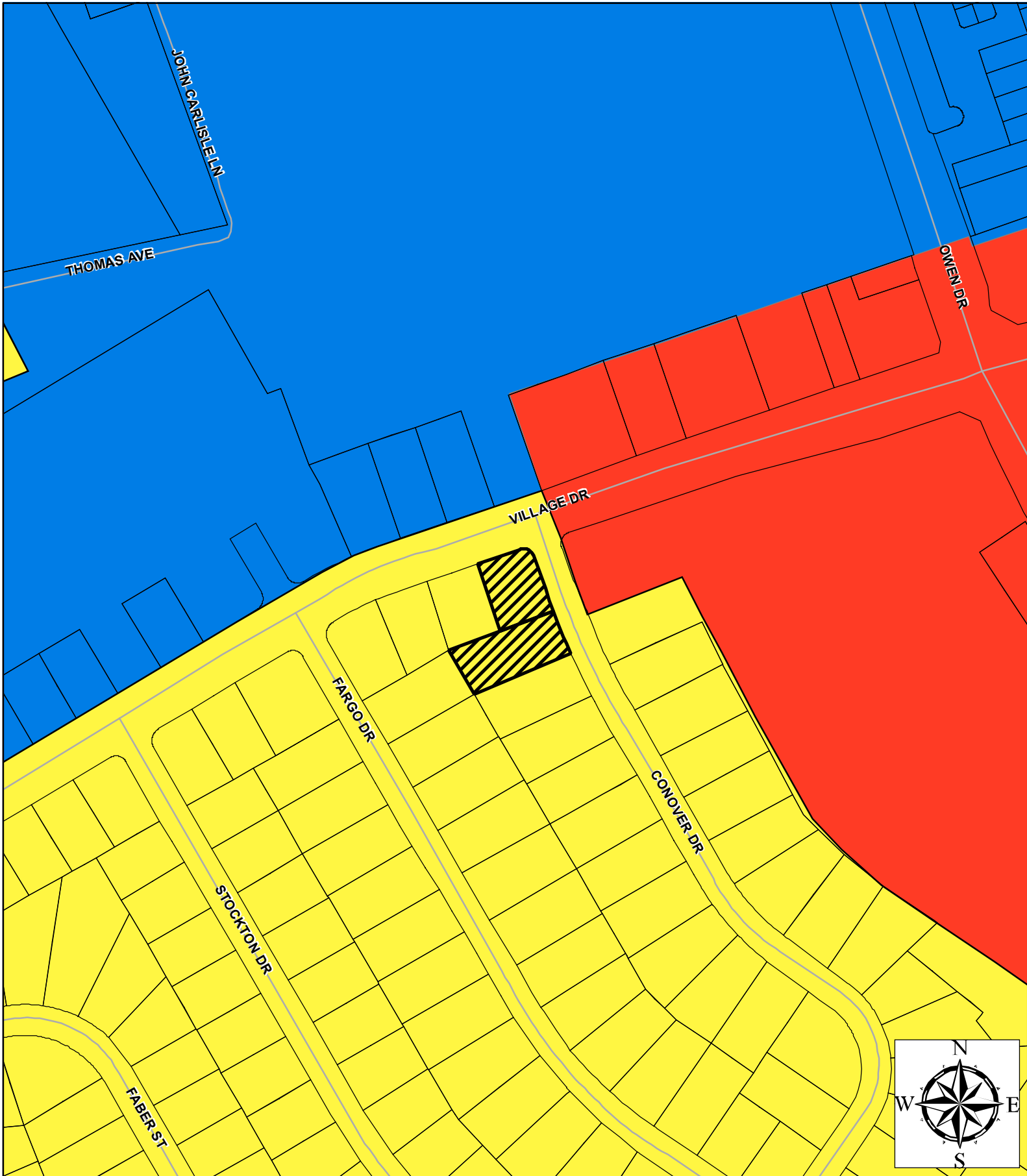


Legend







Existing Landuse	Common Area	Group Quarters	Industrial	Multi-Family	Open Space	Communications-Utilities	Vacant Commercial
Single Family Detached	Commercial	Golf Course	Institutional	Mobile Home	Parking	Under Construction	Not Verified
Single Family Attached	Cemetery	Government Office	Lake	Mobile Home Park	Predominantly Vacant	Vacant Land	Null PIN

2010 Land Use Plan

Case No. P11-12F

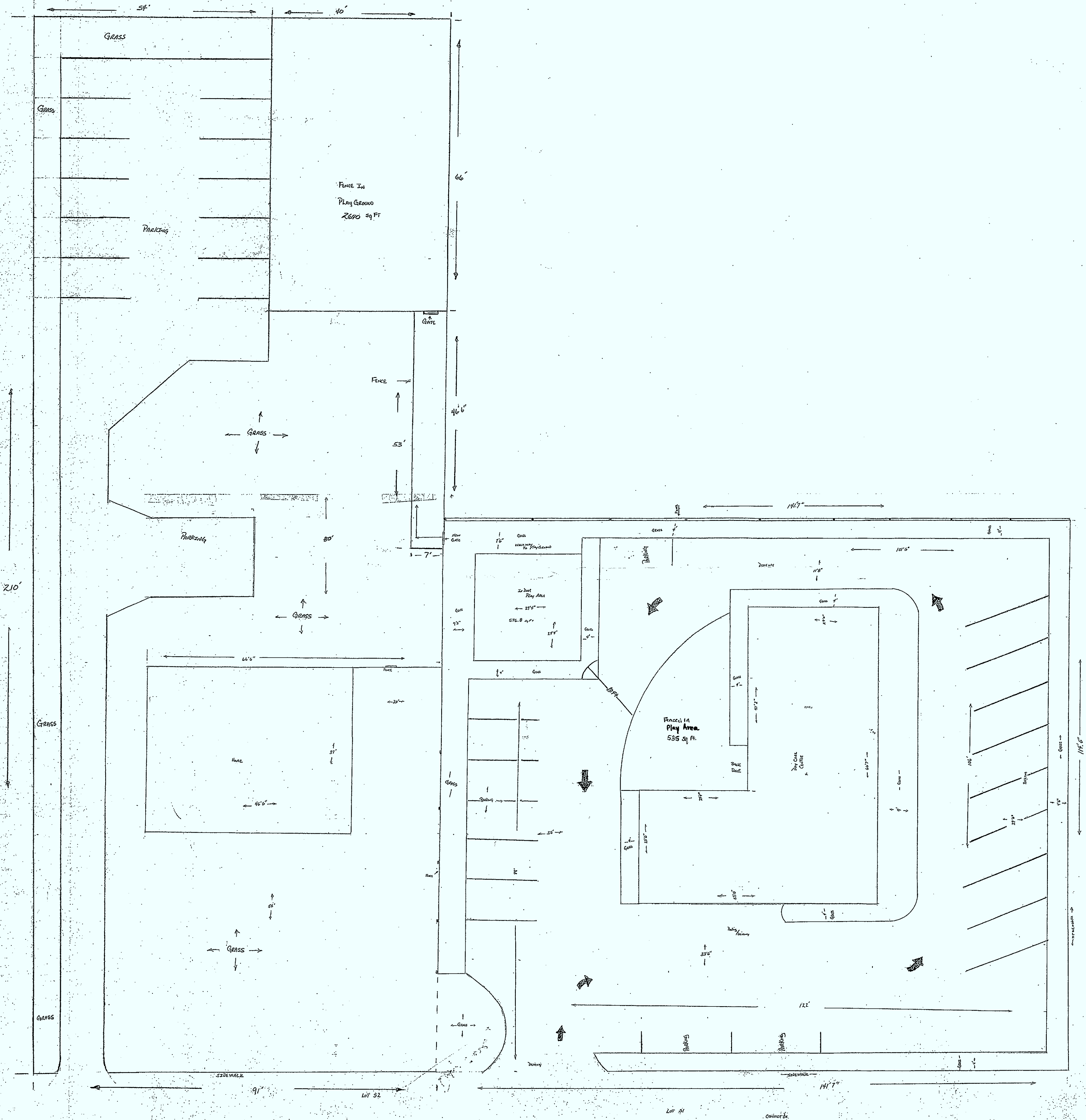


Legend

- | | | |
|--|--|---|
|  Medium Density Residential |  Office / Institutional |  Governmental |
|  Light Commercial |  Heavy Commercial |  Low Density Residential |

7-2-3-1

P11-12F



CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, Planner II
DATE: August 22, 2011
RE: **Case No. P11-13F. Request for rezoning from SF-10 Residential District to MR-5/CZ Residential District/Conditional Zoning district to develop 78 duplex apartments on property located North of Fisher Road. Containing 8.29 acres more or less and being the property of Willie J Sigler and wife Gabriele. Staff asks that this item be tabled indefinitely in order to be reviewed under the UDO standards.**

THE QUESTION:

Does the proposed rezoning to Limited fit with the character of the neighborhood and the long range plans of the city of Fayetteville?

