

City of Fayetteville

433 Hay Street
Fayetteville, NC
28301-5537
(910) 433-1FAY (1329)

Meeting Agenda - Final City Council Regular Meeting

Monday, March 28, 2022

7:00 PM

Council Chamber

1.0 CALL TO ORDER

2.0 INVOCATION

3.0 PLEDGE OF ALLEGIANCE

4.0 ANNOUNCEMENTS AND RECOGNITIONS

5.0 CITY MANAGER REPORT

6.0 APPROVAL OF AGENDA

7.0 CONSENT AGENDA

7.01 [22-2538](#) P22-03. Rezoning from Office and Institutional (OI) to Limited Commercial (LC), located at 307 Owen Drive (REID #0416999603000), containing 0.3 acres ± and being the property of Jerome E. Fonke & Carolina L. Fonke.

Attachments:

[Application](#)

[Notification Map](#)

[Zoning Map](#)

[2040 Land Use Map](#)

[Subject Property](#)

[Surrounding Property](#)

[Consistency and Reasonableness](#)

- 7.02** [22-2540](#) P22-04. Initial Zoning from Commercial w/Plan (C(P)) Cumberland County to Community Commercial (CC), located at 3404 Cumberland Road (REID #0426007605000), containing 0.47 acres ± and being the property of Kodjo Sam Kouassi.

Attachments:

[Application](#)
[P22-04 notofication Map](#)
[P22-04 Zoning Map](#)
[P22-04 Land Use Map](#)
[Subject Property](#)
[Surrounding Property](#)
[Consistency and Reasonableness](#)

- 7.03** [22-2587](#) SUP21-09. Order of Approval - Findings of Fact: Special Use Permit to allow four Single-Family Attached Dwellings (Townhome units) in a Single-Family Residential 10 (SF-10) zoning district, to be located at 611 Law Road (REID # 0439858626000), totaling 0.90 acres ± and being the property of Olajuwon Morgan, PalmHaven, LLC.

Attachments:

[Plan Review Application](#)
[SUP21-09 Notofication Map](#)
[SUP21-09 Zoning Map](#)
[SUP21-09 Land Use Map](#)
[Subject Property](#)
[Surrounding Properties](#)
[PalmHaven Town Homes Site Plan \(Revised\)](#)
[611 law road quadplex layout \(PalmHaven\)](#)
[SUP21-09 Order of Approval - Findings of Fact - Final](#)

- 7.04** [22-2588](#) SUP22-01. Order of Approval - Findings of Fact: Special Use Permit to allow two Two- to Four-Family Dwelling (4 duplexes units) in a Single-Family Residential 6 (SF-6) zoning district, to be located at 5473 & 5487 Grimes Rd. (REID # 9495042533000 & 9495042308000), totaling 1.13 acres ± and being the property of SXANGG INVESTMENT GROUP LLC.

Attachments:

[Plan Review Application](#)
[SUP22-01 notofication Map](#)
[SUP22-01 Zoning Map](#)
[SUP22-01 Land Use Map](#)
[Subject Property](#)
[Surrounding Properties](#)
[Site Plan](#)
[SUP22-01 Order of Approval - Findings of Fact](#)

- 7.05** [22-2589](#) SUP22-02. Order of Approval - Findings of Fact: Special Use Permit to allow nine Single Family Attached Dwellings (town homes) in a Single-Family Residential 6 (SF-6) zoning district, to be located at 6322 Raeford Rd on Little Dr. (REID # 0407305808000), totaling 2.25 acres ± and being the property of RAMSEY PLAZA LLC.

Attachments:

[Plan Review Application-1](#)
[SUP22-02 notofication Map](#)
[SUP22-02 Zoning Map](#)
[SUP22-02 Land Use Map](#)
[Subject Property](#)
[Surrounding Properties](#)
[Site Plan](#)
[SUP22-02 Order of Approval - Findings of Fact](#)

- 7.06** [22-2609](#) Award the Contract for the Purchase of thirty-five (35) Ford Explorer Police Interceptor Utility Vehicles

Attachments:

[City of Fayetteville Instructions to Bidders](#)
[Carthage F. LLC dba Cooper Ford bid proposal](#)
[Lafayette Ford Bid Proposal](#)
[Capital Ford Bid Proposal](#)

- 7.07** [22-2606](#) Resolution Providing for the Sale and Issuance of \$19,000,000 General Obligation Parks and Recreation Bonds, Series 2022

Attachments:

[Financing Schedule - Fayetteville 2022 GO Bonds](#)
[Issuance Resolution - Fayetteville 2022 GO Bonds \(00416330-2xBAC86\)](#)

- 7.08** [22-2611](#) Acceptance of Concessions Rent Relief Airport Rescue Grant Offer
- Attachments:** [FAY-SOG-3-37-0021-051-2022-Grant Agreement - unsigned](#)
- 7.09** [22-2614](#) Authorization to Apply for North Carolina Department of Commerce Rural Economic Development Grant for Dedicated North Carolina Holding, LLC
- Attachments:** [Resolution for ChenMed LLC Building Reuse](#)
- 7.010** [22-2615](#) Adoption of Budget Ordinance Amendment 2022-7 and Capital Project Ordinance Amendment 2022-55 to Appropriate Funds for the Murchison Road Redevelopment Project (Catalyst Site - 1
- Attachments:** [BOA 2022-7 General Fund](#)
 [CPOA 2022-55 Murchison Road Redevelopment](#)
 [Resolution 2013-008](#)
- 7.011** [22-2616](#) Adoption of Capital Project Ordinances 2022-17 through 2022-19 and Capital Project Ordinance Amendment 2022-56 to Appropriate State Direct Grant Funds
- Attachments:** [CPO 2022-17 Old City Hall Renos](#)
 [CPO 2022-18 Trail Upgrades](#)
 [CPO 2022-19 Historic Building Renovations](#)
 [CPOA 2022-56 Day Resource Center](#)
- 7.012** [22-2617](#) Revisions to City Seal
- Attachments:** [CitySeal_March2022_revisedoptions](#)

8.0 STAFF REPORTS

- 8.01** [22-2620](#) United States Department of Justice Report for Repurposing the Fayetteville Market House
- Attachments:** [City SPIRIT-Overview for Community Leaders and City Officials-Final-2-8-2017 Workshop Report Final 3.10.2022 \(YN mods\)](#)
- 8.02** [22-2621](#) City Sponsored Juneteenth Celebration - Update
- Attachments:** [JUNETEENTH 2022 PROPOSAL 3.24.2022](#)

9.0 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.

- 9.01** [22-2579](#) TA21-17: Proposed Text Amendments to the Unified Development Ordinance to allow a Dwelling, Multi-Unit Single-Family, Detached on one lot. Applicant Next Chapter Holdings, represented by Jonathan Charleston of the Charleston Group.
- Attachments:** [Ordinance Amending 30-4-Use Table - Final](#)
 [Ordinance Amending 30-5 \(new Subsection\) - Final](#)
 [Ordinance Amending 30-9 Multi-Family one Lot Def - Final](#)
 [Consistency Statement](#)
- 9.02** [22-2590](#) SN22-001. Consideration of Renaming a portion of Coalition Boulevard to Beaver Street
- Attachments:** [SN0489 Street Naming Packet](#)
 [SN0489 Ordinance](#)
- 9.03** [22-2608](#) AX22-02: Annexation request located at 3404 Cumberland Road of one parcel (REID: 0426007605000), consisting of 0.47 ± acres and being the property of Kodjo Sam Kouassi; related to P22-04: Initial Zoning.
- Attachments:** [1. Appendix A Summary of Services, Cost, and Revenues](#)
 [2. 3404 Cumberland Rd Annex Preliminary Map 2022.02.16](#)
 [3. Vicinity Map - Sams Towing AX22-02](#)
 [4. Basic Info](#)
 [5. Sufficiency - Sams Towing 3404 Cumberland Rd AX22-02](#)
 [6. Annexation Ordinance](#)

- 9.04** [22-2607](#) Public Hearing on a Proposed Installment Financing Agreement for a New Fire Station) for the City, Resolution Making Certain Findings, and Request the Local Government Commission to Approve the Financing

Attachments:

[Fayetteville, NC 2022 IFA - Bank RFP \(Revised\)](#)

[Financing Schedule - City of Fayetteville 2022 IFA \(Fire Station\)](#)

[Preliminary Resolution - Fayetteville 2022 IFA \(Fire Station\) \(00416396-3xBAC\)](#)

10.0 ADJOURNMENT

POLICY REGARDING PUBLIC HEARING AGENDA ITEMS

Citizens wishing to provide testimony in response to a notice of public hearing or to participate in the public forum can obtain instructions to submit a statement by emailing cityclerk@ci.fay.nc.us or by calling 910-433-1312 for assistance. Individuals desiring to testify on a quasi-judicial public hearing must contact the City Clerk by 5:00 p.m. the day of the meeting to sign up to testify; instructions will be provided on how to appear before Council to provide testimony.

CLOSING REMARKS

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 thirteen (13) 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

March 28, 2022 @ 7:00 p.m.

Cable 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 Human Relations at yamilenazar@fayettevillenc.gov, 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 of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 22-2538

Agenda Date: 3/28/2022

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.01

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 - Planner II

DATE: March 28, 2022

RE:

P22-03. Rezoning from Office and Institutional (OI) to Limited Commercial (LC), located at 307 Owen Drive (REID #0416999603000), containing 0.3 acres ± and being the property of Jerome E. Fonke & Carolina L. Fonke.

COUNCIL DISTRICT(S):

5 - Johnny Dawkins

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 applicant is seeking to rezone one lot from OI - Office & Institutional to LC - Limited Commercial. The property in question is one third of an acre.

The LC zoning district is established and intended to accommodate a wider range of moderate-intensity general retail, business, and service uses that serve groups of neighborhoods.

On February 8th, the Zoning Commission held a Legislative Hearing on this case. There was one speaker in favor and none in opposition. The Commission voted 5-0 to recommend approval.

Background:

The property is located at the northeast corner of Owen Drive and Friendly Road. This property currently has one single family detached structure that has been converted into office space, matching the current zoning.

Applicant: Jerome Fonke

Owner: Jordana Leggett, Grant Murray Realestate

Requested Action: OI to LC

Property Address: 307 Owen Dr

Council District: 5 - Johnny Dawkins

Status of Property: Single Family Detached House

Size: 0.3 acres or 13,068 square feet ±

Adjoining Land Use & Zoning:

- North: OI - Office
- South: OI - Office
- East: SF-10 - Single Family Housing
- West: LC - Commercial

Letters Mailed: 54

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 should be developed as Community Center (CC).

Community Center is best described as 150,000-400,000sqft nonresidential leasable space. Vertically mixed uses (3-5 stories). Ground floors mainly nonresidential, upper floors office (or maybe residential). High density residential and multi-family inter-mixed. Single family on edges.

Issues/Analysis:

History:

According to the County tax records, the building was constructed in 1958 and this parcel was last purchased in 2008. It is currently developed with one single-family detached unit that has been converted into an office.

Surrounding Area:

The site is mainly surrounded by other commercial and office uses and zoning. However, there Single Family Residential - 10 along the east side of the property.

Rezoning Request:

The applicant is requesting to rezone an area currently zoned Office and Institutional (OI) to Limited Commercial (LC) which would allow the development of commercial, office and multi-family.

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 zoning from Office and Institutional (OI) to Limited Commercial (LC).

The 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.

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

The reclassification of land to a straight zoning district allows all of the uses that are shown on the attached Use Table taken from the UDO. The City Council may not consider conditions or restrictions on the range of allowable uses, use standards, development intensities, development standards, and other applicable regulations.

Land Use Plan Analysis:

According to Future Land Use Map & Plan, this area is recommended to be developed Community Center (CC). Community Center (CC) is best described as 150,000-400,000sqft nonresidential leasable space. Vertically mixed uses (3-5 stories). Ground floors mainly nonresidential, upper floors office (or maybe residential). High density residential and multi-family inter-mixed. Single family on edges.

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. Council moves to approve the map amendment to LC (recommended);
2. Council moves to approve the map amendment to a more restrictive zoning district; or
3. Council moves to deny the map amendment request.

Recommended Action:

The Zoning Commission and Professional Planning Staff recommend that the City Council move to APPROVE of the map amendment to LC based on the following:

- The proposed zoning map amendment implements the policies adopted in the Future Land Use Plan (FLUP), and those policies found in the Unified Development Ordinance (UDO). The Future Land Use Plan calls for the subject property to be developed as Community Center which is described as 150,000-400,000sqft nonresidential leasable space. Vertically mixed uses (3-5 stories). Ground floors mainly nonresidential, upper floors office (or maybe residential). High density residential and multi-family inter-mixed. Single family on edges.
- The uses permitted by the proposed change in 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

Project Overview**#679224****Project Title:** 307 Owen Dr.**Jurisdiction:** City of Fayetteville**Application Type:** 5.1) Rezoning (Map Amendment)**State:** NC**Workflow:** Staff Review**County:** Cumberland**Project Location****Project Address or PIN:** 307 OWEN DR (0416999603000)**GIS Verified Data****Property Owner: Parcel**

- 307 OWEN DR: FONKE, JEROME E;FONKE, CAROLINA L

Acreage: Parcel

- 307 OWEN DR: 0.3

Zoning District:**Subdivision Name:****Fire District:****Airport Overlay District:****Hospital Overlay District:****Coliseum Tourism District:****Cape Fear District:****Downtown Historic District:****Haymount Historic District:****Floodway:****100 Year Flood:****500 Year Flood:****Watershed:****General Project Information****Has the land been the subject of a map amendment application in the last five years?:** No**Previous Amendment Approval Date:****Previous Amendment Case #:****Proposed Zoning District:** LC**Acreage to be Rezoned:** .30**Is this application related to an annexation?:** No**Water Service:** Public**Sewer Service:** Public**A) Please describe all existing uses of the land and existing structures on the site, if any:**

Office building

B) Please describe the zoning district designation and existing uses of lands adjacent to and across the street from the subject site.:

Currently zoned ONI, across the street is CC and LC.

Amendment Justification - Answer all questions on this and all pages in this section (upload additional sheets as needed).**A) State the extent to which the proposed amendment is consistent with the comprehensive plan and all other applicable long-range planning documents.:**

City of Fayetteville has future plans for this property to be rezoned to LC, time period is unknown.

B) Are there changed conditions that require an amendment? :

None known

C) State the extent to which the proposed amendment addresses a demonstrated community need.:

Proposed plan will increase employment opportunities and taxes for city of Fayetteville.

D) State the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land, and why it is the appropriate zoning district for the land.:

Currently adjacent to LC and CC with future plans for the street to be LC as well.

E) State the extent to which the proposed amendment results in a logical and orderly development pattern.:

Already consistent with future City of Fayetteville planning.

F) State the extent to which the proposed amendment might encourage premature development.:

The growth of the area is needed while the hard corner at Reaford Rd and Owen Dr is already zoned CC as well as this being on the same side on the proposed rezoning property.

G) State the extent to which the proposed amendment results in strip-style commercial development.:

It does not.

H) State the extent to which the proposed amendment results in the creation of an isolated zoning district unrelated to adjacent and surrounding zoning districts.:

It does not.

I) State the extent to which the proposed amendment results in significant adverse impacts on the property values of surrounding lands.:

It should increase their values.

J) State the extent to which the proposed amendment results in significantly adverse impacts on the natural environment.:

It will not.

Primary Contact Information

Project Contact - Agent/Representative

Jordana Leggett
Grant Murray Realestate
150 North McPherson
Fayetteville , NC 28303
P:9109640626
Jordana@grantmurrayre.com

Project Owner

Jerome Fonke

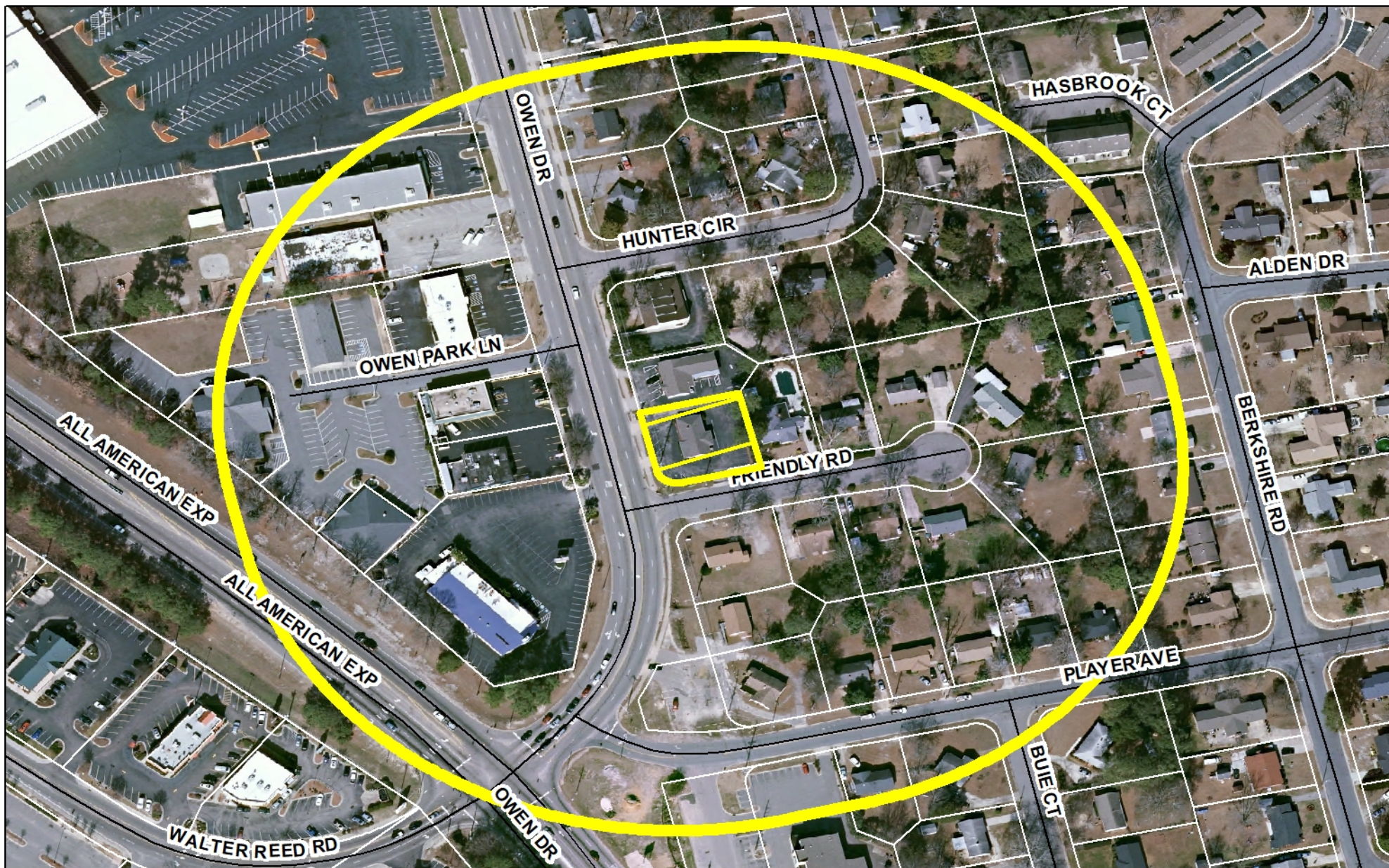
424 Graylyn Pl.
Fayetteville , NC 28314
P:9108682020
Becki@grantmurrayre.com

NC State License Number:

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$30,000. :

Contractor's NC ID#:

Indicate which of the following project contacts should be included on this project:



Aerial Notification Map

Case #: P22-03

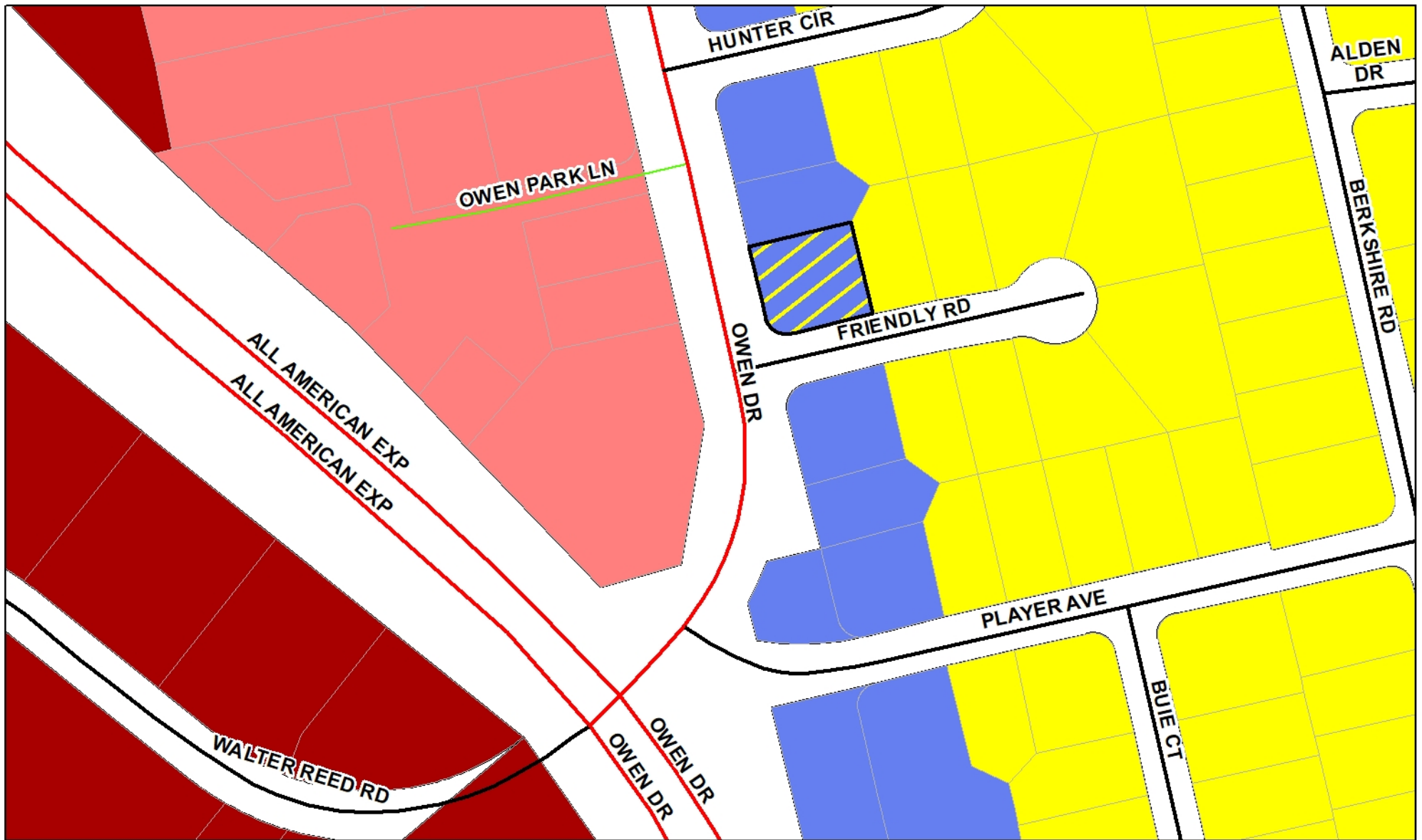
Request: Rezoning/Map Amendment
OI to LC

Location: 307 Owen Dr

Legend



Letters are being sent to all property owners within the 500' buffer. Subject property is shown in the hatched pattern.










Zoning Map

Case #: P22-03

Request: Rezoning/Map Amendment
OI to LC

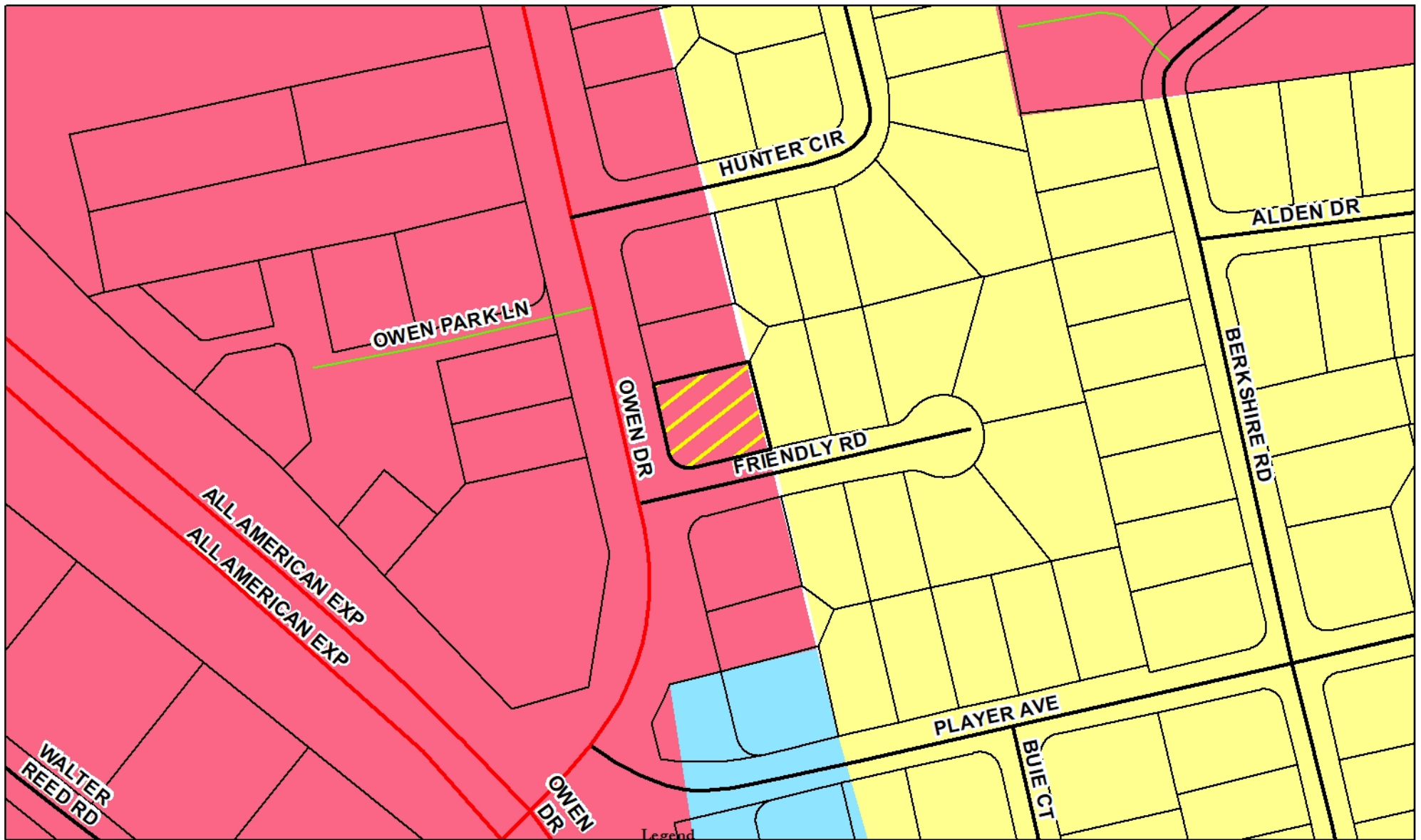
Location: 307 Owen Dr

Legend

-  250' Separation Buffer
-  CC - Community Commercial
-  LC - Limited Commercial
-  OI - Office & Institutional
-  SF-10 - Single-Family Residential 10
-  Old Parcels
-  Parcels



Letters are being sent to all property owners within the 300' buffer. Subject property is shown in the hatched pattern.

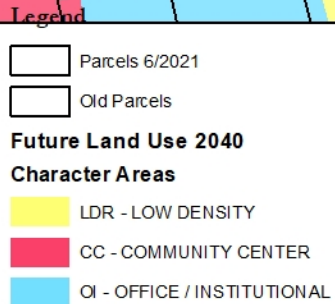


Land Use Map

Case #: P22-03

Request: Rezoning/Map Amendment
OI to LC

Location: 307 Owen Dr



Letters are being sent to all property owners within the 500' buffer. Subject property is shown in the hatched pattern.





North

East



South

West



Consistency and Reasonableness Statement

Map Amendments

Pursuant N.C.G.S. Sections 160D-604 and -605, the Zoning Commission finds that the proposed zoning map amendment in case P22-03 is consistent / inconsistent [select one] with the City of Fayetteville's Future Land Use Map and Plan (Comprehensive Plan). The following analysis examines the proposed amendment relative to the goals and land-use policies and strategies of the Comprehensive Plan:

Consistency

1. GOALS

GOAL(S)	CONSISTENT	INCONSISTENT
GOAL #1: FOCUS VALUE AND INVESTMENT AROUND INFRASTRUCTURE AND STRATEGIC NODES	X	
GOAL #4: Foster Safe, Stable and Attractive Neighborhoods	X	

2. LAND USE POLICES AND STRATEGIES:

LAND USE POLICES AND STRATEGIES	CONSISTENT	INCONSISTENT
LUP 1: Encourage growth in areas well- served by infrastructure and urban services, including roads utilities, parks, schools, police, fire, and emergency services.	X	
1.6: Require adequate infrastructure to be in place prior to or in tandem with new development. This includes road infrastructure such as roads, turn lanes, and sidewalks as well as public services such as parks, schools, water/sewer, police, fire, and emergency services.	X	
1.7: Encourage a logical progression of housing development and discourage "leapfrog" development. Leapfrog development is development that occurs in areas away from existing development and in areas currently not served by infrastructure or adjacent to services, esp. water/sewer. This type of growth can lead to higher costs of providing urban services.	X	
LUP 6: Encourage Development Standards that Result in Quality Neighborhoods	X	

6.1: Encourage quality neighborhood design through maintaining and improving standards for streets, sidewalks, stormwater, and open space.	X	
LUP 8: Require the Reservation of Open Space and Unique Natural Features in New Developments	X	
8.2: Preserve unique natural features through site design	X	
LUP 10: Support Land Use, Site Design and Capital Improvement Initiatives That Increase Resiliency, and Reduce Impacts from Flooding and Natural Disasters	X	
10.1: Encourage on-site stormwater control measures that reduce impacts of new development. Stormwater requirements should seek to mimic pre-development conditions, limit impacts from new development on adjacent properties and reduce the rate of stormwater runoff to avoid erosion of stream banks and encourage groundwater recharge	X	

3. The proposed amendment is consistent / inconsistent [select one] with the Future Land Use Map as follows:

	The proposed land use is consistent and aligns with the area's designation on the FLU Map.	OR	X	The proposed land use is inconsistent and does not align with the area's designation on the FLU Map.
X	The proposed designation, as requested, would permit uses that are complimentary to those existing on adjacent tracts.	OR		The proposed designation, as requested, would permit uses that are incongruous to those existing on adjacent tracts.

Reasonableness

The proposed zoning amendment is reasonable and in the public interest because it supports the policies of the Comprehensive Plan as stated above and the Strategic Plan as stated in the Staff Report, and because: [select all that apply]

X The size, physical conditions, and other attributes of the proposed use(s) will benefit the surrounding community.

 The amendment includes conditions that limit potential negative impacts on neighboring uses.

The proposed uses address the needs of the area and/or City.

The proposal adapts the zoning code to reflect modern land-use trends and patterns.

_____ improves consistency with the long-range plan.

improves the tax base.

preserves environmental and/or cultural resources.

facilitates a desired kind of development.

provides needed housing/commercial area.

Feb. 8, 2022

Date _____

[Signature]

Chair Signature

City of Fayetteville

433 Hay Street
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(910) 433-1FAY (1329)

City Council Action Memo

File Number: 22-2540

Agenda Date: 3/28/2022

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.02

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 - Planner II

DATE: March 28, 2022

RE:

P22-04. Initial Zoning from Commercial w/Plan (C(P)) Cumberland County to Community Commercial (CC), located at 3404 Cumberland Road (REID #0426007605000), containing 0.47 acres ± and being the property of Kodjo Sam Kouassi.

COUNCIL DISTRICT(S):

5 - Johnny Dawkins

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 is requesting to be annexed into the City of Fayetteville with an initial zoning of Community Commercial (CC), which is a comparable equivalent to the existing C(P) zoning in the County. The surrounding properties are zoned a mix of Residential 6A and C3 in the County. This annexation is a satellite annexation as the property is not connected to the City of Fayetteville's City Limit line.

The CC zoning district is established 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 February 8th, the Zoning Commission held a Legislative Hearing on this case. There was one speaker in favor and none in opposition. The Commission voted 5-0 to recommend approval.

Background:

The property is located on Cumberland Road, about a quarter mile east of Boone Trail.

Applicant: Kodjo Sam Kouassi

Owner: Kodjo Sam Kouassi

Requested Action: Rezoning from County C(P) to City of Fayetteville's Community Commercial (CC)

Property Address: 3404 Cumberland Road

Council District: 5 - Johnny Dawkins

Status of Property: Commercial - Automotive wrecker service

Size: 0.47 acres or 20,473.2 square feet ±

Adjoining Land Use & Zoning:

- North: R6A - Single-Family Detached Residential
- South: R6A - Single-Family Detached Residential
- East: C3 - Commercial
- West: C3 - Commercial

Letters Mailed: 51

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 should be developed as Neighborhood Improvement (NIR).

Neighborhood Improvement (NIR) is best described as an area that allows higher density redevelopment and missing middle housing to increase private reinvestment to revitalize neighborhoods. Target areas include clusters of vacant and or underutilized parcels.

Policies focus on neighborhood improvement and reinvestment.

Issues/Analysis:

History:

According to the County tax records, this property was purchased in 2020. This property currently contains an Automotive Wrecker Service in the County.

The owner is requesting this annexation/initial zoning in order to be placed on the City's towing/wrecker rotation.

Surrounding Area:

The site is located within the unincorporated area of the County and is surrounded by commercial and residential zoning. The majority of the surrounding land is a combination of Single-family housing to the north and south and commercial businesses to the east and west.

The applicant is requesting to rezone an area currently zoned under Cumberland County as C(P) to the city of Fayetteville's CC which, with a Special Use Permit, would allow the operation of a automotive wrecker service.

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 zoning from C(P) to CC.

The CC District is established 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.

30-4.C.4.k.5. Use-Specific Standards - Automotive Wrecker Service

<http://online.encodeplus.com/regs/fayetteville-nc/doc-view.aspx?pn=0&ajax=0&secid=10720>

Automotive wrecker service uses shall comply with the following standards:

- a. The use shall be located at least 250 feet from any residential district, school, or child care center. In any of the districts in which this use may be located, the City Council
<http://online.encodeplus.com/regs/fayetteville-nc/doc-view.aspx?pn=0&ajax=0&secid=11466> may through a special use permit request approve a reduction in the separation requirement upon a showing of good cause with supporting evidence and mitigation of impacts.
- b. Vehicles shall not be stored on-site for more than 90 days.
- c. Vehicles shall be stored to the rear of the principal structure, behind a wooden fence or masonry wall in accordance with Section 30-5.D
<http://online.encodeplus.com/regs/fayetteville-nc/doc-viewer.aspx?>

[ajax=0&tocid=005.030.005.004>](#), Fencing Standards.

The proposed zoning district is compatible with much of the area. This initial zoning would not present the issue of spot-zoning. However, this annexation is a satellite annexation request.

The reclassification of land to a straight zoning district allows all of the uses that are shown on the attached Use Table taken from the UDO. The City Council may not consider conditions or restrictions on the range of allowable uses, use standards, development intensities, development standards, and other applicable regulations.

Land Use Plan Analysis:

According to Future Land Use Map & Plan, this area is recommended to be developed Neighborhood Improvement (NIR). Neighborhood Improvement (NIR) is best described as an area that allows higher density redevelopment and missing middle housing to increase private reinvestment to revitalize neighborhoods. Target areas include clusters of vacant and or underutilized parcels. Policies focus on neighborhood improvement and reinvestment.

While the present use and zoning of this property, C(P) - automotive wrecker service, does not meet the description of the NIR district in the City's Land Use Plan, it does meet the City Council's policy of annexing property from the County to its equivalent City zoning district.

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. Recommend approval of the map amendment/initial zoning to CC (recommended);
2. Recommend approval of the map amendment/rezoning to a more restrictive zoning district; or
3. Recommend denial of the rezoning request.

Recommended Action:

The Zoning Commission and Professional Planning Staff recommend APPROVAL of the initial zoning/map amendment to CC based on the following:

- The proposed zoning initial zoning/map amendment implements long standing annexation policies used by the City Council to match the existing County zoning to the equivalent City zoning district when property is annexed.
- The uses permitted by the proposed change in 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

Project Overview**#682484****Project Title:** SAMS TOWING**Jurisdiction:** City of Fayetteville**Application Type:** 5.1) Rezoning (Map Amendment)**State:** NC**Workflow:** Staff Review**County:** Cumberland**Project Location****Project Address or PIN:** 3404 CUMBERLAND RD (0426007605000)**GIS Verified Data****Property Owner: Parcel**

- 3404 CUMBERLAND RD: KOUASSI, KODJO SAM

Acreage: Parcel

- 3404 CUMBERLAND RD: 0.47

Zoning District:**Subdivision Name:****Fire District:****Airport Overlay District:****Hospital Overlay District:****Coliseum Tourism District:****Cape Fear District:****Downtown Historic District:****Haymount Historic District:****Floodway:****100 Year Flood:****500 Year Flood:****Watershed:****General Project Information****Has the land been the subject of a map amendment application in the last five years?:** No**Previous Amendment Approval Date:****Previous Amendment Case #:****Proposed Zoning District:** COMMUNITY COMMERCIAL/3404 CUMBERLAND ROAD**Acreage to be Rezoned:** .47**Is this application related to an annexation?:** No**Water Service:** Public**Sewer Service:** Public**A) Please describe all existing uses of the land and existing structures on the site, if any:****B) Please describe the zoning district designation and existing uses of lands adjacent to and across the street from the subject site.:**

TOWING, STORAGE, AUTO REPAIR

everything around this business is commercial businesses, across the street is nothing.

1008 SQ FOOT STRUCTURE CONTAINING 4 OFFICES WITH LARGE WAITING AREA

Amendment Justification - Answer all questions on this and all pages in this section (upload additional sheets as needed).**A) State the extent to which the proposed amendment is consistent with the comprehensive plan and all other applicable long-range planning documents.:**

This business will provide employment to the citizens of Fayetteville; while assisting the city with the towing and storing of vehicles

from accidents, and repossessions.

B) Are there changed conditions that require an amendment? :

Yes, the business needs to be in the city in order for us to be on the city's towing rotation.

C) State the extent to which the proposed amendment addresses a demonstrated community need.:

There is a need for cars to be towed in the City of Fayetteville and surrounding areas. My business will be here to address those needs and provide professional services.

D) State the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject land, and why it is the appropriate zoning district for the land.:

There are existing auto repair businesses in this area and if the city gets to that point where there will be parking violations and the vehicles need to be towed, my business will be available to meet that need.

E) State the extent to which the proposed amendment results in a logical and orderly development pattern.:

As the city becomes larger and larger there will be a need for towing, especially when the baseball field starts bringing in large amounts of business, there will be a need for towing and storage.

F) State the extent to which the proposed amendment might encourage premature development.:

As the need for towing grows, there will be a need for businesses that can also store and do minor repairs on vehicles.

G) State the extent to which the proposed amendment results in strip-style commercial development.:

As the City of Fayetteville grows, the need for towing and storage will also grow.

H) State the extent to which the proposed amendment results in the creation of an isolated zoning district unrelated to adjacent and surrounding zoning districts.:

This proposal is not an isolated zoning district.

I) State the extent to which the proposed amendment results in significant adverse impacts on the property values of surrounding lands.:

Majority of the surroundings contains businesses.

J) State the extent to which the proposed amendment results in significantly adverse impacts on the natural environment.:

It is my vision that my wrecker service will not impact the environment negatively because the cars that I tow the ones that cannot be repaired, the insurance company will come and get them and those that are not taken will be given to Cohen Green or Pick and Pull.

Primary Contact Information

Project Contact - Agent/Representative

KODJO samgarage392@gmail.com
SAM'S TOWING
3404 CUMBERLAND RD
Fayetteville, NC 28306
P:9106828001
ellenjohn638@gmail.com

Project Owner

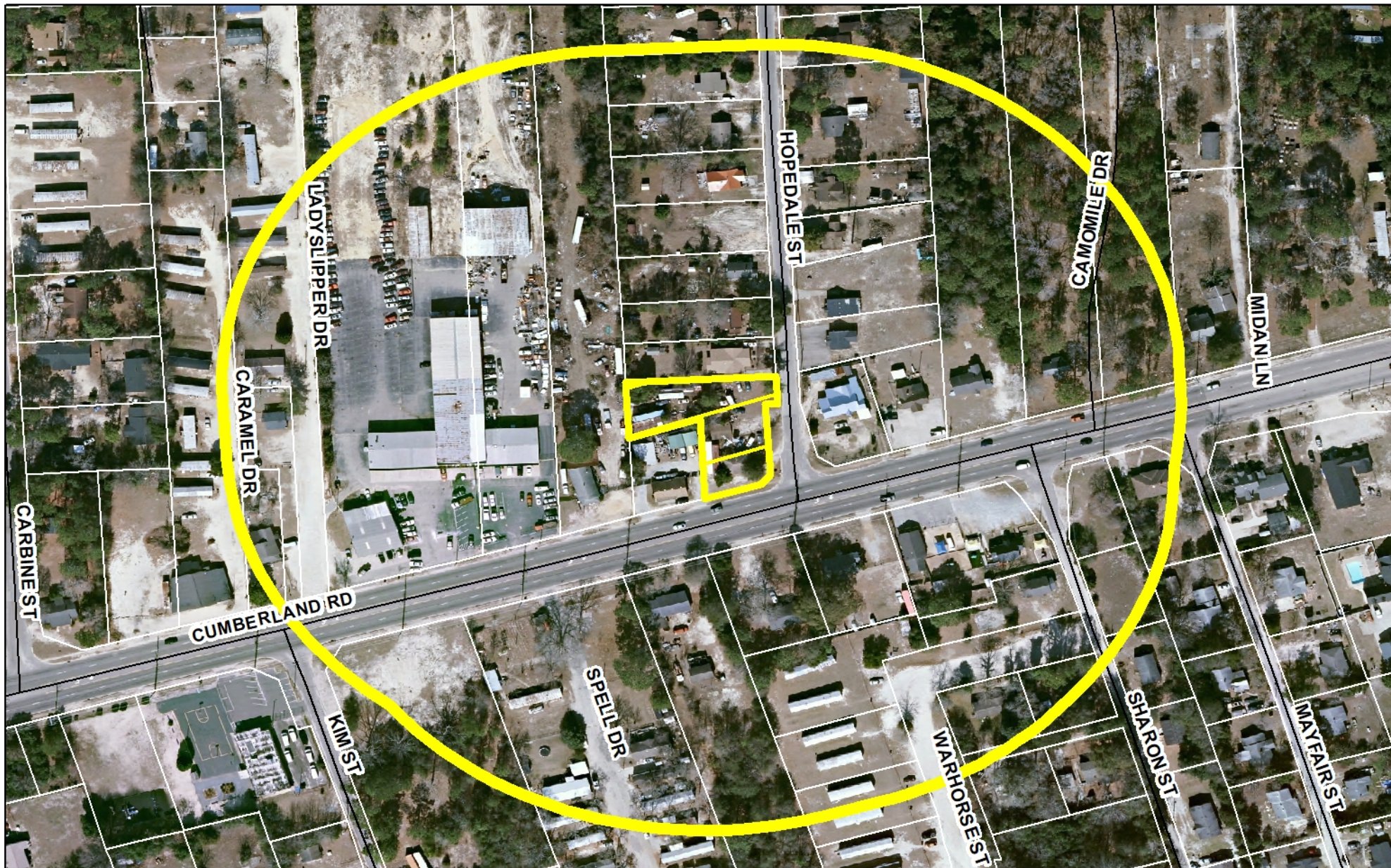
KODJO samgarage392@gmail.com
SAM'S TOWING
3404 CUMBERLAND RD
Fayetteville, NC 28306
P:9106828001
ellenjohn638@gmail.com

NC State License Number:

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$30,000. :

Contractor's NC ID#:

Indicate which of the following project contacts should be included on this project:



Aerial Notification Map

Case #: P22-04

Request: Initial Zoning
C(P) Cumberland County to CC

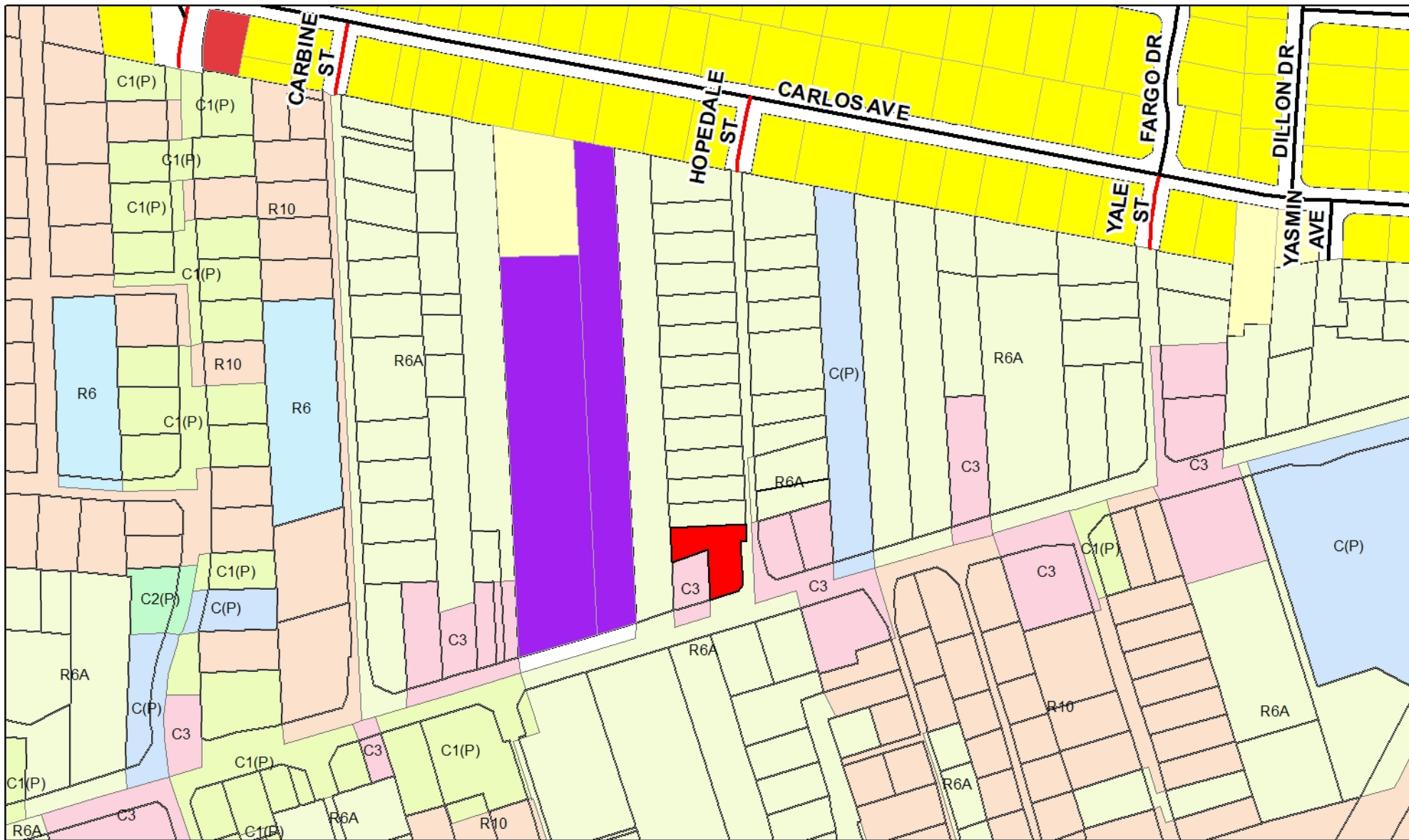
Location: 3404 Cumberland Road

Legend

-  500' Notification Area
-  Parcels



Letters are being sent to all property owners within the 500' buffer. Subject property is shown in the hatched pattern.



