STAFF REPORT
PC-40-26

Project Number: RZN-26-0008

Project Name: Highway 96N

Application Type: Rezoning

Applicant: Pegah Abhari (North American Realty Acquisition Corporation)

Owner: Jeffery James Warden

Initial Submittal Date: 7/09/2026

Resubmittal Date: 8/04/2026

Tax Map: 021 Part of **Parcels:** 050.04 and 050.05

Project Summary

Ms. Pegah Abhari (North American Realty Acquisition Corporation), applicant, has submitted a request to rezone a portion of Tax Map 021 Parcel 050.04 and Tax Map 21 Parcel 050.0, which are located on the southside of Highway 96, east of the intersection of Highway 96 and Horn Tavern Road. These properties were spilt zoned with the adoption of the new development code on April 2, 2026. The portion of the properties that have frontage along Highway 96 was zoned CD-2 (Rural), while the remaining portions of these two (2) properties were zoned CD-3 (Neighborhood General).

This split zoning of these properties appears to have happened due to a combination of four (4) properties that was occurring during the adoption of the new development code and zoning map. The four (4) properties were all over five (5) acres and were being combined through a deed, as permitted by state law. Given this lot combination did not require a plat, staff was unaware of consolidation of these properties. The CD-2 zoned portion of the properties follows the property boundaries prior to the properties being combined. Under the previous zoning ordinance all four (4) of the parcels were zoned RS-40 (Single Family Residential), but with the adoption of the new development code and zoning map the parcels were given different character areas.

The applicant is requesting to rezone the CD-2 portions of the property to CD-3 to match the remaining portions of the property and eliminate the split zoned situation. The CD-2 portion of the property is approximately 16.8 (+/-) acres in size.

The applicant provided the following explanation for the request, "*Site is vacant and currently has split zoning, with majority zoned as CD-3 and a portion of the site fronting*

onto HWY 96 as CD-2. We would like to extend the CD-3 zoning to apply sitewide to facilitate development."

Surrounding Zoning and Land Uses

All surrounding properties are located within the municipal boundaries of Fairview and all adjacent properties contain single family detached residential land uses or are vacant. The properties to the north and west are zoned CD-2 (Rural), the property to the east is zoned CD-2 and CD-3, and the property to the south is zoned CD-3.

Fairview Forward 2040 Plan

The 2040 Fairview Forward Plan identifies these two (2) properties as future land use classifications New Residential (Medium Neighborhood) and Rural Corridor. The Rural Corridor Classification is located along the area of each property that fronts Highway 96, while the New Residential (Medium Neighborhood) classification is located on the remainder of both properties. The Rural Corridor classification notes appropriate land uses as Agriculture and Single-Family Detached Residential and appropriate zone districts as AR-15A, AR-5A and RS-40, which transitioned to CD-2, CD-2W, and CD-3L character districts within the newly adopted Fairview Development Code. The New Residential (Medium Neighborhood) classification notes appropriate land uses as Single-Family Detached Residential, Single-Family Attached Residential, Mixed-Use/Commercial/Office, Multi-Family Residential, and Civic/Institutional and appropriate zone districts as RS-40 and R-20PUD, which transitioned to CD-2W and CD-3L character districts within the newly adopted Fairview Development Code.

The requested character district of CD-3 (Neighborhood General) does not align with the appropriate character districts as listed in the Rural Corridor and New Residential (Medium Neighborhood) land use classifications; however, it does match the existing zoning of the remaining portion of Parcel 50.04 and parcel 50.05. The proposed future land use of single-family detached residential is in alignment with both future land use classifications.

Staff Recommendation:

Staff recommends that the Planning Commission provide a **favorable** recommendation to the Fairview Board of Commissioners to approve this request to rezone the approximately 16.8 (+/-) acre portion of properties identified as Tax Map 21 Parcel 050.04 and Tax Map 021 Parcel 050.05 and located on the southside of Highway 96 and east of the intersection of Highway 96 and Horn Tavern Road from the current zoning of CD-2 to CD-3, with the following condition of approval included in Resolution PC-40-26:

1. This rezoning request will be placed on Thursday, October 1st Board of Commissioners meeting agenda for consideration with the potential for the Public Hearing on Thursday, November 5th, and second reading being held on Thursday, December 3rd, 2026, Board of Commissioners meeting.