RELATIONSHIP TO STRATEGIC PLAN:

Growth and Development

BACKGROUND:

Owner: Milo Homes, Inc.
Applicant: Milo Homes
Requested Action: SF-10 to MR-5/CZ
Property Address: North of Fisher Road
Status of Property:
Undeveloped Size: 8.29 acres +/-
Existing Land Use:
Letters Mailed: 356

2010 Land Use Plan: Medium Density Residential

SF-10. The Single-Family Residential 10 (SF-10) District is established to accommodate principally single-family detached residential development at low densities, and to accommodate flexibly-designed residential development that provides variable housing types and arrangements that respond to environmental and site conditions. Uses within the district are subject to the design standards in Article 30-5: Development Standards. The district accommodates two- to four-family dwellings designed to appear as single-family detached homes and zero lot line development subject to the requirements of this Ordinance. District regulations discourage any use that substantially interferes with the development of single-family dwellings and that is detrimental to the quiet residential nature of the district. Also allowed are complementary uses usually found in residential zoning districts, such as parks, open space, minor utilities, accessory dwellings of up to 800 square feet in size, schools, and places of worship.

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 subject to the requirements of this Ordinance. All development in the district shall comply with the design standards in Article 30-5: Development Standards. MR-5 districts may also include centrally-located open space, complementary institutional uses (e.g., religious institutions, post offices, police sub-stations), day care facilities, and limited small scale neighborhood-serving convenience retail uses.

ISSUES:

This is a conditional rezoning and is subject to the attached site plan which has been reviewed and approved by the City's Technical Review Committee. The owner is conditioning down the

requested number of units on this lot to 78 from the 346 that would be allowed without this condition. These will all be duplexes. Because of surrounding development there will only be a single point of access to this property.

This property has low density residential to the rear and a large mobile home park to the east.

Zoning Commission recommended approval. 5-0.

Proposed Conditions:

1. 78 units
2. Developed as shown on site plan

BUDGET IMPACT:

The City would be required to provide an increase in public services that should be offset by the increase 78 new housing units would bring to the City's tax base.

OPTIONS:

- 1) Approval of rezoning as presented by staff (recommended);
- 2) Approval of rezoning with additional conditions accepted by the applicant;
- 3) Denial of the rezoning request.

RECOMMENDED ACTION:

Staff and Zoning Commission Recommendation: Recommends that the City Council move to APPROVE the rezoning to Mixed Residential-5 Conditional Zoning as presented by staff.

ATTACHMENTS:

- Zoning Map
- Current Landuse
- 2010 Plan
- Site Plan

**ZONING COMMISSION
CASE NO. P11-13F**

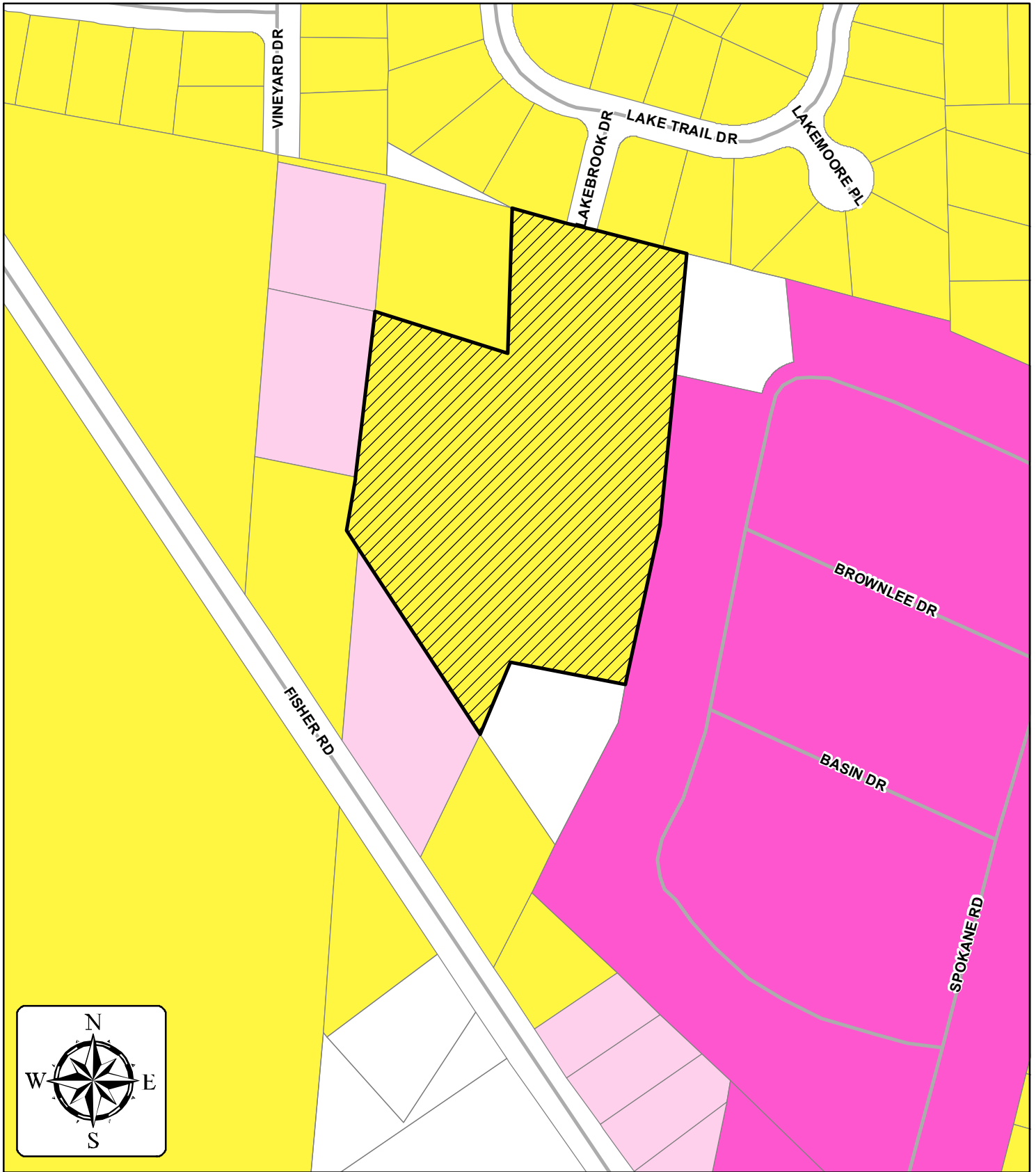


Request: Rezoning
Location: North side of Fisher Road.
Acreage: +/- 8.29 acres

Zoning Commission: 08/09/2011 **Recommendation: _____**
City Council: _____ **Final Action: _____**
Pin: 9495-99-2412

Letters are being sent to all property owners within the circle, the subject property is shown in the hatched pattern.

Current Land Use
P11-13F

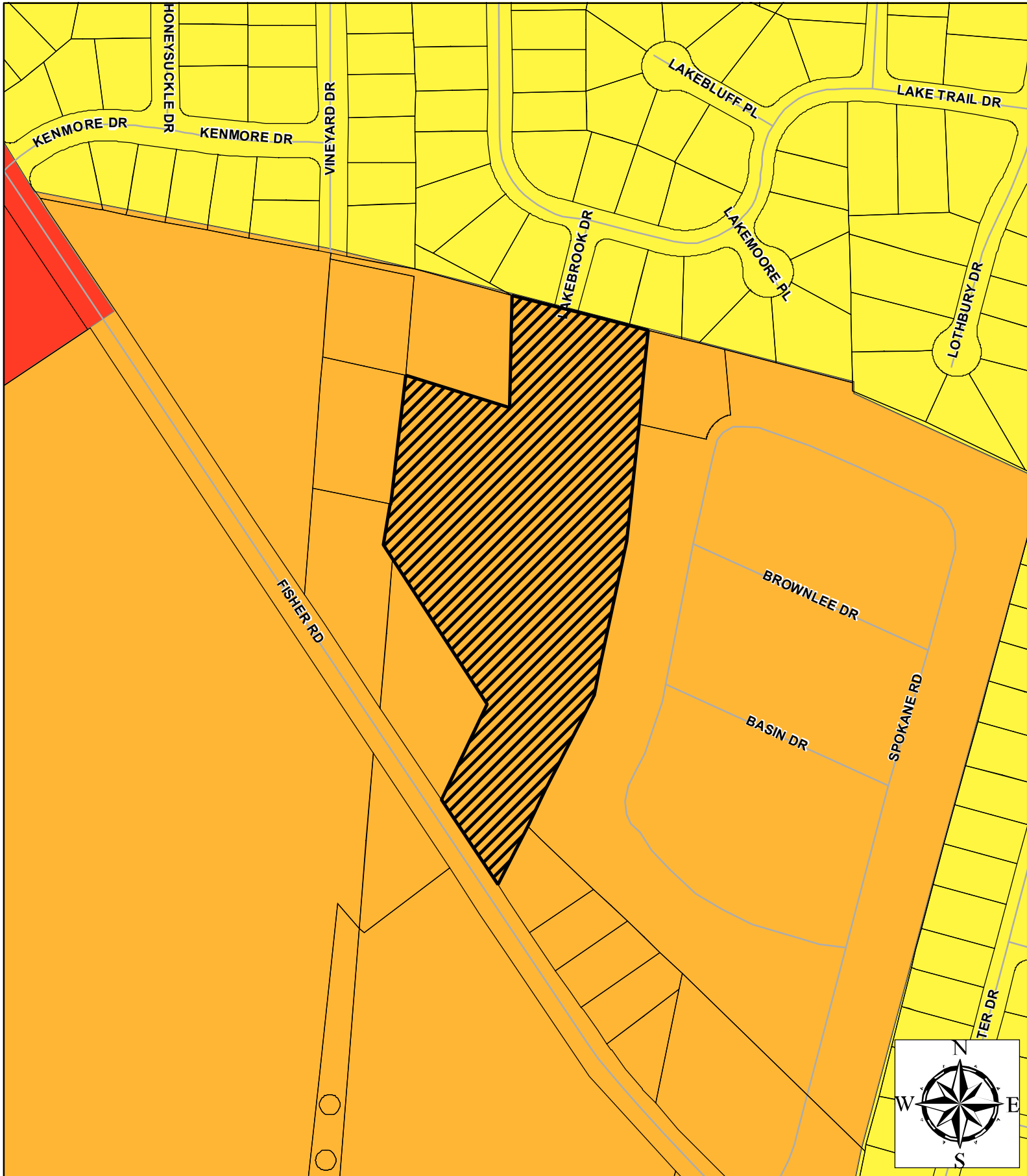


Legend







Existing Landuse	Common Area	Group Quarters	Industrial	Multi-Family	Open Space	Communications-Utilities	Vacant Commercial
Single Family Detached	Commercial	Golf Course	Institutional	Mobile Home	Parking	Under Construction	Not Verified
Single Family Attached	Cemetery	Government Office	Lake	Mobile Home Park	Predominantly Vacant	Vacant Land	Null PIN