Zoning Map








Case #: P22-04

Request: Initial Zoning

C(P) Cumberland County to CC

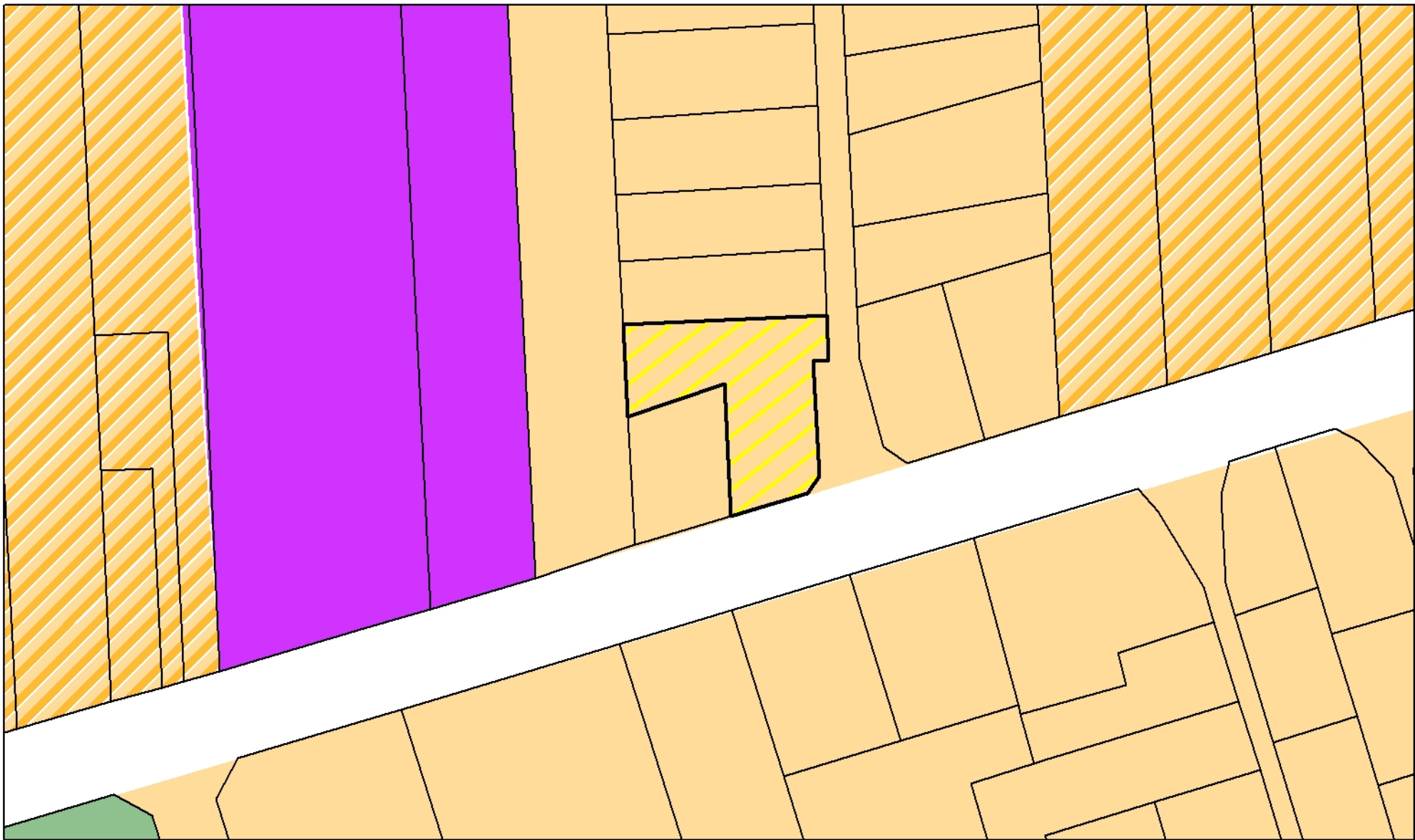
Location: 3404 Cumberland Road

Legend

-  250' Separation Buffer
-  HI - Heavy Industrial
-  NC - Neighborhood Commercial
-  SF-6 - Single-Family Residential 6
-  SF-10 - Single-Family Residential 10
-  County
-  Parcels



Letters are being sent to all property owners within the 300' buffer. Subject property is shown in the hatched pattern.



Land Use Map

Case #: P22-04

Request: Initial Zoningt
C(P) Cumberland County to CC

Location: 3404 Cumberland Road

Legend



Parcels

Future Land Use 2040

Character Areas



PARKOS - PARK / OPEN SPACE



MDR - MEDIUM DENSITY



NIR - NEIGHBORHOOD IMPROVEMENT



EC - EMPLOYMENT CENTER



Letters are being sent to all property owners within the 500' buffer. Subject property is shown in the hatched pattern.





North

East



South

West



Consistency and Reasonableness Statement

Map Amendments

Pursuant N.C.G.S. Sections 160D-604 and -605, the Zoning Commission finds that the proposed zoning map amendment in case P22-04 is consistent / inconsistent [select one] with the City of Fayetteville's Future Land Use Map and Plan (Comprehensive Plan). The following analysis examines the proposed amendment relative to the goals and land-use policies and strategies of the Comprehensive Plan:

Consistency

1. GOALS

GOAL(S)	CONSISTENT	INCONSISTENT
GOAL #1: Responsive City Government Supporting a Diverse and Viable Economy	X	
GOAL #3: City invested in Today and Tomorrow	X	

2. LAND USE POLICES AND STRATEGIES:

LAND USE POLICES AND STRATEGIES	CONSISTENT	INCONSISTENT
LUP 2: Encourage strategic economic development.	X	
2.1: Encourage economic development in key areas including Downtown, Office/Institutional Areas, Industrial/Employment Areas, Regional and Community Centers, and Highway Commercial Areas.	X	
LUP 3: Encourage redevelopment along underutilized commercial strip corridors and reinvestment in distressed residential neighborhoods	X	
3.1: Examine and identify targeted redevelopment and infill areas throughout the city.	X	
LUP 4: Create well-designed and walkable commercial and mixed-use districts	X	

3. The proposed amendment is consistent / inconsistent [select one] with the Future Land Use Map as follows:

	The proposed land use is consistent and aligns with the area's designation on the FLU Map.	OR	X	The proposed land use is inconsistent and does not align with the area's designation on the FLU Map.
X	The proposed designation, as requested, would permit uses that are complimentary to those existing on adjacent tracts.	OR		The proposed designation, as requested, would permit uses that are incongruous to those existing on adjacent tracts.

Reasonableness

The proposed zoning amendment is reasonable and in the public interest because it supports the policies of the Comprehensive Plan as stated above and the Strategic Plan as stated in the Staff Report, and because: [select all that apply]

- X The size, physical conditions, and other attributes of the proposed use(s) will benefit the surrounding community.
- The amendment includes conditions that limit potential negative impacts on neighboring uses.
- X The proposed uses address the needs of the area and/or City.
- X The proposal adapts the zoning code to reflect modern land-use trends and patterns.

The amendment is also in the public interest because it: [select all that apply]

- improves consistency with the long-range plan.
- X improves the tax base.
- preserves environmental and/or cultural resources.
- facilitates a desired kind of development.
- X provides needed housing/commercial area.

Additional comments, if any (write-in):

February 8, 2022

Date



Chair Signature

City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 22-2587

Agenda Date: 3/28/2022

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.03

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 Harmon, Planner II, CZO

DATE: March 28, 2022

RE:

SUP21-09. Order of Approval - Findings of Fact: Special Use Permit to allow four Single-Family Attached Dwellings (Townhome units) in a Single-Family Residential 10 (SF-10) zoning district, to be located at 611 Law Road (REID # 0439858626000), totaling 0.90 acres ± and being the property of Olajuwon Morgan, PalmHaven, LLC.

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 Investment 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:

Evidentiary Hearing

During an Evidentiary Hearing, the burden of demonstrating that an application complies with applicable review and approval standards of this Ordinance is on the applicant, which shall be demonstrated by competent, material, and substantial evidence. The burden is not on the City to show that the standards have not been met by the applicant. The owner is requesting to construct four townhome style units on the lot. The units would be built side by side. All of the surrounding properties are zoned SF-10 and there is existing multi-family development to the east, west, and south.

In the City's Unified Development Ordinance (UDO) townhomes are defined as a Single-Family Attached Dwelling which must have two or more single-family dwelling units, each with its own outside entrance and individual lot, which are joined together by a common or party wall which is shared by two or more individual dwelling units along the lot line.

On February 28, 2022, the City Council held an Evidentiary Hearing regarding this case. After hearing all relevant evidence, the Council voted 10-0 to issue the Special Use Permit.

Background:

Owner: Olajuwon Morgan, PalmHaven LLC.

Applicant: Olajuwon Morgan, PalmHaven LLC

Requested Action: SUP - Single-Family Attached Dwellings

Properties Addresses: 611 Law Rd

Council District: 1 - Mayor Pro Tem Kathy Jensen

Status of Properties: Undeveloped

Size: Approximately 0.90 acres

Adjoining Land Use & Zoning:

- North - SF-10: Single-family
- South - SF-10: Single-family
- West - SF-10: Multi-family & Single-family
- East - SF-10: Single-family

Letters Mailed: 53

Land Use Plan: LDR - Low Density Residential

LDR - Low Density Residential consist mainly of single family residential with some accessory dwellings; occasionally with duplexes (if isolated) or townhomes. Lots typically 1-4 dwellings per acre. Suburban, auto-oriented character with utility services.

Additional Reviews:

A Technical Review Committee (TRC) examination was conducted as part of the Special Use Permit process. However, this use is allowed in the zoning district so a complete review of the project will be conducted as part of the Development Review process to ensure the development meets all development standards for the use.

In general development comments were received. The only specific comment was that in order for the construction be considered as townhomes, each unit will have to be platted on its own individual lot.

Issues/Analysis:

Surrounding Area:

To the north, south and east of the subject property are single-family homes. West of this property is a four unit, two story, apartment complex.

Special Use Permit Request:

The applicant is requesting a Special Use Permit to construct townhomes on a vacant property. The attached site plan shows the layout of the four units.

According to the owner, the proposed use will comply with all of the City's multi-family standards and will be a self-contained complex that will not interfere with the adjoining properties. Each dwelling will consist of a two bedrooms and two baths, with approximately 1,300 sq.ft. of living space. All open space requirements will be met.

The application is only to address the construction of the four townhome sites.

Land within the City is generally classified by the Unified Development Ordinance (UDO) to be within one of a number of base zoning districts. Land may be reclassified to one of a number of comparable zoning districts in accordance with Section 30-2.C.

however., The SUP must meet the following findings of facts:

(1) The special use complies with all applicable standards in Section 30-4.C,

Use-Specific Standards;

According to Section 30-5.H *Dwelling, single-family attached* - Multi-Family Design Standards:

These multi-family design standards are intended to:

- a. Establish a minimum level of design quality for three- to four-family residential, attached residential, and multi-family development to foster sustained value and stability within developments and neighborhoods; and
- b. Promote greater compatibility between three- to four-family residential, attached residential, and multi-family development and other allowed uses in the City through standards addressing building size and appearances, as well as off-street parking.

Although there are additional standards identified under Section 30-5.H.2, letter c. under this section states "standards shall not apply to multi-family development consisting of single-family attached structures (townhomes).

As shown in the owner's application, the special use complies with the standards set forth in the City Code of Ordinance. The owner has purchased additional property to ensure the minimum lot size is met for a four-unit townhome complex All setbacks meet to the given standards. The attached site plan in drawn to meet the requirements of the UDO.

(2) The special use is compatible with the character of surrounding lands and the uses

permitted in the zoning districts(s) of surrounding lands;

According to the submitted site plan and the application, the proposed use is compatible with the overall area as the surrounding area is zoned residential and is comprised of both multi-family residential units and single-family residential homes.

The project will consist of four single unit townhomes.

- (3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;
According to the site plan, the project will be developed similar to other properties along Law Road. There will be minimal noise, etc. from the development. The project will be evaluated by the Technical Review Committee and other local, State, and Federal agencies as applicable. The special use permit for this property will fit right in with its surroundings. There will be adequate parking on the property. Being that there are surrounding single family homes and multifamily all along Law Road, noise levels should not be altered by this new development.
- (4) The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands;
According to the application and site plan, the project will be a residential development similar in nature to the surrounding developments. This new construction will bring a new feel to the area. As it currently sits, this property is an empty open track of land. This sometimes can be an invitation for loiters and littering.
- (5) The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;
According to the application and site plan, this development will have minimum effect on the wildlife, science resource or any natural resources. The land is currently a flat with very little trees. It does not have a pond nor is it located next to a stream or river. With its location, there is little chance of the proposed development effecting the natural resources.
- (6) The special use maintains safe ingress and egress onto the site and safe road conditions around the site;
According to the application and site plan, the proposed use will be in a well-established neighborhood with adequate roads. There are many homes and multifamily dwellings in the area that are currently serviced by the City of Fayetteville police, fire, and EMS responders. A driveway will be built in accordance with the attached site plan and Fayetteville City standards.
- (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
According to the application and site plan, the use will new construction of four residential townhome dwellings. Being a residential construction it should not change the property value of the surrounding buildings in a negative way. The dwelling that is being constructed will fit into the surrounding area's characteristics.
- (8) The Special use complies with all other relevant City, State, and Federal laws and regulations.

The applicant will be required to meet all applicable standards.

Budget Impact:

This action should result in no increase in City services.

Options:

- 1) Approve the Order as presented;
- 2) Remand Order back to staff to changes;

Recommended Action:

The Professional Planning staff recommends that the City Council approve the Order of Approval as presented.

Attachments:

1. Application
2. Aerial Map
3. Zoning Map
4. Land Use Plan Map
5. Subject Properties
6. Surrounding Properties
7. Site Plan
8. Elevations
9. Order of Approval - Findings of Fact

Project Overview**#630170****Project Title:** PalmHaven**Jurisdiction:** City of Fayetteville**Application Type:** 5.3) Special Use Plan Review**State:** NC**Workflow:** Staff Review**County:** Cumberland**Notice Regarding Special Use Permit Procedural Process**

Special Use Permit

Dear Applicants,

Thank you for applying for a Special Use Permit with the City of Fayetteville. Due to legislative changes, the procedural process for Special Use Permits have changed:

1. Special Use Permits are now considered Evidentiary Hearings. With an Evidentiary Hearing, it is incumbent upon the applicant to present evidence that supports the application. This evidence is required both in writing and verbally.
2. Since the written evidence comes mainly from the application, the eight (8) Findings of Fact are essential. The answers must be complete and accurate.
3. Applicants are required to make, at minimum, an oral presentation to the City Council that addresses the eight (8) Findings of Facts. The applicant has the option of doing a visual presentation as well, but this is not required.
4. Lastly, Special Use Permits no longer have to be reviewed by the Zoning Commission and will proceed directly to the City Council. The deadline dates for Special Use Permits have changed.

Again, thank you for your application. If you have any additional questions, please contact the Planning & Zoning Division at 910-433-1612 to speak with a Professional Planner.

If you would like a copy of the above text, you can [download a copy here](#).

Please enter your full name in the space below to confirm your acknowledgement of the above statement.

Enter Your Full Name Here: Olajuwon Morgan

Project Location

Project Address or PIN: 0439858626000

GIS Verified Data**Property Owner:****Acreage:****Zoning District:****Subdivision Name:****Fire District:****Airport Overlay District:**

Hospital Overlay District:

Cape Fear District: Cape Fear District

- 0439858626000: 0

Haymount Historic District:

100 Year Flood:

Watershed:

Coliseum Tourism District:

Downtown Historic District:

Floodway:

500 Year Flood:

Written Description of Special Use

Is the proposed project for a cell tower?: No

A) Provide a written description of the proposed special use, including summary of existing uses and the proposed use/activity in detail. Also include hours and days of operation, number of employees, number of clients, etc.:

The proposed special use will be for a quadplex (One single building with four dwellings). Each dwelling will consist of a two bedroom two bath unit with approximately 1300 sq.ft. The referred to property is currently an empty lot of land that is zoned R104-RES. The current lot size is 0.75 acres.

B) Please provide a description of the Zoning District designations and existing uses on adjacent properties, including across the street.:

The zoning district designation are for R104-RES. There are currently over 4 Multifamily dwellings located on Law road Fayetteville Nc 28311. Directly to the left of the property is a quadplex that was built in 1969. Less than .14 of a mile is a 12 unit apartment complex that was built in 1975 and remodel in 2005. Approximately .18 of a mile is a 120 unit apartment complex. Directly across the street from the property is another empty lot, and to the left of that lot is a single family house.

Special Use Justification. Answer all questions on this and the following pages (upload additional sheets as needed).

Indicate how the special use complies with all applicable use-specific standards in the City Code of Ordinances.:

The special use complies with the standards set fourth in the City Code of Ordinance on all applicable standards. To begin the minimum lot sized is met for a quadplex which the minimum square footage requirement per unit is 7,500. All setbacks can be complied to the given standards. After-reviewing the 30-3.D.3. Single-Family Residential 10 (SF-10) District in the city code of ordinance I had a site plan created to show the proposed building on the current lot.

Describe how the special use is compatible with the character and uses permitted in the zoning district(s) of surrounding lands.:

The special use is compatible to the area because the are multiple multifamily dwellings within 1/8 of a mile to 1/4 of a mile surrounding the property. This will be a new building that not only bring a new charteristic to this subdivision, but will also combat the strain of affordable rental units in the area.

Indicate how the special use avoids significant adverse impact on surrounding lands regarding service delivery, parking and loading, odors, noise, glare, and vibration.:

The special use permit for this property will fit right in with its surroundings. This building will home 4 families. There will be adequate parking on the property. Being that there are surrounding single family homes and multifamily building not only next door but within a 1/4 mile traffic and noise level will not be altered or changed with the newly added dwelling.

Demonstrate how the special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands.:

The special use will bring a new up feel to the area. As it currently is, the property is a empty open track of land. This sometimes can be an invitation for loiters and littering. The use of the special use will bring a newly built dwelling to the area that will have a clean and apporiate look to the subdivision. The up keep of the property will always be in full affect when there are families living on the property, which will create an ownership of there surrounding and create a healthier neighborhood.

Explain how the special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.:

The special use will have minimum effect on the wildlife, science resource or any natural resources. The land is currently a flat area with little to any trees, it does not have a pond nor is it located next to a stream or river. With the location of the proposed special use affecting the natural resources is at a minimum.

Indicate how the special use maintains safe ingress and egress onto the site and safe road conditions around the site.:

The proposed special use will be in a well established subdivision with adequate roads. There are many homes and multifamily dwellings in the area that are currently serviced with the city of Fayetteville finest police officer, fire fighters, and EMS responders. There will be an established driveway that leads on and off the proposed dwelling.

Demonstrate how 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.:

The special use will be for a new construction residential dwelling. Being a residential construction it should not change the property value of the surrounding buildings in a negative way. The dwelling that is being constructed will fit into the surrounding area's characteristics.

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

The special use complies with all other relevant city, state, and Federal laws and regulations.

Primary Contact Information

Project Contact - Agent/Representative

Olajuwon Morgan
PalmHaven LLC
406 Raynor Drive
Fayetteville, NC 28311
P:9103647672
Palmhavennc@gmail.com

Project Owner

Olajuwon Morgan
PalmHaven LLC
406 Raynor Drive
Fayetteville, NC 28311
P:9103647672
Palmhavennc@gmail.com

Project Contact - Primary Point of Contact for the Contractor

Eliel Lopez

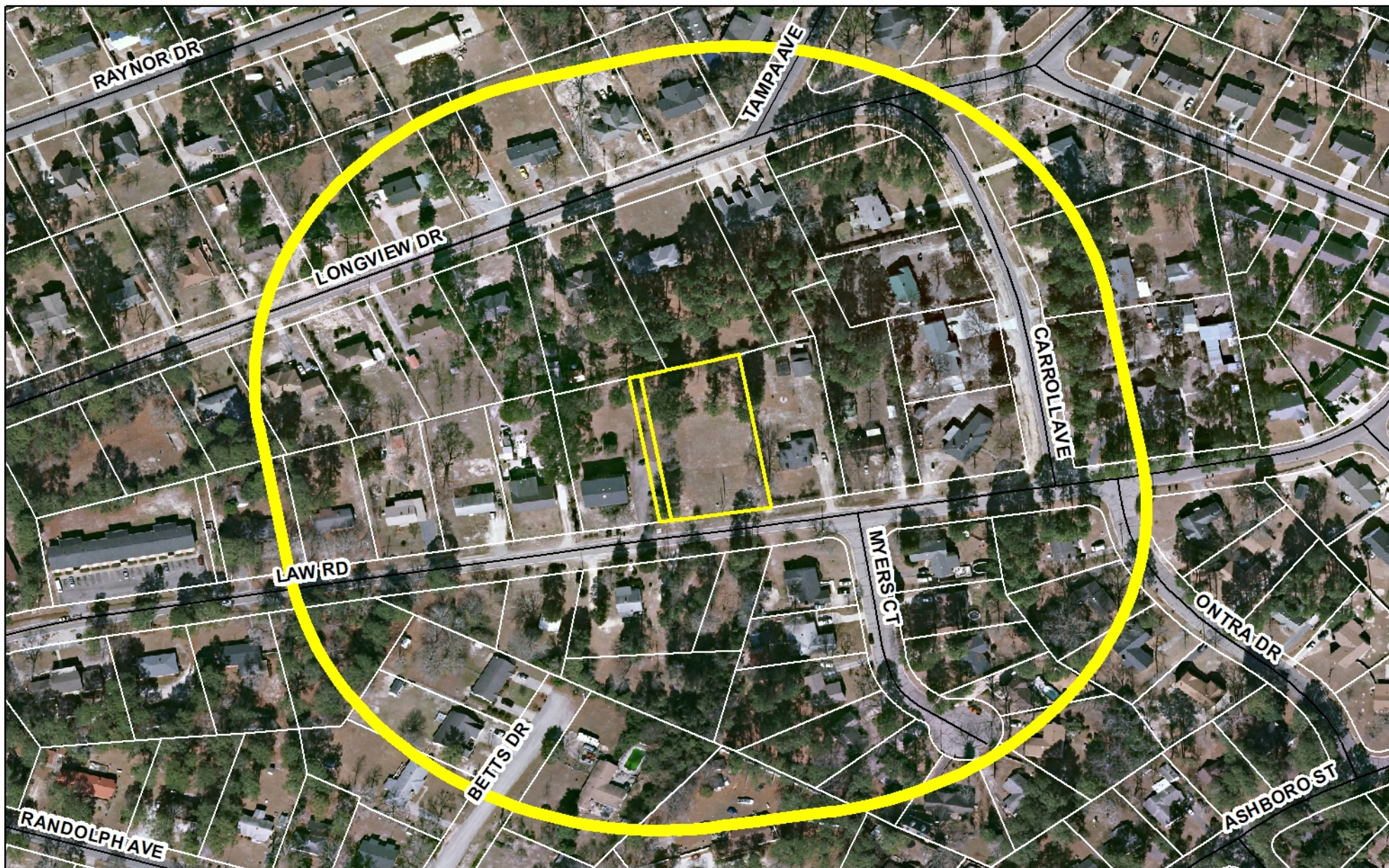
3525 Farm Circle Rd.
Fayetteville, NC 28306
P:(630) 818-0173
eli@innovativebuildsinc.com

NC State License Number: 81859

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$30,000. :

Contractor's NC ID#:

Indicate which of the following project contacts should be included on this project: Contractor



Aerial Notification Map

Case #: SUP21-09

Request: SUP
4 Townhome Units

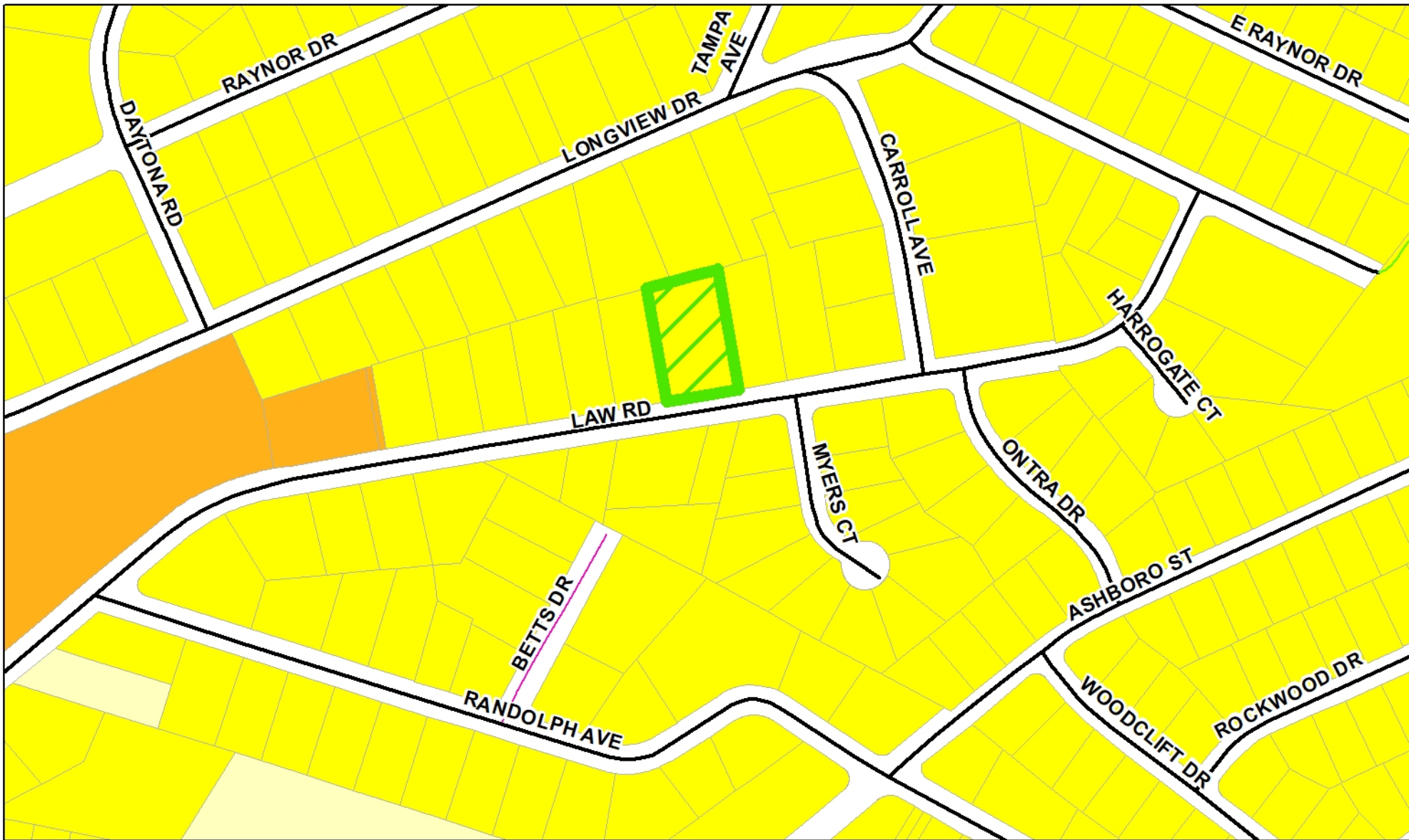
Location: PalmHaven
611 Law Rd

Legend

-  500' Notification Area
-  Parcels



Letters are being sent to all property owners within the 500' buffer. Subject property is shown in the hatched pattern.



Zoning Map

Case #: SUP21-09

Request: SUP
4 Townhome Units

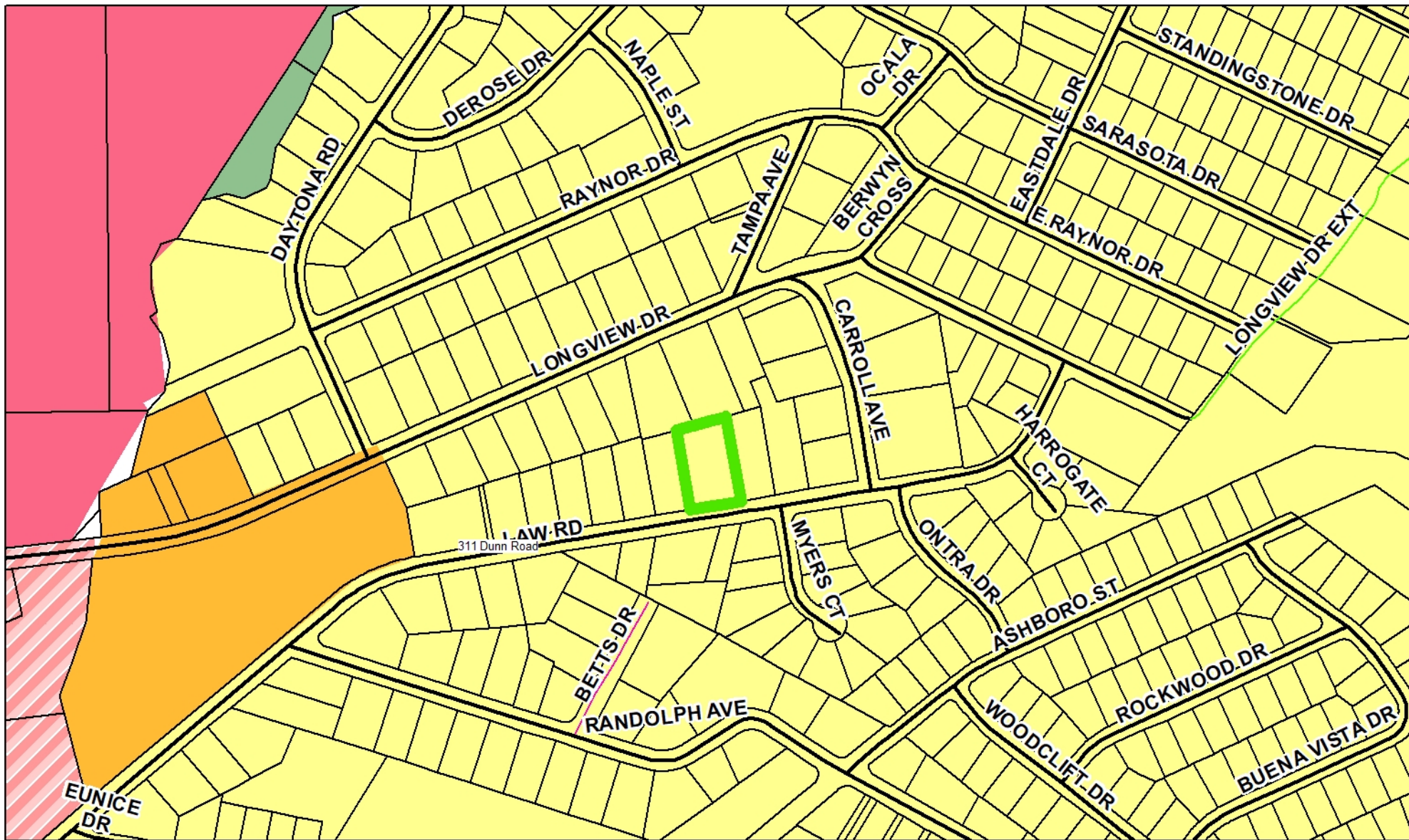
Location: PalmHaven
611 Law Rd

Legend

-  250' Separation Buffer
-  MR-5 - Mixed Residential 5
-  SF-6 - Single-Family Residential 6
-  SF-10 - Single-Family Residential 10
-  Parcels



Letters are being sent to all property owners within the 300' buffer. Subject property is shown in the hatched pattern.



Land Use Map

Case #: SUP21-09

Request: SUP
4 Townhome Units

Location: PalmHaven
611 Law Rd

Legend

Parcels

Future Land Use 2040

Character Areas

- PARKOS - PARK / OPEN SPACE
- LDR - LOW DENSITY
- HDR - HIGH DENSITY RESIDENTIAL
- CSR - COMMERCIAL STRIP REDEVELOPMENT
- CC - COMMUNITY CENTER



Letters are being sent to all property owners within the 500' buffer. Subject property is shown in the hatched pattern.





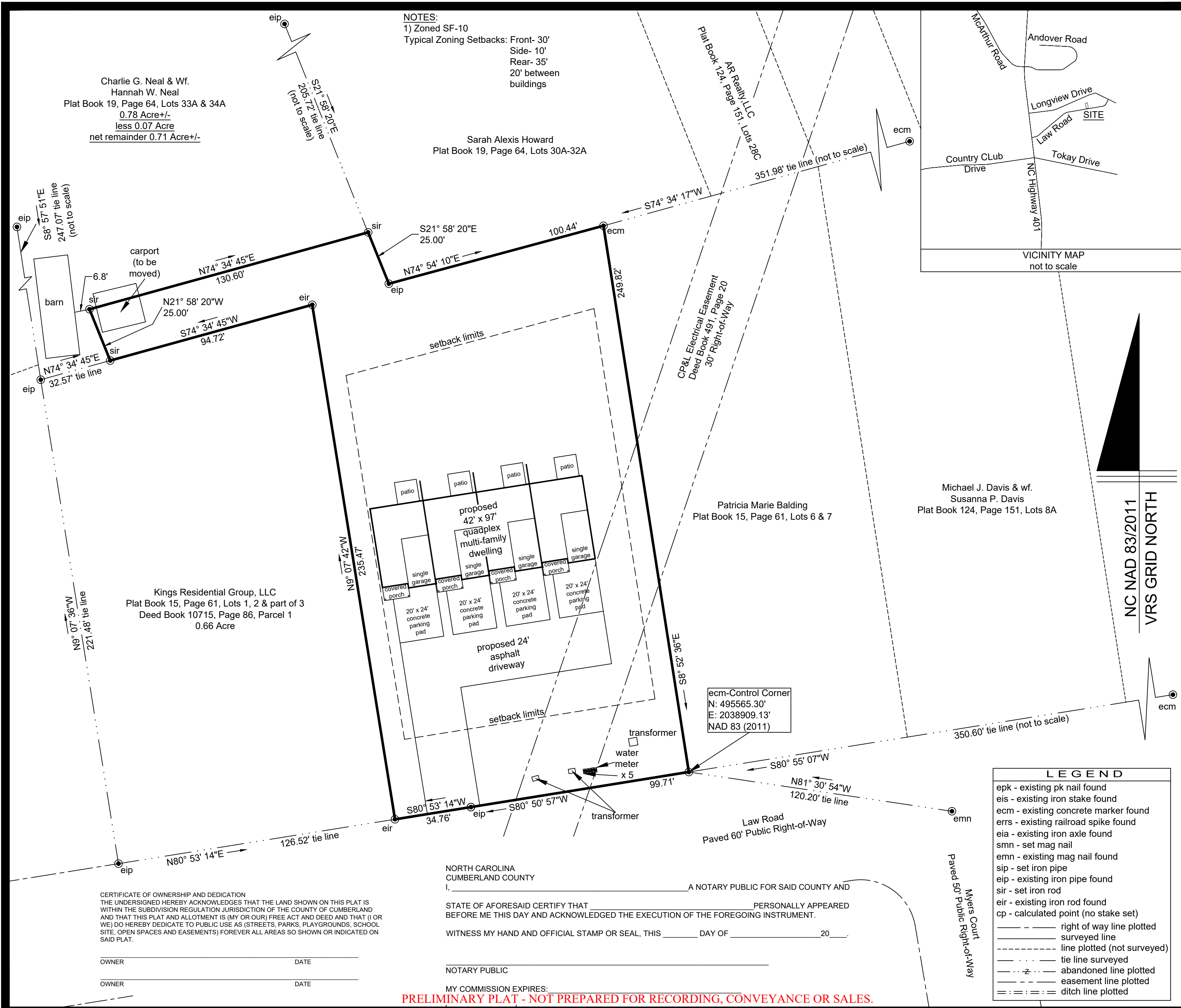
West



East

South

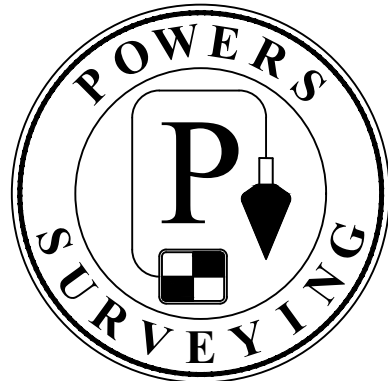




RECOMBINATION SURVEY

PalmHaven LLC

City of Fayetteville, Cross Creek Township
Cumberland County North Carolina
November 11, 2021 Scale 1" = 30'
Title Reference: Deed Book 11245, Page 16
Plat Book 147, Page 72 Lot 4A
REID: 0439858626000



Powers Surveying
Firm License: F-1359
John D. Powers, Jr., PLS L-3719
750 South Roberts Avenue
Lumberton, North Carolina 28358
(910) 738-6980

NORTH CAROLINA CUMBERLAND COUNTY, I, JOHN D. POWERS, JR., PLS L-3719, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, DEED AND DESCRIPTION RECORDED IN DEED BOOK 11245, PAGE 16, THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDE AND DEPARTURES IS 1/10,000+; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN AS BROKEN LINES PLOTTED FROM INFORMATION FOUND IN BOOKS REFERENCED, THAT THIS MAP WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED WITNESS MY HAND AND SEAL THIS 11TH DAY OF NOVEMBER, A.D., 2021.

THIS PLAT IS OF A SURVEY THAT IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXEMPTION OR EXCEPTION TO THE DEFINITION OF SUBDIVISION.

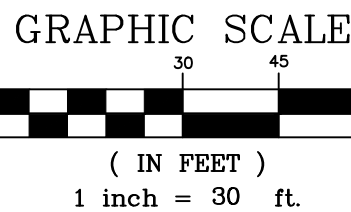


STATE OF NORTH CAROLINA COUNTY OF CUMBERLAND

I, _____ REVIEW OFFICER OF CUMBERLAND COUNTY CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER

DATE



DRAWING #: 21-262.DWG

BUILDING CODE NOTES

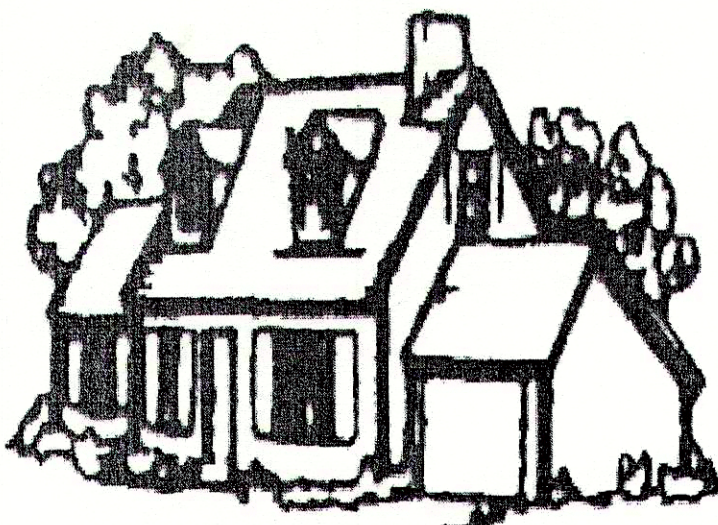
THIS PLAN HAS BEEN DESIGNED UNDER THE 2018 NORTH CAROLINA RESIDENTIAL CODE.

APPLICABLE CODES:
N.C. MECHANICAL CODE, 2018
N.C. PLUMBING CODE, 2012
N.C. ELECTRICAL CODE, 2017

Charles Smith Associates

RESIDENTIAL DESIGNER

STOCK
PLANS



CUSTOM
DESIGNS

907 S. McPherson Church Road
P.O. Box 41408 • Fayetteville, NC 28309-1408
Phone: (910) 484-5924 • Fax: (910) 484-0363
Cell: (910) 977-3727 • Email: csassociates@nc.rr.com
Web: www.csaplans.com

~ 1967 ~

CONSTRUCTION NOTES

THE FOLLOWING IS A NON-EXHAUSTIVE LIST OF SOME COMMONLY MISSED CODE REQUIREMENTS AND ARE ENFORCEABLE IN THE CONSTRUCTION FROM THESE PLANS. SEE THE N.C. RESIDENTIAL CODE BOOK FOR MORE INFORMATION.

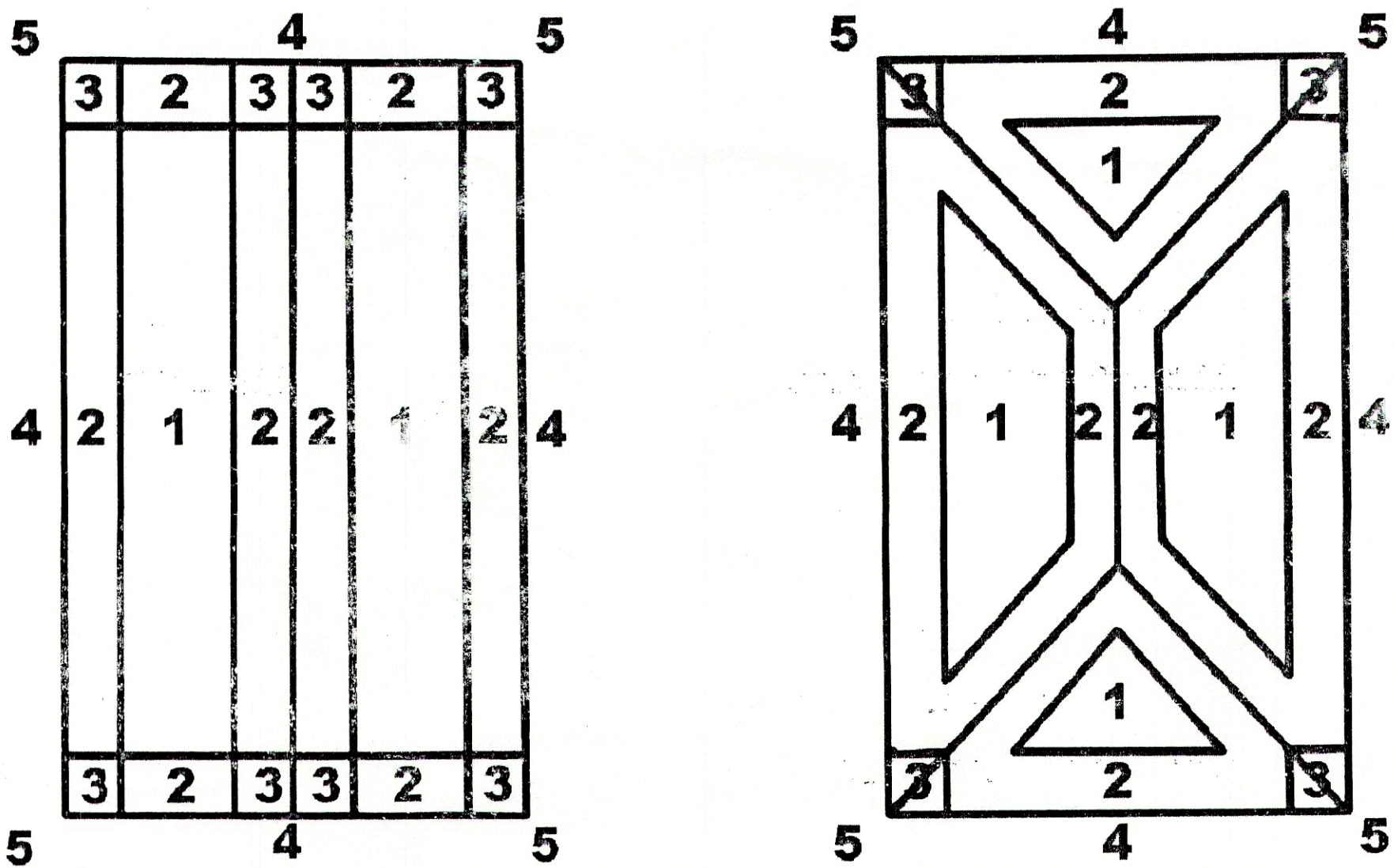
1. (R308.4.2) ALL GLAZING WITHIN 24" OF EITHER SIDE OF A DOOR IN A CLOSED POSITION AND ON THE SAME WALL PLANE SHALL BE TEMPERED. ALL WINDOWS THAT MEET ALL OF THE FOLLOWING CONDITIONS SHALL BE TEMPERED: A) INDIVIDUAL PANES OF MIN. 9sf, B) BOTTOM EDGE IS WITHIN 18" OF FLOOR, C) TOP EDGE IS AT LEAST 36" ABOVE FLOOR, AND D) GLAZING IS WITHIN 36" HORIZONTALLY OF WALKING SURFACE. TEMPERED GLAZING IS ALSO REQUIRED WITHIN 60" OF HOT TUBS OR STAIR LEADING AND FINISH EDGES. TEMPERED WINDOWS ALSO REQUIRED PER REMAINDER OF THIS CODE SECTION.
2. (R310.1) ALL SLEEPING ROOMS AND BASEMENTS WITH HABITABLE SPACE SHALL HAVE AT LEAST ONE EGRESS WINDOW CONFORMING TO THE FOLLOWING: A) MIN. 4.0sf CLEAR OPENING B) MIN. TOTAL GLASS AREA OF 5.0sf (GROUND FLOOR WINDOW) 5.7sf (UPPER STORY WINDOW). IT IS THE CONTRACTOR'S RESPONSIBILITY TO CHOSE THE PROPER CONFORMING WINDOW, AND HAVE EGRESS WINDOWS PROPERLY DISTRIBUTED AND INSTALLED AS REQUIRED.
3. (R311.2) ALL INTERIOR EGRESS DOORS AND A MINIMUM OF ONE EXTERIOR EGRESS DOOR SHALL BE READILY OPENABLE FROM THE EGRESS SIDE WITHOUT USE OF A KEY OR SPECIAL KNOWLEDGE.
4. (R311.7.5.1 and R311.7.5.2) MAXIMUM STAIR RISER HEIGHT SHALL BE 8-1/4", AND MINIMUM TREAD SHALL BE 9-1/2".
5. (R314) SMOKE ALARMS SHALL BE INSTALLED AND INTERCONNECTED WITH BATTERY BACK-UP IN THE FOLLOWING AREAS: EACH SLEEPING ROOM IN THE AREA (HALLWAY) RIGHT OUTSIDE THE SLEEPING ROOMS AND EACH STORY. THE ONE OUTSIDE THE SLEEPING ROOMS WILL SATISFY THAT STORY.
6. (R317) ALL TREATED LUMBER SHALL BEAR THE AWPA U1.
7. (R406.1) BITUMINOUS DAMPPROOFING SHALL BE APPLIED TO EXTERIOR FOUNDATIONS OF ALL HABITABLE AND USABLE (STORAGE, ETC.) SPACES.
8. (R408.1.2) INSTALL ONE FOUNDATION VENT WITHIN 3' OF EACH CORNER (NOT EACH SIDE OF EACH CORNER).
9. (R905.2.8) FLASH ALL VALLEYS AND WALL/ROOF INTERSECTIONS, AND CHIMNEY AND OTHER ROOF PENETRATIONS. USE ICE AND WATER SHIELDS ON ALL ROOF LEGS LESS THAN 4:12 SLOPE. FLASHING TO BE NON-CORROSIVE.
10. (R807.1) BUILDER TO LOCATE 22"X30" ATTIC ACCESS IN ALL ATTICS WITHOUT STAIR ACCESS. LOCATE ACCESS TO PROVIDE A 30" CLEAR SPACE ABOVE ACCESS DOOR-TYP.
11. (R1003) MASONRY FIREPLACE WALLS TO BE MIN. 8" THICK AND MIN. 2" TO FRAMING. POURED HEARTH TO HAVE MIN. #4@12" O.C. EACH WAY. HEARTHS TO BE MIN. 20" FROM FIREBOX AND HAVE MIN. 12" WIDER THAN FIREBOX ON EACH SIDE.
12. (R403.1.6) ANCHOR STRAPS SHALL BE MIN 1/2" DIAMETERE & SHALL EXTEND A MINIMUM 7" INTO MASONRY OR CONCRETE. ANCHOR BOLTS TO BE NO MORE THAN 6"O.C. AND WITHIN 12" OF THE CORNER.
13. INSTALL APPROVED CARBON MONOXIDE ALARM OUTSIDE EACH BEDROOM AND IN IMMEDIATE VICINITY OF EACH SEPERATE SLEEPING AREA.

CLIMATIC AND GEOGRAPHIC NOTES

CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA							
ROOF SNOW LOAD	WIND SPEED (MPH) FIGURE (3012.4)	SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM				WINTER DESIGN TEMP.
20 PSF	3 SEC. GUST: —	B (REF: FIG. 310.2(2))	WEATHERING	FROST LINE	TERMITE	DECAY	20
	FASTEST MILE: —		MODERATE	12"	MOD. TO HEAVY	MOD.	

Wind Load: Basic Wind Speed 115-120-130-140-150 MPH (3-SECOND GUST)
? MPH (FASTEST MILE)
Exposure Category B (Suburban)

Wind Zone Exposure Plans:



Notes:
3 = 4' Long (Typ.)

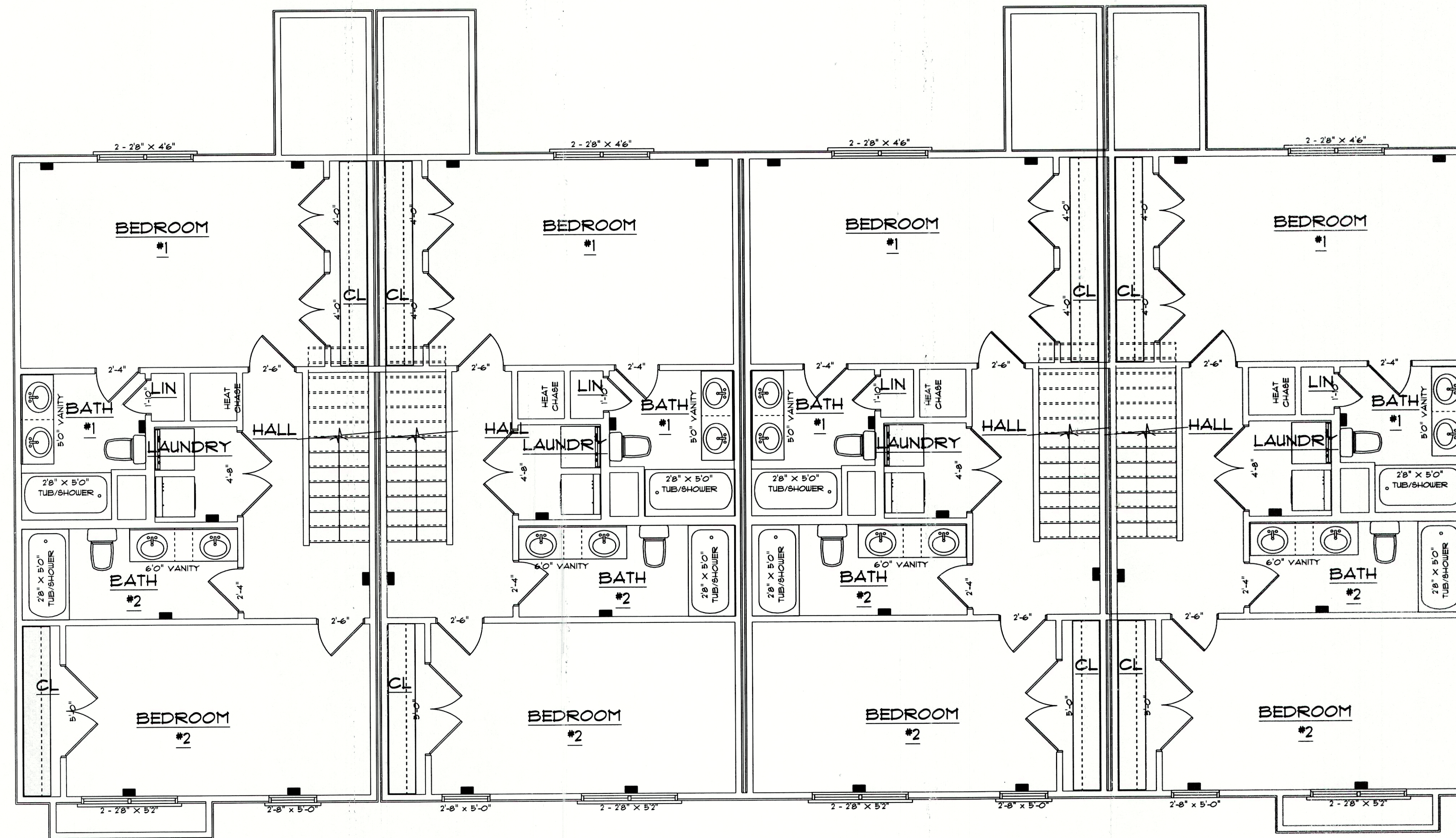
Component and Cladding Loads:
Worst Case - 10 s.f. (typ.)

Mean Roof Height	Up to 30'		30'-1" - 35'		35'-1" - 42'		42'-1" - 45'	
Exposure Zone	Design Pressure	Uplift Force	Design Pressure	Uplift Force	Design Pressure	Uplift Force	Design Pressure	Uplift Force
Zone 1:	16.5 psf	-18.0 psf	17.3 psf	-18.9 psf	18.0 psf	-19.6 psf	18.5 psf	-20.2 psf
Zone 2:	16.5 psf	-21.0 psf	17.3 psf	-22.1 psf	18.0 psf	-22.9 psf	18.5 psf	-23.5 psf
Zone 3:	16.5 psf	-21.0 psf	17.3 psf	-22.1 psf	18.0 psf	-22.9 psf	18.5 psf	-23.5 psf
Zone 4:	18.0 psf	-19.5 psf	18.9 psf	-20.5 psf	19.6 psf	-21.3 psf	20.2 psf	-21.8 psf
Zone 5:	18.0 psf	-24.1 psf	18.9 psf	-25.3 psf	19.6 psf	-26.3 psf	20.2 psf	-27.0 psf
Wall, Zone 4:	15.9 psf	-17.8 psf	16.8 psf	-18.8 psf	17.5 psf	-19.6 psf	18.1 psf	-20.1 psf
Wall, Zone 5:	17.8 psf	-26.7 psf	18.7 psf	-27.9 psf	19.4 psf	-28.9 psf	20.0 psf	-29.6 psf

Windows:

*** All windows shall be labeled to conform with AAMA/NWWDA 101.1.S.2 and be rated for min. DP25 classification for all windows within 4' of outside corners and DF20 elsewhere.

CLIMATE ZONE	FENESTRATION U-FACTOR ¹	SKYLIGHT ² U-FACTOR	GLAZED FENEST. SHGC ^{3A}	CEILING R-VALUE ⁴	WOOD FRAME WALL R-VALUE	MASS WALL R-VALUE ⁵	FLOOR R-VALUE	BASEMENT ⁶ WALL R-VALUE	SLAB ⁷ R-VALUE & DEPTH	CRAWL SPACE ⁸ WALL R-VALUE
3	0.35	0.55	0.30	38 or 30cl	15 or 13+2.5 ^b	5/13 or 5/10cl	19	5/13'	0	5/13
4	0.35	0.55	0.30	38 or 30cl	15 or 13+2.5 ^b	5/13 or 5/10cl	19	10/15	10	10/15
5	0.35	0.55	NR	38 or 30cl	19 ^a or 13+5 ^b or 15+3 ^b	13/17 or 13/12.5cl	30 ^a	10/15	10	10/19



HVAC CONTRACTOR TO CONFIRM
VENT LOCATION AND SIZE OF UNIT

**SECOND FLOOR 4 UNITS
TOWNHOMES SECOND FLOOR**

SCALE: 1/4" = 1'0"

650 S/F ON SECOND FLOOR
DOESN'T INCLUDE STAIRS

**4 UNITS
TOWNHOMES FRONT ELEVATION**

SCALE: AS NOTED
DATE: JULY 2021
DRAWN BY: CGP

CHARLES SMITH ASSOC.
RESIDENTIAL DESIGNER - FAYETTEVILLE, NORTH CAROLINA

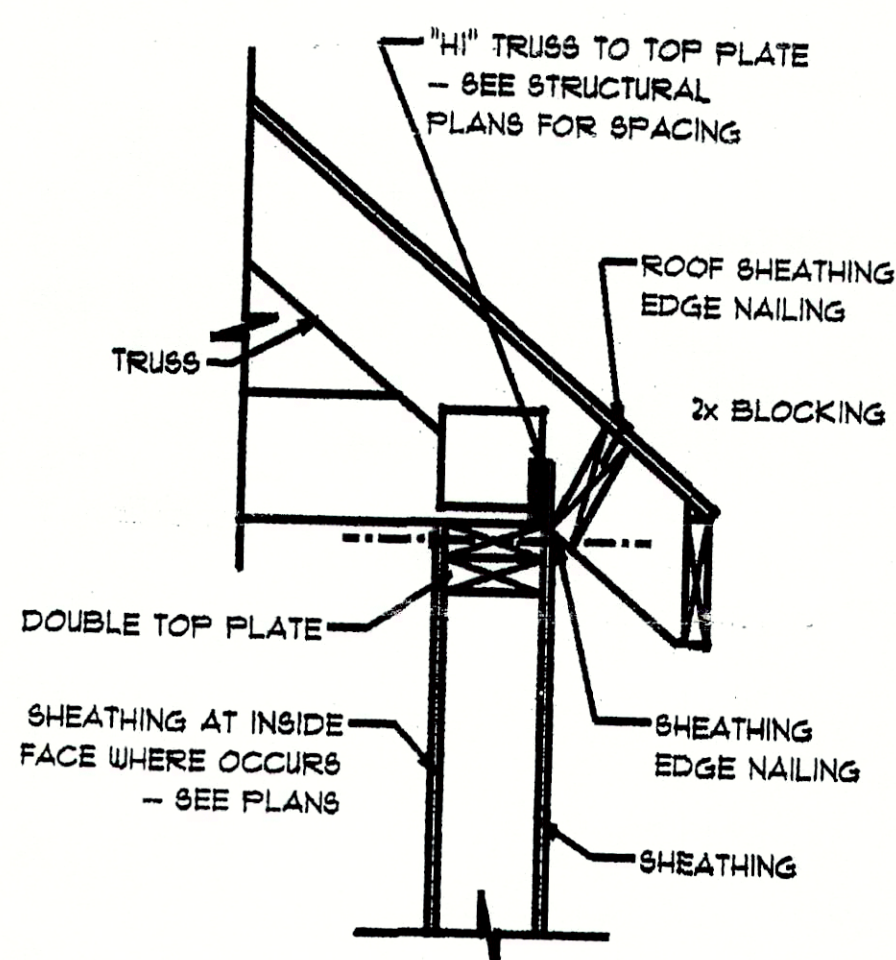
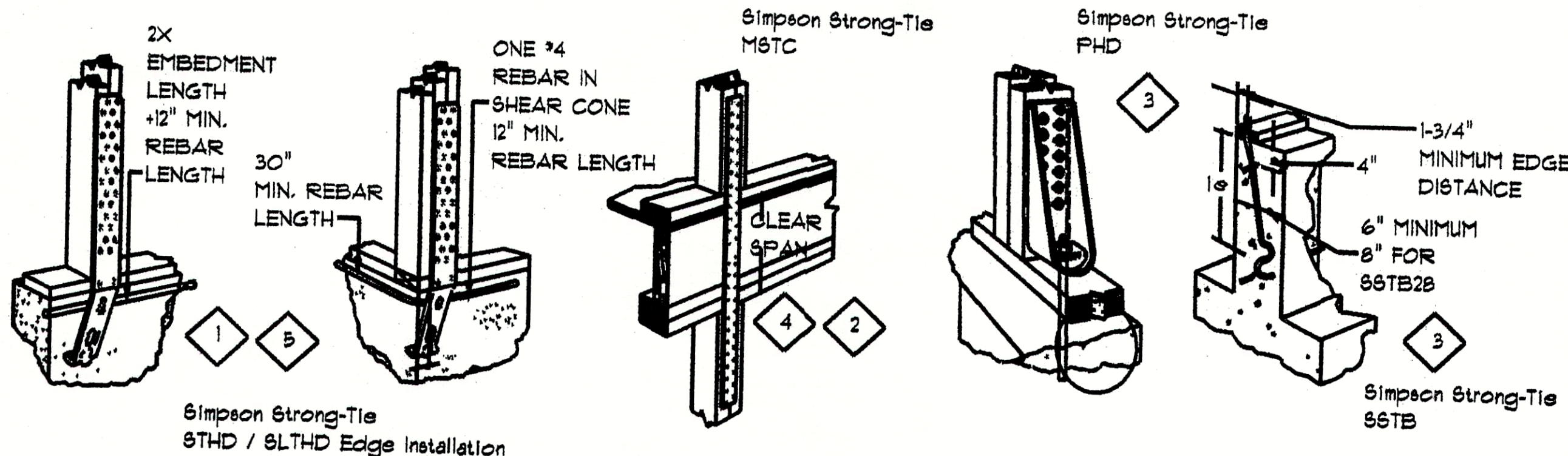
BUILDING CONTRACTOR TO MEET LOCAL
WIND LOADS PER CODE AS IT PERTAINS
TO CONSTRUCTION OF HOUSE
100, 120, 140, 150, 160 MPH

I DO HEREBY CERTIFY THAT THIS DRAWING OR PLAN AND RELATED SPECIFICATIONS
MEET ALL LOCAL REQUIREMENTS AND ARE IN SUBSTANTIAL CONFORMITY WITH
THE INTERNATIONAL BUILDING CODE COUNCIL (2018 N.C. BUILDING CODE).

TOWNHOMES
T-1320

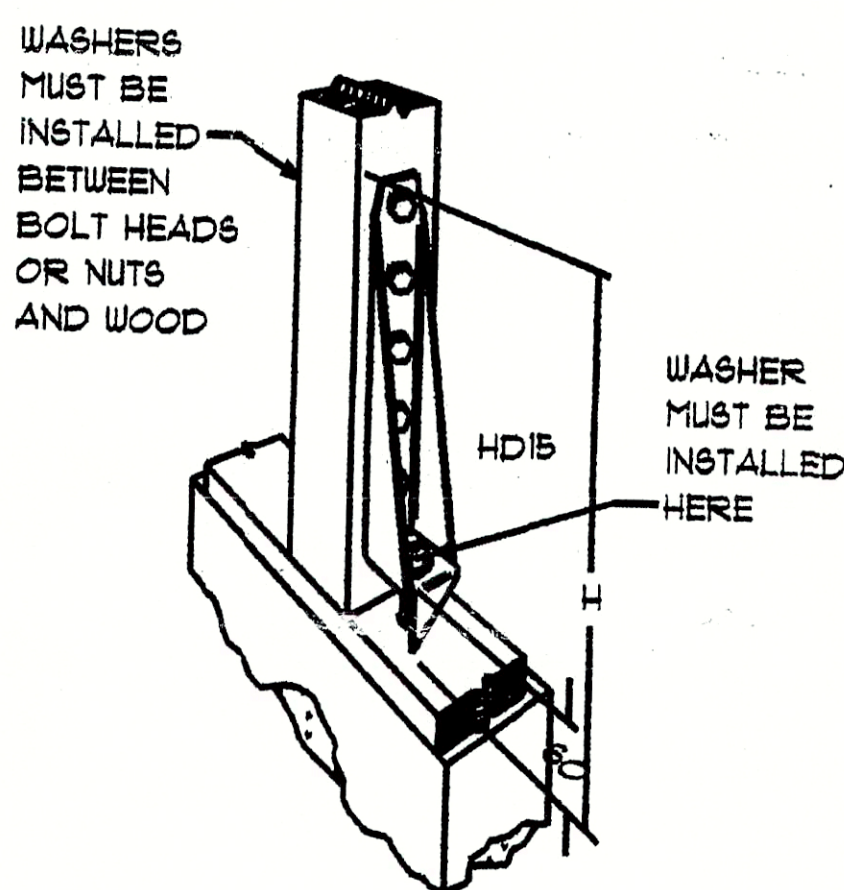
HOLD DOWN KEY

- 1 SIMPSON L8THD8 OR L8THD8RJ (FOR RIM JOIST APPLICATION) WITH 24-16d SINKERS INTO A DBL STUD, EDGE NAIL SHEAR TO BOTH STUDS. AT FOUNDATION USE 8" CONCRETE EMBEDMENT WITH #4 REBAR ABOVE THE EMBEDMENT PORTION.
- 2 TO CLEAR SPAN FLOOR USE SIMPSON MSTC40 WITH 36-16d SINKERS. USE 18-16d NAILS TO DBL OR 4x STUD ABOVE FLOOR, BELOW FLOOR USE 18-16d SINKERS TO DBL OR 4x STUD OR HEADER. SEE DETAIL FROM SIMPSON CATALOG. 16" CLEAR SPAN.
- 3 SIMPSON PHD5 WITH 14-SDS 1/4"x3" WOOD SCREWS INTO DBL OR 4x STUD, EDGE NAIL SHEAR TO BOTH STUDS. AT FOUNDATION USE SIMPSON 66TB20 ANCHOR BOLT WITH 16" CONCRETE EMBEDMENT WITH SINGLE POUR FOUNDATION. IF REQUIRED, USE CONNECTOR NUT AND CONTINUOUS ALLTHREAD TO CONNECT ANCHOR BOLT TO HOLD DOWN.
- 4 TO CLEAR SPAN FLOOR USE SIMPSON MSTC78 WITH 80-16d SINKERS. USE 40-16d NAILS TO DBL OR 4x STUD ABOVE FLOOR, BELOW FLOOR USE 40-16d SINKERS TO DBL OR 4x STUD. SEE DETAIL FROM SIMPSON CATALOG. 18" CLEAR SPAN.
- 5 SIMPSON 8THD10 OR 8THD10RJ (FOR RIM JOIST APPLICATION) WITH 28-16d SINKERS INTO A DBL STUD, EDGE NAIL SHEAR TO BOTH STUDS. AT FOUNDATION USE 10" CONCRETE EMBEDMENT WITH #4 REBAR ABOVE THE EMBEDMENT PORTION.



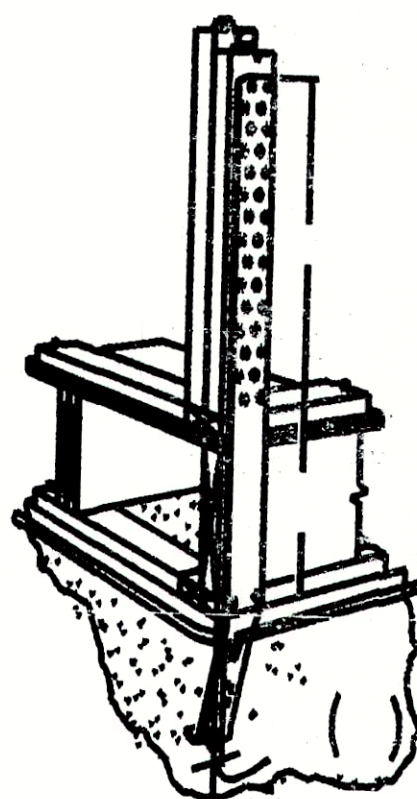
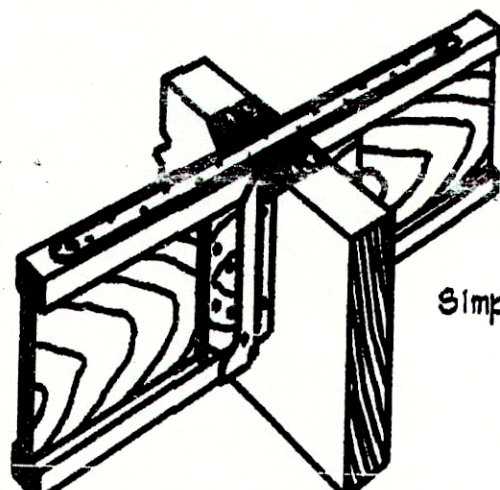
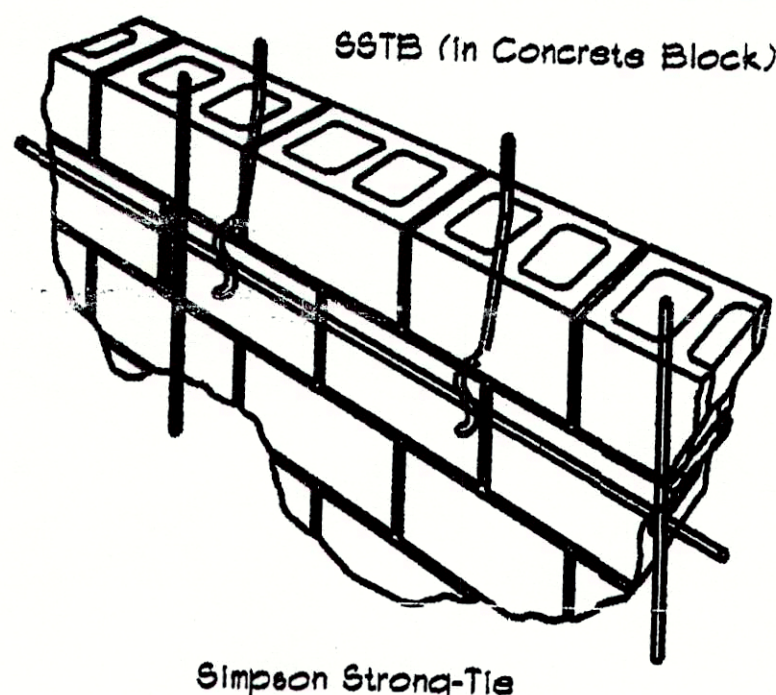
SHEAR TRANSFER AT EAVE

NTS



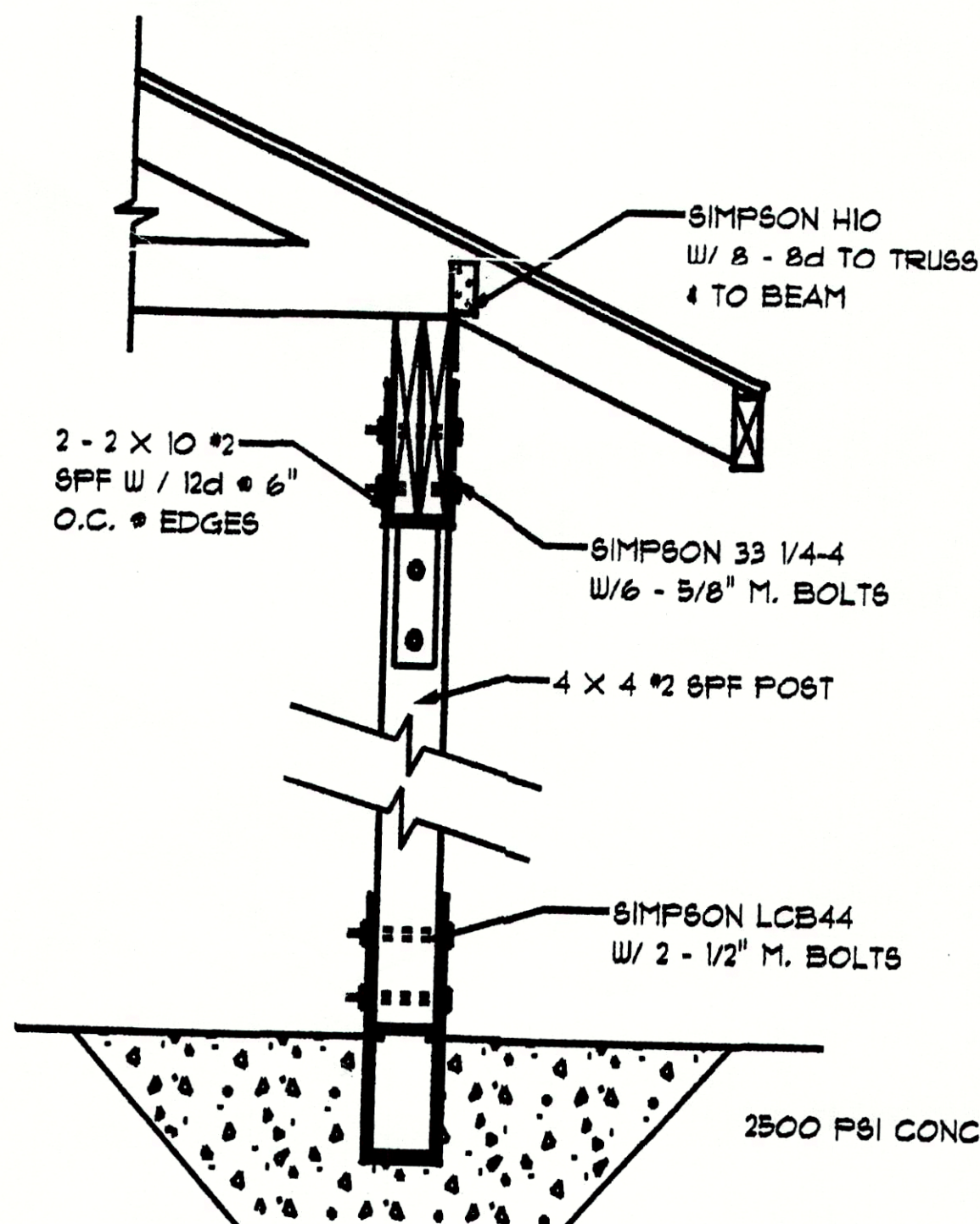
ISOMETRIC HD15 HOLDOWN

NTS



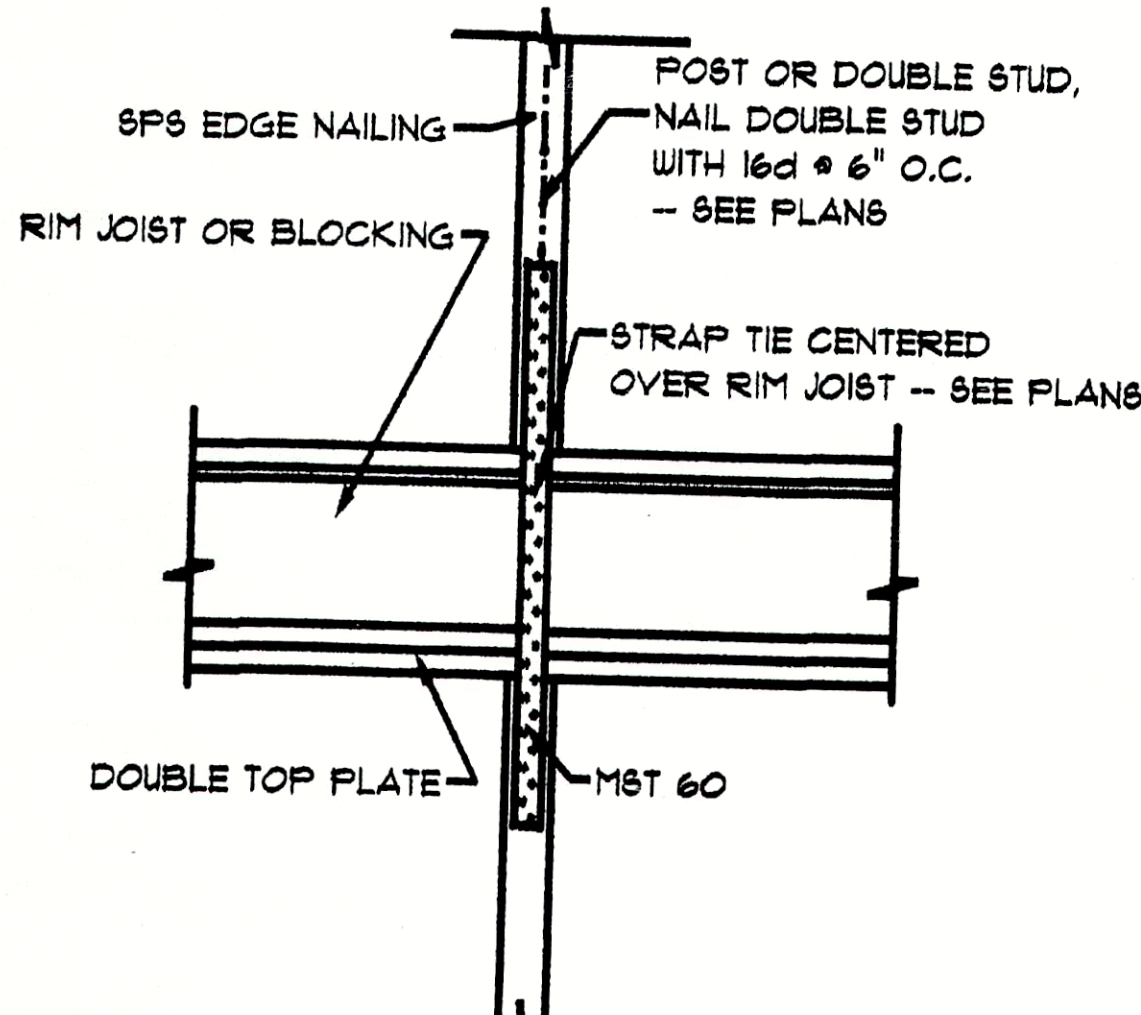
ISOMETRIC SIMPSON STRONG-TIE DETAILS

NTS



POST AND BEAM DETAIL A

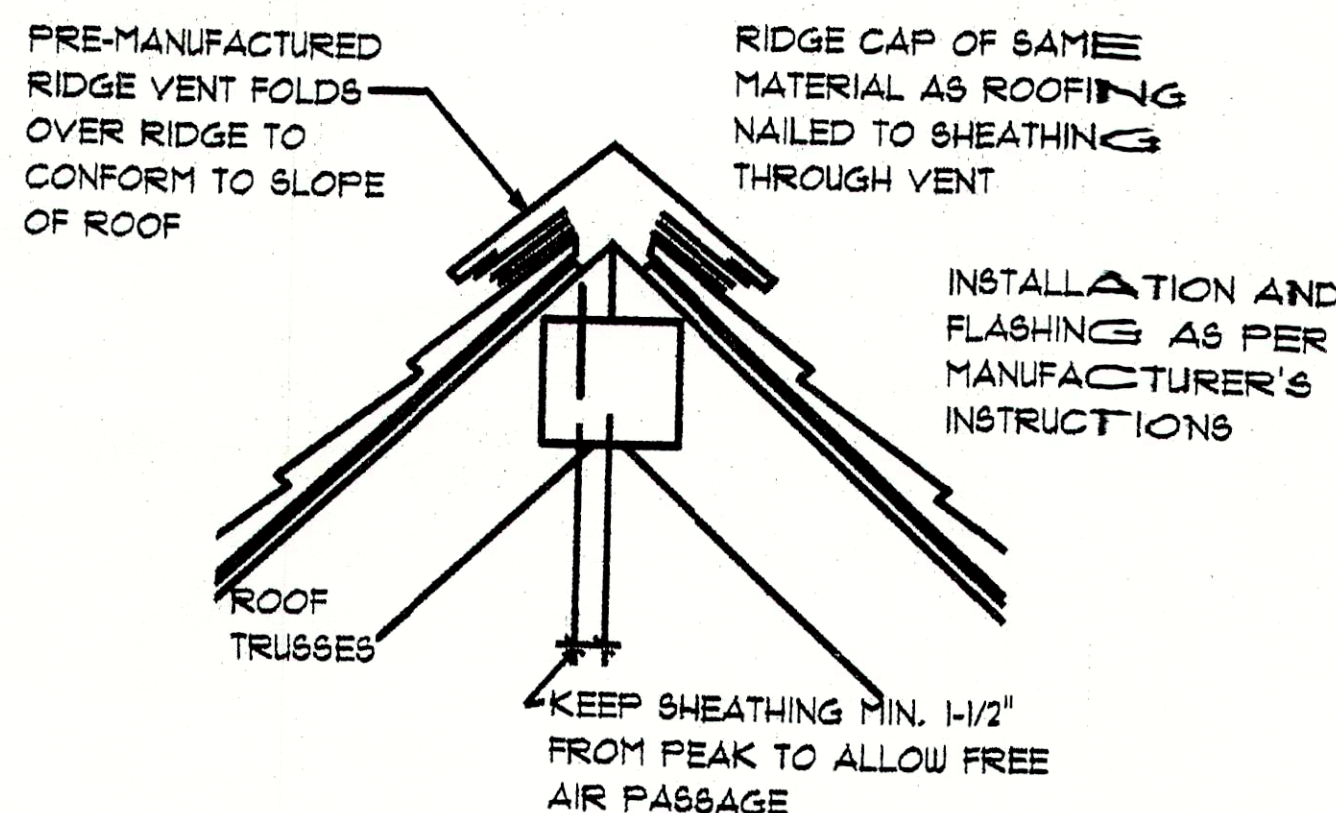
NTS



STRAP TIE B

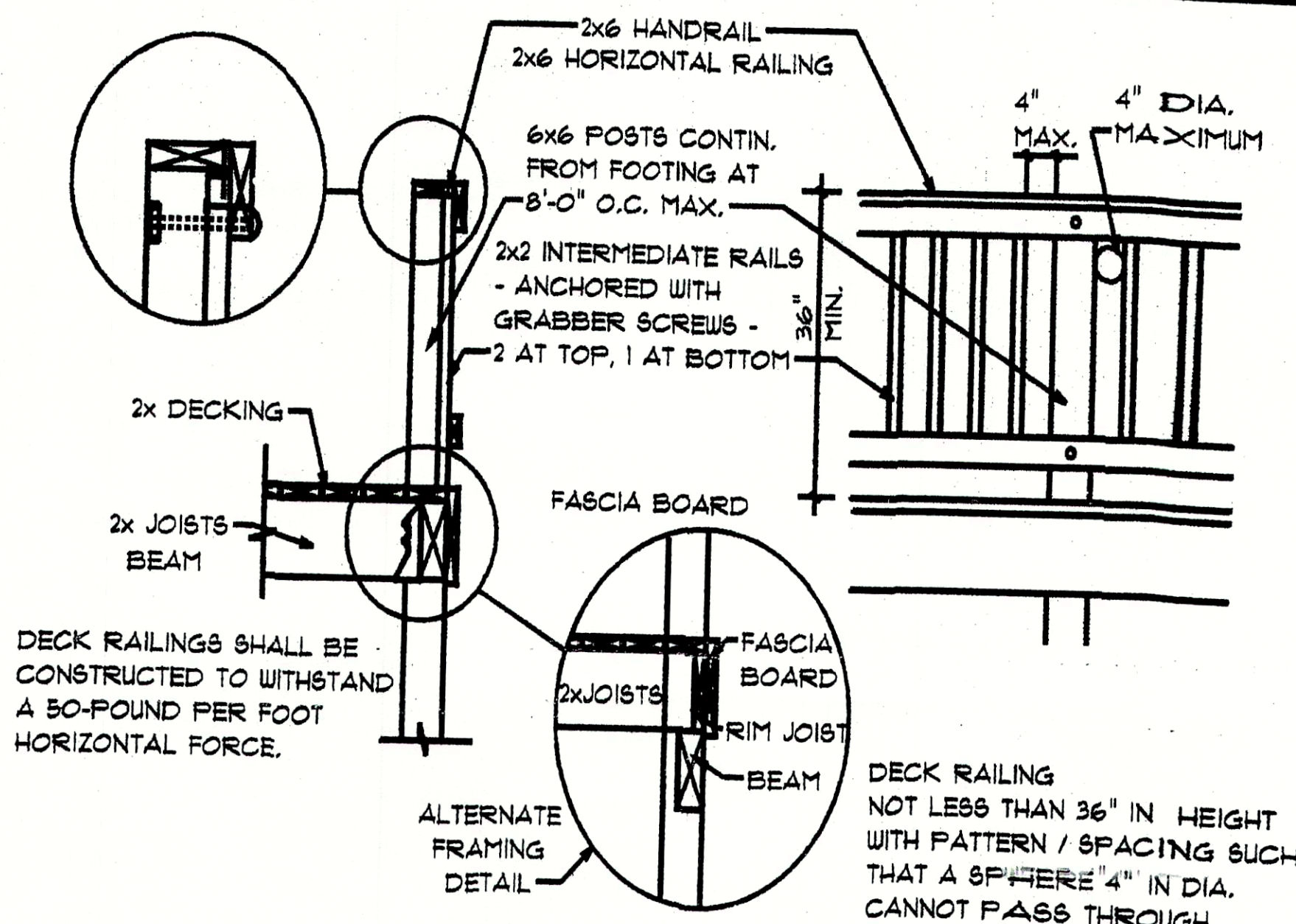
NTS

NOTE THAT "DORMER" STYLE THROUGH-ROOF EXHAUST VENTS MAY BE PROVIDED IN ADDITION TO OR IN LIEU OF RIDGE VENTS INDICATED.
MIN. 26 SQ. FT. (3800/150 = 25.33) VENTILATION AREA REQ'D



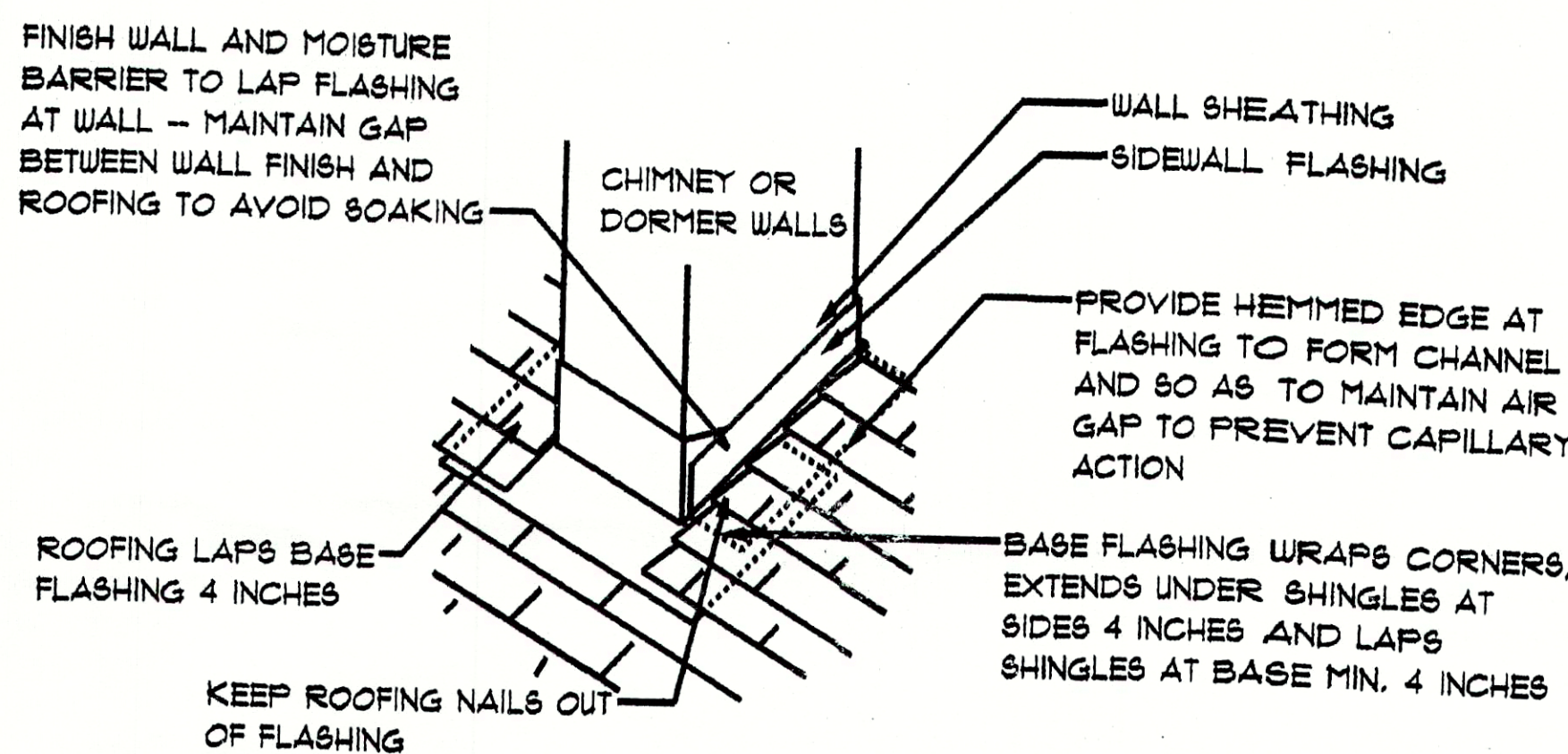
RIDGE VENT

NTS



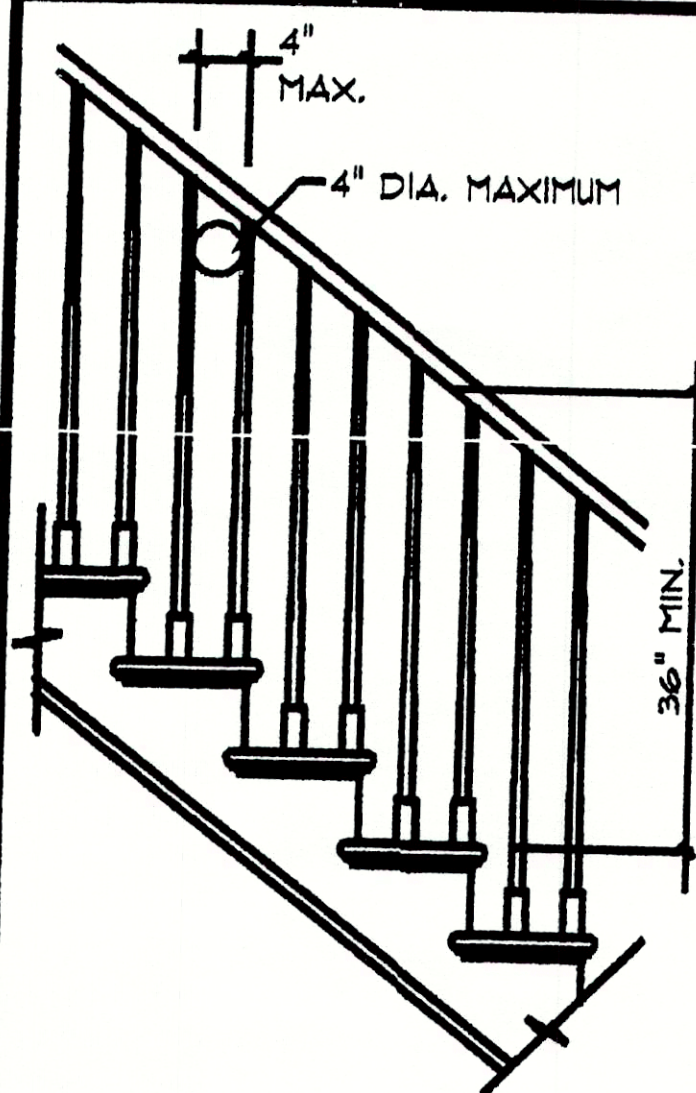
DECK AND RAILING A

NTS



FLASHING DETAILS / NOTES

NTS

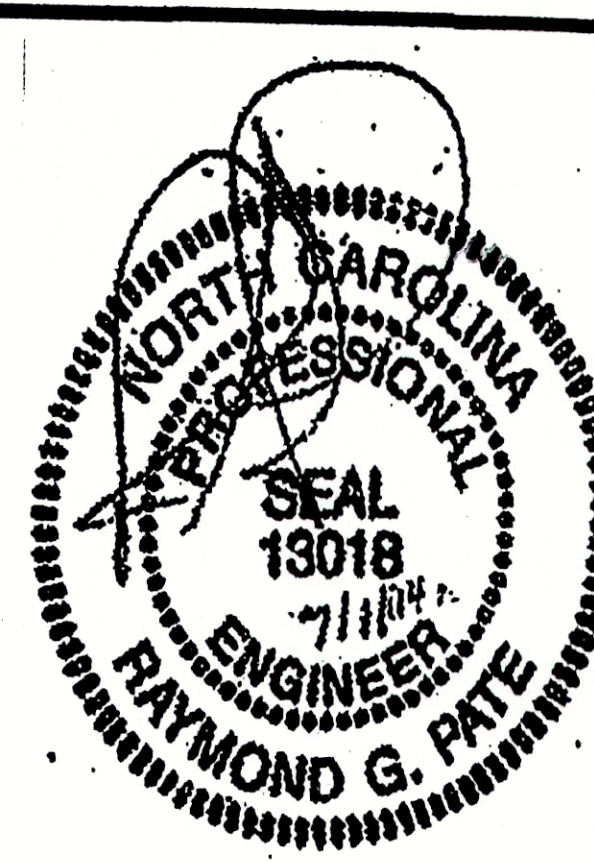


STAIR / BALUSTER STYLES ARE DIAGRAMMATIC ONLY - CONTRACTOR TO COORDINATE STYLES WITH OWNER / FINISHES

OPEN BALUSTRADE BALCONY / STAIR RAILINGS

NTS

ALL HANDRAILS SHALL BE CONTINUOUS THE FULL LENGTH OF THE STAIRS. HANDGRIP PORTION OF ALL HANDRAILS SHALL NOT BE LESS THAN 1-1/4" NOR MORE THAN 2" IN CROSS SECTIONAL DIMENSION, OR THE SHAPE SHALL PROVIDE AN EQUIVALENT GRIPPING SURFACE
NOT LESS THAN 36" IN HEIGHT WITH PATTERN / SPACING SUCH THAT A SPHERE 4" IN DIA. CANNOT PASS THROUGH