2010 Land Use Plan

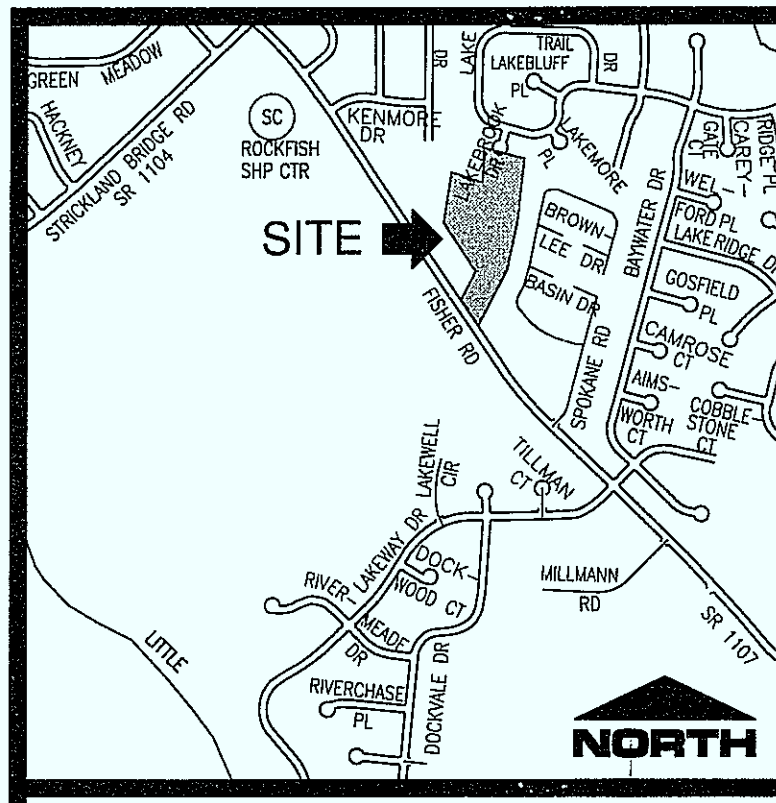
Case No. P11-13F



Legend

- | | | |
|--|--|---|
|  Medium Density Residential |  Office / Institutional |  Governmental |
|  Light Commercial |  Heavy Commercial |  Low Density Residential |

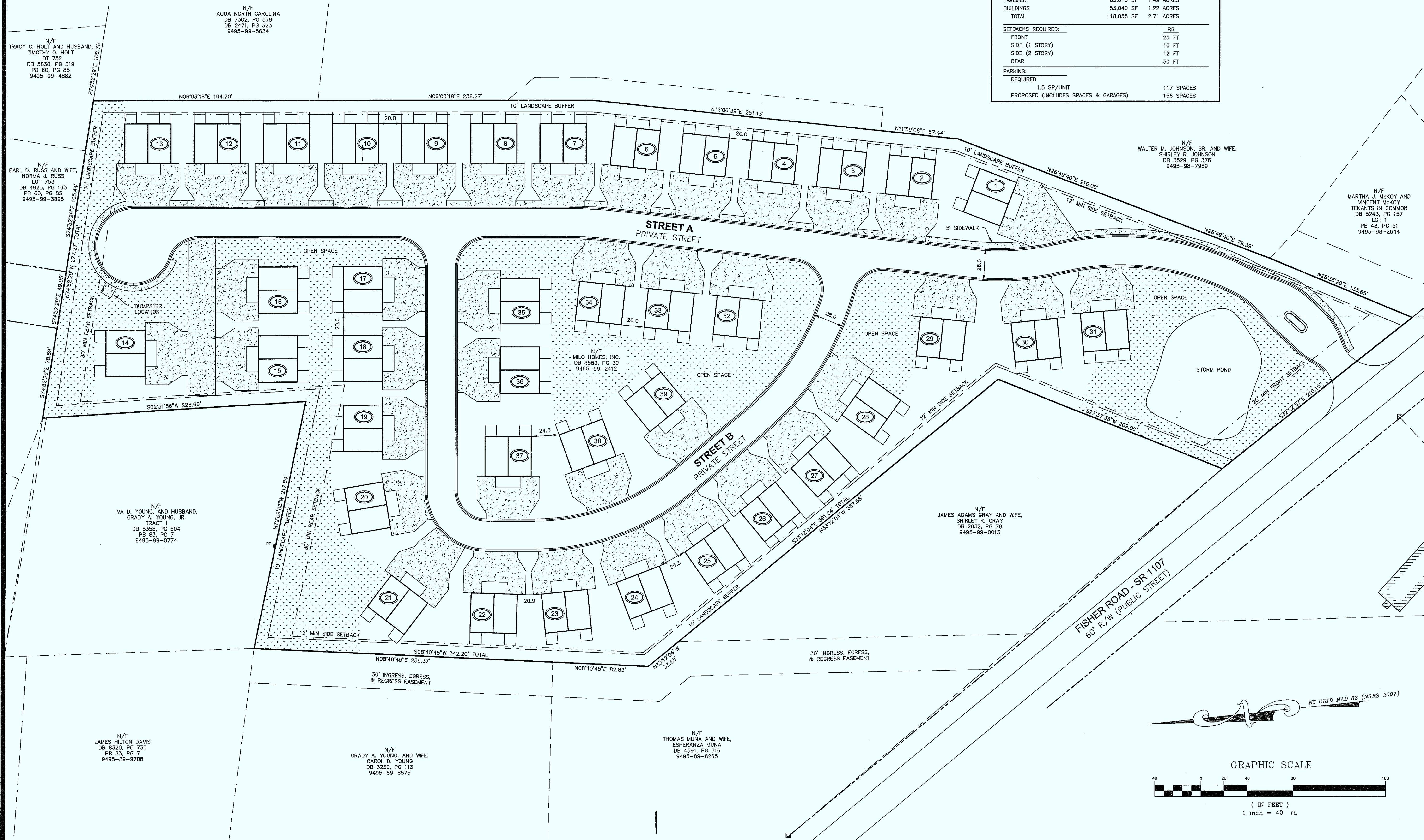
7-3-3-1



VICINITY MAP
NOT TO SCALE

SITE DATA	
DEVELOPER	MILO HOMES, INC
MAILING ADDRESS	7670 RAEFORD ROAD
CITY, STATE	FAYETTEVILLE, NORTH CAROLINA
PIN NUMBER	9495-99-2412
TOWNSHIP	SEVENTY-FIRST
TOTAL SITE ACREAGE	8.29 ACRES
ACREAGE TO BE DEVELOPED	8.29 ACRES
CURRENT ZONING	R10
PROPOSED ZONING	R6
EXISTING USE	UNDEVELOPED
GENERAL USE	APARTMENTS
UNITS ALLOWED	90
UNITS PROPOSED	78
DISTURBED/DENUDED AREA	XXX,XXX SF XX.X ACRES
OPEN SPACE	
REQUIRED	39,000 SF 0.90 ACRES
PROVIDED	68,223 SF 1.57 ACRES
IMPERVIOUS AREA:	
PAVEMENT	65,015 SF 1.49 ACRES
BUILDINGS	53,040 SF 1.22 ACRES
TOTAL	118,055 SF 2.71 ACRES
SETBACKS REQUIRED:	
FRONT	25 FT
SIDE (1 STORY)	10 FT
SIDE (2 STORY)	12 FT
REAR	30 FT
PARKING:	
REQUIRED	1.5 SP/UNIT
PROPOSED (INCLUDES SPACES & GARAGES)	117 SPACES

- LEGEND:
- ⊙ EIP-EXISTING IRON PIPE
 - ⊙ EIR-EXISTING IRON ROD
 - ⊙ SRB-SET REBAR
 - N/F - NOW OR FORMERLY
 - R/W - RIGHT OF WAY
 - PROPERTY LINE
 - ADJACENT PROPERTY LINE
 - TIE LINE
 - RIGHT-OF-WAY
 - SETBACK LINE
 - LANDSCAPING BUFFER
 - PP UTILITY POLE
 - ▨ WETLANDS



REVISIONS

PRELIMINARY
DO NOT USE FOR CONSTRUCTION

PROJECT NAME
GARDNER PARK

SITE PLAN

CLIENT
MILO HOMES, INC.

7670 Raeford Road
Fayetteville, North Carolina 28304
Phone: (910) 263-2928
Fax: (910) 875-1196

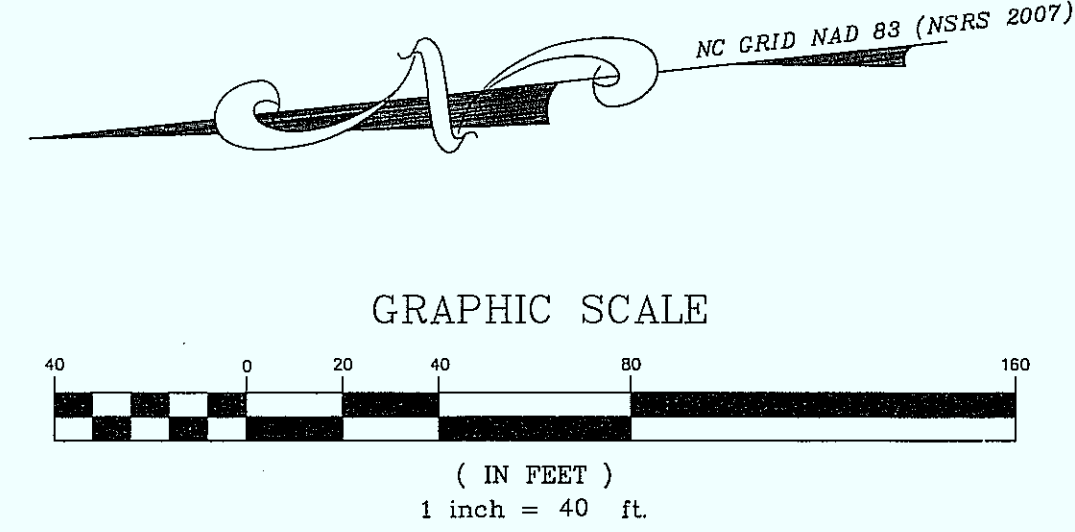
PROJECT INFORMATION

DESIGNED BY:	DAVID
DRAWN BY:	DAVID
CHECKED BY:	SEAN
PROJECT NUMBER:	499

DRAWING SCALE
HORIZONTAL: 1"=40'

DATE RELEASED
FEBRUARY 3, 2011

SHEET NUMBER
1



CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, Planner II
DATE: August 22, 2011
RE: **Case No. P11-15F. Request for rezoning from HI Heavy Industrial District to MR-5 Mixed Residential District on property located along Grace Avenue (east side of Old Wilmington Rd.). Containing 1 acre more or less and being the property of the City of Fayetteville.**

THE QUESTION:

Does the proposed rezoning to Mixed Residential fit with the character of the neighborhood and the long range plans of the city of Fayetteville?

RELATIONSHIP TO STRATEGIC PLAN:

Growth and Development

BACKGROUND:

Owner: Fayetteville Area Habitat For Humanity, Inc.
Applicant: Fayetteville Area Habitat For Humanity, Inc.
Requested Action: HI to MR-5
Property Address: Grace Avenue (East side of Old Wilmington Road)
Status of Property: Undeveloped
Size: 1.117 acres +/-
Existing Land Use: Vacant
Letters Mailed: 78

2010 Land Use Plan: Downtown

HI. The Heavy Industrial (HI) District is established and intended to accommodate heavy manufacturing, assembly, fabrication, processing, distribution, storage, research and development, and other industrial uses that may be large-scale or otherwise have extensive exterior movement of vehicle, materials, and goods, and greater potential for adverse environmental and visual impacts.

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 subject to the requirements of this Ordinance. All development in the district shall comply with the design standards in Article 30-5: Development Standards.

MR-5 districts may also include centrally-located open space, complementary institutional uses (e.g., religious institutions, post offices, police sub-stations), day care facilities, and limited smallscale neighborhood-serving convenience retail uses.

ISSUES:

These properties are owned by Habitat for Humanity. Habitat is looking to build new homes on these vacant lots. Two sides of this area are zoned residential. The backside at Walker-Spivey School is zoned Office and Institutional. The fourth side would still be zoned industrial. MR-5 zoning is consistent with all other residential districts in this area. Some of the existing lots in this request would be nonconforming size wise in an SF-6 zoning district. There are two new homes that Habitat has already built at the start of Grace Avenue and one existing home at the end. Grace Avenue has always been residential. The lots Habitat wishes to build on once had houses

on them, but after years of neglect those houses were torn down.

Zoning Commission recommended approval. 5-0.

BUDGET IMPACT:

The city would be required to provide an increase in public services that should be offset by the increase this development would bring to the City's tax base.

OPTIONS:

- 1) Approval of rezoning as presented by staff (recommended);
- 2) Approval of rezoning to a more restrictive district;
- 3) Denial of the rezoning request.

RECOMMENDED ACTION:

Staff and Zoning Commission Recommendation: Recommends that the City Council move to APPROVE the rezoning to Mixed Residential 5 as presented by staff.

ATTACHMENTS:

Zoning Map

Current Landuse

2010 Plan

**ZONING COMMISSION
CASE NO. P11-15F**



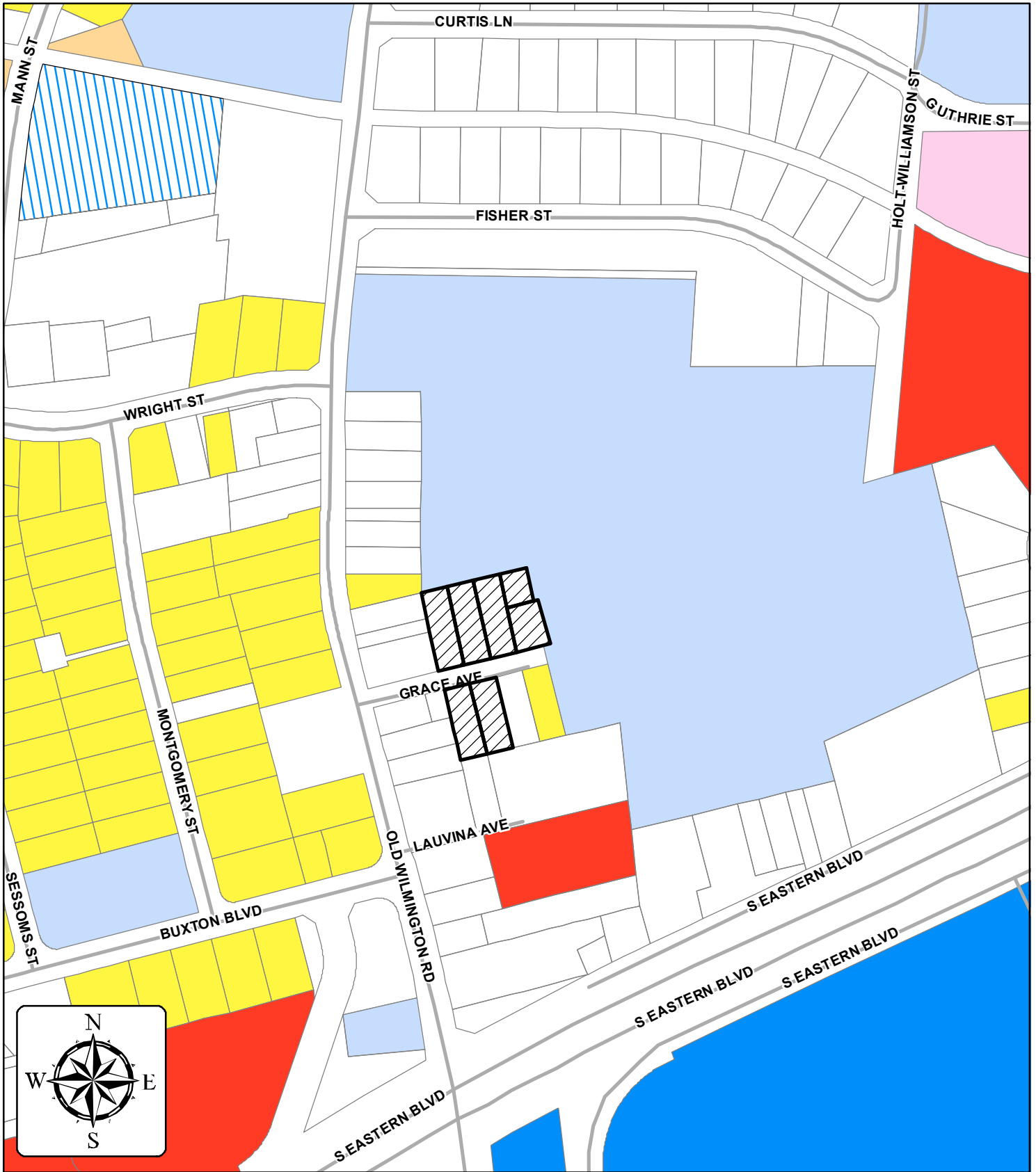
Request: Rezoning
Location: East side of Old Wilmington Road.
Acreage: +/- 1.117 acres

Zoning Commission: 08/09/2011 **Recommendation:** _____
City Council: _____ **Final Action:** _____
Pin: 0436-88-0616, 0667, 1618, 1753, 1676, 0468 and 1419

Letters are being sent to all property owners within the circle, the subject property is shown in the hatched pattern.