Raymond G. Pate, P.E.
119 W. Woodhill Dr., Suite #8
Nags Head, NC 27959

CHARLES SMITH & ASSOCIATES
© COPYRIGHT

DRAWING NUMBER

DETAILS

SCALE: AS NOTED

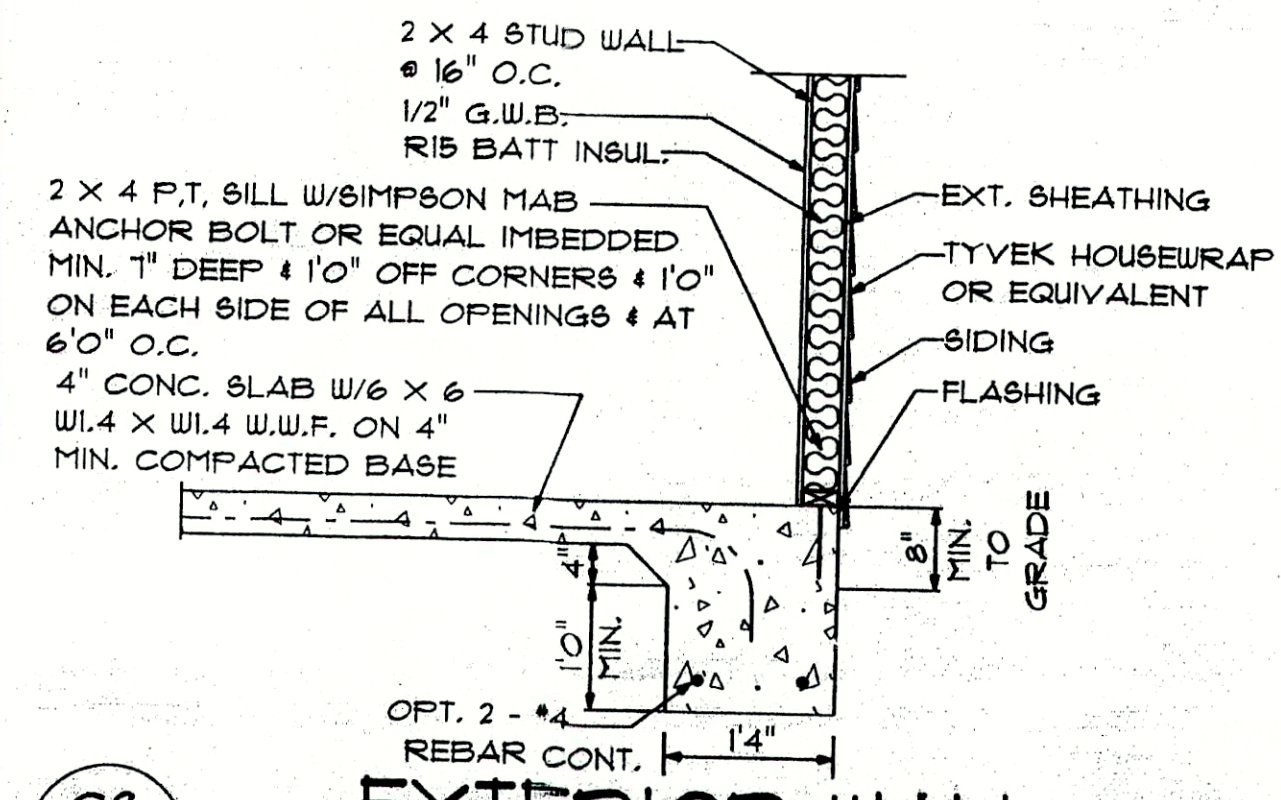
DATE: OCT. 2018

DRAWN BY: CGP

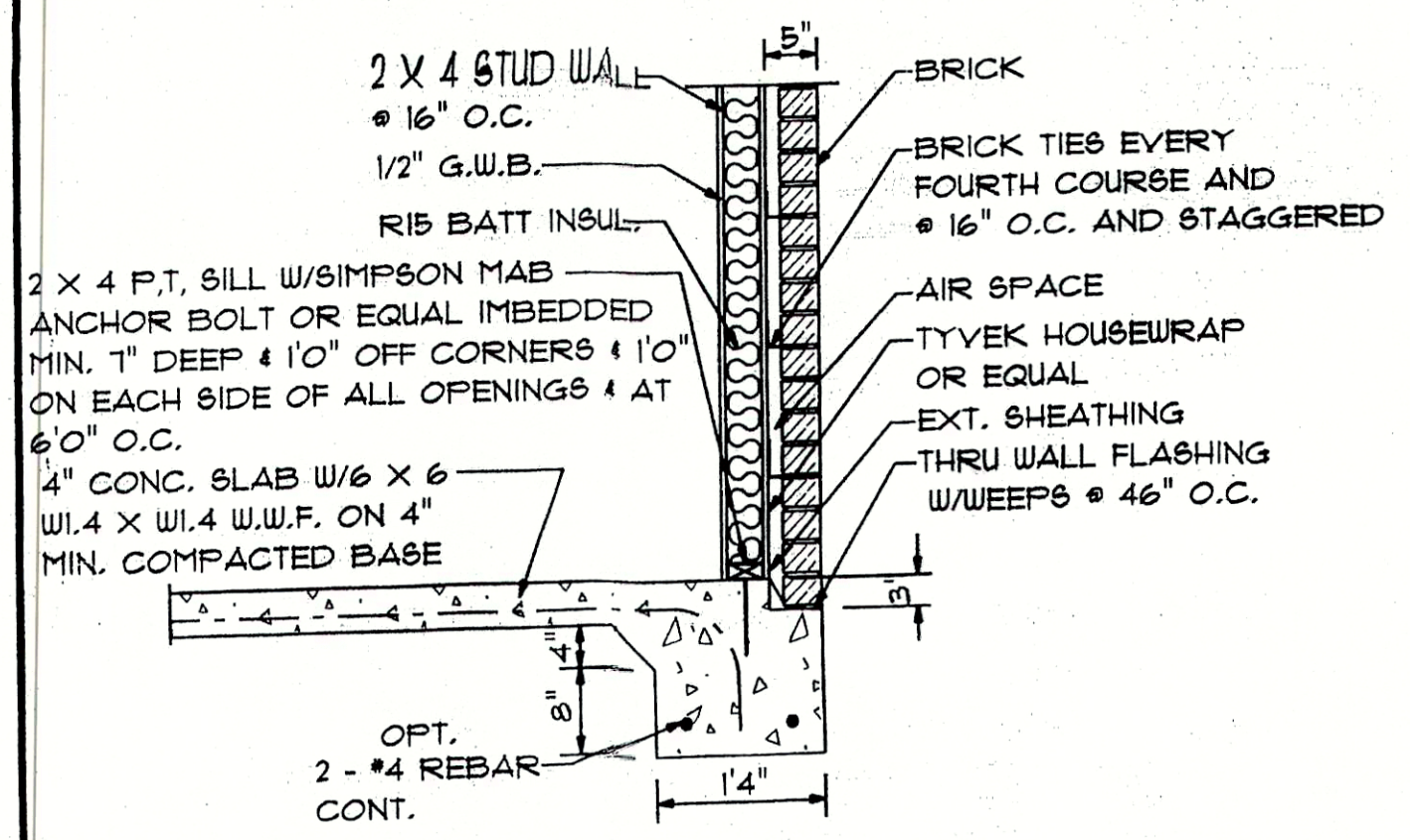
DESIGNED BY
CHARLES SMITH ASSOC.
FAYETTEVILLE, NORTH CAROLINA
WWW.CSAPLANS.COM

BUILDING CONTRACTOR TO MEET LOCAL WIND LOADS PER CODE AS IT PERTAINS TO CONSTRUCTION OF HOUSE
100, 110, 120, 130, 140, 150 MPH

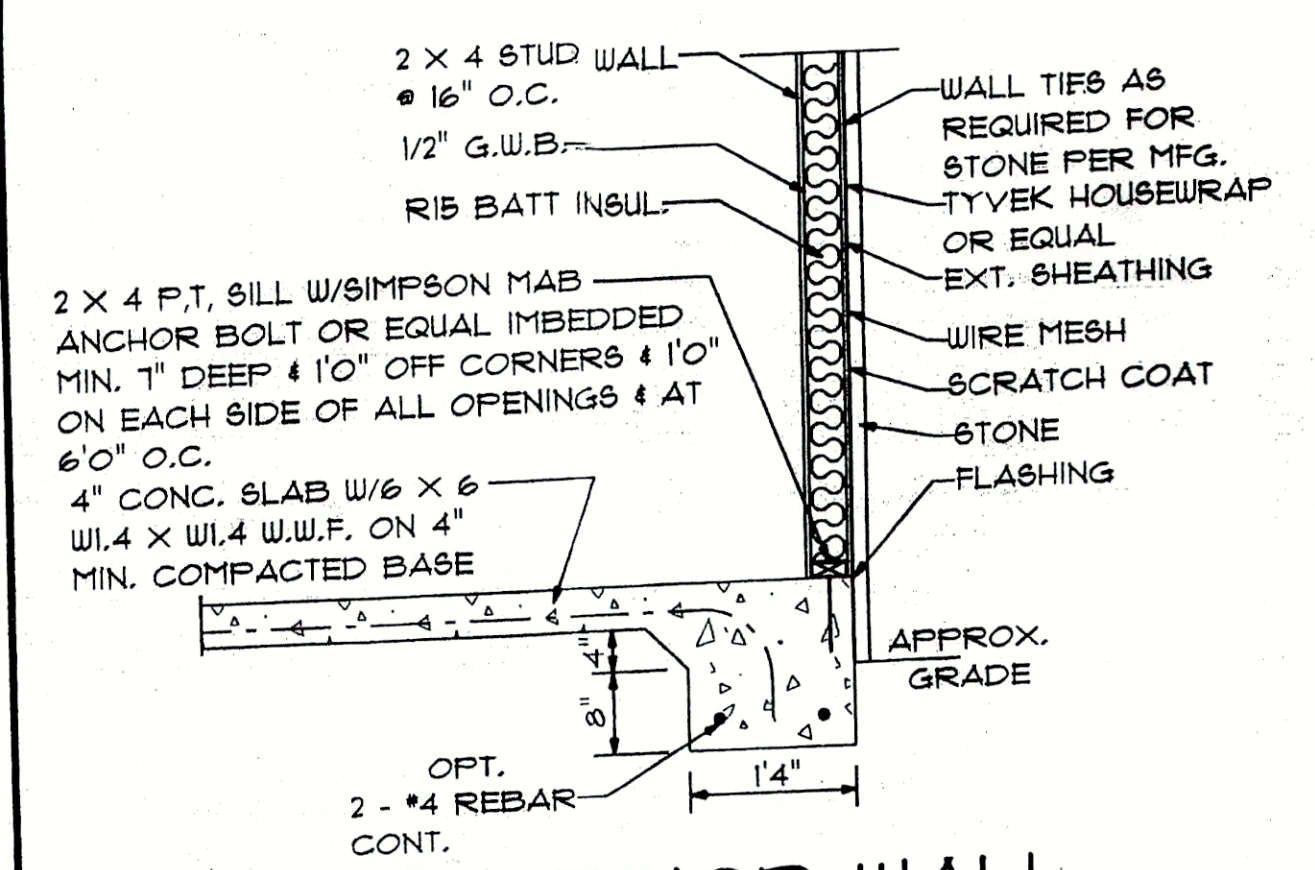
I DO HEREBY CERTIFY THAT THIS DRAWING AND RELATED SPECIFICATIONS MEET ALL LOCAL REQUIREMENTS AND ARE IN SUBSTANTIAL CONFORMITY WITH THE INTERNATIONAL BUILDING CODE COUNCIL(2018 N.C. BUILDING CODE).



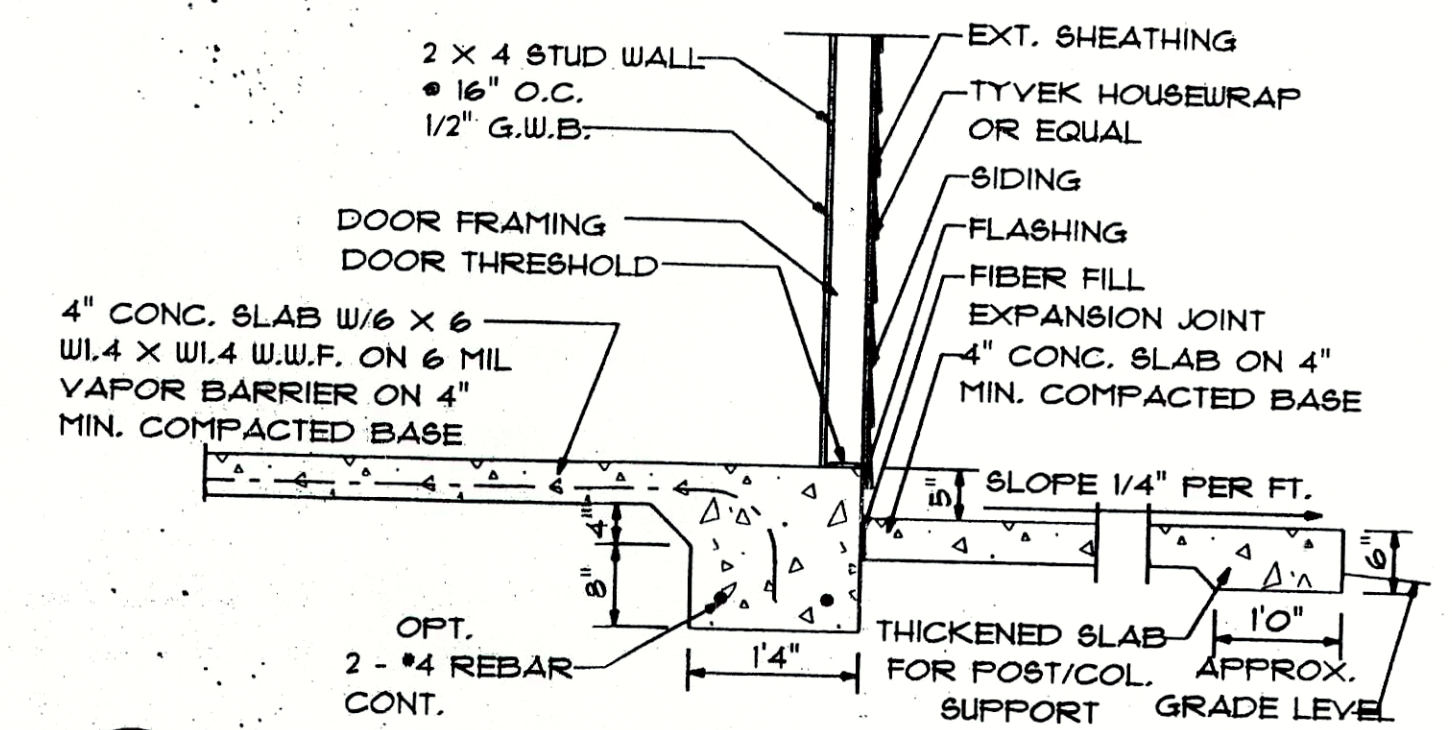
CS 1
EXTERIOR WALL
1/2 SIDING



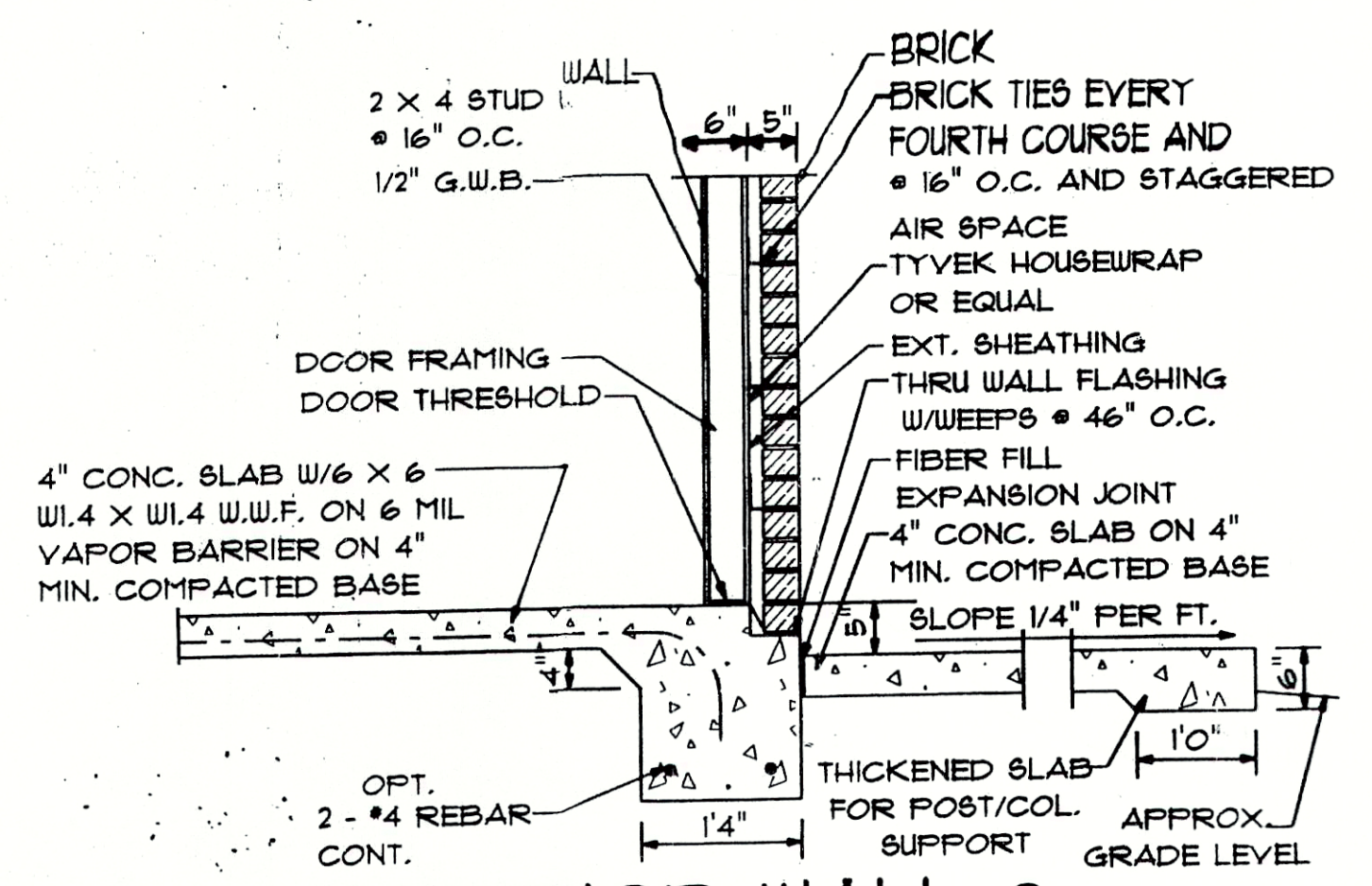
CS 1A
EXTERIOR WALL
W/BRICK



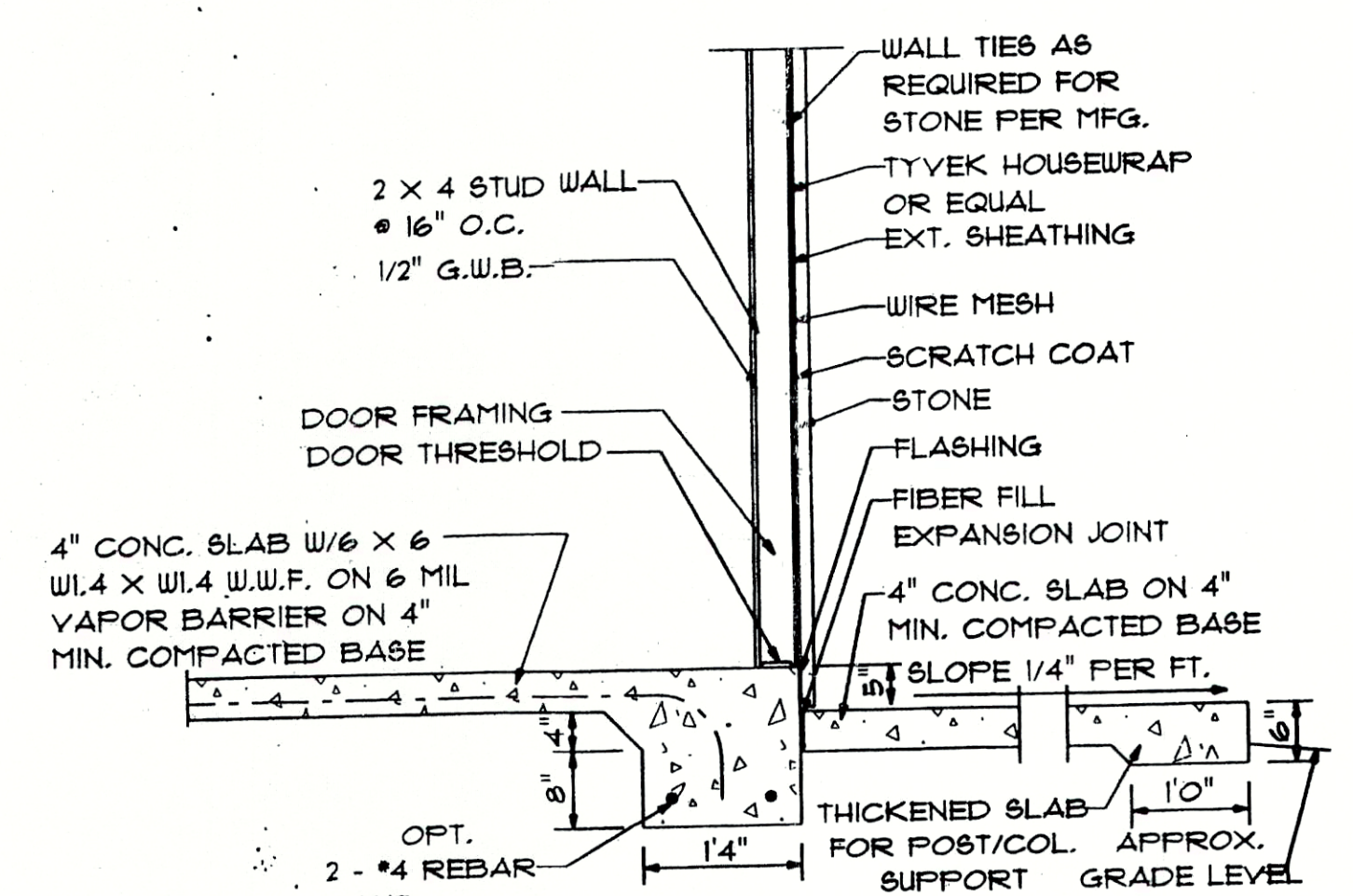
CS 1B
EXTERIOR WALL
W/STONE



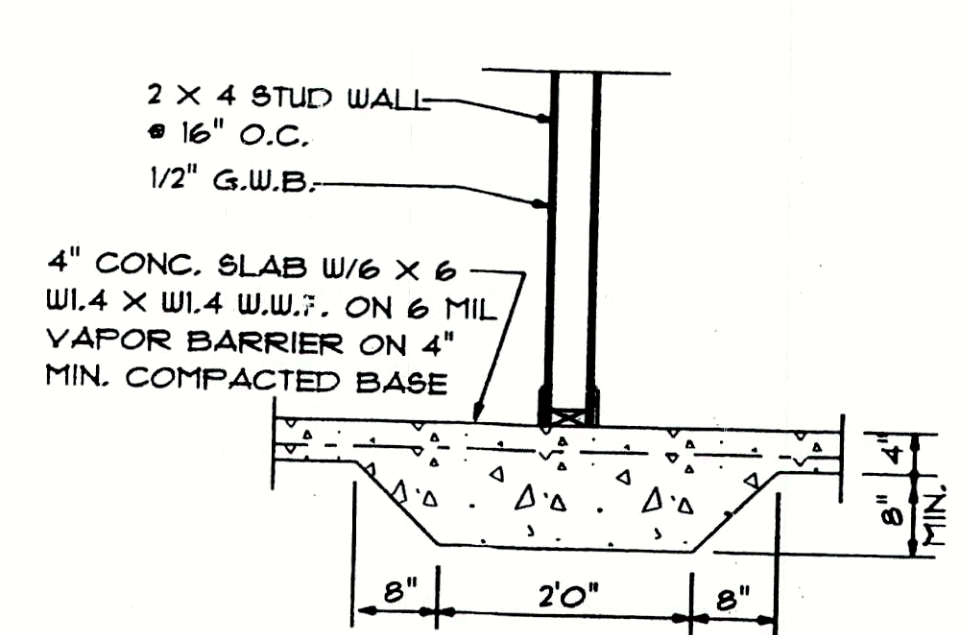
CS 2
EXTERIOR WALL
PORCH W/SIDING



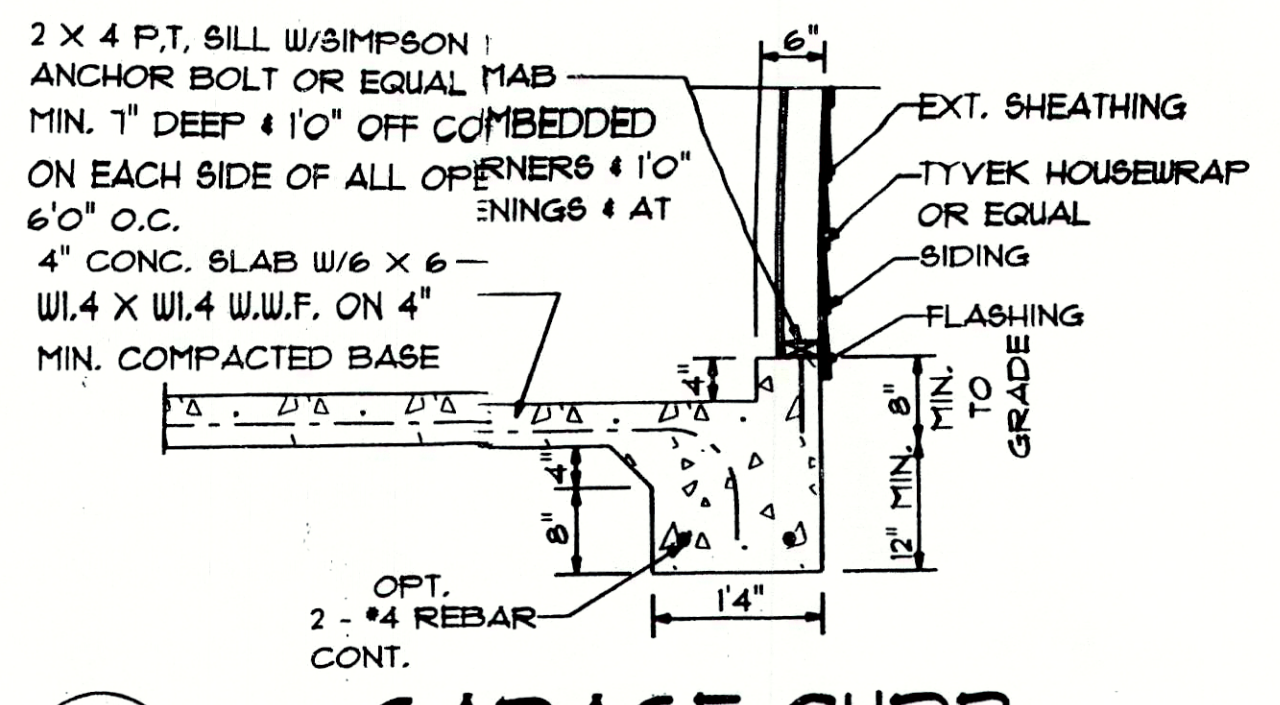
CS 2A
EXTERIOR WALL
PORCH W/BRICK



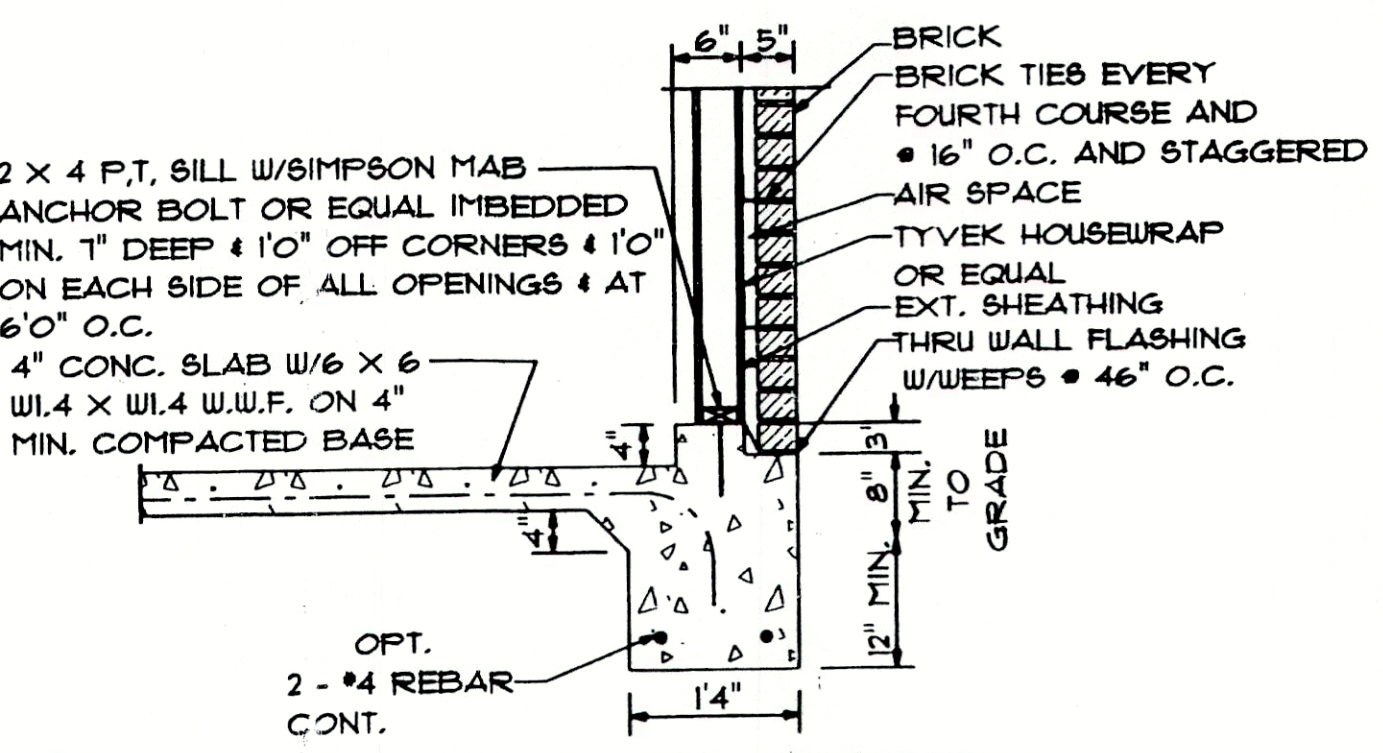
CS 2B
EXTERIOR WALL
PORCH W/STONE



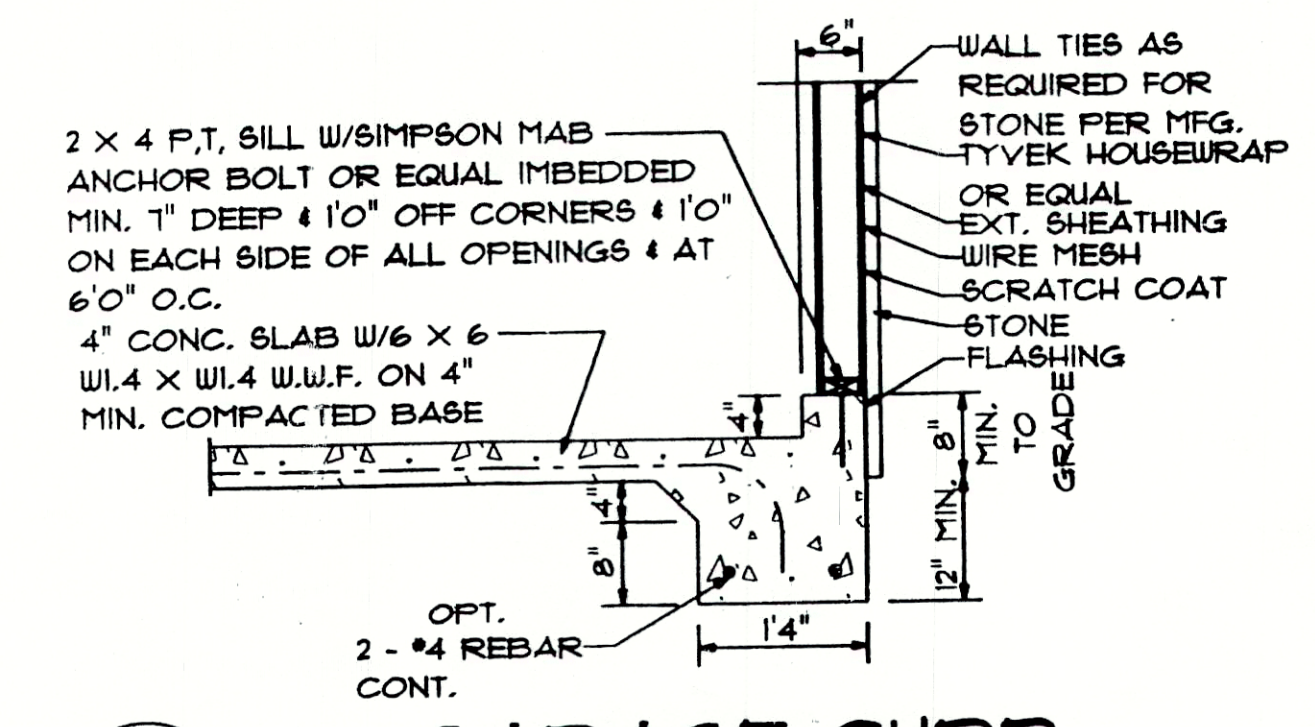
CS 4
LUG FOOTING



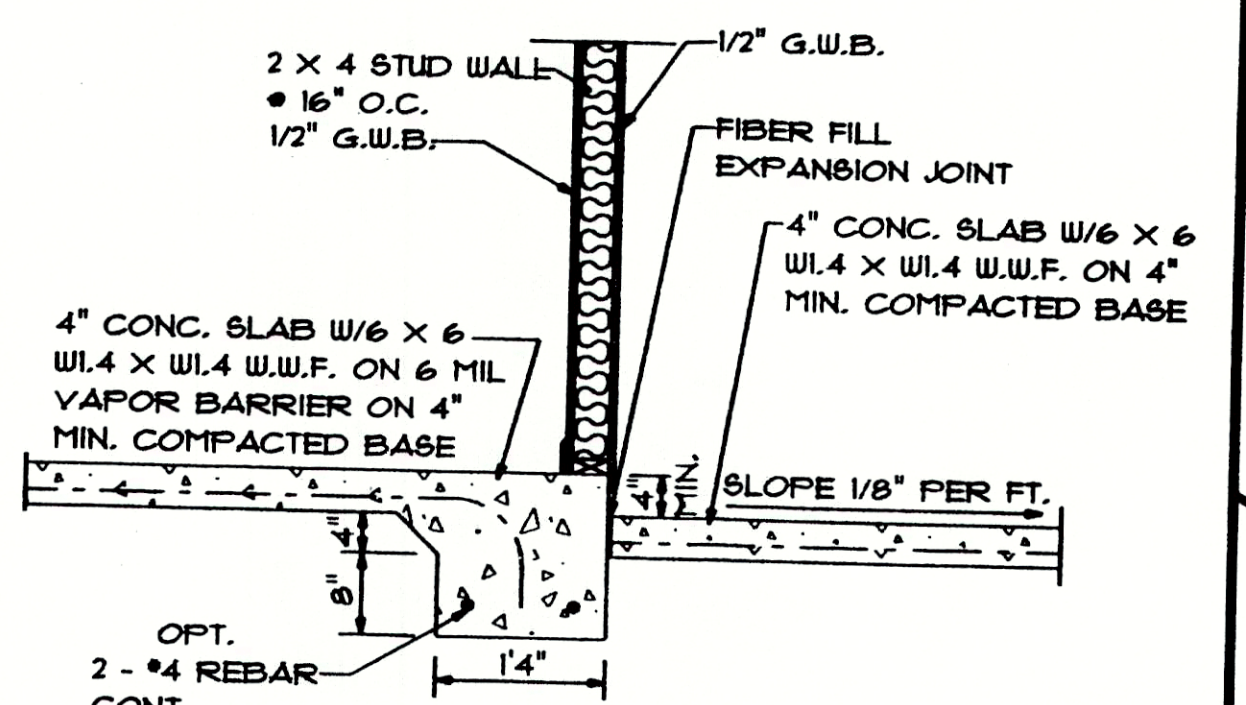
CS 3
GARAGE CURB
W/SIDING



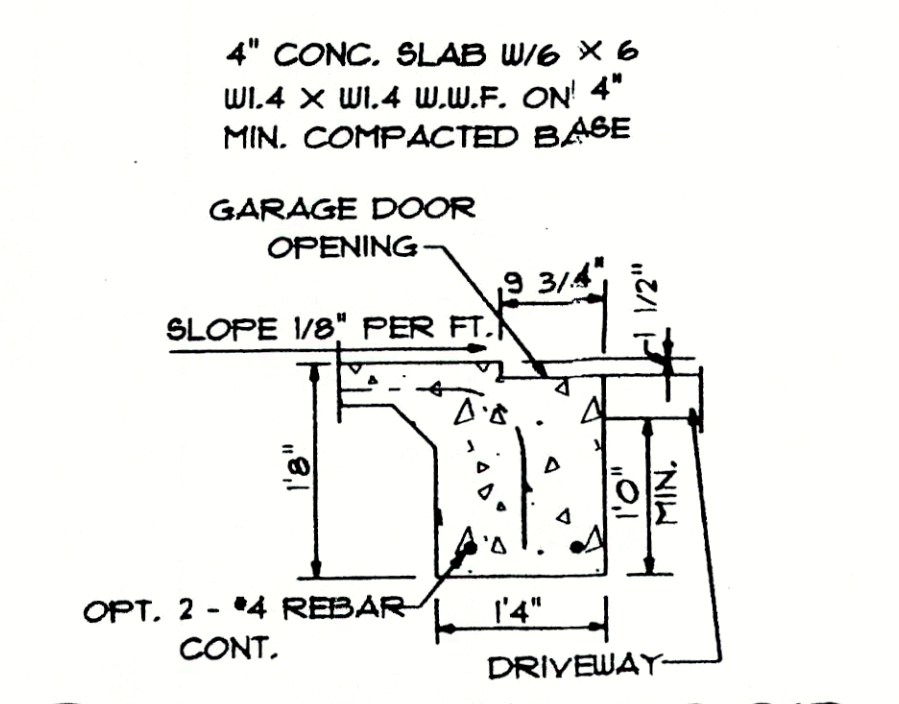
CS 3A
GARAGE CURB
W/BRICK



CS 3B
GARAGE CURB
W/STONE

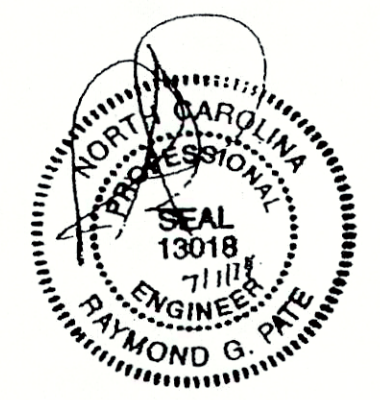


CS 5
GARAGE STEP
DOWN



CS 6
GARAGE DOOR
WATER STOP

BASIC WIND SPEEDS 100,
110, 120, 130, 140, MPH



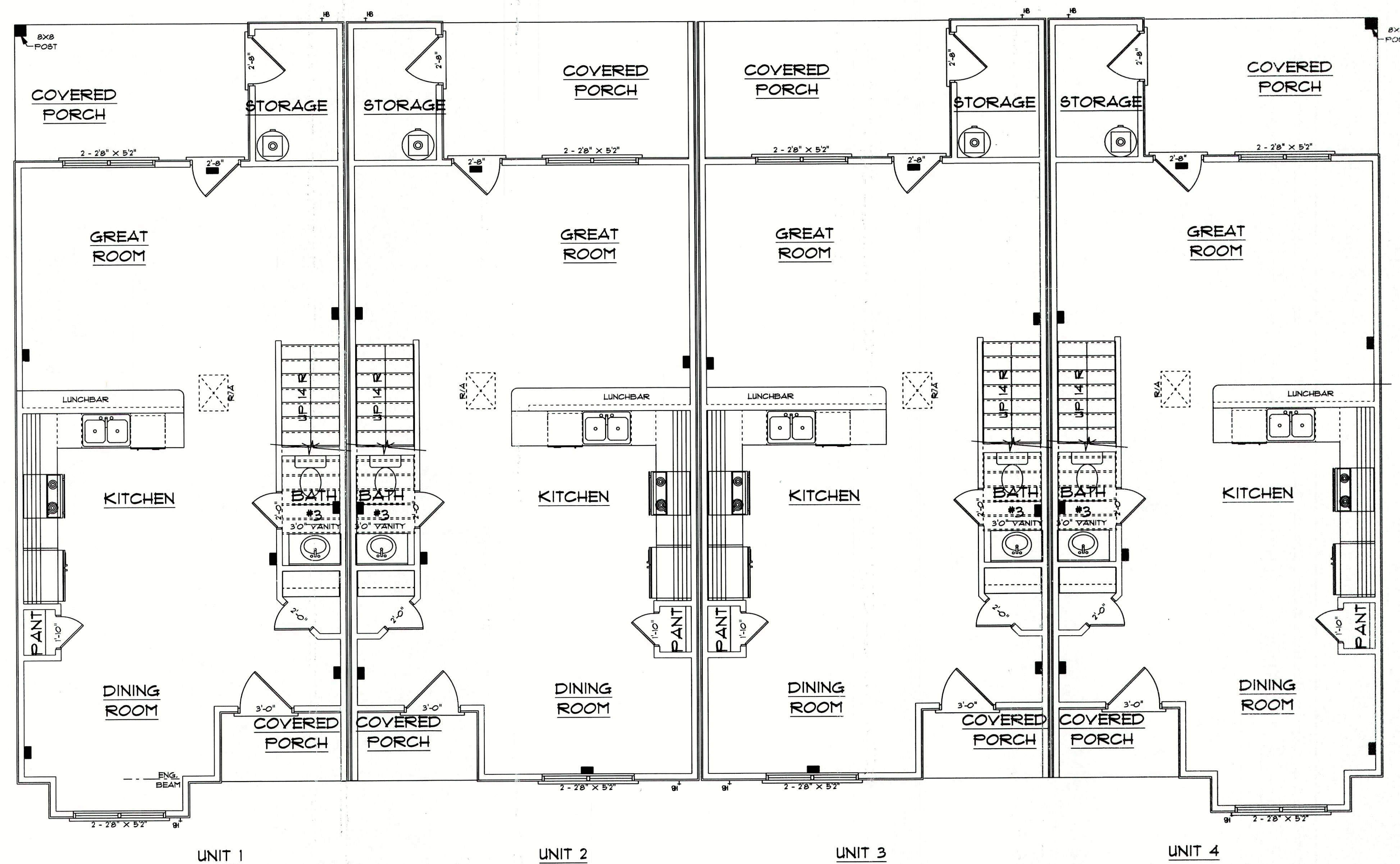
Raymond G. Pate, P.E.
119.30 Woodhill Dr., Suite 20
Hedge Hill, NC 27850

DRAWING NUMBER
DETAILS

I DO HEREBY CERTIFY THAT THIS DRAWING OR PLAN AND RELATED SPECIFICATIONS MEET ALL LOCAL REQUIREMENTS AND ARE IN SUBSTANTIAL CONFORMITY WITH THE INTERNATIONAL BUILDING CODE COUNCIL (2006 N.C. BUILDING CODE).