Current Land Use

P11-15F

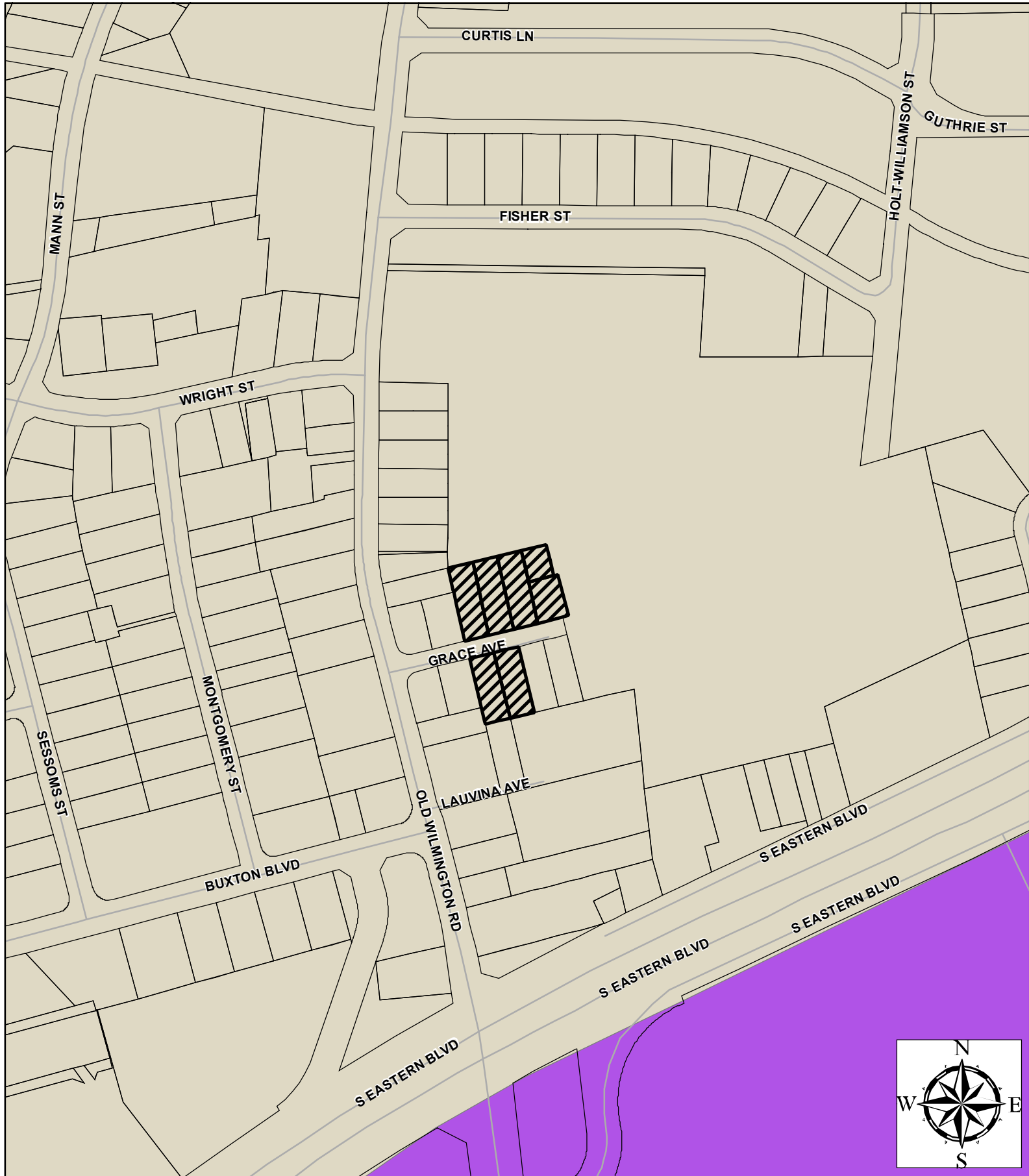


Legend







Existing Landuse	Common Area	Group Quarters	Industrial	Multi-Family	Open Space	Communications-Utilities	Vacant Commercial
Single Family Detached	Commercial	Golf Course	Institutional	Mobile Home	Parking	Under Construction	Not Verified
Single Family Attached	Cemetery	Government Office	Lake	Mobile Home Park	Predominantly Vacant	Vacant Land	Null PIN

2010 Land Use Plan

Case No. P11-15F



Legend

- | | | |
|--|--|---|
|  Medium Density Residential |  Office / Institutional |  Governmental |
|  Light Commercial |  Heavy Commercial |  Low Density Residential |
- 7-4-3-1

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, Planner II
DATE: August 22, 2011
RE: **Case No. P11-18F. Request for rezoning from AR Agricultural Residential District to SF-6 Residential District on property located at Cliffdale Road & Lowell Harris Road. Containing 29.42 acres more or less and being the property of Retha H. Newton.**

THE QUESTION:

Does the proposed rezoning to Single Family-6 fit the with the character of the neighborhood and the long range plans of the city of Fayetteville?

RELATIONSHIP TO STRATEGIC PLAN:

Growth and Development

BACKGROUND:

Owner: Mary Conoly & Retha Newton
Applicant: Lorraine Mohler
Requested Action: AR to SF6
Property Address: North of Intersection of Lowell Harris Road & Cliffdale Roads
Status of Property: Undeveloped
Size: 29.4 acres +/-
Existing Land Use: Undeveloped
Letters Mailed: 156

AR. The Agricultural-Residential (AR) District is established and intends to accommodate rural uses, including agricultural uses, uses that complement or support agricultural uses, and very low-density residential uses. It encourages residential development that preserves farmland and other open space through flexibly-designed conservation subdivisions.

SF-6. 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 subject to the requirements of this Ordinance. All uses in the district are subject to the design standards in Article 30-5: Development Standards. District regulations discourage any use that substantially interferes with the development of single-family dwellings and that is detrimental to the quiet residential nature of the district. Also allowed are complementary uses usually found in residential zoning districts, such as parks, open space, minor utilities, accessory dwellings, schools, and places of worship.

ISSUES:

This property is located on the western part for Cliffdale Road. The property abuts AR, SF-15 and SF-6. The property has road frontage on both Cliffdale Rd. and Lowell Harris Rd. the land use plan calls for low density residential bordered by medium density residential on this property.

Zoning Commission recommended approval. 5-0.

BUDGET IMPACT:

The City would be required to provide an increase in public services that should be offset by the increase this development would bring to the City's tax base.

OPTIONS:

- 1) Approval of rezoning as presented by staff (recommended);
- 2) Approval of rezoning with additional conditions offered by the applicant;
- 3) Denial of the rezoning request.

RECOMMENDED ACTION:

Staff and Zoning Commission Recommendation: Recommends that the City Council move to APPROVE the rezoning to Single Family-6 as presented by staff.

ATTACHMENTS:

Zoning Map

Current Landuse

2010 Plan

**ZONING COMMISSION
CASE NO. P11-18F**



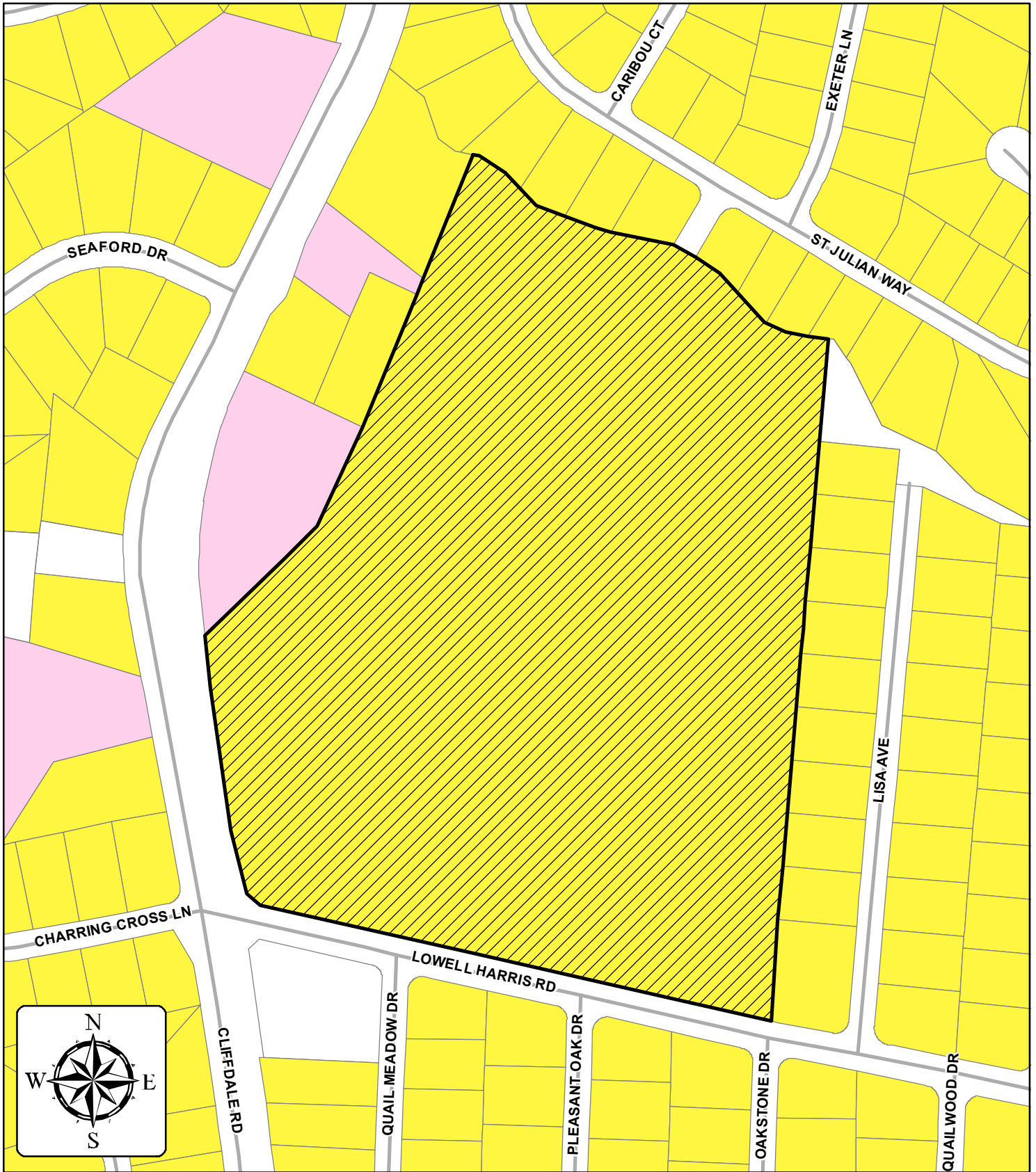
Request: Rezoning
Location: East side of Cliffdale Road.
Acreage: +/- 29.4 acres

Zoning Commission: 08/09/2011 **Recommendation: _____**
City Council: _____ **Final Action: _____**
Pin: 0439-70-5080

Letters are being sent to all property owners within the circle, the subject property is shown in the hatched pattern.

Current Land Use

P11-18F

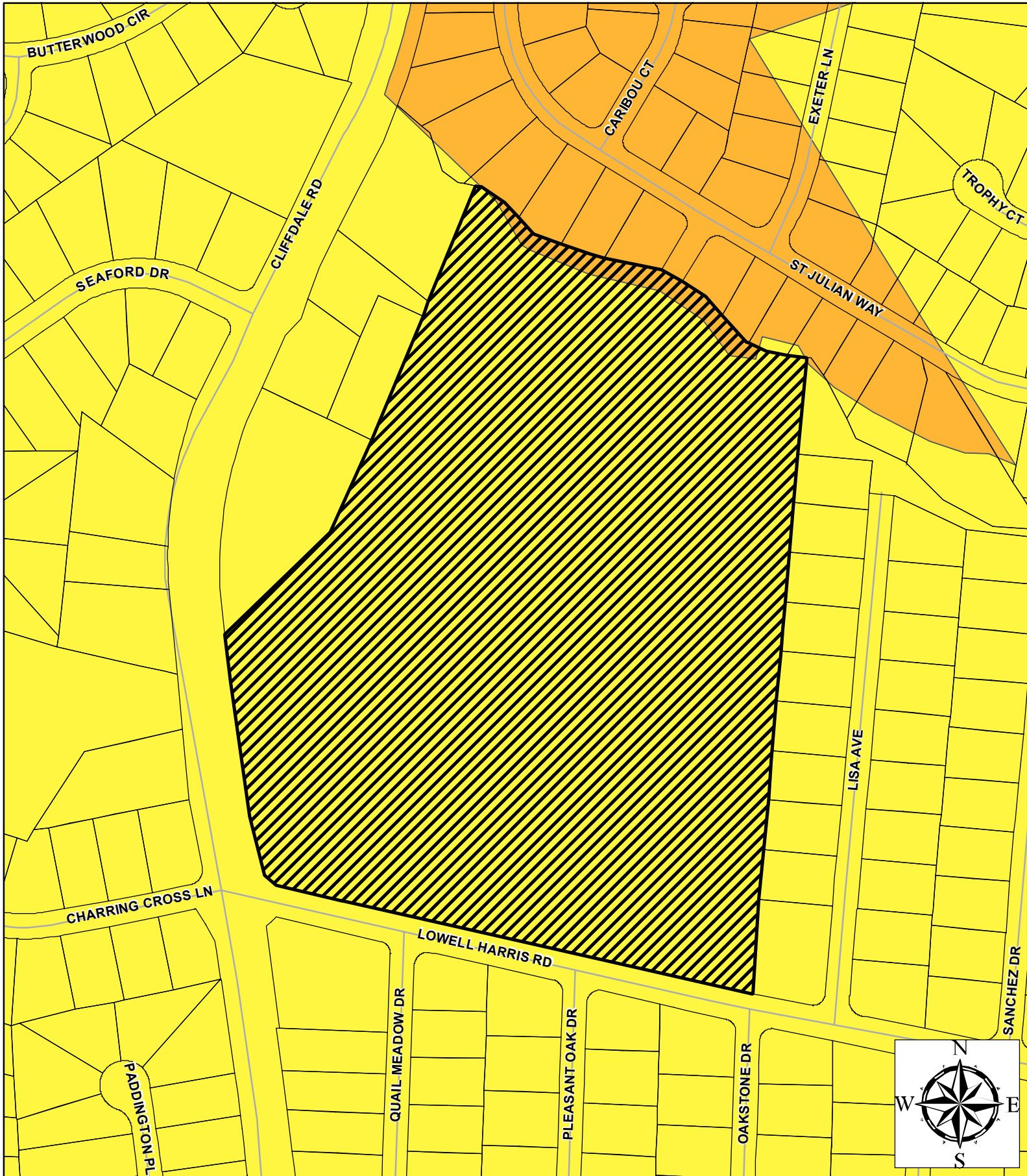


Legend







Existing Landuse	Common Area	Group Quarters	Industrial	Multi-Family	Open Space	Communications-Utilities	Vacant Commercial
Single Family Detached	Commercial	Golf Course	Institutional	Mobile Home	Parking	Under Construction	Not Verified
Single Family Attached	Cemetery	Government Office	Lake	Mobile Home Park	Predominantly Vacant	Vacant Land	Null PIN

2010 Land Use Plan

Case No. P11-18F



Legend

- | | | |
|--|--|---|
|  Medium Density Residential |  Office / Institutional |  Governmental |
|  Light Commercial |  Heavy Commercial |  Low Density Residential |

7-5-3-1

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, Planner II
DATE: August 22, 2011
RE: **Case No. P11-19F. Request for a Special Use Permit (SUP) for a Collision Center in the CC Community Commercial District on property located at 5510 Cliffdale Road. Containing 3.3 acres more or less and being the property of Harris Wholesale Inc.**

THE QUESTION:

Does the proposed Special Use Permit fit with the character of the neighborhood and the long range plans of the city of Fayetteville?

RELATIONSHIP TO STRATEGIC PLAN:

Growth and Development

BACKGROUND:

Owner: Harris Wholesale, Inc. (Harris Park Properties, Inc.)
Applicant: Hendrick Automotive Group
Requested Action: SUP
Property Address: 5510 Cliffdale Road
Status of Property: Developed
Size: 3.3 acres +/-
Existing Land Use : Empty Warehouse
Letters Mailed : 156
2010 Land Use Plan: Light Commercial

SPECIAL USE PERMIT

Purpose: 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.

ISSUES:

This property is the former Harris Distribution Center (Anheuser Bush) on Cliffdale Road near Skibo. The facility has been vacant for 2 years. Hendrick Motors is looking to purchase this property and to turn the former warehouse into an auto paint, body and repair center. The property is currently zoned CC - Community Commercial. Heavy Commercial uses surround this property. The amount of renovations to this building will require it to come into compliance with UDO standards. No site plan is required at this time since all renovations will be to the interior of the building.

Zoning Commission recommended approval. 5-0.
The Commission found that the following 8 findings were met:

Special Use Permit Standards

A Special Use Permit shall be approved only upon a finding that all of the following standards are met:

- (1) The special use complies with all applicable standards in Section 30-4.C, Use-Specific Standards;
- (2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands;
- (3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;
- (4) The special use is configured to minimize adverse effects, including visual impacts of the

proposed use on adjacent lands;

(5) The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;

(6) The special use maintains safe ingress and egress onto the site and safe road conditions around the site;

(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; and

(8) The special use complies with all other relevant City, State, and Federal laws and regulations.

BUDGET IMPACT:

The City would be required to provide an increase in public services that should be offset by the increase this development would bring to the City's tax base.

OPTIONS:

1) Approval of rezoning as presented by staff (recommended);

2) Approval of rezoning with additional conditions accepted by the applicant;

3) Denial of the rezoning request.

RECOMMENDED ACTION:

Staff and Zoning Commission Recommendation: That the City Council move to APPROVE the requested Special Use Permit based on the finding that the eight required findings of fact have been satisfied.