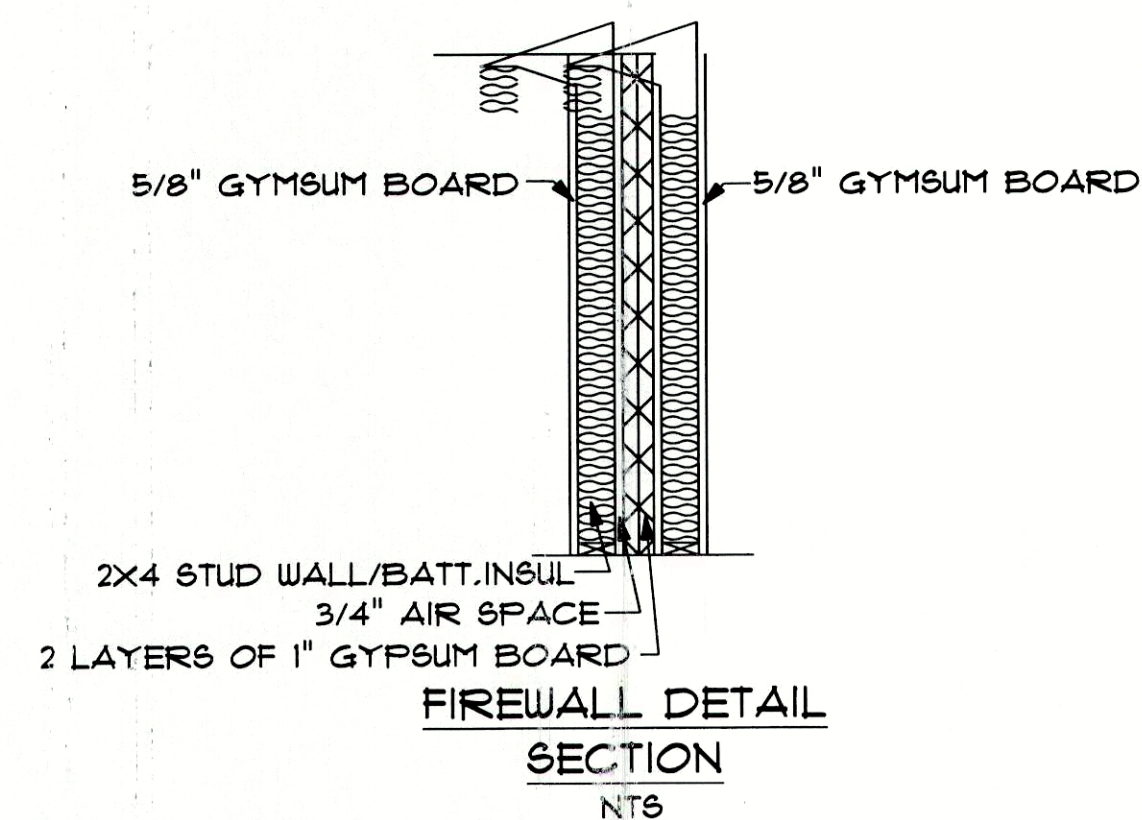
CHARLES SMITH & ASSOC.
RESIDENTIAL DESIGNER
FAYETTEVILLE, NC.
www.casplanning.com

SCALE: AS NOTED
SUBDIVISION:
DATE: APRIL 2009
LOT NO.:
DRAWN BY: CJP



8'0" FINISHED CEILING HEIGHT ON FIRST FLOOR
 6'8" WINDOW HEADER HEIGHT ON FIRST FLOOR
 8'0" FINISHED CEILING HEIGHT ON SECOND FLOOR
 6'8" WINDOW HEADER HEIGHT ON SECOND FLOOR
 CANTILEVER ALL ROOF TRUSSES

HVAC CONTRACTOR TO CONFIRM
 VENT LOCATION AND SIZE OF UNIT



FLOOR PLAN 4 UNITS
 TOWNHOMES FIRST FLOOR
 SCALE: 1/4" = 1'0"

670 S/F ON FIRST FLOOR ONE UNIT
 650 S/F ON SECOND FLOOR ONE UNIT
 1320 S/F TOTAL HEATED AREA
 212 S/F ON ALL FRONT PORCHS
 820 S/F ON REAR PORCHS

4 UNITS
 TOWNHOMES FRONT ELEVATION

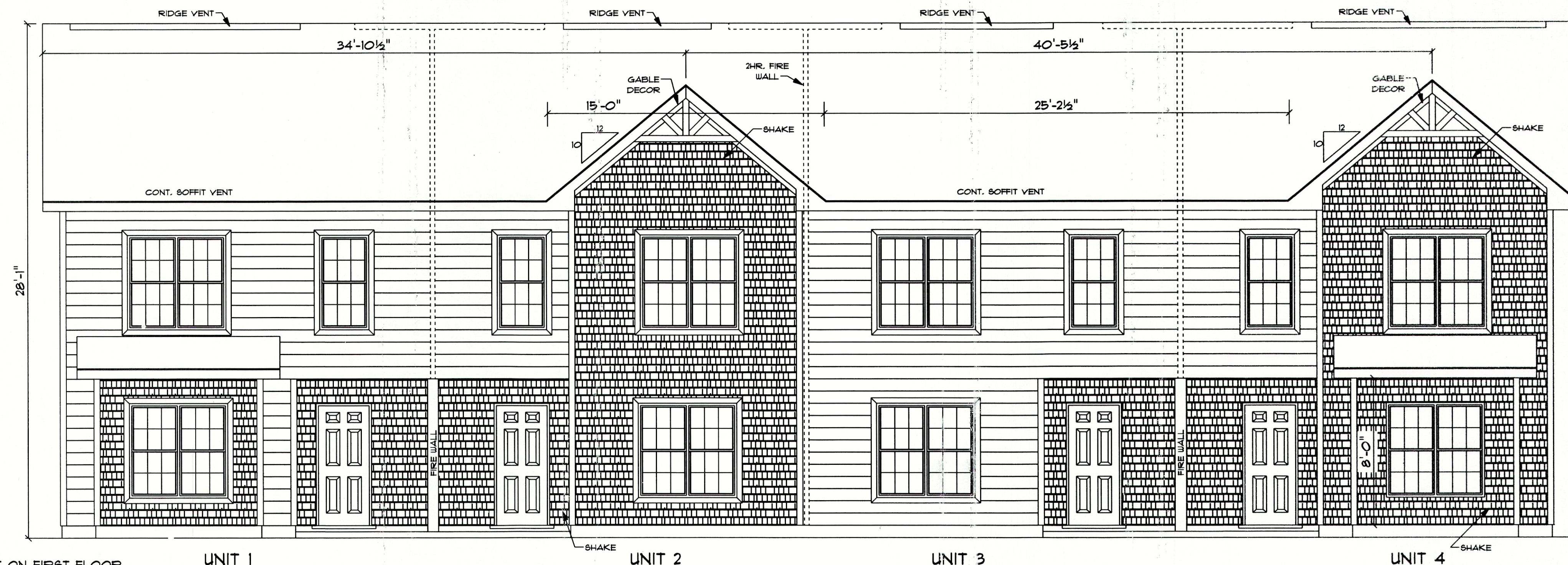
SCALE: AS NOTED
 DATE: JULY 2021
 DRAWN BY: CGP

CHARLES SMITH ASSOC.
 RESIDENTIAL DESIGNER - FAYETTEVILLE, NORTH CAROLINA

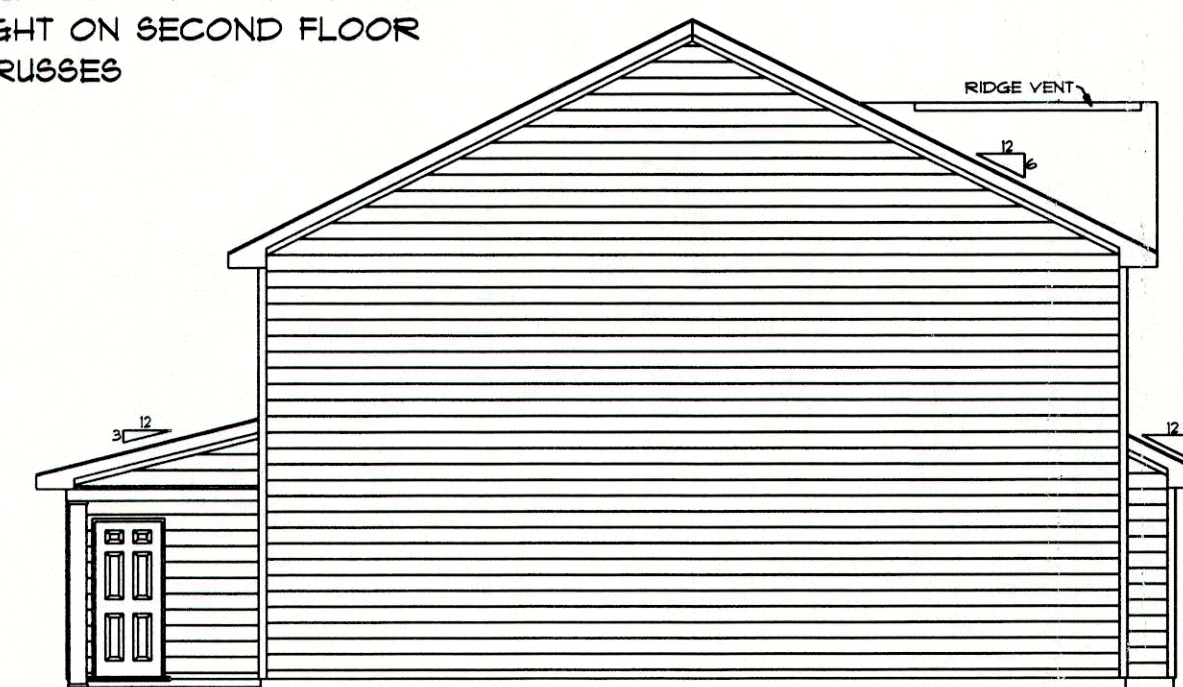
BUILDING CONTRACTOR TO MEET LOCAL
 WIND LOADS PER CODE AS IT PERTAINS
 TO CONSTRUCTION OF HOUSE
 100, 120, 150, 180, 190 MPH

I DO HEREBY CERTIFY THAT THIS DRAWING OR PLAN AND RELATED SPECIFICATIONS
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TOWNHOMES
 T-1320

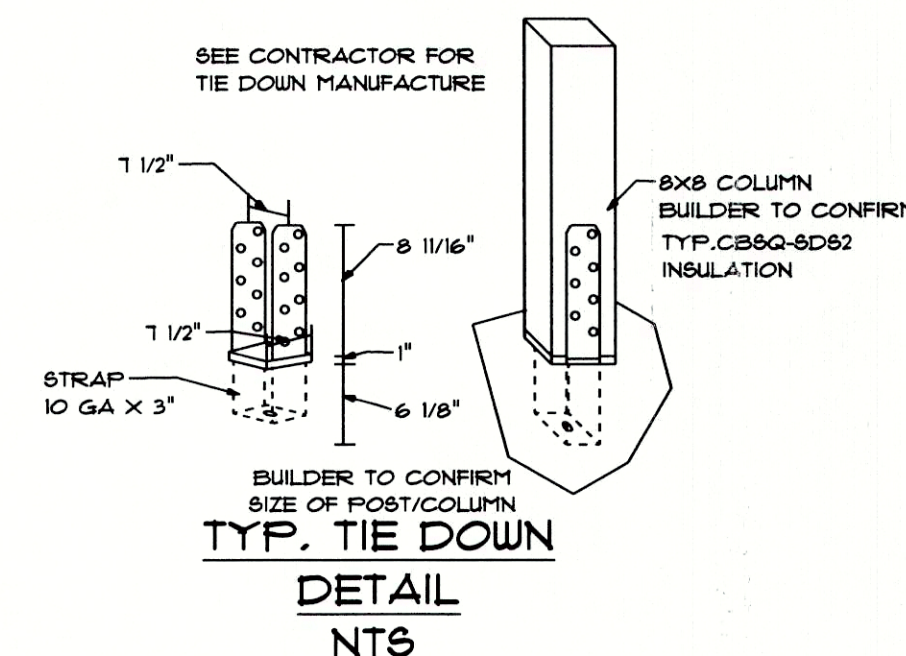


8'0" FINISHED CEILING HEIGHT ON FIRST FLOOR
6'8" WINDOW HEADER HEIGHT ON FIRST FLOOR
8'0" FINISHED CEILING HEIGHT ON SECOND FLOOR
6'8" WINDOW HEADER HEIGHT ON SECOND FLOOR
CANTILEVER ALL ROOF TRUSSES

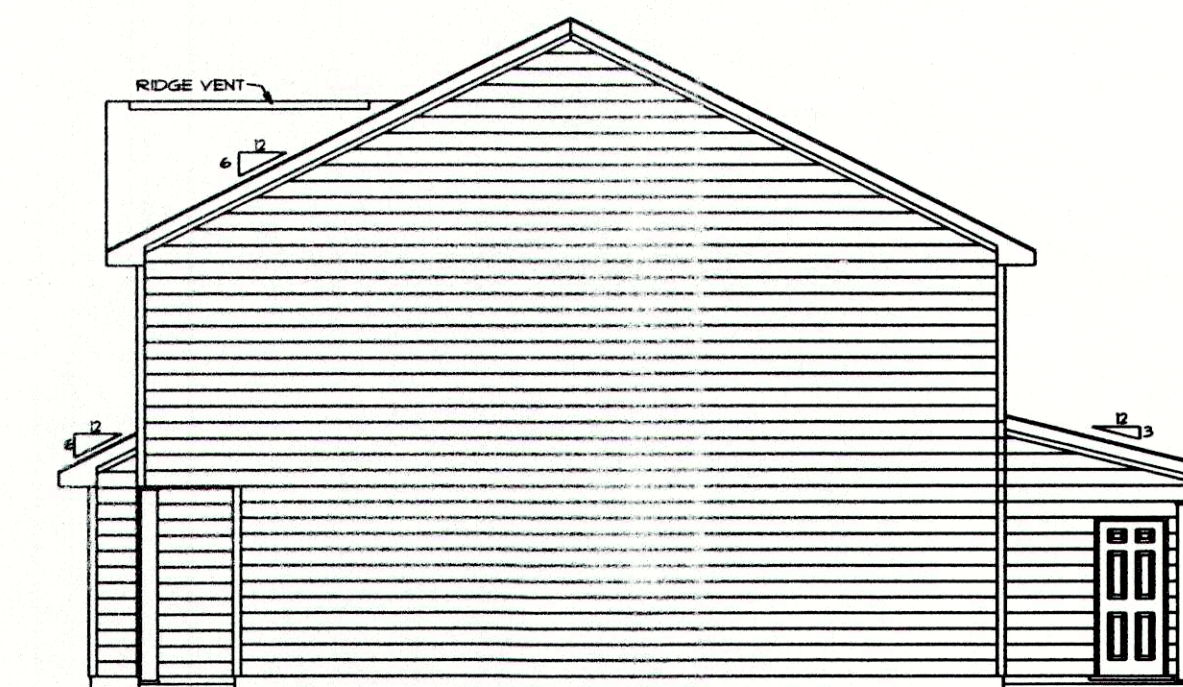


LEFT ELEVATION
SCALE: 1/8" = 1'0"

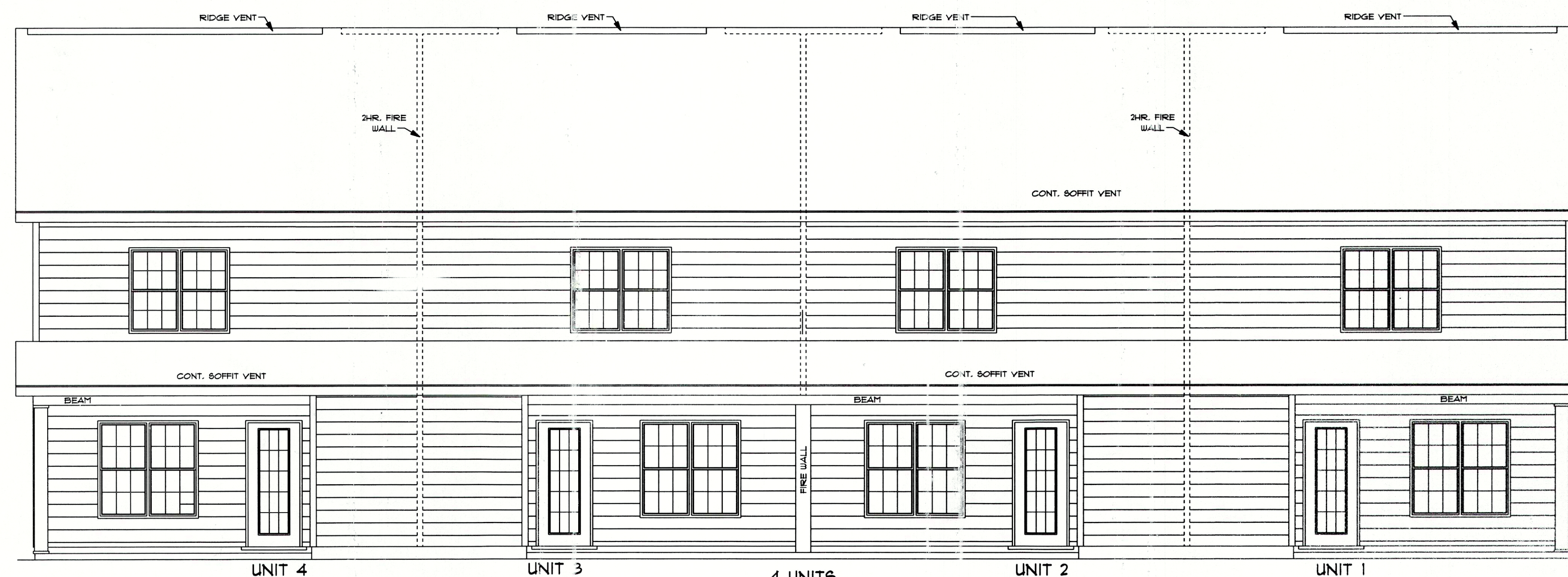
FRONT ELEVATION
SCALE: 1/4" = 1'0"



DETAIL
NTS



RIGHT ELEVATION
SCALE: 1/8" = 1'0"



REAR ELEVATION
SCALE: 1/4" = 1'0"

4 UNITS
TOWNHOMES FRONT ELEVATION

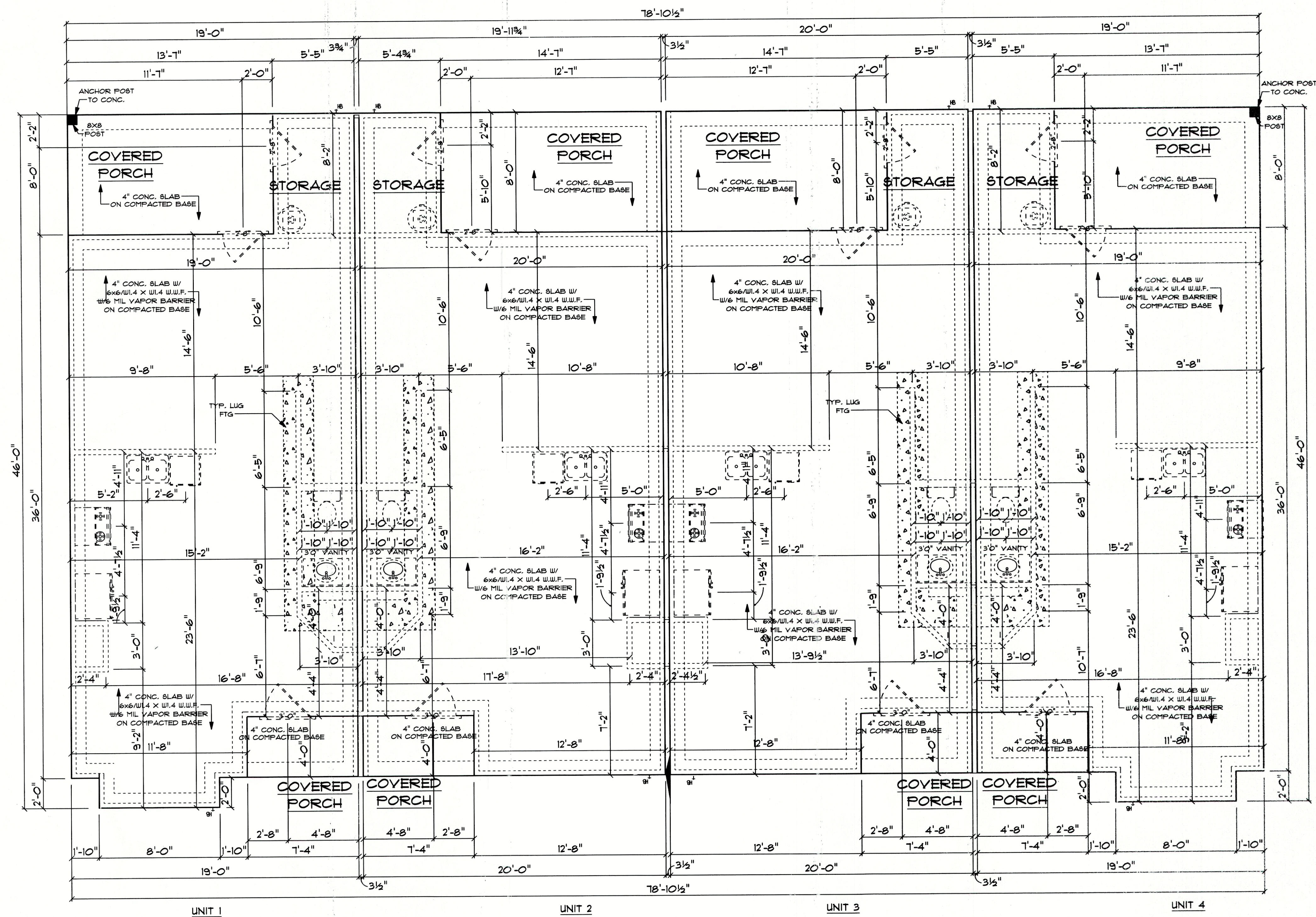
SCALE: AS NOTED
DATE: JULY 2021
DRAWN BY: CGP

CHARLES SMITH ASSOC.
RESIDENTIAL DESIGNER - FAYETTEVILLE, NORTH CAROLINA

BUILDING CONTRACTOR TO MEET LOCAL
WIND LOADS PER CODE AS IT PERTAINS
TO CONSTRUCTION OF HOUSE
100, 110, 120, 130, 140, 150 MPH

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TOWNHOMES
T-1320



8'-0" FINISHED CEILING HEIGHT ON FIRST FLOOR
 6'-8" WINDOW HEADER HEIGHT ON FIRST FLOOR
 8'-0" FINISHED CEILING HEIGHT ON SECOND FLOOR
 6'-8" WINDOW HEADER HEIGHT ON SECOND FLOOR
 CANTILEVER ALL ROOF TRUSSES

CONCRETE NOTES

- NOTES:
 1) MINIMUM SOIL BEARING CAPACITY: 2000 psf.
 2) CONCRETE COMPRESSIVE STRENGTH * END OF 28 DAYS (MIN)
 FOUNDATIONS, FOOTING, & INTERIOR SLABS * 3000 psi.
 EXTERIOR SLAB (EXPOSED TO WEATHER) * 3500 psi.

FOUNDATION PLAN 4 UNITS TOWNHOMES FIRST FLOOR

SCALE: 1/4" = 1'-0"

4 UNITS
 TOWNHOMES FRONT ELEVATION

670 S/F ON FIRST FLOOR ONE UNIT
 650 S/F ON SECOND FLOOR ONE UNIT
 1320 S/F TOTAL HEATED AREA
 212 S/F ON ALL FRONT PORCHS
 820 S/F ON ALL REAR PORCHS

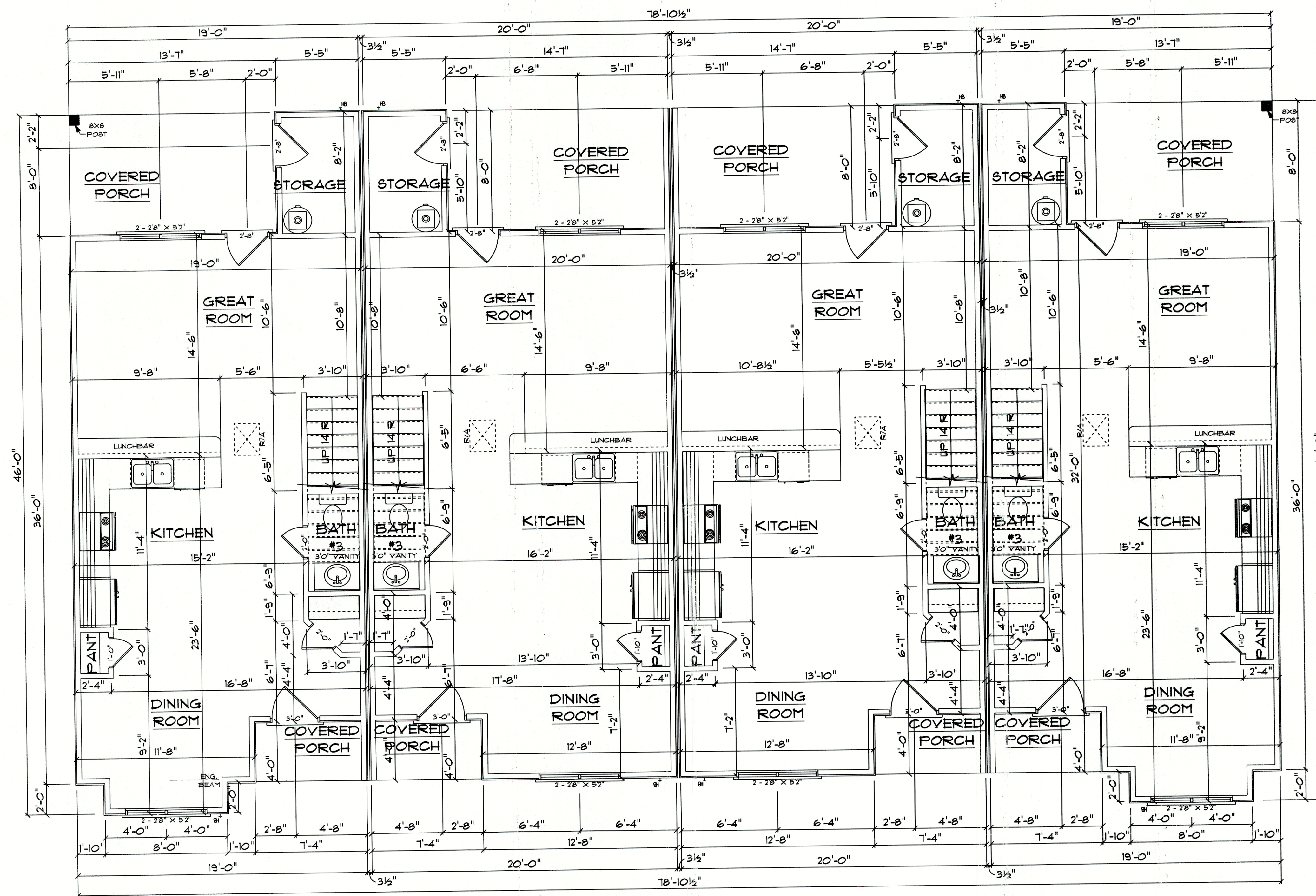
SCALE: AS NOTED
 DATE: JULY 2021
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CHARLES SMITH ASSOC.
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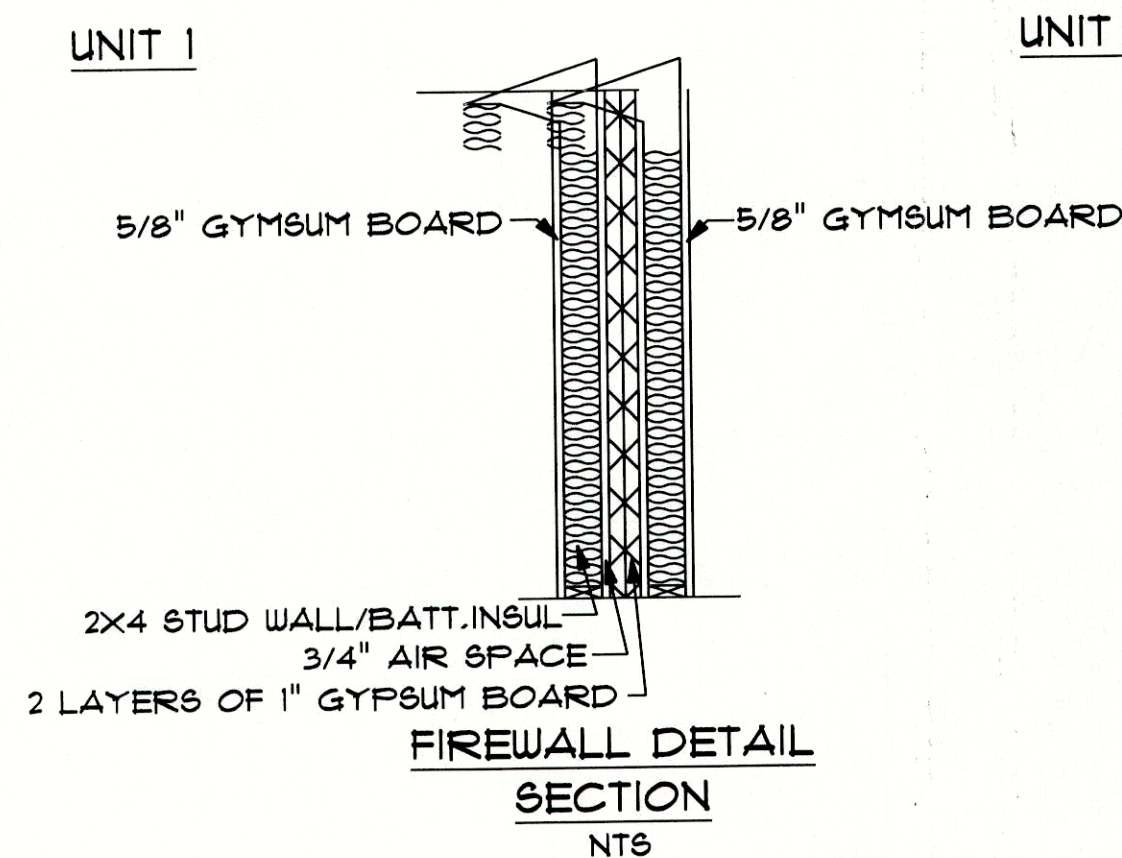
BUILDING CONTRACTOR TO MEET LOCAL
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 TO CONSTRUCTION OF HOUSE
 100, 110, 120, 130, 140, 150 MPH

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TOWNHOMES
 T-1320



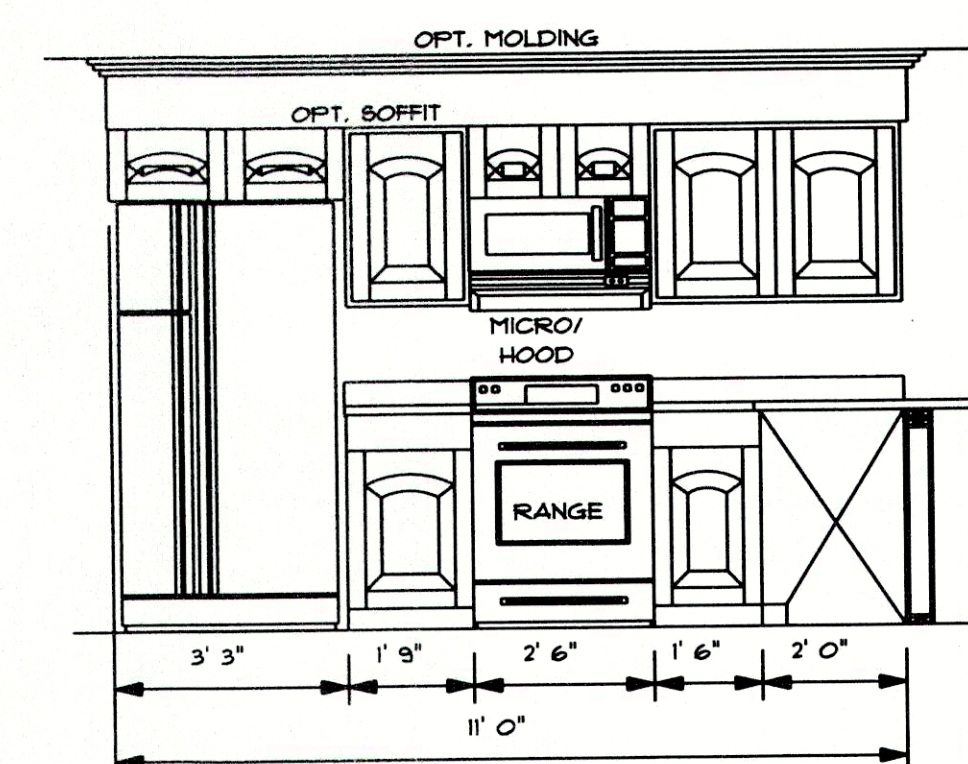
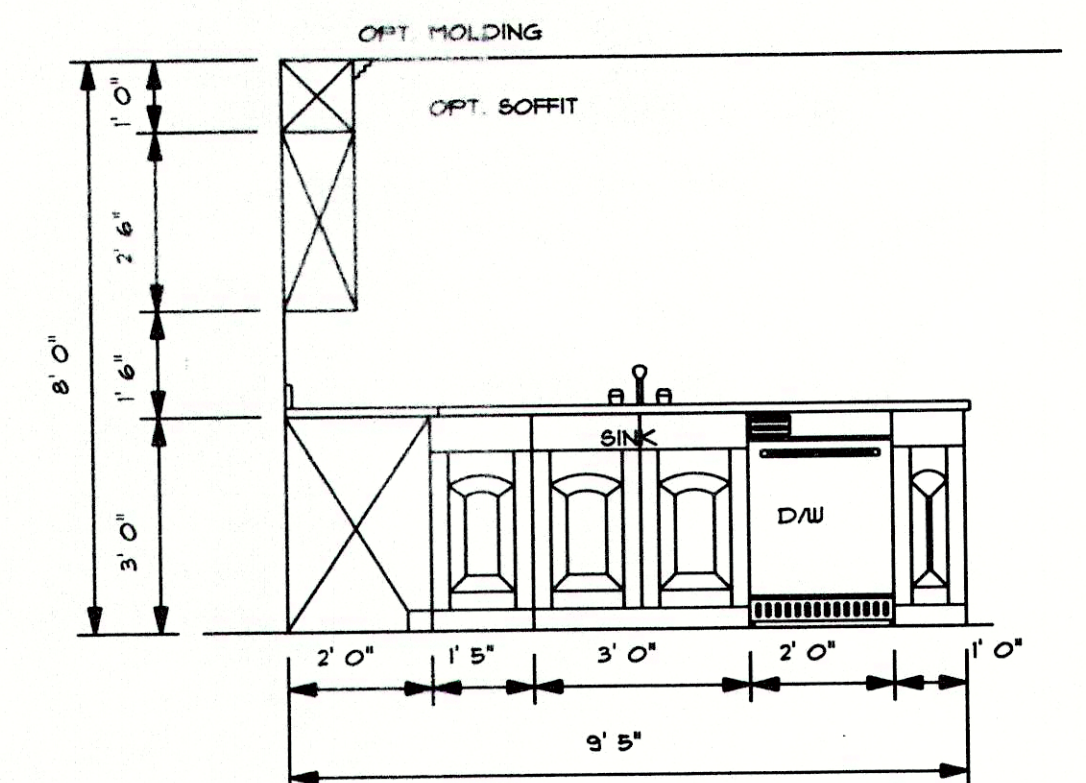
8'0" FINISHED CEILING HEIGHT ON FIRST FLOOR
 6'8" WINDOW HEADER HEIGHT ON FIRST FLOOR
 8'0" FINISHED CEILING HEIGHT ON SECOND FLOOR
 6'8" WINDOW HEADER HEIGHT ON SECOND FLOOR
 CANTILEVER ALL ROOF TRUSSES



**FLOOR PLAN 4 UNITS
 TOWNHOMES FIRST FLOOR**
 SCALE: 1/4" = 1'0"

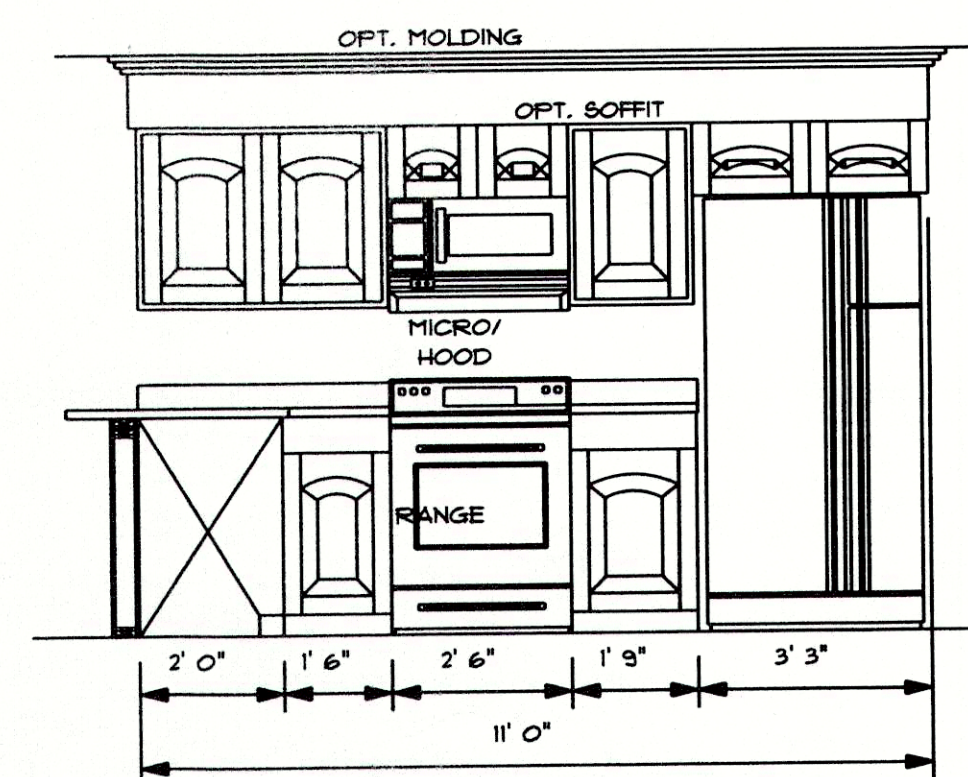
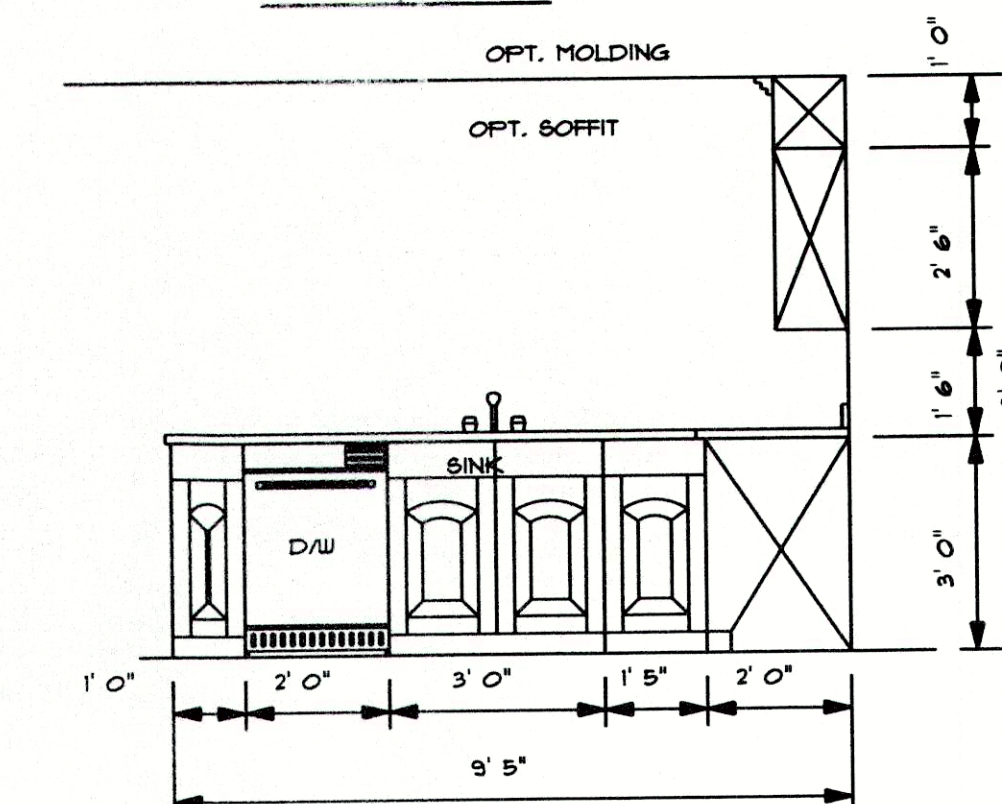
UNIT 4
 670 S/F ON FIRST FLOOR ONE UNIT
 650 S/F ON SECOND FLOOR ONE UNIT
 1320 S/F TOTAL HEATED AREA
 212 S/F ON ALL FRONT PORCHS
 820 S/F ON ALL REAR PORCHS

**4 UNITS
 TOWNHOMES FRONT ELEVATION**



**KITCHEN CABINET
 ELEVATIONS**

SCALE: 3/8" = 1'0"
 UNITS 1, 3, 5, 7



CABINET DESIGNER TO CONFIRM ALL MEASUREMENTS
 OWNER TO DETERMINE STYLE AND FINISH OF DOORS
 AND DRAWER FULLS/HINGES

**KITCHEN CABINET
 ELEVATIONS**

SCALE: 3/8" = 1'0"
 UNITS 2, 4, 6

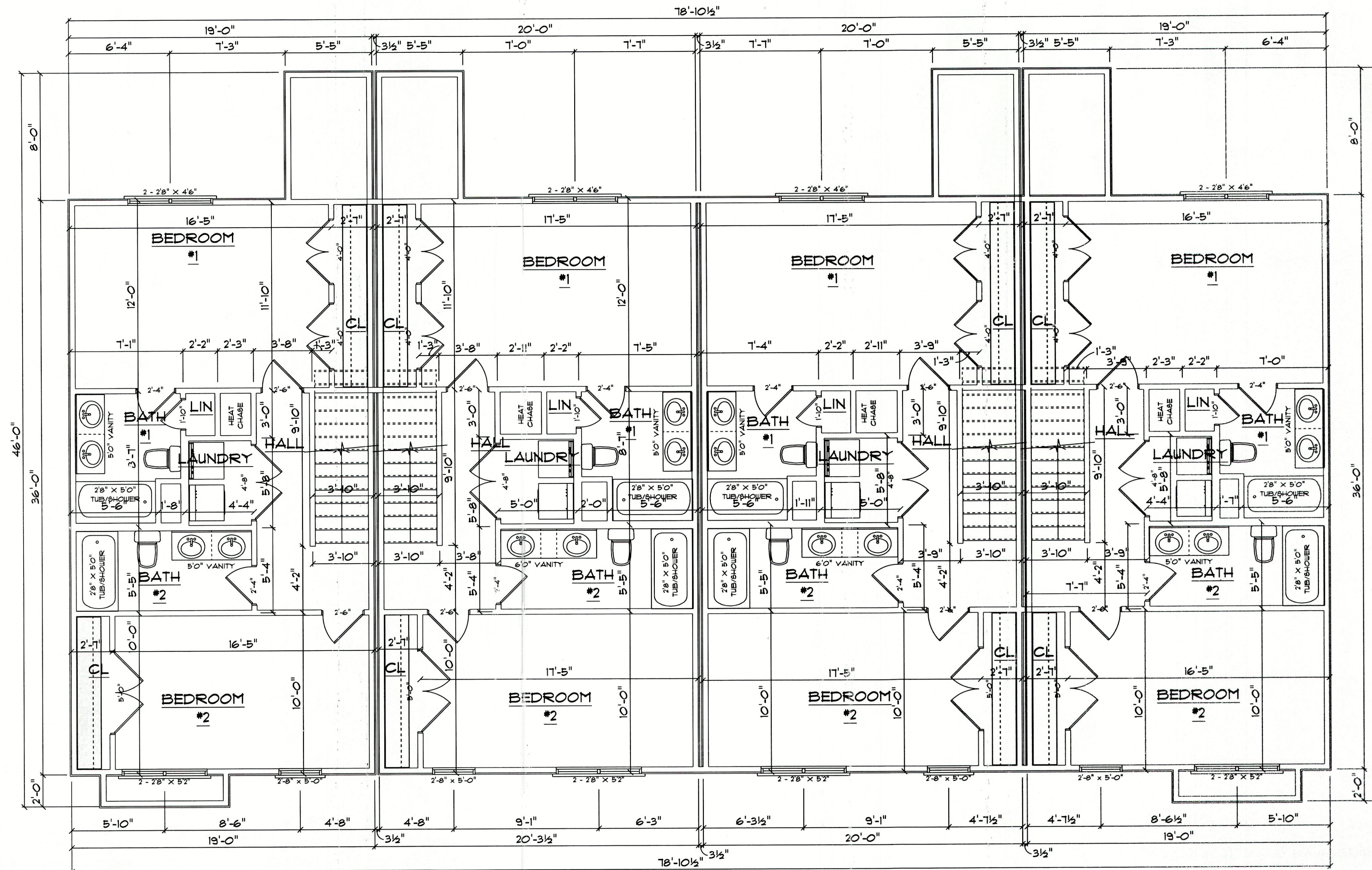
SCALE: AS NOTED
 DATE: JULY 2021
 DRAWN BY: CGP

CHARLES SMITH ASSOC.
 RESIDENTIAL DESIGNER - FAYETTEVILLE, NORTH CAROLINA

BUILDING CONTRACTOR TO MEET LOCAL
 WIND LOADS PER CODE AS IT PERTAINS
 TO CONSTRUCTION OF HOUSE
 100, 110, 120, 130, 140, 150 MPH

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**TOWNHOMES
 T-1320**



SECOND FLOOR 4 UNITS
TOWNHOMES SECOND FLOOR

650 S/F ON SECOND FLOOR
DOESN'T INCLUDE STAIRS

SCALE: 1/4" = 1'-0"

4 UNITS
TOWNHOMES FRONT ELEVATION

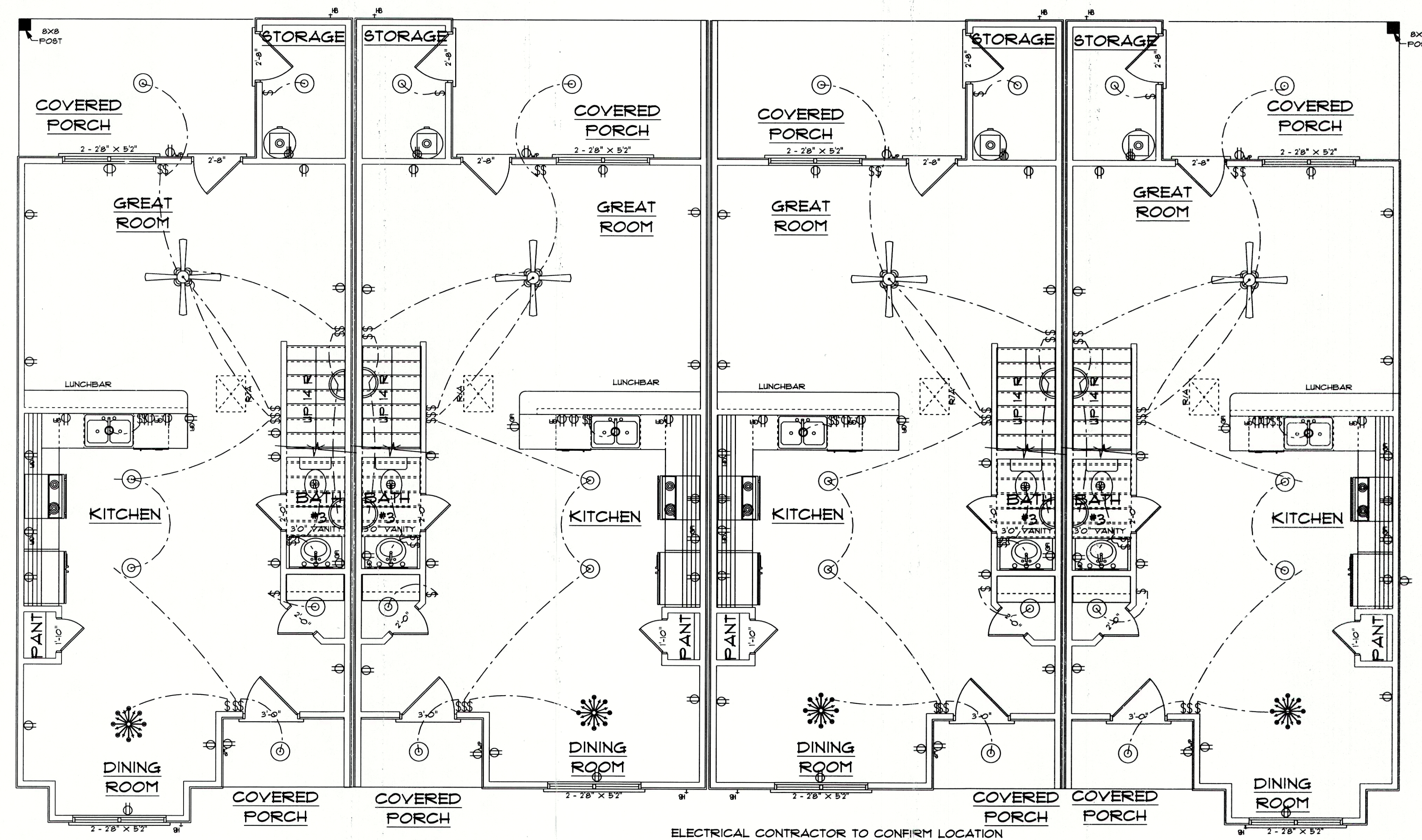
SCALE: AS NOTED
DATE: JULY 2021
DRAWN BY: CGP

CHARLES SMITH ASSOC.
RESIDENTIAL DESIGNER - FAYETTEVILLE, NORTH CAROLINA

BUILDING CONTRACTOR TO MEET LOCAL
WIND LOADS PER CODE AS IT PERTAINS
TO CONSTRUCTION OF HOUSE
100, 120, 150, 180, 200, 250 MPH

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TOWNHOMES
T-1320



8'0" FINISHED CEILING HEIGHT ON FIRST FLOOR
 6'8" WINDOW HEADER HEIGHT ON FIRST FLOOR
 8'0" FINISHED CEILING HEIGHT ON SECOND FLOOR
 6'8" WINDOW HEADER HEIGHT ON SECOND FLOOR
 CANTILEVER ALL ROOF TRUSSES

ELECTRICAL CONTRACTOR TO CONFIRM LOCATION
 OF OUTLET AND FIXTURES, SEE HOME OWNER FOR
 TYPE AND STYLE OF ELECTRICAL FIXTURES

**ELECTRICAL PLAN 4 UNITS
 TOWNHOMES FIRST FLOOR**

SCALE: 1/4" = 1'0"

HOUSEHOLD FIRE ALARMS SYSTEMS INSTALLED IN
 ACCORDANCE WITH BOTH INTERNATIONAL AND LOCAL
 BUILDING CODES IN THE FOLLOWING LOCATIONS.