ATTACHMENTS:

Zoning Map

P11-19F Current Landuse Map

2010 Plan

**ZONING COMMISSION
CASE NO. P11-19F**

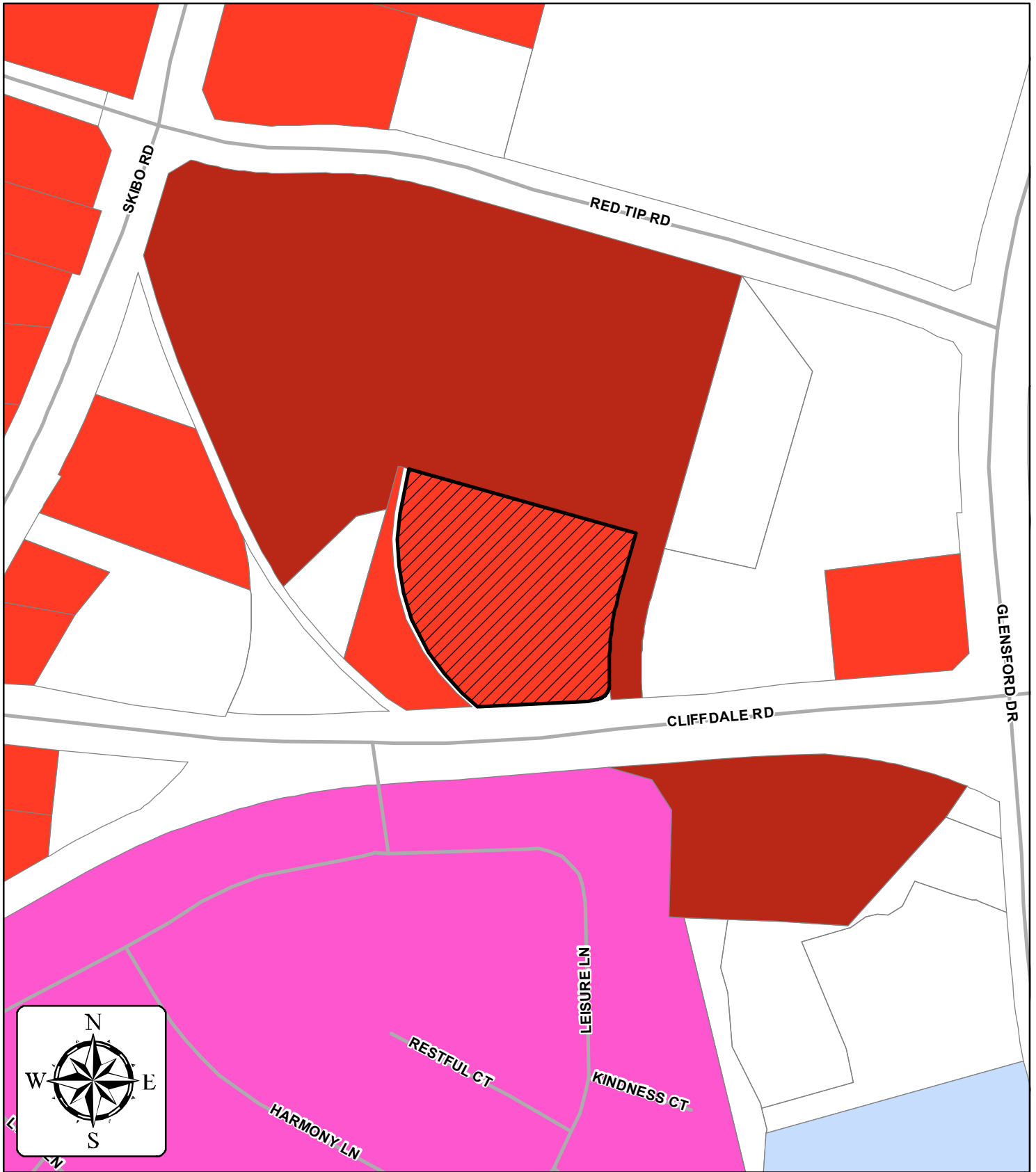


Request: Special Use Permit
Location: North side of Cliffdale Road.
Acreage: +/- 3.3 acres

Zoning Commission: 08/09/2011 **Recommendation: _____**
City Council: _____ **Final Action: _____**
Pin: 0417-06-0763

Letters are being sent to all property owners within the circle, the subject property is shown in the hatched pattern.

Current Land Use
P11-19F

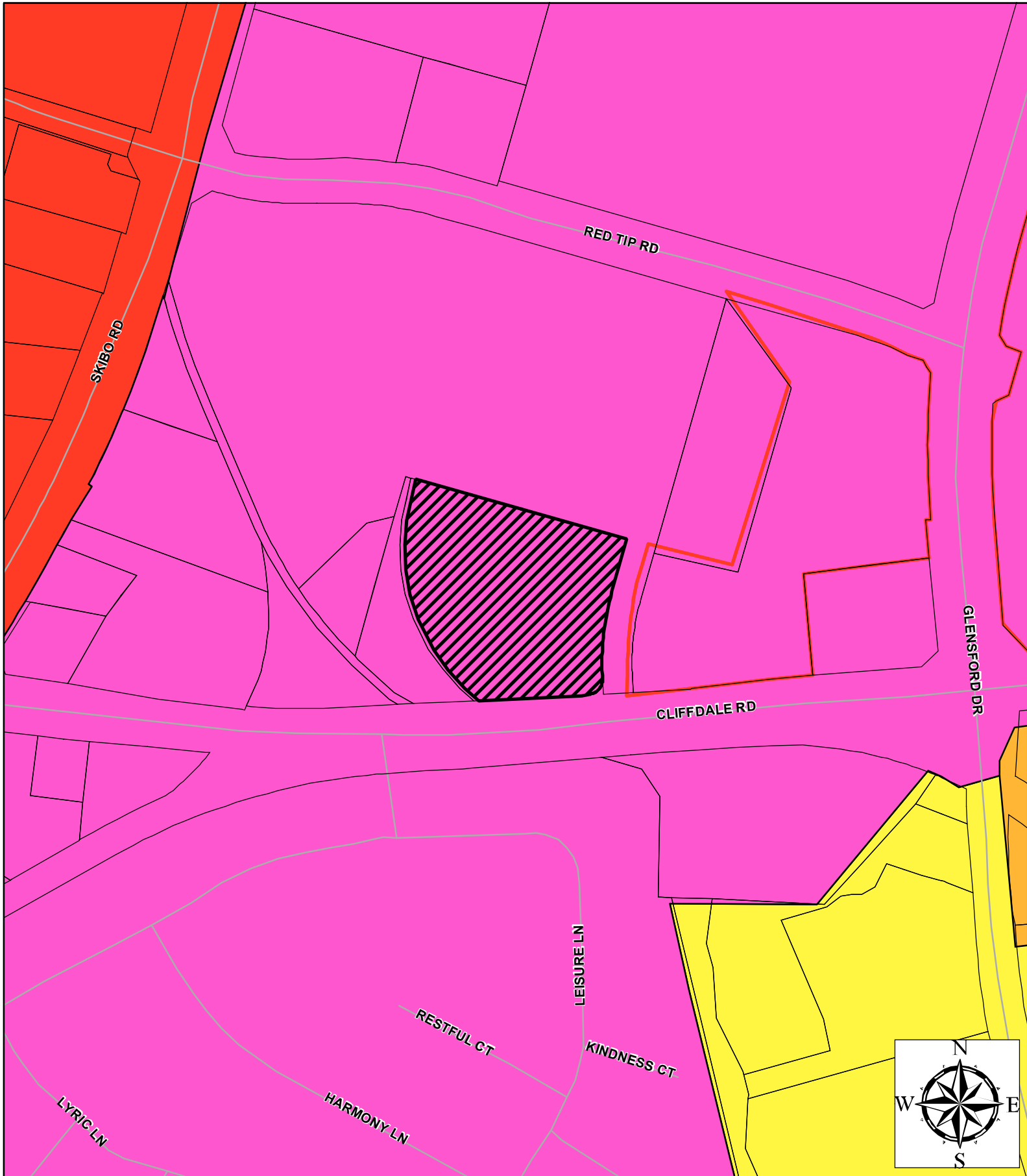


Legend

Existing Landuse	Common Area	Group Quarters	Industrial	Multi-Family	Open Space	Communications-Utilities	Vacant Commercial
Single Family Detached	Commercial	Golf Course	Institutional	Mobile Home	Parking	Under Construction	Not Verified
Single Family Attached	Cemetery	Government Office	Lake	Mobile Home Park	Predominantly Vacant	Vacant Land	Null PIN


2010 Land Use Plan

Case No. P11-19F



Legend

 Medium Density Residential

 Office / Institutional

 Governmental

 Light Commercial

 Heavy Commercial

 Low Density Residential

7-6-3-1

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, Planner II
DATE: August 22, 2011
RE: **Case No. P11-20F. Request for rezoning from LC Commercial District to MR-5 Residential District on property located at 4049 Rosehill Road. Containing 2.33 acres more or less and being the property of Carrie C. Andrews.**

THE QUESTION:

Does the proposed rezoning to Mixed Residential-5 fit with the character of the neighborhood and the long range plans of the city of Fayetteville?

RELATIONSHIP TO STRATEGIC PLAN:

Growth and Development

BACKGROUND:

Owner: Donna Collins, Jimmie Britt, Sharon Gaines, Melanie Autry, Carrie Payne, Sarah Perry, Seth Gaines c/o Franklin Johnson Commercial Real Estate

Applicant: Same

Requested Action: LC to MR-5

Property Address: 4049 Rosehill Rd.

Status of Property: Undeveloped

Size: 2.33 acres +/-

Existing Land Use : Vacant/Previously a fruit stand

Letters Mailed : 44

2010 Land Use Plan: Medium Density Residential

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 subject to the requirements of this Ordinance. All development in the district shall comply with the design standards in Article 30-5: Development Standards. MR-5 districts may also include centrally-located open space, complementary institutional uses (e.g., religious institutions, post offices, police sub-stations), day care facilities, and limited neighborhood-serving convenience retail uses.

ISSUES:

This property was zoned commercial by the County some years ago and could be a good case for an illegal spot zoning. The owners of this property are currently developing the land behind this with apartments and if rezoned they propose to make this property part of that development. The development as a whole has been through the Technical Review Committee for approval. The applicant is waiting for rezoning approval to continue this development as reviewed with one apartment building on this lot. The 2010 Land Use Plan calls for this area to be developed as medium density residential. The overall apartment complex as reviewed by TRC would be built at SF-6 density, the City's medium density zone. MR-5 zoning is directly adjacent to this property to the south. This rezoning is not conditional and could be developed at a higher density if approved.

Zoning Commission recommended approval. 5-0.

BUDGET IMPACT:

The City would be required to provide an increase in public services that should be offset by the increase this development would bring to the City's tax base.

OPTIONS:

- 1) Approval of rezoning as presented by staff (recommended);
- 2) Approval of rezoning to a more restrictive district;
- 3) Denial of the rezoning request.

RECOMMENDED ACTION:

Staff and Zoning Commission Recommendation: Recommends that the City Council move to APPROVE the rezoning to Mixed Residential-5 as presented by staff.

ATTACHMENTS:

Zoning Map
Current Landuse
2010 Plan

ZONING COMMISSION
CASE NO. P11-20F



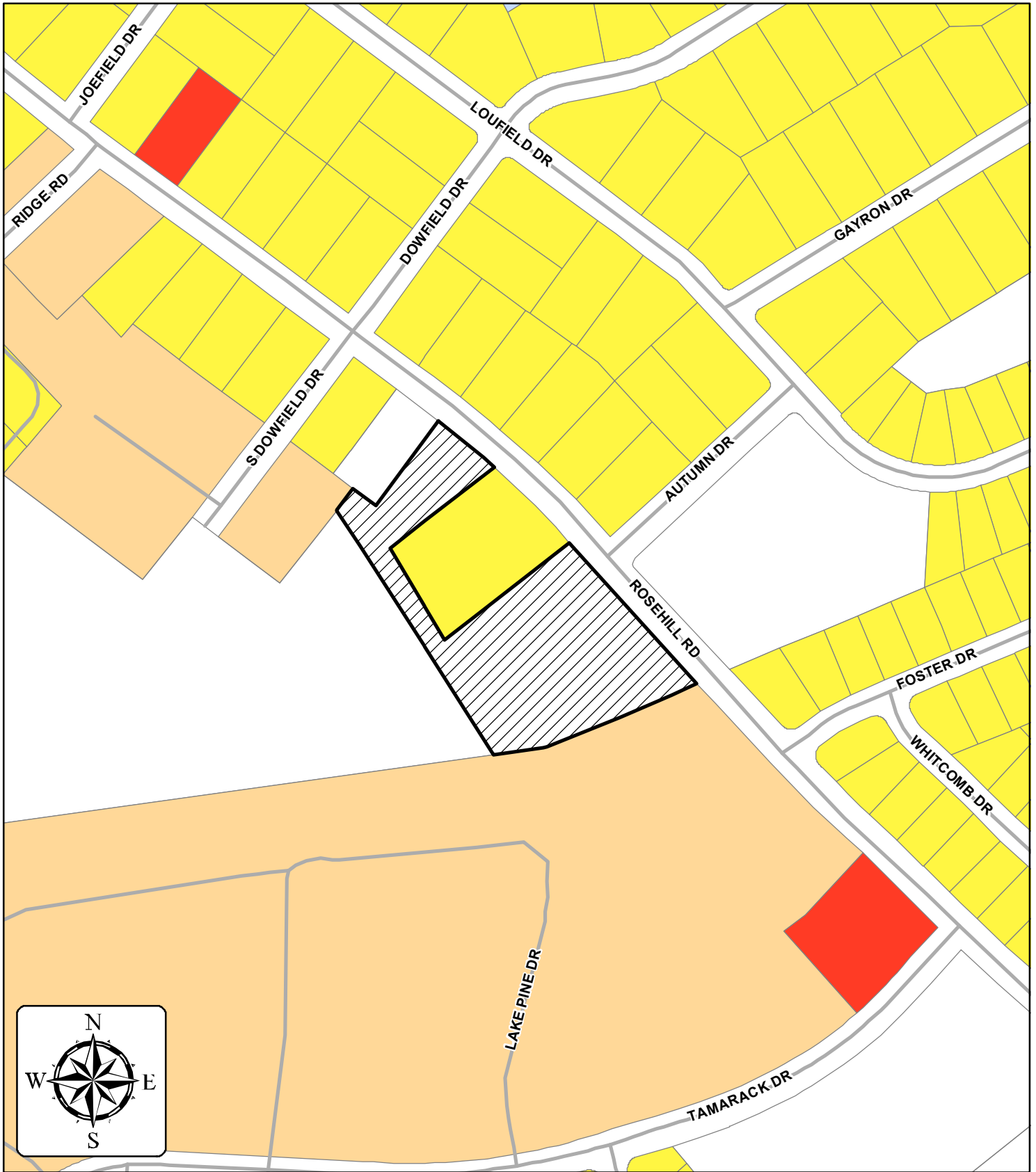
Request: Rezoning
Location: West side of Rosehill Road.
Acreage: +/- 2.33 acres

Zoning Commission: 08/09/2011 **Recommendation:** _____
City Council: _____ **Final Action:** _____
Pin: Portion of 0429-76-2744

Letters are being sent to all property owners within the circle, the subject property is shown in the hatched pattern.

Current Land Use

P11-20

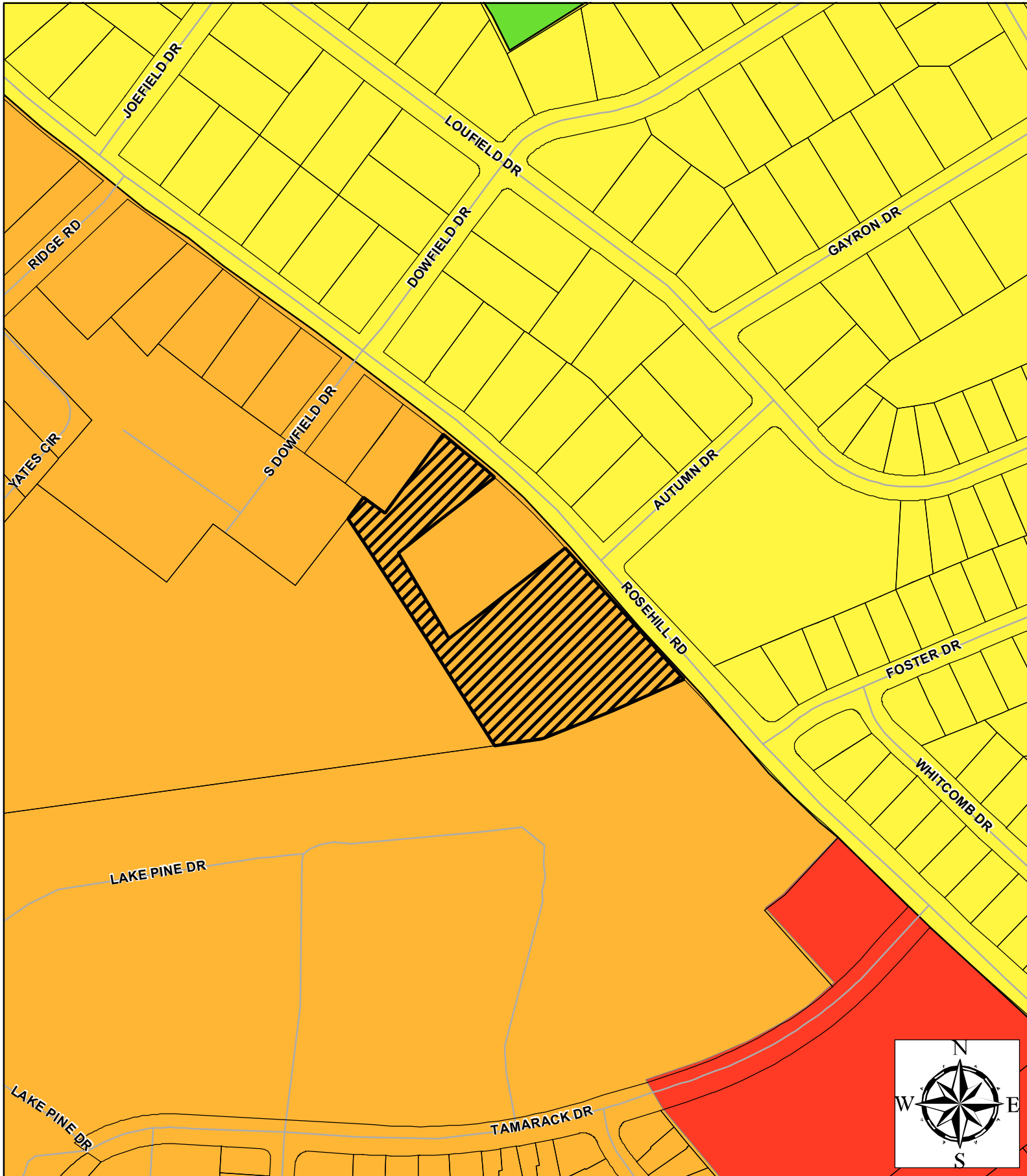


Legend







Existing Landuse	Common Area	Group Quarters	Industrial	Multi-Family	Open Space	Communications-Utilities	Vacant Commercial
Single Family Detached	Commercial	Golf Course	Institutional	Mobile Home	Parking	Under Construction	Not Verified
Single Family Attached	Cemetery	Government Office	Lake	Mobile Home Park	Predominantly Vacant	Vacant Land	Null PIN

2010 Land Use Plan

Case No. P11-20F



Legend

- | | | |
|--|--|---|
|  Medium Density Residential |  Office / Institutional |  Governmental |
|  Light Commercial |  Heavy Commercial |  Low Density Residential |

7-7-3-1