1. IN EACH SLEEPING ROOM
2. OUTSIDE EACH SEPARATE SLEEPING AREAS IN THE IMMEDIATE VICINITY OF BEDROOMS AND WIRED TOGETHER IN SUCH A MANNER THAT WHEN ONE IS ACTIVATED ALL SHALL ACTIVATE

4 UNITS
 TOWNHOMES FRONT ELEVATION

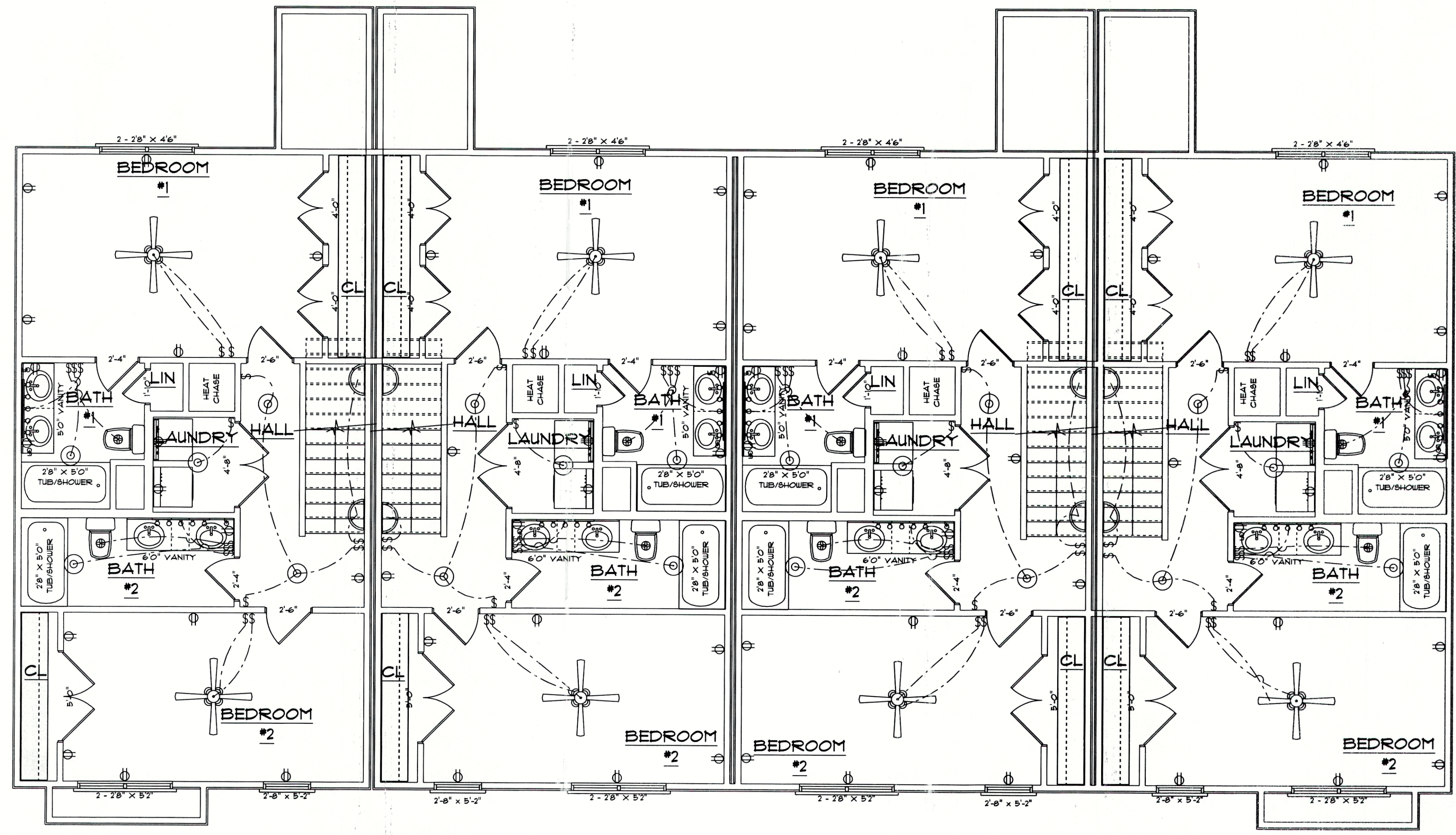
SCALE: AS NOTED
 DATE: JULY 2021
 DRAWN BY: CGP

CHARLES SMITH ASSOC.
 RESIDENTIAL DESIGNER - FAYETTEVILLE, NORTH CAROLINA

BUILDING CONTRACTOR TO MEET LOCAL
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TOWNHOMES
 T-1320



ELECTRICAL CONTRACTOR TO CONFIRM LOCATION
OF OUTLET AND FIXTURES, SEE HOME OWNER FOR
TYPE AND STYLE OF ELECTRICAL FIXTURES

**ELECTRICAL PLAN 4 UNITS
TOWNHOMES SECOND FLOOR**
SCALE: 1/4" = 1'0"

604 S/F ON SECOND FLOOR
DOESN'T INCLUDE STAIRS

HOUSEHOLD FIRE ALARMS SYSTEMS INSTALLED IN
ACCORDANCE WITH BOTH INTERNATIONAL AND LOCAL
BUILDING CODES IN THE FOLLOWING LOCATIONS:

1. IN EACH SLEEPING ROOM
2. OUTSIDE EACH SEPARATE SLEEPING AREAS IN THE
IMMEDIATE VICINITY OF BEDROOMS AND WIRED TOGETHER
IN SUCH A MANNER THAT WHEN ONE IS ACTIVATED ALL SHALL
ACTIVATE

4 UNITS
TOWNHOMES FRONT ELEVATION

SCALE: AS NOTED
DATE: JULY 2021
DRAWN BY: CGP

CHARLES SMITH ASSOC.
RESIDENTIAL DESIGNER - FAYETTEVILLE, NORTH CAROLINA

BUILDING CONTRACTOR TO MEET LOCAL
WIND LOADS PER CODE AS IT PERTAINS
TO CONSTRUCTION OF HOUSE
100, 120, 140, 160, 180 MPH

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TOWNHOMES
T-1320

**CITY OF FAYETTEVILLE
STATE OF NORTH CAROLINA
ORDER TO APPROVE A SPECIAL USE PERMIT
To allow 4 Single-Family Attached Dwellings (Townhomes) in a Single-Family
Residential 10 (SF-10) zoning district.**

SUP 21-09

Property Address: 611 Law Road
Tax Map Number: REID # 0439858626000
Property Owner: Olajuwon Morgan, PalmHaven, LLC

The City Council for the City of Fayetteville, NC, held an evidentiary hearing on February 28, 2022, to consider a Special Use Permit request filed by Olajuwon Morgan (“Applicant”) on behalf of PalmHaven, LLC (“Property Owner”) to issue a Special Use Permit to allow 4 Single-Family Attached Dwellings (Townhomes) in a Single-Family Residential 10 (SF-10) zoning district, on the property addressed as 611 Law Road, Fayetteville, NC (“Subject Property”). The Subject Property is presently zoned as Single-Family Residential 10 (SF-10).

On February 14, 2022, a notice of evidentiary hearing was mailed to the Property Owner and all of the owners of property within 500 feet of the Subject Property. On February 16, 2022, a notice of evidentiary hearing sign was placed on the Subject Property. On February 18 and 25, 2022, a notice of evidentiary hearing advertisement was placed in the legal section of *The Fayetteville Observer*.

Having considered all of the sworn testimony, evidence, and oral arguments submitted at the hearing by the parties, the City Council makes the following FINDINGS OF FACT and CONCLUSIONS OF LAW:

Findings of Fact

1. Olajuwon Morgan, PalmHaven, LLC, is the owner of Single-Family Residential 10 (SF-10) zoned property addressed as 611 Law Road, which contains approximately 0.9 acres in the City of Fayetteville, NC.

2. The Subject Property is currently zoned Single-Family Residential 10 (SF-10) and used for residential use.

3. The Property Owner seeks to build 4 Single-Family Attached Dwellings (Townhomes) on the Subject Property.

4. The Applicant filed a timely application for a Special Use Permit on behalf of the Property Owner on September 24, 2021.

5. The City of Fayetteville adopted the Unified Development Ordinance (UDO), codified under Chapter 30 of the City Code, to establish that “This Ordinance

consolidates the City's zoning and subdivision regulatory authority as authorized by the North Carolina General Statutes . . . ". Chapter 30, Article 4, Section 30-4.A.2 permits Residential Uses as a Use Category.

6. Chapter 30, Article 4, Section 30-4.C.4.i.1, Use Table, permits dwelling, single-family attached, in the Single-Family Residential 10 (SF-10) zoning district which meet the Use-Specific Standards.

- a. The special use complies with all of the following applicable standards in Section 30-4.C, Use-Specific Standards:
 - (1) The special use establishes a minimum level of design quality for three- to four-family residential, attached residential, and multi-family development to foster sustained value and stability within developments and neighborhoods.
 - (2) The special use promotes greater compatibility between three- to four-family residential, attached residential, and multi-family development and other allowed uses in the City through standards addressing building size and appearances, as well as off-street parking.
- b. The special use complies with the standards set forth in the Unified Development Ordinance (UDO) as the minimum lot size is met for a 4-unit townhome complex. All setbacks meet the given standards and the site plan is drawn to meet the requirements of the UDO.
- c. The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands as the surrounding property is zoned and constructed as mainly single-family residential homes; the proposed development is a residential development located on Law Road; the proposed use is similar in nature to the surrounding uses; and the proposed Special Use Permit will be compatible with the character of the surrounding property.
- d. The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration as the proposed use is residential and matches the use of the surrounding property and the traffic, noise, odor, etc., will be similar in nature to the existing uses.
- e. The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands. The driveways for the development will all extend to Law Road. This undeveloped property will be developed in accordance with the current UDO and storm water ordinance.

- f. The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources. The project is designed to comply with the current storm water ordinance and UDO for landscaping. There is no evidence of significant deterioration of resources from the project.
 - g. The special use maintains safe ingress and egress onto the site and safe road conditions around the site. The ingress and egress will be from Law Road. There is no evidence of negative impacts to traffic. The special use will comply with all other relevant City, State, and Federal laws and regulations.
 - h. 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. The neighboring properties are developed as mostly single-family residential homes and the proposed development will be similar in nature. There is no evidence of negative impacts to property values.
 - i. The special use is required to comply with all other relevant City, State, and Federal laws and regulations. Compliance with the required regulations will ensure that the surrounding properties are not harmed by this type of use.
7. The Special Use Permit applies to the entire Subject Property currently zoned Single-Family Residential 10 of the parcels identified by REID # 0439858626000 and addressed as 611 Law Road.
8. The City's Unified Development Ordinance (UDO) requires that the Property Owner adhere to all City, State, and Federal requirements. Compliance with the required regulations will ensure that the surrounding properties are not harmed by this type of use.
9. The City's Technical Review Committee will review and approve all plans before any permits are issued.
10. An approved special use expires after 12 months if work has not commenced or permits have not been obtained or if the approved activity by the Special Use Permit is discontinued and not resumed for a period of one year.

Conclusions of Law

- 1. The City of Fayetteville adopted the Unified Development Ordinance (UDO), codified under Chapter 30 of the City Code, to consolidate the City's zoning and subdivision regulatory authority as authorized by the North Carolina General Statutes . . . " See City Code, Chapter 30.
- 2. The application on behalf of Olajuwon Morgan, PalmHaven, LLC, was timely, notice was properly given, and an evidentiary hearing was held by the City of Fayetteville's City Council in compliance with the laws of North Carolina.

3. The Property Owner shall adhere to all City, State, and Federal requirements.

4. All of the general and specific conditions precedent to the issuance of a Special Use Permit have been satisfied.

- a. The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district of surrounding lands.
- b. The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration.
- c. The special use will minimize adverse effects, including visual impacts, of the proposed use on adjacent lands.
- d. The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.
- e. The special use maintains safe ingress and egress onto the site and safe road conditions around the site.
- f. 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.
- g. The special use complies with all other relevant City, State, and Federal laws and regulations.

5. The special use expires after 12 months if work has not commenced or permits have not been obtained or if the approved activity by the Special Use Permit is discontinued and not resumed for a period of one year.

WHEREFORE, BASED ON THE FOREGOING FINDINGS OF FACTS AND CONCLUSIONS OF LAW, it is ORDERED by the City of Fayetteville's City Council that the application for the issuance of a Special Use Permit is APPROVED.

VOTE: 10 to 0

This the 28th day of March, 2022.

MITCH COLVIN, Mayor

ATTACHMENTS

1. Application
2. Notification Map
3. Zoning Map
4. Land Use Plan Map
5. Subject Properties
6. Surrounding Properties
7. Site Plan
8. Elevations

City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 22-2588

Agenda Date: 3/28/2022

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.04

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 Harmon, Planner II, CZO

DATE: March 28, 2022

RE:

SUP22-01. Order of Approval - Findings of Fact: Special Use Permit to allow two Two-to Four-Family Dwelling (4 duplexes units) in a Single-Family Residential 6 (SF-6) zoning district, to be located at 5473 & 5487 Grimes Rd. (REID # 9495042533000 & 9495042308000), totaling 1.13 acres ± and being the property of SXANGG INVESTMENT GROUP LLC.

COUNCIL DISTRICT(S):

6 - Christopher Davis.

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 Investment 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:

Evidentiary Hearing

During an Evidentiary Hearing, the burden of demonstrating that an application complies with applicable review and approval standards of this Ordinance is on the applicant, which shall be demonstrated by competent, material, and substantial evidence. The burden is not on the City to show that the standards have not been met by the applicant. The owner is requesting to construct two duplex style units on two lots (one building on each lot - see attached site plan). The buildings will be built as one duplex on one property and another on the other. Properties to the north, south and east are all zoned SF-6 - Single Family 6. The properties to the west, across Grimes Road are all zoned AR - Agricultural Residential. The use of all of the surrounding lots is currently single family residential.

In the City's Unified Development Ordinance (UDO) duplexes are defined as a Dwelling, Two- to Four-Family, which is a building containing two, three, or four individual dwelling units located on a single lot. Such units may be part of a single structure, or may be attached by one or more common walls.

On February 28, 2022, the City Council held an Evidentiary Hearing regarding this case. After hearing all relevant evidence, the Council voted 10-0 to issue the Special Use Permit.

Background:

Owner: SXANGG INVESTMENT GROUP LLC.

Applicant: Lori Epler, Larry King & Assoc.

Requested Action: SUP - Dwelling, Two- to Four-Family (2 Duplexes)

Properties Addresses: 5473 & 5487 Grimes Rd

Council District: 6 - Christopher Davis

Status of Properties: Single Family Residential - to be removed

Size: Approximately 1.13 acres total

Adjoining Land Use & Zoning:

- North - SF-6: Single-family
- South - SF-6: Single-family
- West - AR: Single-family
- East - SF-6: Single-family

Letters Mailed: 53

Land Use Plan: LDR - Low Density Residential

LDR - Low Density Residential consist mainly of single family residential with some accessory dwellings; occasionally with duplexes (if isolated) or townhomes. Lots typically 1-4 dwellings per acre. Suburban, auto-oriented character with utility services.

Additional Reviews:

A Technical Review Committee (TRC) examination was conducted as part of the Special Use Permit process. However, this use is allowed in the zoning district so a complete

review of the project will be conducted as part of the Development Review process to ensure the development meets all development standards for the use.

Issues/Analysis:

Surrounding Area

Properties to the north, south and east are all zoned SF-6 - Single Family 6. The properties to the west, across Grimes Road are all zoned AR - Agricultural Residential. The use of all of the surrounding lots is currently single family residential.

Special Use Permit Request

The applicant is requesting a Special Use Permit to construct two duplexes on properties located on Grimes Road. The attached site plan shows the layout of the four units. According to the owner, the proposed use will comply with all of the City's Dwellings, Two-to Four-Family and will be a self-contained complex that will not interfere with the adjoining properties.

The application is only to address the construction of the two duplex sites.

Land within the City is generally classified by the Unified Development Ordinance (UDO) to be within one of a number of base zoning districts. Land may be reclassified to one of a number of comparable zoning districts in accordance with Section 30-2.C.

However., The SUP must meet the following findings of facts:

- (1) The special use complies with all applicable standards in Section 30-4.C,

Use-Specific Standards;

According to Section 30-4.C.2.a.2 *Dwellings, Two- to Four-Family*:

Two-to four-family dwellings in an SF-15, SF-10, or SF-6 district shall comply with the following standards:

1. Except for circular driveways, no two- to four-family dwelling lot shall be served by more than one driveway on the same block face.
2. Three and four-family dwellings on lots shall be served by a single entrance on any individual building façade.
3. Ground based, roof-based, and wall-mounted electrical equipment, HVAC equipment, and other utility connection devices shall be ganged and screened, or located outside the view from any adjacent public street.
4. Two- to four-family dwellings shall comply with Section 30-5.G <http://online.encodeplus.com/regs/fayetteville-nc/doc-viewer.aspx?ajax=0&tocid=005.030.005.007>, Single-family and Two-family Design Standards or 30-5.H Multifamily Design Standards, as appropriate.

As shown in the owner's application and in the attached site plan, the special use complies with the standards set forth in the City Code of Ordinances. All setbacks meet to the given standards. The attached site plan is drawn to meet the requirements of the UDO.

- (2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning districts(s) of surrounding lands;

According to the submitted site plan and the application, the proposed use is compatible with the overall area as the surrounding area is zoned residential and is comprised of single-family residential homes. The project will consist of two

duplexes.

- (3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;
According to the site plan, the project will be developed similar to other properties along Law Road. There will be minimal noise, etc. from the development. The project will be evaluated by the Technical Review Committee and other local, State, and Federal agencies as applicable. The special use permit for this property will fit right with its surroundings. There will be adequate parking on the property. Being that there are surrounding single-family homes Grimes Road, noise levels should not be altered by this new development.
- (4) The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands;
According to the application and site plan, the project will be a residential development similar in nature to the surrounding developments. This new construction will bring a new feel to the area. As it currently sits, this property is occupied by two homes that will be removed if this SUP is approved.
- (5) The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;
According to the application and site plan, this development will have minimum effect on the wildlife, scenic resource or any natural resources. The land is currently flat with very little trees and has already been developed. It does not have a pond, but it is located next to a drainage ditch. With its location, there is little chance of the proposed development effecting the natural resources.
- (6) The special use maintains safe ingress and egress onto the site and safe road conditions around the site;
According to the application and site plan, the proposed use will be in a well established neighborhood with adequate roads. There are many homes in the area that are currently serviced by the City of Fayetteville police, fire, and EMS responders. A driveway will be built in accordance with the attached site plan and Fayetteville City standards.
- (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
According to the application and site plan, the use will new construction of two Two-to Four-Family Dwelling (two duplexes for a total of four housing units total) Being a residential construction it should not change the property value of the surrounding buildings in a negative way. The dwellings that are being constructed will fit into the surrounding area's characteristics.
- (8) The Special use complies with all other relevant City, State, and Federal laws and regulations.
The applicant will be required to meet all applicable standards.

Budget Impact:

This action should result in no increase in City services.

Options:

- 1) Approve the Order as presented;
- 2) Remand Order back to staff to changes;

Recommended Action:

The Professional Planning staff recommends that the City Council approve the Order of Approval as presented.

Attachments:

1. Application
2. Aerial Map
3. Zoning Map
4. Land Use Plan Map
5. Subject Properties
6. Surrounding Properties
7. Site Plan
8. Order of Approval - Findings of Fact

Project Overview**#685462****Project Title:** PRENSTON GALE**Jurisdiction:** City of Fayetteville**Application Type:** 5.3) Special Use Plan Review**State:** NC**Workflow:** Staff Review**County:** Cumberland**Notice Regarding Special Use Permit Procedural Process**

Special Use Permit

Dear Applicants,

Thank you for applying for a Special Use Permit with the City of Fayetteville. Due to legislative changes, the procedural process for Special Use Permits have changed:

1. Special Use Permits are now considered Evidentiary Hearings. With an Evidentiary Hearing, it is incumbent upon the applicant to present evidence that supports the application. This evidence is required both in writing and verbally.
2. Since the written evidence comes mainly from the application, the eight (8) Findings of Fact are essential. The answers must be complete and accurate.
3. Applicants are required to make, at minimum, an oral presentation to the City Council that addresses the eight (8) Findings of Facts. The applicant has the option of doing a visual presentation as well, but this is not required.
4. Lastly, Special Use Permits no longer have to be reviewed by the Zoning Commission and will proceed directly to the City Council. The deadline dates for Special Use Permits have changed.

Again, thank you for your application. If you have any additional questions, please contact the Planning & Zoning Division at 910-433-1612 to speak with a Professional Planner.

If you would like a copy of the above text, you can [download a copy here](#).

Please enter your full name in the space below to confirm your acknowledgement of the above statement.

Enter Your Full Name Here: LORI S EPLER

Project Location**Project Address or PIN:**

- 5473 GRIMES RD (9495042533000)
- 5487 GRIMES RD (9495042308000)

GIS Verified Data**Property Owner:** Parcel**Acreage:** Parcel

- 5473 GRIMES RD: SXANGG INVESTMENT GROUP LLC
- 5487 GRIMES RD: SXANGG INVESTMENT GROUP LLC
- 5473 GRIMES RD: 0.4
- 5487 GRIMES RD: 0.73

Zoning District:

Fire District:

Hospital Overlay District:

Cape Fear District:

Haymount Historic District:

100 Year Flood:

Watershed:

Subdivision Name:

Airport Overlay District:

Coliseum Tourism District:

Downtown Historic District:

Floodway:

500 Year Flood:

Written Description of Special Use

Is the proposed project for a cell tower?: No

A) Provide a written description of the proposed special use, including summary of existing uses and the proposed use/activity in detail. Also include hours and days of operation, number of employees, number of clients, etc.:

THE SUBJECT PROPERTIES WERE PREVIOUSLY USED FOR TWO RESIDENCES. ONE WAS A 950 SQ FT HOUSE BUILT IN 1954. THE OTHER WAS A MOBILE HOME. BOTH HAVE BEEN REMOVED.

THE OWNER WISHES TO CONSTRUCT A DUPLEX ON BOTH LOTS WITH A COMMON DRIVEWAY.

B) Please provide a description of the Zoning District designations and existing uses on adjacent properties, including across the street.:

THE PROPERTIES ARE ZONED SF-6. THE ADJACENT PROPERTY TO THE NORTH IS SF-6 AND CURRENTLY A SINGLE FAMILY HOME. THE PROPERTY TO THE EAST IS ZONED SF-6 AND VACANT. THE PROPERTIES TO THE SOUTH ARE ALSO SF-6 AND SINGLE FAMILY HOMES. THE PROPERTIES ACROSS THE STREET TO THE WEST ARE ZONED AR AND VACANT.

Special Use Justification. Answer all questions on this and the following pages (upload additional sheets as needed).

Indicate how the special use complies with all applicable use-specific standards in the City Code of Ordinances.:

THE TWO BUILDINGS (FOUR UNITS) WILL HAVE ONE DRIVEWAY ON GRIMES ROAD AS CALLED FOR IN THE STANDARDS.

ALL HVAC AND ELECTRICAL EQUIPMENT WILL BE SCREENED FROM THE STREET.

THE GARAGE ENTRANCES WILL NOT FACE THE STREET.

THE FRONT ENTRANCE TO THE UNITS WILL FACE THE COMMON DRIVE, NOT THE STREET SIDE OF THE BUILDINGS.

Describe how the special use is compatible with the character and uses permitted in the zoning district(s) of surrounding lands.:

THE PROPOSED LAYOUT OF THE BUILDINGS IS SUCH THAT THE GARAGES AND THE ENTRANCES TO THE INDIVIDUAL UNITS WILL FACE A COMMON DRIVE, NOT THE STREET. MAKING THE BUILDINGS APPEAR TO BE ONE UNIT.

Indicate how the special use avoids significant adverse impact on surrounding lands regarding service delivery, parking and loading, odors, noise, glare, and vibration.:

THERE WILL BE NO ADVERSE IMPACTS TO THE SURROUNDING PROPERTIES AS ALL USES IN THE AREA ARE RESIDENTIAL.

Demonstrate how the special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands.:

ALL ENTRANCES AND GARAGE DOORS ARE NOT FACING THE STREET CREATING NO ADVERSE VISUAL IMPACTS.

Explain how the special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.:

THE PROPOSED USE HAS A VERY LOW IMPACT ON ANY OF THE RESOURCES NAMED AS IT IS RESIDENTIAL.

Indicate how the special use maintains safe ingress and egress onto the site and safe road conditions around the site.:

THE FOUR UNITS WILL USE ONE DRIVEWAY ACCESS FROM GRIMES ROAD.

Demonstrate how 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.:

THE PROPOSED UNITS WILL BE MUCH MORE IN KEEPING WITH AGE AND CONDITION OF THE SURROUNDING PROPERTIES,

THESE UNITS WILL PROVIDE AFFORDABLE HOUSING FOR MORE FAMILIES OR INDIVIDUALS WHILE KEEPING THE INTEGRITY OF THE NEIGHBORHOOD INTACT.

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

IT DOES.

THIS PROPERTY WAS R6 PRIOR TO THE UDO ZONING BEING APPLIED. DUPLEXES WERE ALLOWED IN THAT ZONING. THIS OWNER IS MERELY TRYING TO ACHIEVE THE RETURN ON HIS INVESTMENT THAT WAS TAKEN AWAY.

Primary Contact Information

Project Contact - Agent/Representative

LORIEPLER
Larry King & Assoc.
1333 Morganton Road, Fayetteville
Fayetteville, NC 28305
P:9104834300
LEPLER@LKANDA.COM

Project Owner

PRENSTON GALE

3241 WINTERWOOD DR
FAYETTEVILLE, NC 28306
P:910.644.2374
PRENSTON_GALE@HOTMAIL.COM

NC State License Number:

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$30,000. :

Project Contact - Primary Point of Contact for the Surveyor

LORIEPLER
Larry King & Assoc.
1333 Morganton Road, Fayetteville
Fayetteville, NC 28305
P:9104834300
LEPLER@LKANDA.COM

Contractor's NC ID#:

Indicate which of the following project contacts should be included on this project: Surveyor



Aerial Notification Map

Case #:SUP22-01

Request: Special Use Permit
2 Duplexes

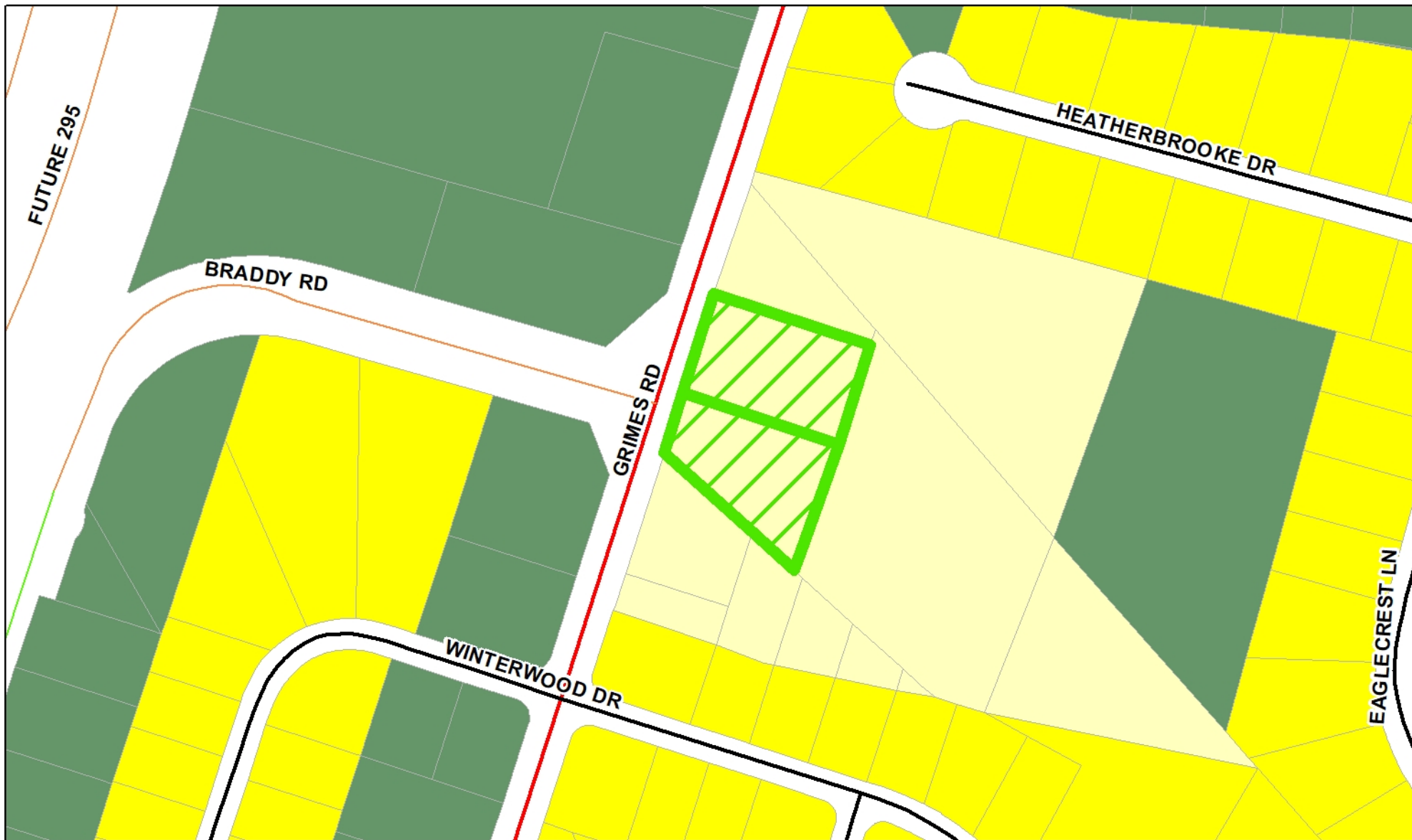
Location: 5473 & 5487 GRIMES RD

Legend

-  500' Notification Area
-  Parcels



Letters are being sent to all property owners within the 500' buffer. Subject property is shown in the hatched pattern.



Zoning Map

Case #:SUP22-01

Request: Special Use Permit
2 Duplexes

Location: 5473 & 5487 GRIMES RD

Legend

-  250' Separation Buffer
-  AR - Agricultural-Residential
-  SF-6 - Single-Family Residential 6
-  SF-10 - Single-Family Residential 10
-  Parcels



Letters are being sent to all property owners within the 300' buffer. Subject property is shown in the hatched pattern.




Land Use Map

Case #:SUP22-01

Request: Special Use Permit
2 Duplexes

Location: 5473 & 5487 GRIMES RD

Legend

 Parcels

Future Land Use 2040

Character Areas

 LDR - LOW DENSITY

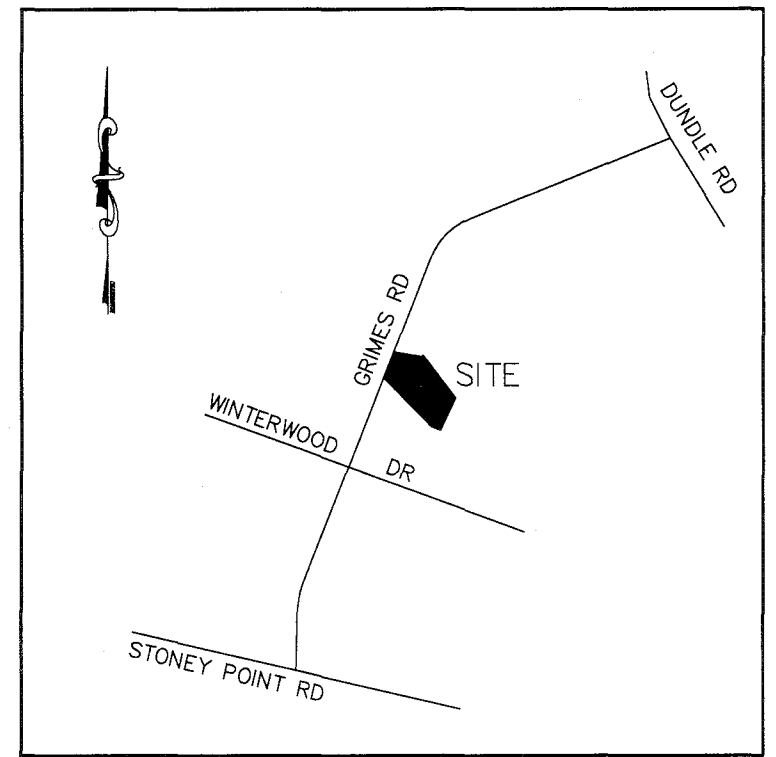


Letters are being sent to all property owners within the 500' buffer. Subject property is shown in the hatched pattern.

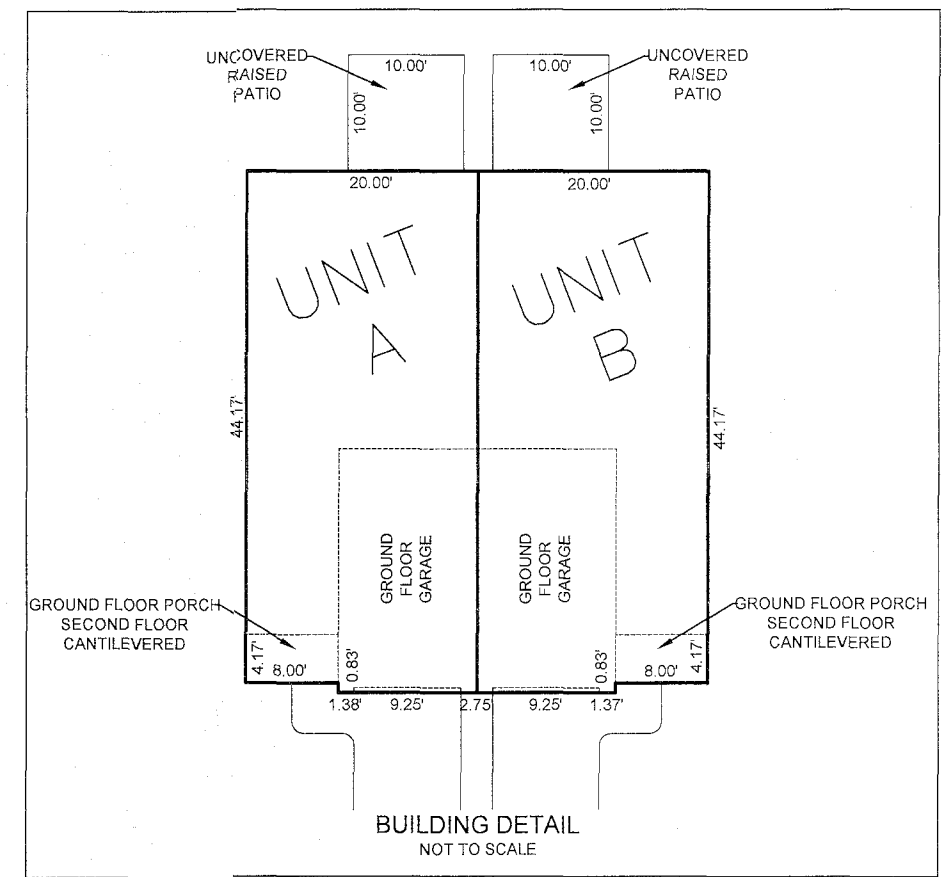
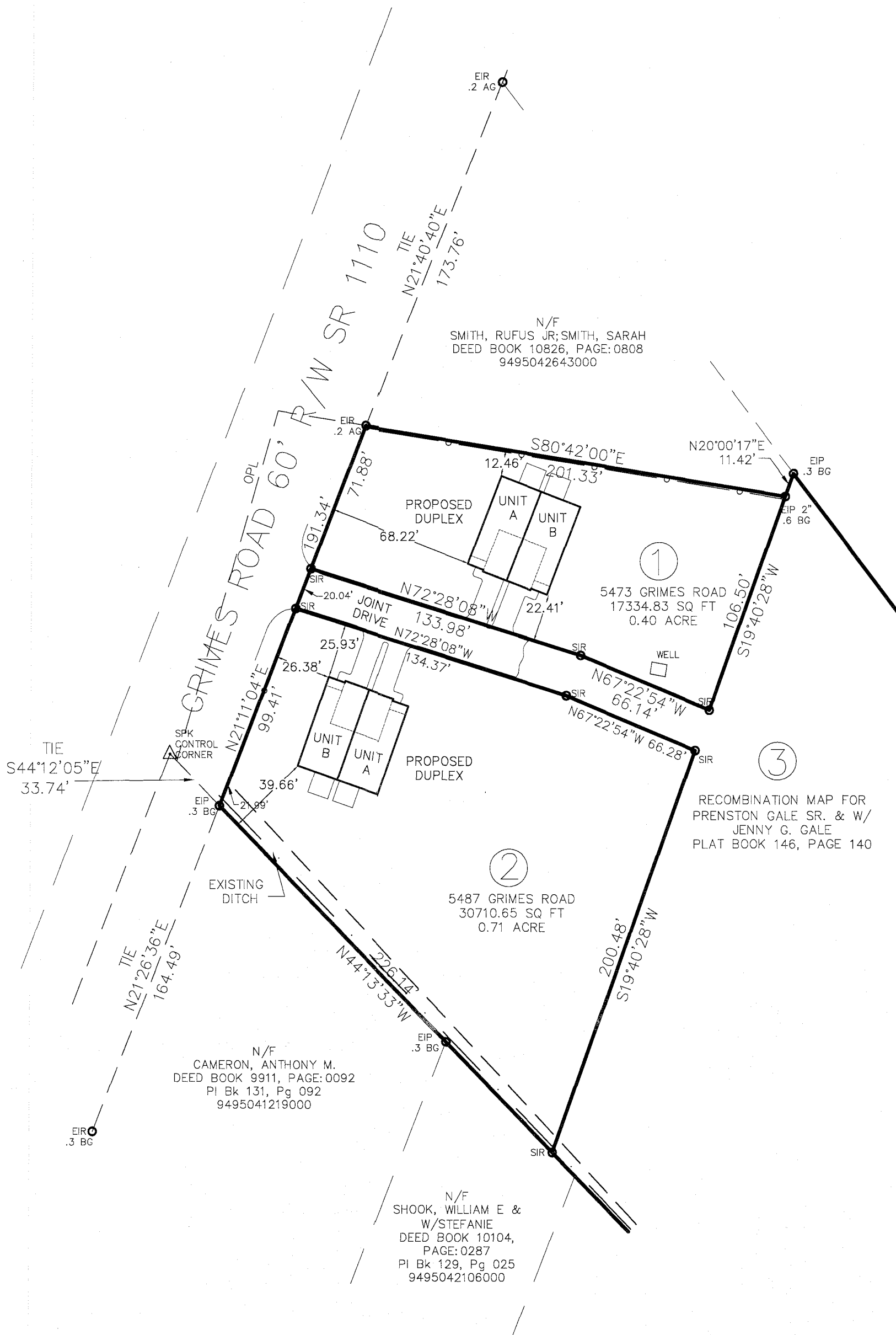




NOTE : CONTRACTOR TO VERIFY ALL BUILDING
SETBACKS PRIOR TO CONSTRUCTION.



VICINITY MAP
(NO SCALE)



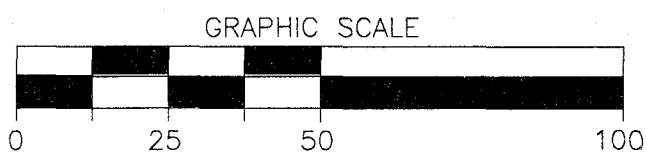
SPECIAL USE PERMIT APPLICATION

PROPERTY OF: PRENSTON AND JENNY GALE
ADDRESS: GRIMES ROAD
CITY OF: FAYETTEVILLE
COUNTY OF: CUMBERLAND

TOWNSHIP OF: GRAYS CREEK

DATE: DECEMBER 16TH, 2021
REV. FEBRUARY 11TH, 2022
SCALE: 1" = 50'

REFERENCE: LOTS 1 AND 2
PRENSTON AND JENNY GALE
PB. 146, PG. 140



I, W. LARRY KING, CERTIFY THAT THIS MAP IS FOR THE PURPOSE OF PERMITTING ONLY, IT IS NOT A SURVEY AND NO RELIANCE MAY BE PLACED ON ITS ACCURACY. THE STRUCTURE SHOWN ON THIS PLOT PLAN IS PLACED ACCORDING TO THE INSTRUCTIONS GIVEN BY THE OWNER. ALL DIMENSIONS AND SETBACKS SHOULD BE VERIFIED FOR COMPLIANCE WITH ZONING AND COVENANTS.

W. LARRY KING, PLS - L-1339

Larry King & Associates, R.L.S., P.A.

P.O. Box 53787
1333 Morganton Road, Suite 201
Fayetteville, NC 28305
Phone: (910)483-4300
Fax: (910)483-4052
www.LKandA.com
NC Firm License C-0887

THIS MAP CAN NOT BE USED FOR RECORDATION OR ATTACHED TO A DEED TO BE RECORDED. THIS MAP IS NOT DRAWN IN ACCORDANCE WITH GS 47-30.

THE BOUNDARY AND LOT INFORMATION SHOWN ON THIS MAP IS TAKEN FROM THAT DOCUMENT DESCRIBED IN THE "REFERENCE" LINE SHOWN HEREON. THIS INFORMATION SHOULD BE CONFIRMED AS THE MOST CURRENT FOR THIS PROPERTY BEFORE ISSUANCE OF PERMITS OR COMMENCEMENT OF CONSTRUCTION. NO TITLE SEARCH WAS PERFORMED ON THIS PROPERTY BY THIS SURVEYOR.

**CITY OF FAYETTEVILLE
STATE OF NORTH CAROLINA
ORDER TO APPROVE A SPECIAL USE PERMIT
To allow two Two- to Four-Family Dwellings (4 duplexes units) in a Single-Family
Residential 6 (SF-6) zoning district.**

SUP 22-01

Property Addresses: 5473 and 5487 Grimes Road
Tax Map Numbers: REID #s 9495042533000 and 9495042308000
Property Owner: SXANGG INVESTMENT GROUP LLC

The City Council for the City of Fayetteville, NC, held an evidentiary hearing on February 28, 2022, to consider a Special Use Permit request filed by Lori Epler, Larry King & Associates, ("Applicant") on behalf of SXANGG INVESTMENT GROUP LLC ("Property Owner") to issue a Special Use Permit to allow two Two- to Four-Family Dwellings (4 duplexes units) in a Single-Family Residential 6 (SF-6) zoning district, on the property addressed as 5473 and 5487 Grimes Road, Fayetteville, NC ("Subject Property"). The Subject Property is presently zoned as Single-Family Residential 6 (SF-6).

On February 17, 2022, a notice of evidentiary hearing was mailed to the Property Owner and all of the owners of property within 500 feet of the Subject Property. On February 16, 2022, a notice of evidentiary hearing sign was placed on the Subject Property. On February 18 and 25, 2022, a notice of evidentiary hearing advertisement was placed in the legal section of *The Fayetteville Observer*.

Having considered all of the sworn testimony, evidence, and oral arguments submitted at the hearing by the parties, the City Council makes the following FINDINGS OF FACT and CONCLUSIONS OF LAW:

Findings of Fact

1. SXANGG INVESTMENT GROUP LLC is the owner of Single-Family Residential 6 (SF-6) zoned property addressed as 5473 and 5487 Grimes Road (Subject Property), which contains approximately 1.13 acres in the City of Fayetteville, NC.
2. The Subject Property is currently zoned Single-Family Residential 6 (SF-6) and used for residential use.
3. The Property Owner seeks to build 2 Two- to Four-Family Dwellings (4 Duplex units) on the Subject Property.
4. The Applicant filed a timely application for a Special Use Permit on behalf of the Property Owner on January 4, 2022.

5. The City of Fayetteville adopted the Unified Development Ordinance (UDO), codified under Chapter 30 of the City Code, to establish that “This Ordinance consolidates the City’s zoning and subdivision regulatory authority as authorized by the North Carolina General Statutes . . .”. Chapter 30, Article 4, Section 30-4.A.2 permits Residential Uses as a Use Category.

6. Chapter 30, Article 4, Section 30-4.C.4.i.1, Use Table, permits dwelling, Two- to Four-Family, in the Single-Family Residential 6 (SF-6) zoning district which meet the Use-Specific Standards.

- a. The special use complies with all of the following applicable standards in Section 30-4.C, Use-Specific Standards:
 - (1) The special use establishes a minimum level of design quality for three- to four-family residential, attached residential, and multi-family development to foster sustained value and stability within developments and neighborhoods.
 - (2) The special use promotes greater compatibility between three- to four-family residential, attached residential, and multi-family development and other allowed uses in the City through standards addressing building size and appearances, as well as off-street parking.
- b. The special use complies with the standards set forth in the Unified Development Ordinance (UDO) as the minimum lot size is met for a 4-unit duplex complex. All setbacks meet the given standards and the site plan is drawn to meet the requirements of the UDO.
- c. The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands as the surrounding property is zoned and constructed as mainly single-family residential homes; the proposed development is a residential development located on Grimes Road; the proposed use is similar in nature to the surrounding uses; and the proposed Special Use Permit will be compatible with the character of the surrounding property.
- d. The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration as the proposed use is residential and matches the use of the surrounding property and the traffic, noise, odor, etc., will be similar in nature to the existing uses.
- e. The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands. The driveways for the development will all extend to a central private driveway connecting to Grimes Road. This property will be redeveloped in accordance with the current UDO and storm water ordinance.

- f. The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources. The project is designed to comply with the current storm water ordinance and UDO for landscaping. There is no evidence of significant deterioration of resources from the project.
 - g. The special use maintains safe ingress and egress onto the site and safe road conditions around the site. The ingress and egress will be from a central private driveway connecting to Grimes Road. There is no evidence of negative impacts to traffic. The special use will comply with all other relevant City, State, and Federal laws and regulations.
 - h. 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. The neighboring properties are developed as mostly single-family residential homes and the proposed development will be similar in nature. There is no evidence of negative impacts to property values.
 - i. The special use is required to comply with all other relevant City, State, and Federal laws and regulations. Compliance with the required regulations will ensure that the surrounding properties are not harmed by this type of use.
7. The Special Use Permit applies to the entire Subject Property currently zoned Single-Family Residential 6 of the parcels identified by REID #s 9495042533000 and 9495042308000 and addressed as 5473 and 5487 Grimes Road.
8. The City's Unified Development Ordinance (UDO) requires that the Property Owner adhere to all City, State, and Federal requirements. Compliance with the required regulations will ensure that the surrounding properties are not harmed by this type of use.
9. The City's Technical Review Committee will review and approve all plans before any permits are issued.
10. An approved special use expires after 12 months if work has not commenced or permits have not been obtained or if the approved activity by the Special Use Permit is discontinued and not resumed for a period of one year.

Conclusions of Law

1. The City of Fayetteville adopted the Unified Development Ordinance (UDO), codified under Chapter 30 of the City Code, to consolidate the City's zoning and subdivision regulatory authority as authorized by the North Carolina General Statutes . . . " See City Code, Chapter 30.
2. The application on behalf of SXANGG INVESTMENT GROUP LLC, was timely, notice was properly given, and an evidentiary hearing was held by the City of Fayetteville's City Council in compliance with the laws of North Carolina.

3. The Property Owner shall adhere to all City, State, and Federal requirements.

4. All of the general and specific conditions precedent to the issuance of a Special Use Permit have been satisfied.

- a. The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district of surrounding lands.
- b. The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration.
- c. The special use will minimize adverse effects, including visual impacts, of the proposed use on adjacent lands.
- d. The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.
- e. The special use maintains safe ingress and egress onto the site and safe road conditions around the site.
- f. 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.
- g. The special use complies with all other relevant City, State, and Federal laws and regulations.

5. The special use expires after 12 months if work has not commenced or permits have not been obtained or if the approved activity by the Special Use Permit is discontinued and not resumed for a period of one year.

WHEREFORE, BASED ON THE FOREGOING FINDINGS OF FACTS AND CONCLUSIONS OF LAW, it is ORDERED by the City of Fayetteville's City Council that the application for the issuance of a Special Use Permit is APPROVED.

VOTE: 10 to 0

This the 28th day of March, 2022.

MITCH COLVIN, Mayor

ATTACHMENTS

1. Application
2. Notification Map
3. Zoning Map
4. Land Use Plan Map
5. Subject Properties
6. Surrounding Properties
7. Site Plan

City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 22-2589

Agenda Date: 3/28/2022

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.05

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 Harmon, Planner II, CZO

DATE: March 28, 2022

RE:

SUP22-02. Order of Approval - Findings of Fact: Special Use Permit to allow nine Single Family Attached Dwellings (town homes) in a Single-Family Residential 6 (SF-6) zoning district, to be located at 6322 Raeford Rd on Little Dr. (REID # 0407305808000), totaling 2.25 acres ± and being the property of RAMSEY PLAZA LLC.

COUNCIL DISTRICT(S):

7 - Larry Wright.

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 Investment 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:

Evidentiary Hearing

During an Evidentiary Hearing, the burden of demonstrating that an application complies with applicable review and approval standards of this Ordinance is on the applicant, which shall be demonstrated by competent, material, and substantial evidence. The burden is not on the City to show that the standards have not been met by the applicant.

The owner is requesting to construct nine townhome style units on the lot. The units would be built side by side. The surrounding properties are a mix of single-family and commercially zoned and used properties.

In the City's Unified Development Ordinance (UDO) townhomes are defined as a Single-Family Attached Dwelling which must have two or more single-family dwelling units, each with its own outside entrance and individual lot, which are joined together by a common or party wall which is shared by two or more individual dwelling units along the lot line.

On February 28, 2022, the City Council held an Evidentiary Hearing regarding this case. After hearing all relevant evidence, the Council voted 10-0 to issue the Special Use Permit.

Background:

Owner: RAMSEY PLAZA LLC.

Applicant: George M. Rose, P.E.

Requested Action: SUP - Single family attached dwellings

Properties Addresses: 6322 Raeford Road on Little Drive

Council District: 7 - Larry Wright

Status of Properties: Vacant

Size: Approximately 2.25 acres

Adjoining Land Use & Zoning:

- North - SF-10: 3 Duplexes
- South - LC: Commercial
- West - SF-6 & SF-10: Single-family & mobile home park
- East - SF-10: Single-family

Letters Mailed: 53

According to the Plan, it is recommended that this portion of the city should be developed as a Highway Commercial (HC).

Highway Commercial (HC) is best described as high-intensity nonresidential uses often near major intersections and highway interchanges (hotels, gas stations, big-box retail, and fast food). Redevelopment is not likely to include residential.

Issues/Analysis:

History:

The subject property and the surrounding area were annexed into the City of Fayetteville in 1996. The property was previously used as single-family residential.

The property was purchased by its current owner in August 2018. There are no structures on the property and is currently vacant with light vegetation.

The property is split-zoned with the southern portion of the lot zoned as Limited Commercial (LC) and the portion, in question, zoned as Single-Family Residential 10 (SF-10).

In March 2021, the SF-10 section of this property was rezoned to SF-6. Then in October of 2021 an additional ten feet (10') wide strip was added to the SF-6 section of this property in order to give the property owners additional housing units.

Surrounding Area

The subject property is located along Little Drive just after its intersection with Raeford Road. The general area contains multiple zoning districts. These districts are Single-Family Residential 6 (SF-6), Single-Family Residential 10 (SF-10), and Light Industrial (LI). The subject property borders all three of these districts.

Special Use Permit Request

The applicant is requesting a Special Use Permit to construct townhomes on a vacant property. The attached site plan shows the layout of the nine units.

According to the owner, the proposed use will comply with all of the City's multi-family standards and will be a self-contained complex that will not interfere with the adjoining properties. All open space requirements will be met.

The application is only to address the construction of the nine townhome sites.

Land within the City is generally classified by the Unified Development Ordinance (UDO) to be within one of a number of base zoning districts. Land may be reclassified to one of a number of comparable zoning districts in accordance with Section 30-2.C.

However, The SUP must meet the following findings of facts:

- (1) The special use complies with all applicable standards in Section 30-4.C,

Use-Specific Standards;

According to Section 30-5.H *Dwelling, single-family attached* - Multi-Family Design Standards:

These multi-family design standards are intended to:

- a. Establish a minimum level of design quality for three- to four-family residential, attached residential, and multi-family development to foster sustained value and stability within developments and neighborhoods; and
- b. Promote greater compatibility between three- to four-family residential, attached residential, and multi-family development and other allowed uses in the City through standards addressing building size and appearances, as well as off-street parking.

Although there are additional standards identified under Section 30-5.H.2, letter c. under this section states "standards shall not apply to multi-family development consisting of single-family attached structures (townhomes).

As shown in the owner's application, the special use complies with the standards set forth in the City Code of Ordinance. The attached site plan is drawn to meet the

requirements of the UDO.

- (2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning districts(s) of surrounding lands;

According to the submitted site plan and the application, the proposed use is compatible with the overall area as most of the surrounding area is zoned residential and is comprised of both two- to four- family dwellings and single-family residential homes. The project will consist of nine single unit townhomes.

- (3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;

According to the site plan, the project will be developed similar to other properties along Little Drive. There will be minimal noise, etc. from the development. The project will be evaluated by the Technical Review Committee and other local, State, and Federal agencies as applicable. The special use permit for this property will fit right in with its surroundings. There will be adequate parking on the property. Being that there are surrounding single family homes and multifamily all along Little Drive, noise levels should not be altered by this new development.

- (4) The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands;

According to the application and site plan, the project will be a residential development similar in nature to the surrounding developments. This new construction will bring a new feel to the area. As it currently sits, this property is an empty open track of land. This sometimes can be an invitation for loiters and littering.

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

According to the application and site plan, this development will have minimum effect on the wildlife, science resource or any natural resources. The land is currently a flat with very little trees. It does not have a pond nor is it located next to a stream or river. With its location, there is little chance of the proposed development effecting the natural resources.

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

According to the application and site plan, the proposed use will be in a well established neighborhood with adequate roads. There are many homes and in the area that are currently serviced by the City of Fayetteville police, fire, and EMS responders. A driveway will be built in accordance with the attached site plan and Fayetteville City standards.

- (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

According to the application and site plan, the use will be new construction of nine residential townhome dwellings. Being a residential construction it should not change the property value of the surrounding buildings in a negative way. The dwellings that are being constructed will fit into the surrounding area's characteristics.

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

The applicant will be required to meet all applicable standards.

Budget Impact:

This action should result in no increase in City services.

Options:

1. Approve the Order as presented;
2. Remand Order back to staff to changes;

Recommended Action:

The Professional Planning staff recommends that the City Council approve the Order of Approval as presented.

Attachments:

1. Application
2. Aerial Map
3. Zoning Map
4. Land Use Plan Map
5. Subject Properties
6. Surrounding Properties
7. Site Plan
8. Order of Approval - Findings of Fact

Project Overview**#684427****Project Title:** Little Drive Townhouses**Jurisdiction:** City of Fayetteville**Application Type:** 5.3) Special Use Plan Review**State:** NC**Workflow:** Staff Review**County:** Cumberland**Notice Regarding Special Use Permit Procedural Process**

Special Use Permit

Dear Applicants,

Thank you for applying for a Special Use Permit with the City of Fayetteville. Due to legislative changes, the procedural process for Special Use Permits have changed:

1. Special Use Permits are now considered Evidentiary Hearings. With an Evidentiary Hearing, it is incumbent upon the applicant to present evidence that supports the application. This evidence is required both in writing and verbally.
2. Since the written evidence comes mainly from the application, the eight (8) Findings of Fact are essential. The answers must be complete and accurate.
3. Applicants are required to make, at minimum, an oral presentation to the City Council that addresses the eight (8) Findings of Facts. The applicant has the option of doing a visual presentation as well, but this is not required.
4. Lastly, Special Use Permits no longer have to be reviewed by the Zoning Commission and will proceed directly to the City Council. The deadline dates for Special Use Permits have changed.

Again, thank you for your application. If you have any additional questions, please contact the Planning & Zoning Division at 910-433-1612 to speak with a Professional Planner.

If you would like a copy of the above text, you can [download a copy here](#).

Please enter your full name in the space below to confirm your acknowledgement of the above statement.

Enter Your Full Name Here: George M. Rose

Project Location

Project Address or PIN: 6322 RAEFORD RD (0407305808000)

GIS Verified Data**Property Owner:** Parcel

- 6322 RAEFORD RD: RAMSEY PLAZA LLC

Acreage: Parcel

- 6322 RAEFORD RD: 2.25

Zoning District:**Subdivision Name:**

Fire District:
Hospital Overlay District:
Cape Fear District:
Haymount Historic District:
100 Year Flood:
Watershed:

Airport Overlay District:
Coliseum Tourism District:
Downtown Historic District:
Floodway:
500 Year Flood:

Written Description of Special Use

Is the proposed project for a cell tower?: No

A) Provide a written description of the proposed special use, including summary of existing uses and the proposed use/activity in detail. Also include hours and days of operation, number of employees, number of clients, etc.:
Special use is for residential townhouses for rental only. Subject property has previously been used for single family residential (two rental houses).

B) Please provide a description of the Zoning District designations and existing uses on adjacent properties, including across the street.:

Zoning of the tract to be developed with townhouses is SF-6, which was rezoned from LC in 2021 under case P21-53. LC-zoned property to the south is also owned by Ramsey Plaza, LLC and is a commercial use (retail truck accessories). Properties on Little Drive to the east and north are a mix of owner-occupied single family residential and rental duplexes.

Special Use Justification. Answer all questions on this and the following pages (upload additional sheets as needed).

Indicate how the special use complies with all applicable use-specific standards in the City Code of Ordinances.:

Rental townhouses and other multi-family units are allowed in SF-6 with a special use permit.

Describe how the special use is compatible with the character and uses permitted in the zoning district(s) of surrounding lands.:

Adjacent property to the north are rental duplexes. Adjacent property to the west is rental mobile homes. Townhouses and other multi-family units are allowed in SF-6 zoning.

Indicate how the special use avoids significant adverse impact on surrounding lands regarding service delivery, parking and loading, odors, noise, glare, and vibration.:

The nine proposed units are dispersed into two separate buildings. A centrally-located stormwater facility provides some buffering from the buildings and parking to Little Drive. An existing wood fence along the southern line provides a buffer from the commercial use. Odors, noise, glare and vibration will not be generated with this special use.

Demonstrate how the special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands.:

The nine proposed units are dispersed into two separate buildings. A centrally-located stormwater facility provides some buffering from the buildings and parking to Little Drive. New landscaping along the Little Drive right-of-way provides additional buffering.

Explain how the special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.:

Special use does not deteriorate any of the existing natural resources. Site will be heavily landscaped per requirements of the UDO.

Indicate how the special use maintains safe ingress and egress onto the site and safe road conditions around the site.:

Ingress and egress is by a single, 24' wide entrance with 25' radii on the curbs so as to provide safe movements by passenger vehicles and trucks to and from the site.

Demonstrate how 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.:

Special use is consistent with the adjacent use to the north of rental duplexes. New construction being introduced into the area with enhanced stormwater management and landscaping will enhance the property values and livability of the neighborhood.

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

Special use complies with all other relevant City, State, and Federal laws and regulations.

Primary Contact Information

Project Contact - Agent/Representative

George Rose
George M. Rose, P.E.
P.O. Box 53441
Fayetteville, NC 28305
P:910-977-5822
grose9295@gmail.com

Project Owner

Arash Ainolhayat
Ramsey Plaza, LLC
3771 Ramsey Street
Fayetteville, NC 28311
P:910-977-3030
arashainolhayat@yahoo.com

NC State License Number:

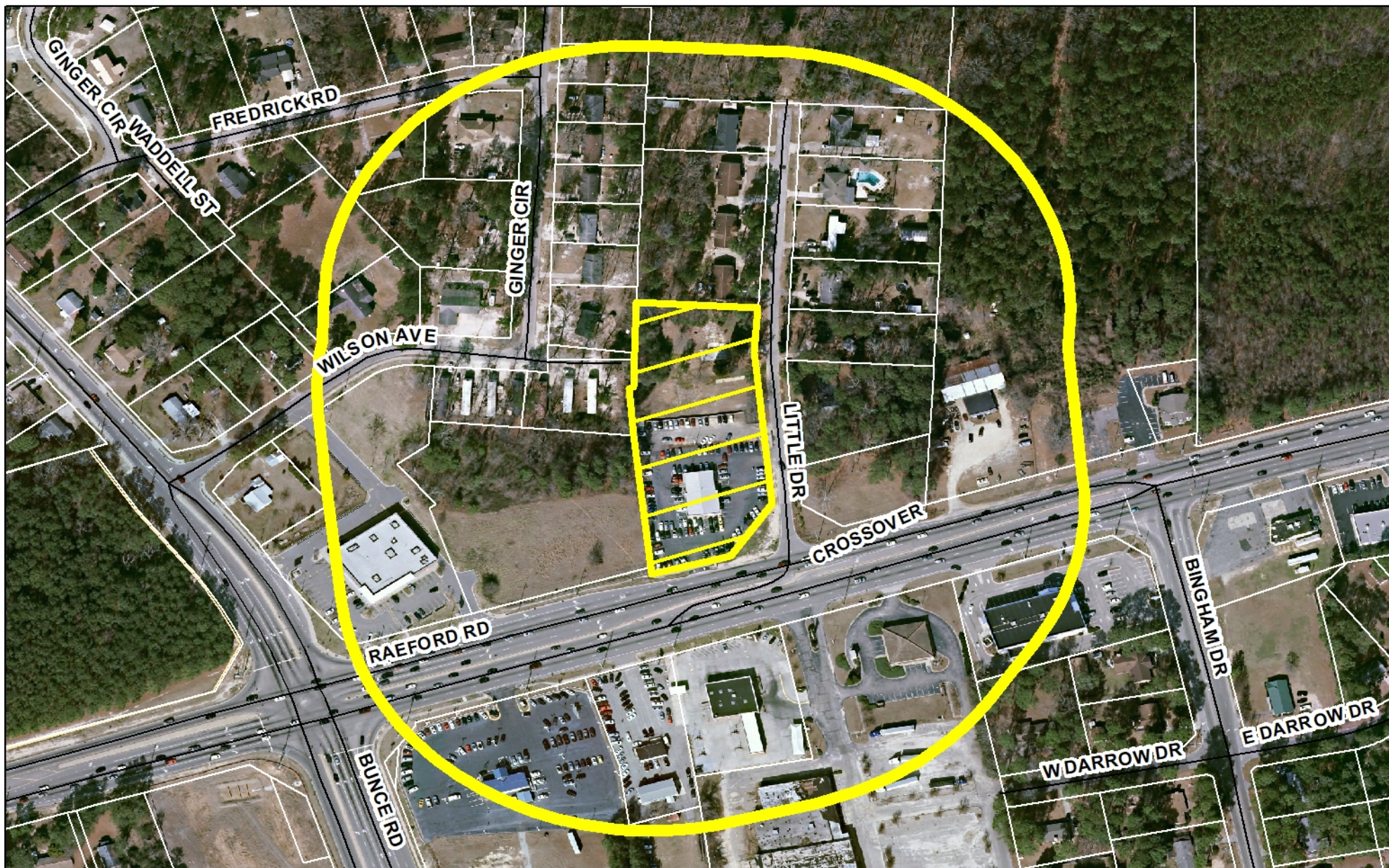
As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$30,000. :

Project Contact - Primary Point of Contact for Engineer

George Rose
George M. Rose, P.E.
P.O. Box 53441
Fayetteville, NC 28305
P:910-977-5822
grose9295@gmail.com

Contractor's NC ID#:

Indicate which of the following project contacts should be included on this project: Engineer



Aerial Notification Map

Case #:SUP22-02

Request: Special Use Permit
9 Townhome/Duplexes

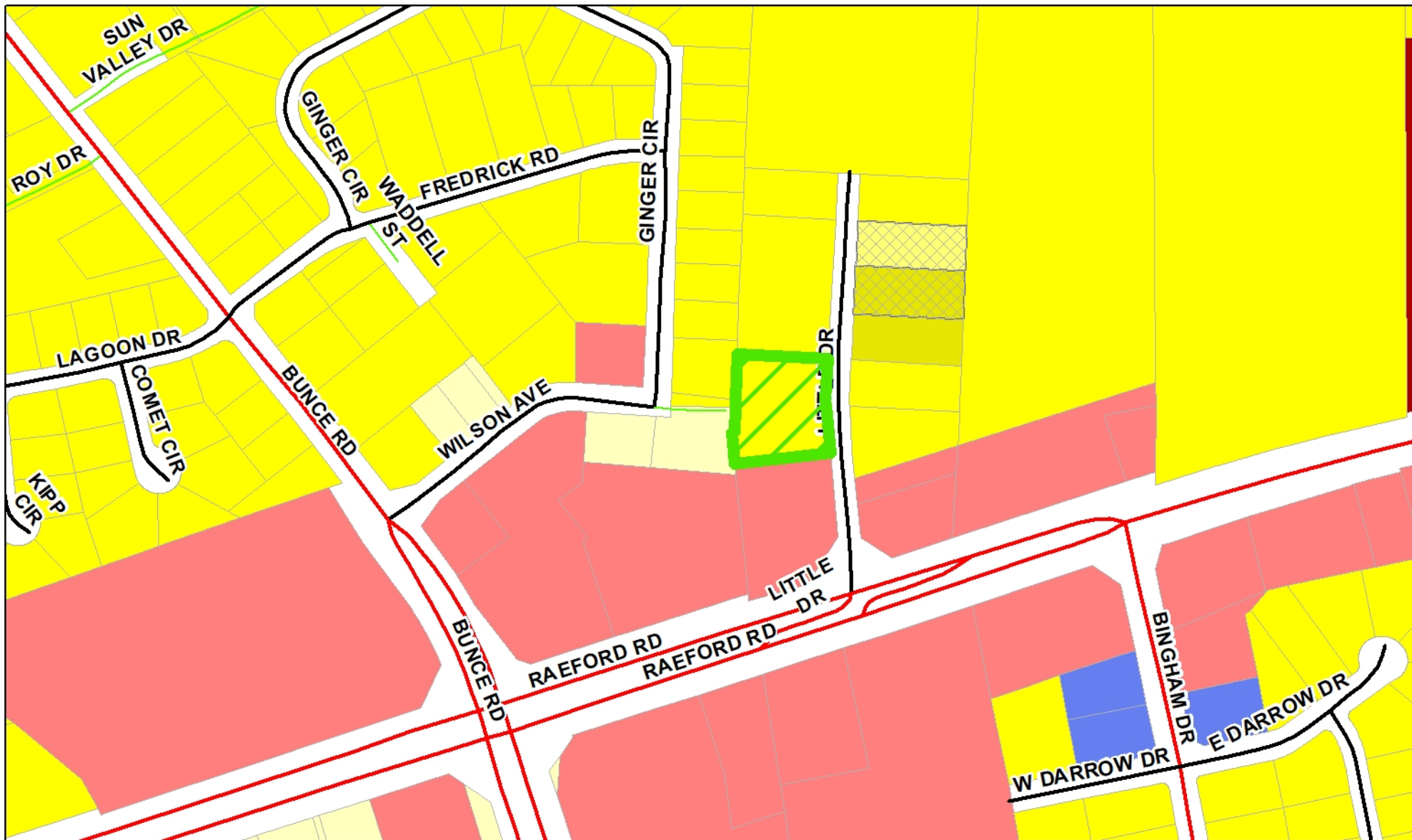
Location: 6322 RAEFORD RD

Legend

-  500' Notification Area
-  Parcels



Letters are being sent to all property owners within the 500' buffer. Subject property is shown in the hatched pattern.



Zoning Map

Case #: SUP22-02

Request: Special Use Permit
9 Townhome/Duplexes

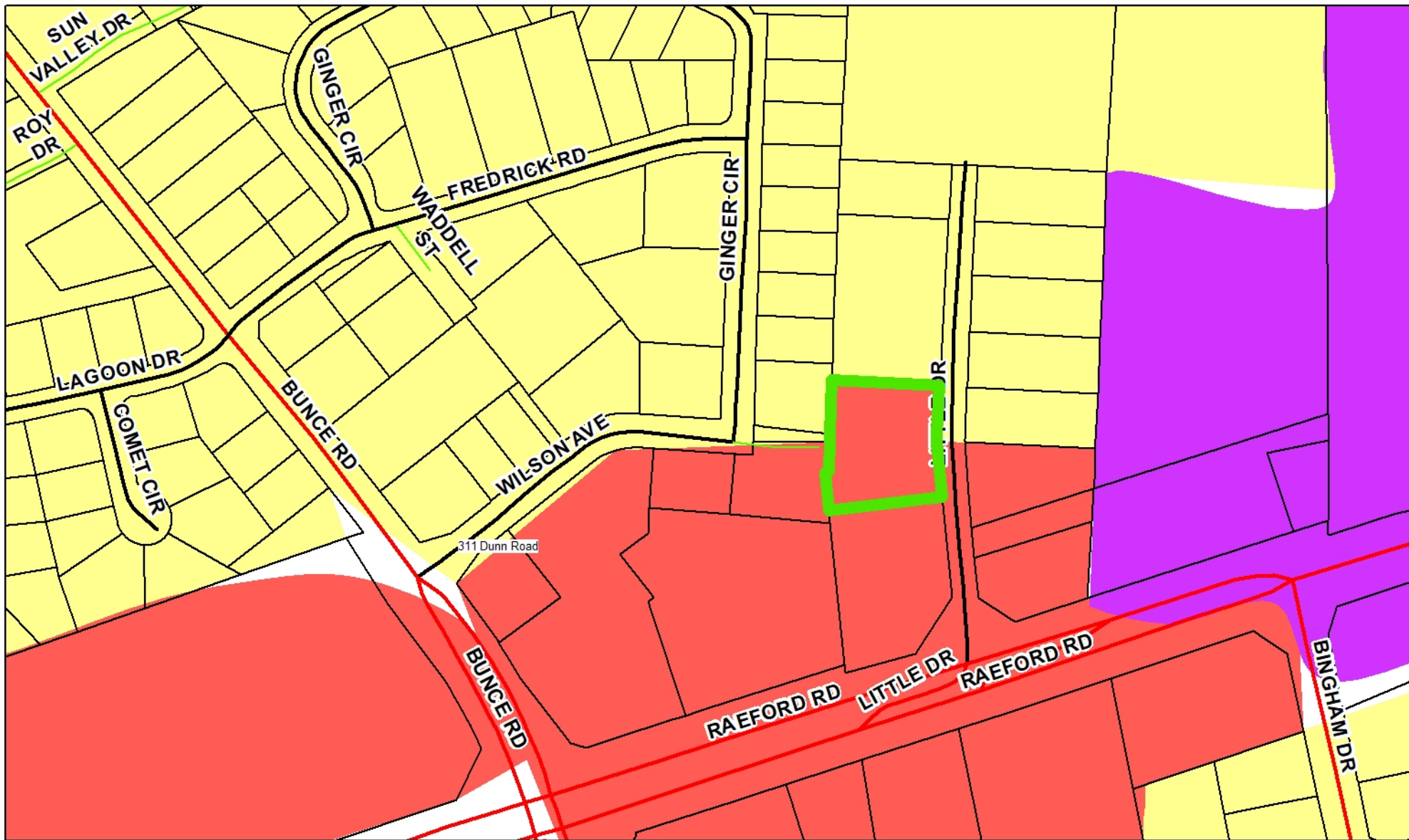
Location: 6322 RAEFORD RD

Legend

- CC - Community Commercial
- LC - Limited Commercial
- OI - Office & Institutional
- SF-6 - Single-Family Residential 6
- SF-10 - Single-Family Residential 10
- SF-10/MHO - Single-Family Residential 10 Manufactured Home Overlay
- SF-15 - Single-Family Residential 15
- SF-15/MHO - Single-Family Residential 15 Manufactured Home Overlay
- Parcels



Letters are being sent to all property owners within the 300' buffer. Subject property is shown in the hatched pattern.



Land Use Map

Case #:SUP22-02

Request: Special Use Permit
9 Townhome/Duplexes

Location: 6322 RAEFORD RD

Legend

Parcels

Future Land Use 2040

Character Areas

LDR - LOW DENSITY

HC - HIGHWAY COMMERCIAL

EC - EMPLOYMENT CENTER



Letters are being sent to all property owners within the 500' buffer. Subject property is shown in the hatched pattern.



Surrounding Properties

North



West



South



East





VICINITY MAP
NO SCALE

LEGEND

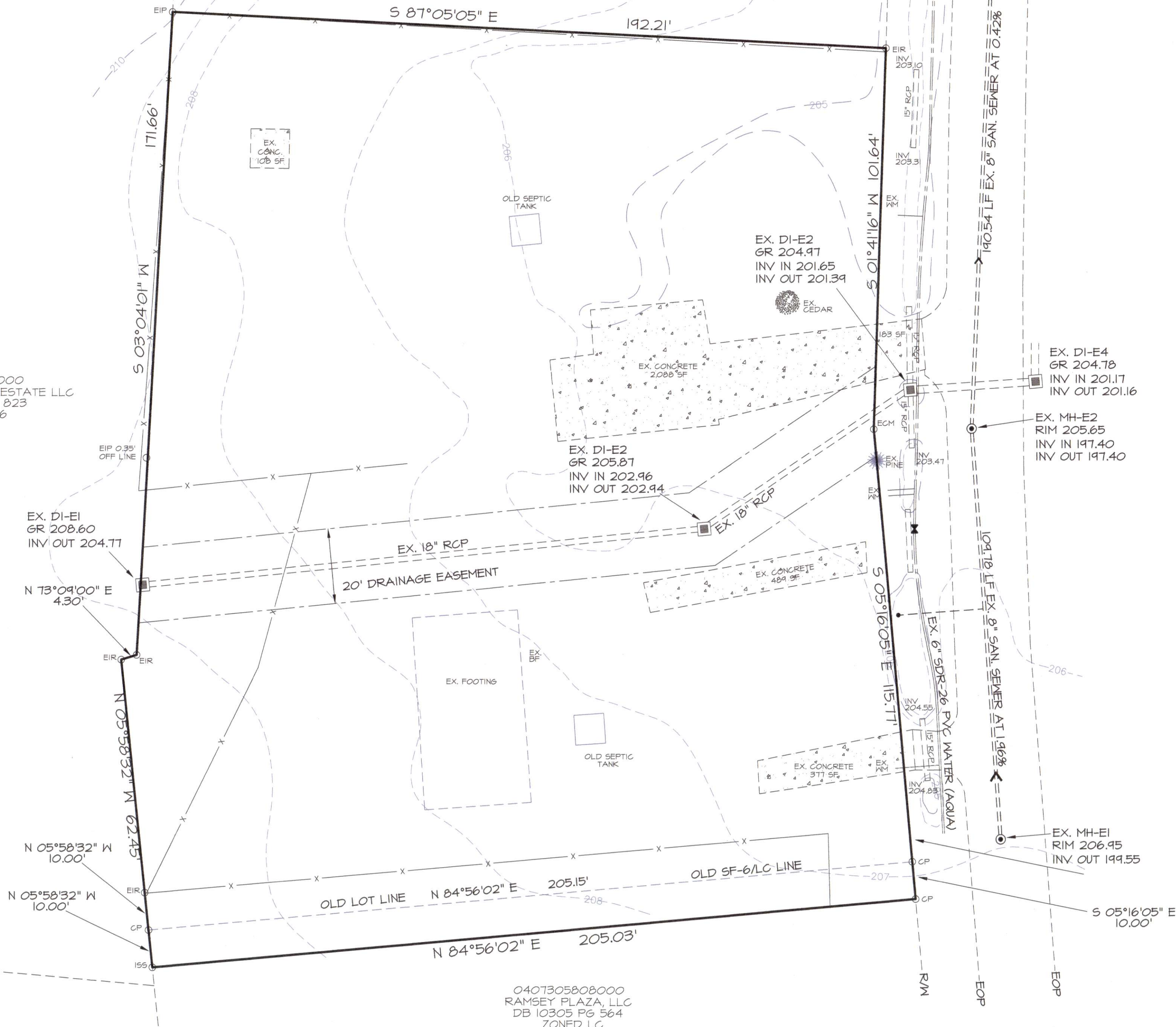
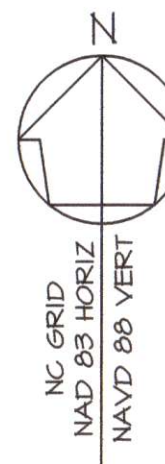
- EIR EXISTING IRON ROD (PROPERTY CORNER)
- EIP EXIST IRON PIPE (PROPERTY CORNER)
- ISS IRON STAKE SET (PROPERTY CORNER)
- CP COMPUTED POINT (PROPERTY CORNER)
- LP EXISTING LIGHT POLE
- PP EXISTING POWER POLE
- GUT--- EXISTING GUT WIRE
- OHE--- EXISTING OVERHEAD ELECTRICAL
- 234--- EXISTING CONTOUR
- EXISTING NATURAL GAS LINE

NOTES

- TOTAL AREA IN ORIGINAL TRACT = 43,643 SF = 1.00 ACRES
TOTAL AREA IN RECOMBINED TRACT (SF-6 ZONING) = 41,746 SF = 1.10 ACRES
- OWNER/DEVELOPER:
RAMSEY PLAZA, LLC (ARASH AINOLHAYAT)
3711 RAMSEY STREET
FAYETTEVILLE, NC 28311
sub1130@tchoco.com
910-411-3030
- REFERENCE: DB 10305 PG 564; PB 102 PG 114
- REID NO. 0407305808000
- EXISTING IMPERVIOUS SURFACES:
CONCRETE 3062 SF
CONCRETE FOOTING 250 SF
TOTAL = 3,312 SF = 0.08 ACRES

0407303904000
SHORTSLEEVES REAL ESTATE LLC
DB 113066 PG 823
ZONED SF-6

0407315207000
LUHARIE PROPERTIES LLC
DB 10313 PG 161
ZONED SF-15



EXISTING CONDITIONS
SCALE 1" = 20'
20 10 0 20 40
SCALE IN FEET



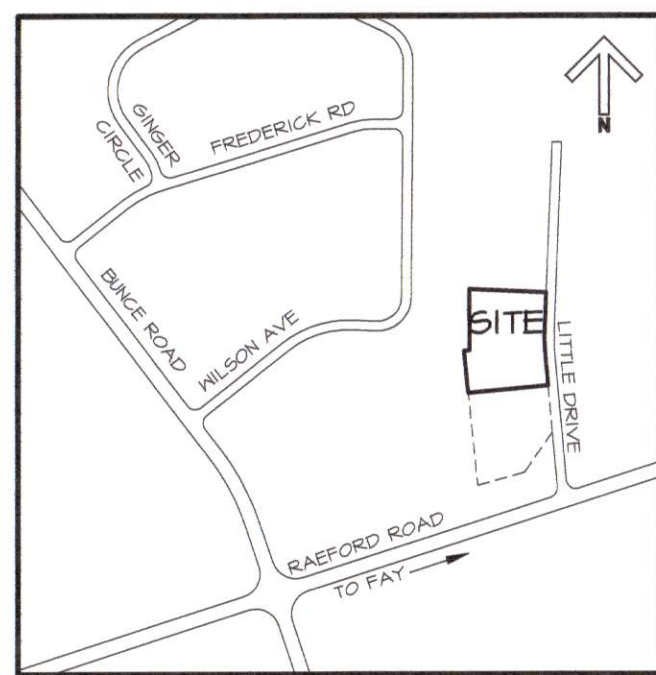
REVISIONS

GEORGE M. ROSE, P.E.
P.O. BOX 53441
FAYETTEVILLE, NC 28305
910-977-5822 FAX 910-485-5823 EMAIL george@gmripe.com

LITTLE DRIVE TOWNHOUSES
2860 LITTLE DRIVE
FAYETTEVILLE, NC
EXISTING CONDITIONS

DATE: SEP 2021
DRAWN BY: GMR
CHECKED: GMR
SCALE: NOTED

SHEET NO.
SP1



VICINITY MAP
NO SCALE

LEGEND

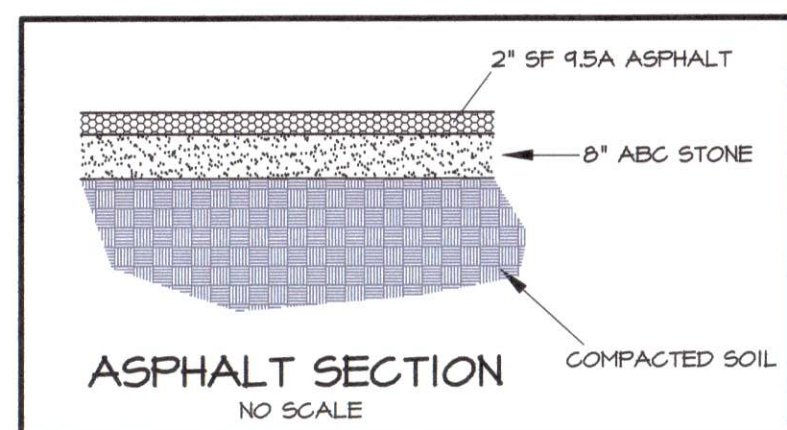
- EIR EXISTING IRON ROD (PROPERTY CORNER)
- EIP EXIST IRON PIPE (PROPERTY CORNER)
- ISS IRON STAKE SET (PROPERTY CORNER)
- CP COMPUTED POINT (PROPERTY CORNER)
- LP EXISTING LIGHT POLE
- PP EXISTING POWER POLE
- GUY --- EXISTING GUY WIRE
- OHE --- EXISTING OVERHEAD ELECTRICAL
- 234 --- EXISTING CONTOUR
- EXISTING NATURAL GAS LINE

NOTES

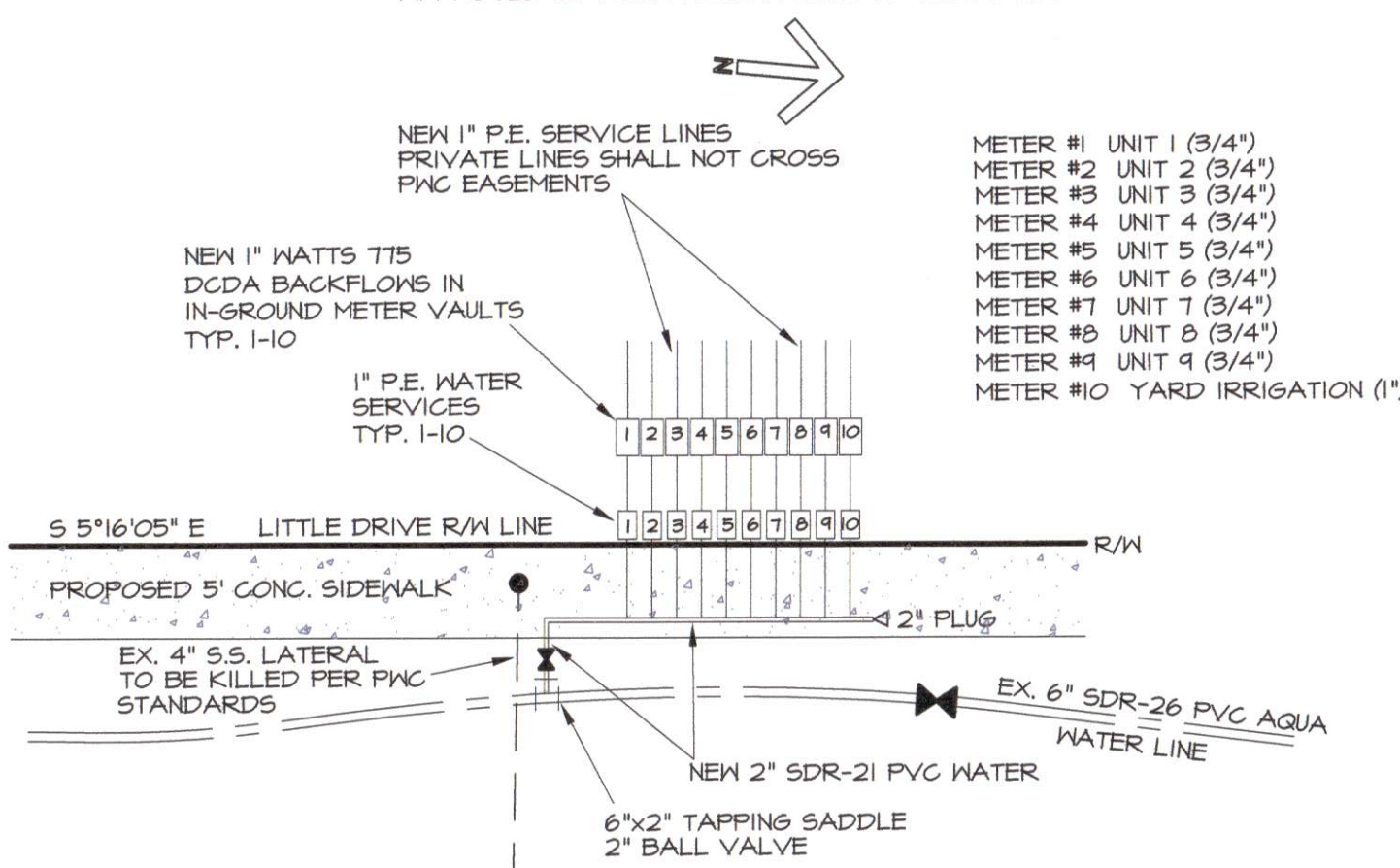
- TOTAL AREA IN ORIGINAL TRACT = 43,643 SF = 1.00 ACRES
TOTAL AREA IN RECOMBINED TRACT = 47,146 SF = 1.10 ACRES
- OWNER/DEVELOPER:
RAMSEY PLAZA, LLC (ARASH AINOLHAYAT)
3711 RAMSEY STREET
FAYETTEVILLE, NC 28311
910-308-2900
910-471-3030
- REFERENCE: DB 10305 PG 564; FB 102 PG 114
- REID NO: 0407305808000
- EXISTING IMPERVIOUS SURFACES:
CONCRETE 3,062 SF
CONCRETE FOOTING 250 SF
TOTAL = 3,312 SF = 0.08 ACRES
- DISTURBED AREA = 40,332 SF = 0.93 ACRES
- ALL CONSTRUCTION TO BE IN ACCORDANCE WITH ALL CITY OF FAYETTEVILLE STANDARDS AND SPECIFICATIONS.
- THE CONTRACTOR MUST CONTACT THE NORTH CAROLINA CALL CENTER AT 800-632-4444 PRIOR TO DIGGING IN ORDER TO LOCATE ALL EXISTING UTILITIES.

SEWER CLEANOUT TABLE

SS CLEANOUT	STATION	CAP ELEV	INV ELEV	LENGTH	SLOPE	MATERIAL	NOTES
1	0+56.18	206.40	201.14	4.6	2.00%	4" SDR-26 PVC	
2	0+64.84	206.45	201.41	4.6	2.00%	4" SDR-26 PVC	
3	0+68.18	206.45	201.56	4.6	2.00%	4" SDR-26 PVC	
4	1+19.15	206.60	201.82	10.4	2.00%	4" SDR-26 PVC	IN MH-2
5	1+20.37	206.00	201.88	4.6	2.00%	4" SDR-26 PVC	
6	1+28.34	206.00	201.85	4.6	2.00%	4" SDR-26 PVC	
7	1+44.34	206.10	202.17	4.6	2.00%	4" SDR-26 PVC	
8	1+70.34	206.05	202.38	4.6	2.00%	4" SDR-26 PVC	
9	1+85.15	206.50	202.66	10.4	2.00%	4" SDR-26 PVC	IN MH-3

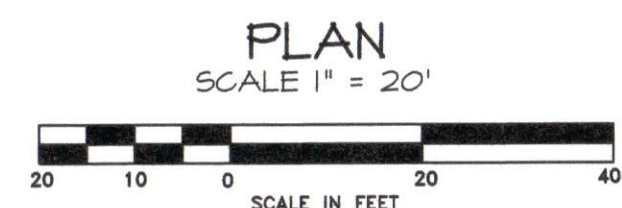
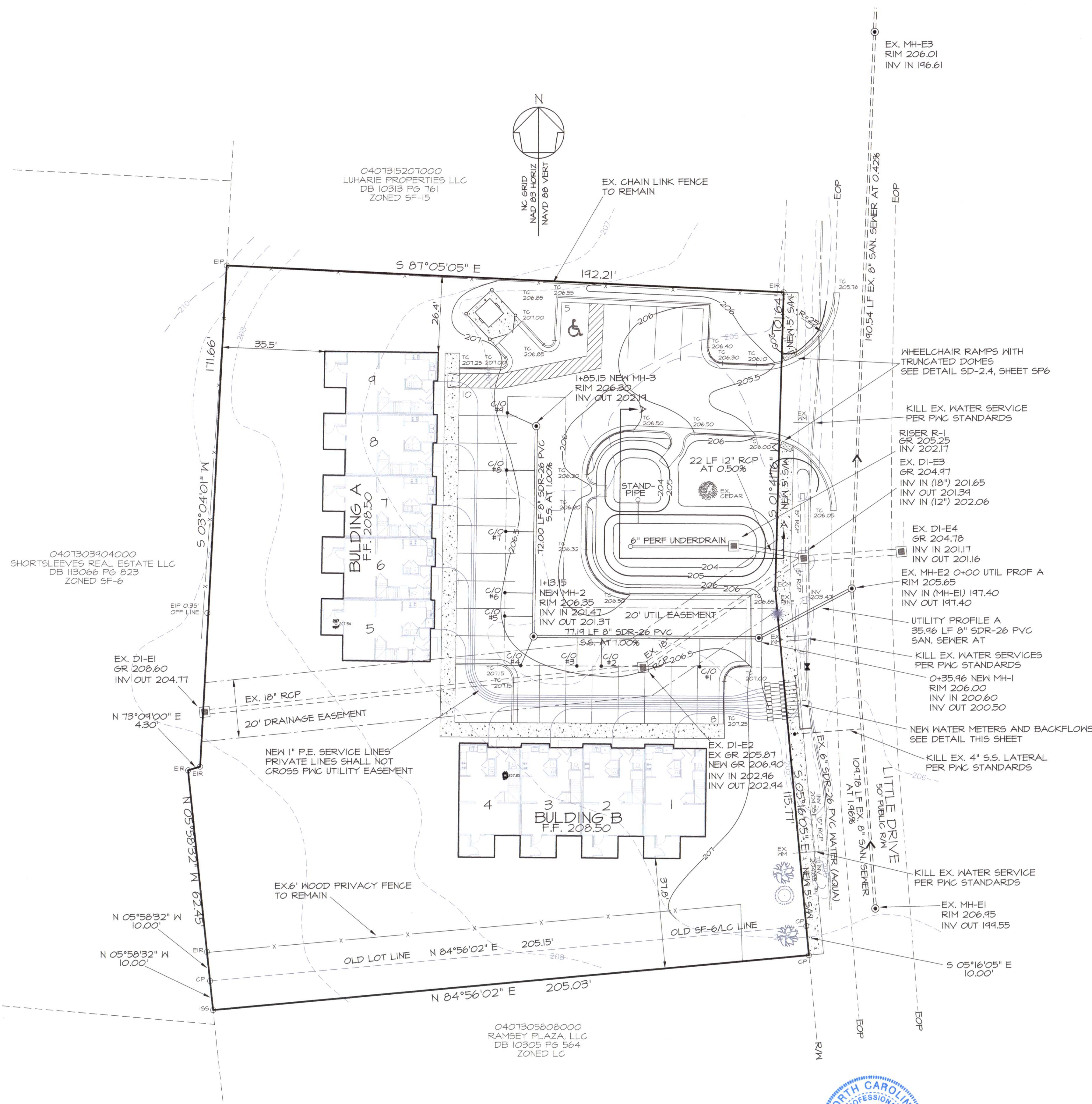


NOTE: NO LANDSCAPING PROPOSED IN THIS AREA. ANY ADDITIONAL LANDSCAPING PROPOSED MUST BE APPROVED BY AQUA WATER PRIOR TO CONSTRUCTION.



NEW WATER SERVICES AND BACKFLOWS

SCALE 1" = 10'



REVISIONS
8-11-21 MOVE SOUTHERN LINE
11-15-21 SIDEWALK, PER ELL
12-27-21 REMOVE 14 UTIL NOTES

GEORGE M. ROSE, P.E.
P.O. BOX 53441
FAYETTEVILLE, NC 28305
910-977-5822 FAX 910-485-5823
EMAIL george@gmrpe.com

LITTLE DRIVE TOWNHOUSES
FAYETTEVILLE, NC

2860 LITTLE DRIVE
SITE UTILITY AND GRADING PLAN

DATE: NOV 2021

DRAWN BY: GMR

CHECKED: GMR

SCALE: NOTED

SHEET NO.

SP2



1. SAND FILTER TO BE INSPECTED AT LEAST ONCE EVERY QUARTER AND SHALL BE MAINTAINED AS NEEDED TO REMOVE SURFACE SEDIMENT ACCUMULATION, TRASH, DEBRIS AND LEAF LITTER TO PREVENT THE FILTER AND STANDPIPE FROM CLOGGING.
2. CLEAN OUT SEDIMENT FROM FOREBAY/SEDIMENTATION CHAMBER WHEN IT ACCUMULATES TO A DEPTH OF MORE THAN 6 INCHES.
3. RISER AND OUTLETS SHALL BE CHECKED ANNUALLY AT A MINIMUM FOR DAMAGE OR DEGRADATION.
4. SKIM THE SAND MEDIA AT LEAST ONCE A YEAR. REPLACE THE SAND FILTER MEDIA WHENEVER IT FAILS TO FUNCTION PROPERLY AFTER MAINTENANCE.
5. MAINTAIN OPERATION AND MAINTENANCE RECORDS IN A KNOWN SET LOCATION.



GEORGE M. ROSE, P.E.
P.O. BOX 53441
FAYETTEVILLE, NC 28305
22 FAX 910-485-5823 EMAIL george@

LITTLE DRIVE - TOWNHOUSES
2860 LITTLE DRIVE FAYETTEVILLE, NC
STORMWATER AREAS AND DETAILS

TE: NOV 2021

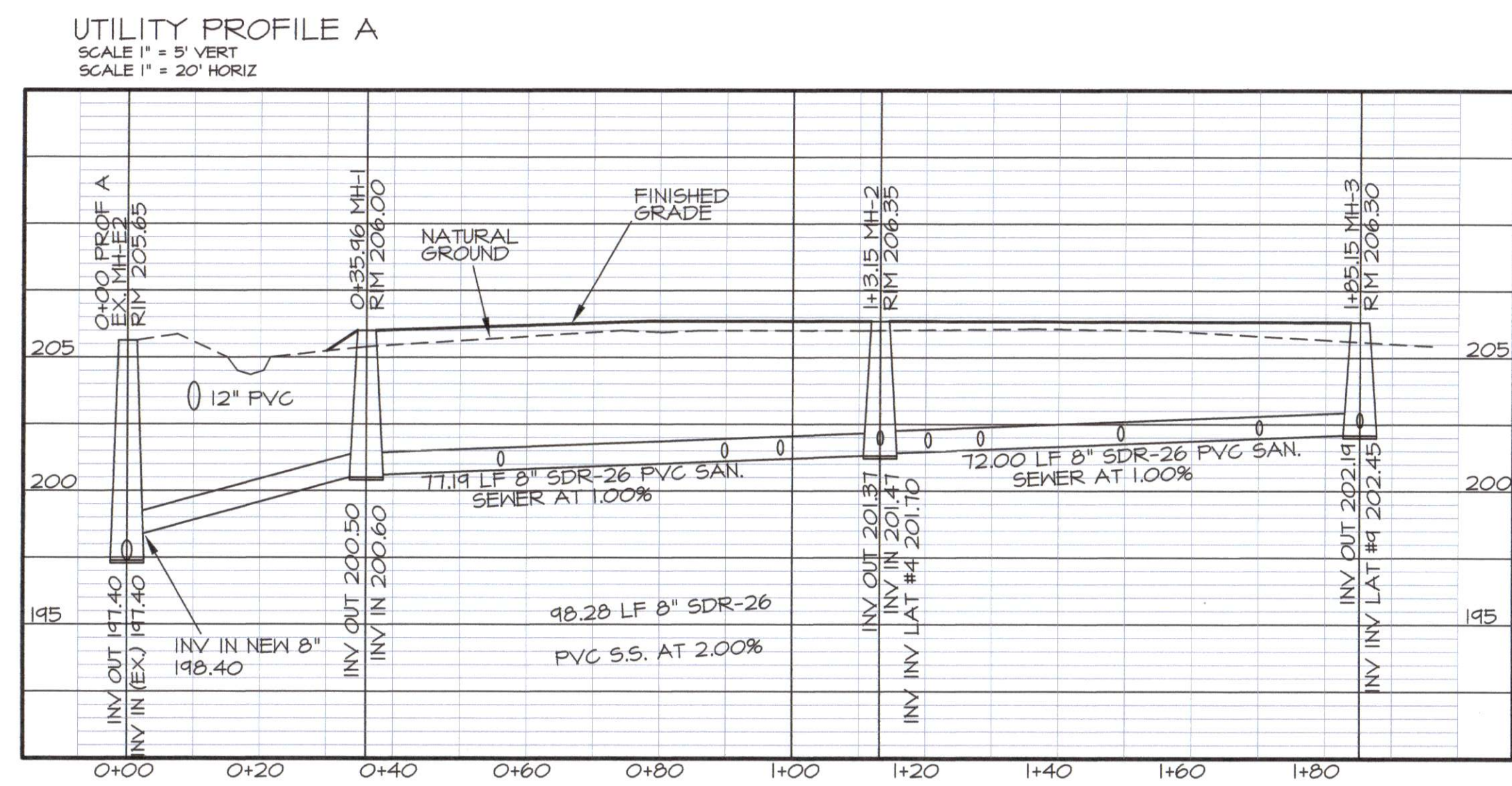
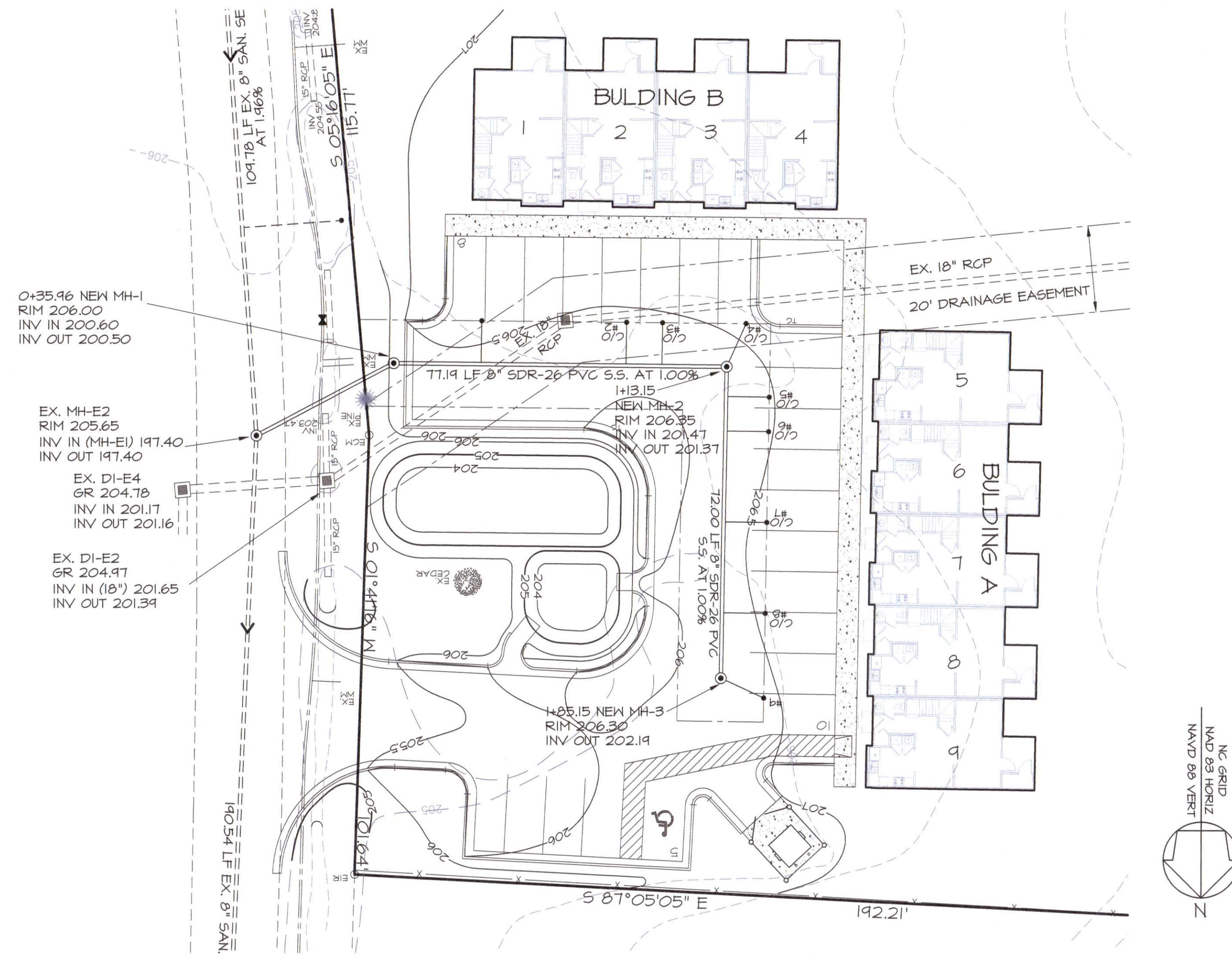
AWN BY: GMR

HECKED: GMR

SALE: NOTED

SHEET NO.

SP3



REVISIONS

GEORGE M. ROSE, P.E.
P.O. BOX 53441
FAYETTEVILLE, NC 28305
910-977-5822 FAX 910-485-5823 EMAIL george@gmrpe.com

LITTLE DRIVE TOWNHOUSES
2860 LITTLE DRIVE
FAYETTEVILLE, NC
PLAN AND PROFILE

DATE: SEP 2021
DRAWN BY: GMR
CHECKED: GMR
SCALE: NOTED
SHEET NO.
SP4

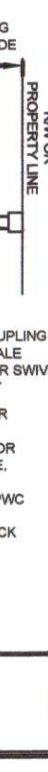
910-977-5822 FAX 910-485-5823

AYETTEVILLE, NC

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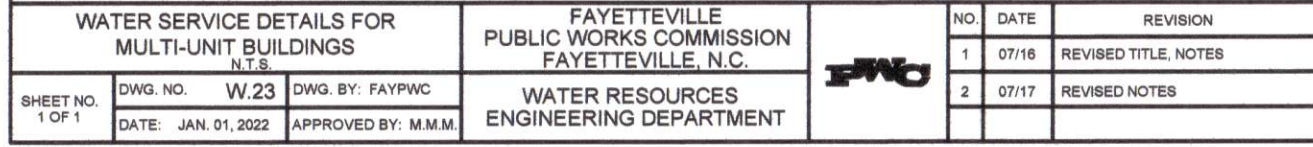
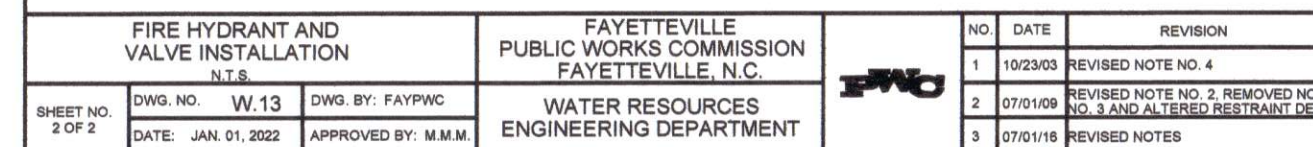
QD5



910-977-5822 FAX 910-485-5823 EMAIL georae@qmrpe.com

CONSTRUCTION DETAILS

SP6



- WHEELCHAIR RAMP NOTES

SD-2.3



SD-2.4



SD-2.



LANDSCAPING REQUIREMENTS

TOTAL AREA IN RECOMBINED TRACT (SF-6 ZONING) = 41,746 SF = 1.10 ACRES

1. OPEN SPACE
OPEN SPACE REQUIREMENT = $0.05(41746) = 2,307$ SF
USE BASIN AREA = 3,458 SF
2. 15' STREET YARD
TOTAL ROAD FRONTAGE LITTLE DRIVE = 208 LF
TREE PLANTING REQUIREMENT = 3 CANOPY TREES AND 1 UNDERSTORY TREE PER 100 LF
 $208/100(3) = 7$ CANOPY TREES (3 EXISTING TO REMAIN)
 $208/100(1) = 2$ UNDERSTORY TREES (1 EXISTING TO REMAIN)
SHRUB PLANTING REQUIREMENT = 95 SHRUBS PER 100 LF
 $208/100(95) = 198$ SHRUBS (ALL ARE EVERGREEN)
SEE SITE PLAN FOR SPACING
3. BUILDING AREA AND SITE
TWO CANOPY TREES PER ACRE PLUS 1 SHRUB FOR EVERY 5' OF BUILDING PERIMETER.
TOTAL PERIMETER OF BUILDINGS = $356 + 296 = 652$ LF
TOTAL SHRUBS REQUIRED FOR BUILDING = $652/5 = 130$ (4 VARIETIES REQUIRED)
TOTAL SHRUBS SHOWN AT BUILDINGS = 130 (SEE CHART)
125 SHRUBS CURRENTLY SHOWN WITHIN 15' OF THE BUILDINGS
SITE TREES (2" CALIPER - CANOPY SIZE) REQUIRED = 2 PER AC X 1.10 = 3 TREES
EXISTING CEDAR TO REMAIN COUNTS AS 1 SITE TREE
4. VEHICULAR USE AREAS
ONE TREE FOR EVERY 12 PARKING SPACES, ONE CANOPY TREE WITHIN 60' OF EVERY PARKING SPACE OR ONE UNDERSTORY TREE WITHIN 30' OF EVERY PARKING SPACE.
23 PARKING SPACES = $23/12 = 2$ TREES
CONTINUOUS ROW OF SHRUBS WHERE PARKING AREAS ADJUT THE STREET R/W AND BETWEEN COMMERCIAL PROPERTIES ALONG DRIVE AISLES
5. NO SPECIMEN TREES WILL BE REMOVED DURING DEVELOPMENT OF THIS SITE.

LANDSCAPING NOTES

1. SHRUBBERY IS TO BE PLANTED MIN. 30" FROM CURBING AND PARKING SPACES TO PREVENT DAMAGE FROM CAR OVERHANGS.
2. SHRUBS INSTALLED AS VEHICULAR USE SCREENING ARE TO BE MAINTAINED AT MIN. HEIGHT 36". MIN. INSTALLATION HEIGHT 24".
3. LIGHT POLES TO BE MIN. 15' FROM TREES. ANY FIELD ADJUSTMENTS MUST COMPLY WITH THIS STANDARD AND BE APPROVED BY CITY STAFF PRIOR TO INSTALLATION.
4. CREPE MYRTLES MAY BE USED FOR SHRUBS BUT NOT AS UNDERSTORY TREES.
5. EACH TREE SHALL BE PLANTED SUCH THAT THE ROOT FLARE IS VISIBLE AT THE TOP OF THE ROOT BALL. TREES WHERE THE ROOT FLARE IS NOT VISIBLE SHALL BE REJECTED. DO NOT COVER THE ROOT FLARE WITH MULCH.
6. DO NOT PLACE MULCH IN CONTACT WITH THE TREE TRUNK. KEEP MULCH A MINIMUM OF 4 INCHES AWAY FROM THE TRUNK BASE.
7. ANY CHANGES TO THE PROPOSED PLANT SCHEDULE MUST BE APPROVED BY THE DESIGNER OF RECORD AND THE CITY. IN CASES WHERE THE PLANT SCHEDULE ONLY INCLUDES THE PLANT TYPE AND DOES NOT INCLUDE THE PLANT SPECIES, THE CONTRACTOR SHALL BE REQUIRED TO SUBMIT TO THE CITY FOR APPROVAL A DETAILED PLANT SCHEDULE AND ASSOCIATED PLANTING PLAN PREPARED BY A PROFESSIONAL KNOWLEDGEABLE ABOUT PLANT MATERIAL AND DESIGN, PRIOR TO PROCEEDING WITH INSTALLATION.
8. PROPERTY PERIMETER BUFFER - IN AREAS WHERE EXISTING VEGETATION IS TO BE USED TO SATISFY PERIMETER LANDSCAPE BUFFER, THE CITY MAY DETERMINE, AFTER AN ON-SITE INSPECTION, THAT ADDITIONAL PLANTING IS REQUIRED TO SATISFY THE REQUIRED BUFFER.

PLANTING LEGEND

CANOPY TREES	QTY	BOTANICAL NAME	COMMON NAME	SIZE	NOTES
ZE	4	ZELKOVA SERRATA	ZELKOVA GREEN VASE	2"	MIN. 8' HEIGHT
UNDERSTORY TREES					
ER	5	CERCIS CANADENSIS	EASTERN REDBUD	1-1/2"	MIN. 6' HEIGHT
SHRUBS					
CJ	104	CLEYERA JAPONICA	JAPANESE CLEYERA	MIN 18"	
CH	5	ILEX CORNUTA	CARISSA HOLLY	MIN 18"	
NH	45	LLEX X 'NELLIE R STEVENS'	NELLIE STEVENS HOLLY	MIN 18"	
LO	54	LOROPETALUM CHINESE NUMBRUM 'FIRE DANCE'	PURPLE LEAF FRINGE FLOWER	MIN 18"	

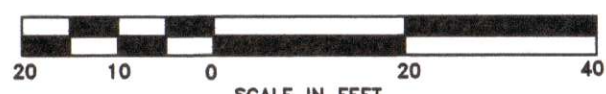
 COMMERCIAL GRADE BENCH IN DESIGNATED OPEN SPACE

0407303904000
SHORTSLEEVES REAL ESTATE LLC
DB 113066 PG 823
ZONED SF-6

0407315201000
LUHARIE PROPERTIES LLC
DB 10313 PG 761
ZONED SF-15

0407305808000
RAMSEY PLAZA LLC
DB 10305 PG 564
ZONED LC

LANDSCAPING PLAN
SCALE 1" = 20'



REVISIONS:
8-17-21 MOVE SOUTHERN LINE

GEORGE M. ROSE, P.E.
P.O. BOX 53441
FAYETTEVILLE, NC 28305
910-977-5822 FAX 910-485-5823 EMAIL george@gmrpe.com

LITTLE DRIVE TOWNHOUSES
FAYETTEVILLE, NC
2860 LITTLE DRIVE
LANDSCAPING PLAN

DATE: SEP 2021

DRAWN BY: GMR

CHECKED: GMR

SCALE: NOTED

SHEET NO.

SP7

**CITY OF FAYETTEVILLE
STATE OF NORTH CAROLINA
ORDER TO APPROVE A SPECIAL USE PERMIT**

The issuance of a Special Use Permit to allow nine Single-Family Attached Dwellings (townhomes) in a Single-Family Residential 6 (SF-6) zoning district.

SUP 22-02

Property Address: 6322 Raeford Road on Little Drive
Tax Map Number: REID # 0407305808000
Property Owner: RAMSEY PLAZA LLC

The City Council for the City of Fayetteville, NC, held an evidentiary hearing on February 28, 2022, to consider a Special Use Permit request filed by George M. Rose, P.E., (“Applicant”) on behalf of RAMSEY PLAZA LLC (“Property Owner”) to issue a Special Use Permit to allow nine Single-Family Attached Dwellings (townhomes) in a Single-Family Residential 6 (SF-6) zoning district, on the property addressed as 6322 Raeford Road on Little Drive, Fayetteville, NC (“Subject Property”). The Subject Property is presently zoned as Single-Family Residential 6 (SF-6).

On February 14, 2022, a notice of evidentiary hearing was mailed to the Property Owner and all of the owners of property within 500 feet of the Subject Property. On February 16, 2022, a notice of evidentiary hearing sign was placed on the Subject Property. On February 18 and 25, 2022, a notice of evidentiary hearing advertisement was placed in the legal section of *The Fayetteville Observer*.

Having considered all of the sworn testimony, evidence, and oral arguments submitted at the hearing by the parties, the City Council makes the following FINDINGS OF FACT and CONCLUSIONS OF LAW:

Findings of Fact

1. RAMSEY PLAZA LLC, is the owner of Single-Family Residential 6 (SF-6) zoned property addressed as 6322 Raeford Road on Little Drive, which contains approximately 2.25 acres in the City of Fayetteville, NC.
2. The Subject Property is currently zoned Single-Family Residential 6 (SF-6) and used for residential use.
3. The Property Owner seeks to build nine Single-Family Attached Dwellings (townhomes) on the Subject Property.
4. The Applicant filed a timely application for a Special Use Permit on behalf of the Property Owner on December 30, 2021.
5. The City of Fayetteville adopted the Unified Development Ordinance (UDO), codified under Chapter 30 of the City Code, to establish that “This Ordinance

consolidates the City's zoning and subdivision regulatory authority as authorized by the North Carolina General Statutes . . . ". Chapter 30, Article 4, Section 30-4.A.2 permits Residential Uses as a Use Category.

6. Chapter 30, Article 4, Section 30-4.C.4.i.1, Use Table, permits dwelling, Two- to Four-Family, in the Single-Family Residential 6 (SF-6) zoning district which meet the Use-Specific Standards.

- a. The special use complies with all of the following applicable standards in Section 30-4.C, Use-Specific Standards:
 - (1) The special use establishes a minimum level of design quality for three- to four-family residential, attached residential, and multi-family development to foster sustained value and stability within developments and neighborhoods.
 - (2) The special use promotes greater compatibility between three- to four-family residential, attached residential, and multi-family development and other allowed uses in the City through standards addressing building size and appearances, as well as off-street parking.
- b. The special use complies with the standards set forth in the Unified Development Ordinance (UDO) as the minimum lot size is met for nine Single-Family Attached Dwelling, townhome complex. All setbacks meet the given standards and the site plan is drawn to meet the requirements of the UDO.
- c. The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands as the surrounding property is zoned and constructed as mainly single-family residential homes; the proposed development is a residential development located on Grimes Road; the proposed use is similar in nature to the surrounding uses; and the proposed Special Use Permit will be compatible with the character of the surrounding property.
- d. The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration as the proposed use is residential and matches the use of the surrounding property and the traffic, noise, odor, etc., will be similar in nature to the existing uses.
- e. The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands. The driveways for the development will all extend to Little Drive. This property will be redeveloped in accordance with the current UDO and storm water ordinance.

- f. The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources. The project is designed to comply with the current storm water ordinance and UDO for landscaping. There is no evidence of significant deterioration of resources from the project.
 - g. The special use maintains safe ingress and egress onto the site and safe road conditions around the site. The ingress and egress will be from a private driveway connecting to Little Drive. There is no evidence of negative impacts to traffic. The special use will comply with all other relevant City, State, and Federal laws and regulations.
 - h. 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. The neighboring properties are developed as mostly single-family residential homes and the proposed development will be similar in nature. There is no evidence of negative impacts to property values.
 - i. The special use is required to comply with all other relevant City, State, and Federal laws and regulations. Compliance with the required regulations will ensure that the surrounding properties are not harmed by this type of use.
7. The Special Use Permit applies to the entire Subject Property currently zoned Single-Family Residential 6 of the parcels identified by REID # 0407305808000 and addressed as 6322 Raeford Road on Little Drive.
8. The City's Unified Development Ordinance (UDO) requires that the Property Owner adhere to all City, State, and Federal requirements. Compliance with the required regulations will ensure that the surrounding properties are not harmed by this type of use.
9. The City's Technical Review Committee will review and approve all plans before any permits are issued.
10. An approved special use expires after 12 months if work has not commenced or permits have not been obtained or if the approved activity by the Special Use Permit is discontinued and not resumed for a period of one year.

Conclusions of Law

1. The City of Fayetteville adopted the Unified Development Ordinance (UDO), codified under Chapter 30 of the City Code, to consolidate the City's zoning and subdivision regulatory authority as authorized by the North Carolina General Statutes . . . " See City Code, Chapter 30.
2. The application on behalf of RAMSEY PLAZA LLC, was timely, notice was properly given, and an evidentiary hearing was held by the City of Fayetteville's City Council in compliance with the laws of North Carolina.

3. The Property Owner shall adhere to all City, State, and Federal requirements.

4. All of the general and specific conditions precedent to the issuance of a Special Use Permit have been satisfied.

- a. The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district of surrounding lands.
- b. The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration.
- c. The special use will minimize adverse effects, including visual impacts, of the proposed use on adjacent lands.
- d. The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.
- e. The special use maintains safe ingress and egress onto the site and safe road conditions around the site.
- f. 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.
- g. The special use complies with all other relevant City, State, and Federal laws and regulations.

5. The special use expires after 12 months if work has not commenced or permits have not been obtained or if the approved activity by the Special Use Permit is discontinued and not resumed for a period of one year.

WHEREFORE, BASED ON THE FOREGOING FINDINGS OF FACTS AND CONCLUSIONS OF LAW, it is ORDERED by the City of Fayetteville's City Council that the application for the issuance of a Special Use Permit is APPROVED.

VOTE: 10 to 0

This the 28th day of March, 2022.

MITCH COLVIN, Mayor

ATTACHMENTS

1. Application
2. Notification Map
3. Zoning Map
4. Land Use Plan Map
5. Subject Properties
6. Surrounding Properties
7. Site Plan

City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 22-2609

Agenda Date: 3/28/2022

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.06

TO: Mayor and Members of City Council

THRU: Douglas J. Hewett, ICMA-CM
City Manager

FROM: Gina V. Hawkins, Chief of Police

DATE: March 28, 2022

RE:

**Award the Contract for the Purchase of thirty-five (35) Ford Explorer Police
Interceptor Utility Vehicles**

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

Goal I: The City of Fayetteville will be a safe and secure community

Executive Summary:

The Police Department requests the purchase of thirty-five (35) Ford Explorer Police Interceptor Utility Vehicles to add to the fleet.

Background:

The City plans annually for equipment and vehicle replacement as part of the capital budget process. Vehicles are replaced based on age, mileage and condition.

On March 2, 2022, the City opened formal bids for the purchase of Ford Explorer Police Interceptor Utility Vehicles and the associated up-fitting of equipment. Vendors were made aware of the opportunity to bid, and had until 2:00 p.m. Friday, March 11, 2022 to place their formal bid.

Bids were received from (3) bidders, Lafayette Ford of Fayetteville, North Carolina,

Capital Ford of Raleigh, North Carolina and Carthage, LLC dba Cooper Ford of Carthage, North Carolina.

Lafayette Ford, Fayetteville North Carolina, has agreed to the additional buy clause in the contract for the purchase of 35 Ford Police Interceptor Utility AWD Vehicles as follows:

(15) Police Units - Marked	\$48,639.19	\$729,587.85
(20) Police Units - Un-Marked	\$42,623.39	\$852,467.80
Sub-total	\$1,582,055.65	

Capital Ford Inc., Raleigh, North Carolina, has agreed to the additional buy clause in the contract for the purchase of 35 Ford Police Interceptor Utility AWD Vehicles as follows:

(15) Police Units - Marked	\$44,642.00	\$669,630.00
(20) Police Units - Un-Marked	\$44,033.00	\$880,660.00
Sub-total	\$1,550,290.00	

Carthage, LLC dba Cooper Ford, Carthage, North Carolina, has agreed to the additional buy clause in the contract for the purchase of 35 Ford Police Interceptor Utility AWD Vehicles as follows:

(15) Police Units - Marked	\$42,575.55	\$638,633.25
(20) Police Units - Un-Marked	\$42,703.55	\$854,071.00
Sub-total	\$1,492,704.25	

Issues/Analysis:

We are aware of no issues.

Budget Impact:

The fiscal year 2022 Annual Operating Budget included \$1,280,000 for the purchase of 20 marked sedans and 15 unmarked sedans. The additional funding required for the contract award is available within the Police Department's current appropriation from available salary savings.

Options:

- (1) Award contract as recommended by staff.
- (2) Do not award contract and provide further direction to staff.

Recommended Action:

Staff recommends that Council move to award a contract for the purchase of thirty-five (35) Ford Explorer Police Interceptor Utility Vehicles, as described herein, from Carthage, LLC dba Cooper Ford, Carthage, North Carolina, in the amount of \$1,492,704.25

Attachments:

City of Fayetteville, Bidder Instructions and Specification/Upfit for Utility Vehicle
Lafayette Ford Bid Proposal
Capital Ford Bid Proposal
Carthage, LLC dba Cooper Ford Bid Proposal

**CITY OF FAYETTEVILLE
INSTRUCTIONS TO BIDDERS**

1. Bids shall be received no later than 2:00 p.m. Friday, March 11, 2022, in the Purchasing Department, 2nd floor, City of Fayetteville, 433 Hay Street, Fayetteville, North Carolina, 28301, in order to be considered. Late bids will not be considered and will be returned to the Bidder unopened.
2. Bids will be examined promptly after opening and an award will be made at the earliest possible date. Bids must be held firm for acceptance by the City of Fayetteville for a period of sixty (60) days after bid opening date.
3. Submit bids only on the bid proposal form(s) provided herein, or exact copies thereof.
4. The City of Fayetteville reserves the right to award contract in the best interest of the City. The City of Fayetteville also reserves the right to reject any or all bids and to waive all informalities concerning bid.
5. Bid shall be submitted in an envelope showing the bid title, date and time of opening on the front of the envelope. Bids may be sent via US Mail to City of Fayetteville, Attn: Kimberly Toon, Purchasing Manager, 433 Hay Street, Fayetteville, NC 28301, or may be delivered in person or by express mail to City of Fayetteville, Attn: Kimberly Toon, Purchasing Manager, 433 Hay Street, Fayetteville, NC 28301.
6. All bids must be signed by an authorized official of the firm. Bids may be rejected if they show any omission, alteration of form, additions not called for, conditional bid, or any irregularities of any kind.
7. Alternate Bids: Do not submit alternate bids unless specifically called for on the bid proposal form.
8. It is the intent of the specifications included herein to represent the minimum requirements of the equipment to be purchased. All parts not specifically mentioned, which are necessary for the operation of the equipment, shall be furnished by the successful bidder. All equipment provided shall meet the requirements of OSHA, State and Federal laws.
9. Reference to specific manufacturers/parts is also intended to represent the minimum requirements of the equipment. Bidders may submit bids for equipment that is "equal" to the specified manufacturer's equipment. The City of Fayetteville reserves the right to review the proposed equipment and adjudge whether it is equal to the equipment specified. The City of Fayetteville reserves the right to accept or reject any proposed equipment. All exceptions and variations from the technical specifications shall be clearly noted on the attached Exceptions/Variations form.

- | 0. Delivery shall be F.O.B. the City of Fayetteville Maintenance Facility, 131 Pepsi Lane, Fayetteville, NC 28301.
- | |. Payment for equipment, material, supplies, etc. purchased pursuant to this bid shall be made approximately thirty days (30), after same has been delivered, inspected, and approved.
- | 2. All questions regarding this Request for Proposals shall be submitted in writing to K i m b e r l y T o o n , Purchasing Manager, e-mail to kimberlytoon@fayettevillenc.gov no later than 2:00 p.m., Friday, March 11, 2022.
- | 3. Bidders are expressly prohibited from contacting any City official or employee associated with this Invitation to Bid, except as noted above. Violation of this prohibition is grounds for the immediate disqualification of the bidder.
- | 4. All changes and clarifications to the specifications and bid documents will be issued in writing in the form of an addendum. No verbal changes or clarifications will be binding upon the City of Fayetteville.
- | 5. The City of Fayetteville reserves the right to request additional information from bidders to aid in the evaluation process. This information may include, but is not limited to, financial statements, reference list showing companies currently utilizing the proposed equipment, etc.

**CITY OF FAYETTEVILLE
SPECIFICATIONS / UPFIT
FORD POLICE INTERCEPTOR UTILITY (PIU)**

It is the intent of this specification to secure for the City of Fayetteville (35) Ford Police Interceptor Utility AWD. Specifications for this unit are enclosed herein and should be considered to be minimum requirements. All parts not specifically mentioned which are necessary in operations shall be furnished by the successful bidder. All equipment provided shall meet the requirements of all OSHA, State and Federal Laws.

It will be the bidder's responsibility to carefully examine each item of this specification. Failure to respond to each section of the technical specification will cause the proposal to be rejected without review as "non-responsive". A check mark in the blank immediately preceding each number shall indicate minimum requirements are met. All exceptions and variations must be clearly noted on the attached Exception/Variation Form. This form must be signed and returned with the bid package. Failure to clearly identify all exceptions or variations, as determined by and at the discretion of the City Of Fayetteville, may be cause for rejection of the bid.

Bid will be awarded on the basis of price, equipment quality, and conformity with this set of specifications. The City of Fayetteville reserves the right to reject any or all bids and to waive all informalities.

VEHICLE DELIVERY:

The completed vehicles shall be delivered by the successful bidder to:
City of Fayetteville
Fleet Maintenance Department
131 Pepsi Lane
Fayetteville, North Carolina 28301
Attn: Chris Wilkerson

GENERAL

1. ☒ (35) Ford Police Interceptor Utility, AWD PIU – (99B-44U)
2. ☒ Units to have 3.3L V-6 Direct Injection Engine.
3. ☒ Exterior Color:

(35) – Oxford White (Option YZ)
4. ☒ Ready for the Road Package – (Option 67H).
5. ☒ Standard Configuration: Cloth Front / Vinyl Rear (Option 96).
6. ☒ Units to have Solid Black Steel Rim with Silver Center Cap

7. ☒ Rear View Camera – Mirror Display (Option 87R)
8. ☒ (15) Units to have Inner Edge Lighting Options (96W and 96T)
9. ☒ All Units to have Lighting Option (63L)
10. ☒ All to Full Size Road Ready Spare Tire
11. ☒ 4 Fobs / Keys Per Vehicle (55 F)

ADDITIONAL FEATURES

SEE ATTACHMENT FOR MORE DETAIL

12. ☒ (20) Units to have Whelen Roof Mounted Light Bar That works with the Ford Road Ready Package (Equivalent To A Whelen Legacy Light Bar) (Front of Bar Blue/White & Rear of Bar to be Amber/Blue/White)
13. ☒ Motorola 20 Foot Power Cable, 45 Watt Radios (Part Number HKN4192B)
14. ☒ Motorola Accessory Cable (Part Number HLN6963B)
15. ☒ Radio Antenna: Sti-co Concealed Internal Antenna (Part Number CCAS-SB-7-800)
16. ☒ Console System with locking adjustable swing arm with universal mounting plate that will mount with the Ford Road Ready Package: Will House an APX 4500 Motorola Radio, and the Cencom Control Head with two cup holders and arm rest.
17. ☒ All Units to have 12v Accessory Plug and USB Port
18. ☒ (35) Units to have lock storage for rifle, and drawer for wiring and controls. (Equivalent to Setina or Gamber Johnson System.)
19. ☒ (20) Units to have Fayetteville Police Department One Piece Graphic Package (20 Units will have exterior light bar)
20. ☒ All Units to have 1 Magnetic Mic Clip for Motorola Radio
21. ☒ All Units to have 1 Standard Mic Clip for PA Mic

Title all Vehicles to:

City Of Fayetteville

433 Hay Street Fayetteville, NC 28301

Sheet #1

THE CITY OF FAYETTEVILLE
NORTH CAROLINA

March 11, 2022 2:00 p.m.

BID PROPOSAL

THIRTY FIVE FORD POLICE INTERCEPTOR UTILITY AWD UPFIT - 15 Cars with options
96W & 96T

VEHICLE (EA) \$ 42,575.55 (includes accessories)

TOTAL PRICE \$ 638,633.25 Note 1

CITY OF FAYETTEVILLE SPECIFICATIONS *Do not include sales tax in price of units.

Manufacturer/Model 2022 FORD EXPLORER Police Interceptor AWD

Delivery Time for Completed Units 180 days from Po Issue - Note 2
(Estimated)

Note: Units to be delivered F.O.B. City of Fayetteville, Fleet Maintenance Facility, 131 Pepsi Lane, Fayetteville, North Carolina, 28301.

BIDDER INFORMATION

Name of Company Carthage F.LLC DBA Cooper Ford

5292 US Hwy 15-501, Po Box 100

Carthage NC, 28327

Phone No. cell 910-742-8529
ofc 910-947-2244 Fax No. 910-947-5792

E-Mail Address dan.kidd@cooperford.net

Federal I.D. No. 81-252 3736

SDBE, Minority or Woman Owned Business Enterprise Yes ☒ No

Bid Submitted By: Dan Kidd
(Name Printed Out)

Dan Kidd
(Signature)

Title: Government / Fleet Manager

Date: 03/10/2022

Sheet #2

THE CITY OF FAYETTEVILLE
NORTH CAROLINA

March 11, 2022 2:00 p.m.

BID PROPOSAL

THIRTY FIVE FORD POLICE INTERCEPTOR UTILITY AWD UPFIT - 20 vehicles without
VEHICLE (EA) \$42,703.55 96W & 96T options

TOTAL PRICE \$854,071.00 Note 1

CITY OF FAYETTEVILLE SPECIFICATIONS *Do not include sales tax in price of units.

Manufacturer/Model 2022 FORD EXPLORER Police Interceptor AWD

Delivery Time for Completed Units 180 days From Po Issue - Note 2
(Estimated)

Note: Units to be delivered F.O.B. City of Fayetteville, Fleet Maintenance Facility, 131 Pepsi Lane, Fayetteville, North Carolina, 28301.

BIDDER INFORMATION

Name of Company Carthage F, LLC DBA Cooper Ford
5292 US Hwy 15-501, PO Box 100
Carthage NC, 28327

Phone No. cell 910-742-8529
ofc 910-947-2244 Fax No. 910-947-5792

E-Mail Address dan.kidd@cooperford.net

Federal I.D. No. 81-252 3736

SDBE, Minority or Woman Owned Business Enterprise Yes ☒ No

Bid Submitted By: Dan Kidd
(Name Printed Out)

Dan Kidd
(Signature)

Title: Government / Fleet Manager

Date: 03/10/2022

7. ☒ Rear View Camera – Mirror Display (Option 87R)
8. ☒ (15) Units to have Inner Edge Lighting Options (96W and 96T)
9. ☒ All Units to have Lighting Option (63L)
10. ☒ All to Full Size Road Ready Spare Tire
11. ☒ 4 Fobs / Keys Per Vehicle

ADDITIONAL FEATURES

12. ☒ (20) Units to have Whelen Roof Mounted Light Bar That works with the Ford Road Ready Package (Equivalent To A Whelen Legacy Light Bar) (Front of Bar Blue/White & Rear of Bar to be Amber/Blue/White)
13. ☒ Motorola 20 Foot Power Cable, 45 Watt Radios (Part Number HKN4192B)
14. ☒ Motorola Accessory Cable (Part Number HLN6963B)
15. ☒ Radio Antenna: Sti-co Concealed Internal Antenna (Part Number CCAS-SB-7-800)
16. ☒ Console System with locking adjustable swing arm with universal mounting plate that will mount with the Ford Road Ready Package; Will House an APX 4500 Motorola Radio, and the Cencom Control Head with two cup holders and arm rest.
17. ☒ All Units to have 12v Accessory Plug and USB Port
18. ☒ (35) Units to have lock storage for rifle, and drawer for wiring and controls. (Equivalent to Setina or Gamber Johnson System.)
19. ☒ (20) Units to have Fayetteville Police Department One Piece Graphic Package (20 Units will have exterior light bar)
20. ☒ All Units to have 1 Magnetic Mic Clip for Motorola Radio
21. ☒ All Units to have 1 Standard Mic Clip for PA Mic

Title all Vehicles to:

City Of Fayetteville

433 Hay Street Fayetteville, NC 28301

EXCEPTIONS AND VARIATIONS:

Bldder shall fully describe every varlance, exception, and/or devlation. Additlional sheets may be used.

Sheet # 3

THE CITY OF FAYETTEVILLE
NORTH CAROLINA

March 11, 2022 2:00 p.m.

BID PROPOSAL

THIRTY FIVE FORD POLICE INTERCEPTOR UTILITY AWD UPFIT

Combined

VEHICLE (EA) \$ 42648.69 (averaged based on 35 vehicles @ Total bid Price)

TOTAL PRICE \$ 1,492,704.00 Note: 1

CITY OF FAYETTEVILLE SPECIFICATIONS *Do not include sales tax in price of units.

Manufacturer/Model 2022 FORD EXPLORER Police Interceptor AWD

Delivery Time for Completed Units 180 days from PO Issue - Note 2
(Estimated)

Note: Units to be delivered F.O.B. City of Fayetteville, Fleet Maintenance Facility, 131 Pepsi Lane, Fayetteville, North Carolina, 28301.

BIDDER INFORMATION

Name of Company CARTHAGE F, LLC DBA Cooper Ford

5292 US HWY 15-501, PO Box 100

CARTHAGE NC, 28327

Cell (910) 742-8529
Phone No. OFC (910) 947-2244 Fax No. 910-947-5792

E-Mail Address dan.kidd@cooperford.net

Federal I.D. No. 81-2523736

SDBE, Minority or Woman Owned Business Enterprise

Yes ☒ No

Bid Submitted By:

Dan Kidd

(Name Printed Out)

Dan Kidd

(Signature)

Title: GOVERNMENT / Fleet Manager

Date: 03/10/2022

EXCEPTIONS AND VARIATIONS:

Bidder shall fully describe every variance, exception, and/or deviation. Additional sheets may be used.

Note 1 This is a total bid. ALL Fees are included in turn Key price provided. There are no additional fees to be considered unlike other Suppliers bids.

- pricing provided as sheet 1 with 15 Vehicles with 96W and 96T option

- Sheet 2 without 96W and 96T options (20 Vehicle group) requirements

- Sheet 3 Total Package

Note 2 Order date is critical. AT Time of bid 3.3L V6 Still available to order. If balances out due to demand prior to PO issue will need to do 2023 - This model year does not have pricing or delivery/order info currently available

Note 3: accessory pricing covers this bid with no price increase anticipated at time of bid, price protected.

Dan Kidd
Cooper Ford Inc.

Fayetteville PD

DATE 03/09/2022

Nick Long

ACTIVITY

Fayetteville PD Ford Police Utility PI SUV Equipment listed for thirty-five (35) vehicles Twenty (20) Marked with exterior Legacy lightbar pkg Fifteen (15) Un-Marked with Interior lightbar pkg Packages provided by Ford 63L, 67H Ready for the Road, includes 66A, 66B, 66C for all 35 vehicles. 63L will have to be connected to CenCom Relay center. Package 96W and 96T provided by Ford for 15 Un-Marked.

Whelen

Line #12: GB2SP3B, Legacy Lightbar, 54" DUO LED's Blue/White front and
Blue/Amber rear for traffic advisor, with TD, Alley, and strap kit Front E / E / E /
E / E / E / E / E / E E E E / M / M / M / M / M / M /
M / M / E E: Blue/White M: Blue/Amber 5yr warranty. Includes roof leveling kit

35 VEHICLES

Motorola

Line 13: Motorola power cable

25 VEHICLES

Motorola

Line 14: Motorola accy cable

35 VEHICLES

Antenna

Line 15: Stl-Co Internal antennna

35 VEHICLES

Havls

Line 16: Havis 2020-21 Ford Interceptor Utility Angled console, 22" mounting space; 12" front angled, 10" rear horizontal, 9" wide, Mounts between seats and fits lower dash contour once OEM tunnel plate is removed, Mid-height front section lands below rear HVAC controls on dash, Includes: OEM USB cutout, four (4) additional 12 volt sockets with wire and fuse, Rocker switch or dual USB charge module cutout, OEM parking brake relocation cutout, Plates and brackets to enclose mounting areas, Heavy-duty pole and motion device mounting holes, External nut track full length of equipment mounting area Faceplates included for APX4500 one-piece Whelen GenCom control head C-CUP2-I

35 VEHICLES

Cup holder internal mount 4"

C-HDM-303

Top adjustable plate, 6" offset

C-MD-204

Low profile tilt/swivel adapters 1.38" overall height, Includes short locking handle only used to mount laptop mounting plate, Havis docking stations and UT-X Series to telescoping computer base (TCB), HDM Series or heavy duty Angled console Series

ACTIVITY

C-ARM-103

Arm Rest, Adjustable Console

Line 17: Included with line 16

Setina

Line 18: TK0252ITU20 Sestina Cargo box for 2020+ Ford Utility, Top tier TFN Tray, Fixed with no lock, (TP8727), Base tier BSK sliding drawer w/ Key Lock, (TPA9800), TPA9289 Cargo radio tray with no lock (TRN), added to cargo box, TF0237ITU20 Setina Free standing bracket lift kit for cargo box, 2020+ Ford Utility series box, to allow access to spare tire

***Note. Cencom siren and light control to remain in factory location. Not enough excess wire provided by Ford to relocate unit.

Graphics

Line 19: 3M Reflective Print/Vinyl to match current design on PI Utility

Magnetic Mic

Magnetic Mic

parts

Mic hang up clip

Shipping

Shipping. Estimated per patrol car

Shipping

Shipping. Estimated per slick top

Shop Labor

Upfit patrol car

Shop Labor

Upfit slick-top car

SS5

Installation supplies including wire, fuse block, connectors, fasteners to install equipment.

35 VEHICLES

20 VEHICLES

35 VEHICLES

35 VEHICLES

20 VEHICLES

15 VEHICLES

20 VEHICLES

15 VEHICLES

35 VEHICLES

Accepted By

THE CITY OF FAYETTEVILLE
NORTH CAROLINA

March 11, 2022 2:00 p.m.

Total All 35 units \$1,582,055.⁶⁵
BID PROPOSAL

THIRTY FIVE FORD POLICE INTERCEPTOR UTILITY AWD UPFIT

VEHICLE (EA) 15 units 48,639¹⁹ 20 units 42,623.39

TOTAL PRICE \$15 units 729,587.85 20 units 852,467.80
CITY OF FAYETTEVILLE SPECIFICATIONS *Do not include sales tax in price of units.
Manufacturer/Model 2022 Ford Interceptors

Delivery Time for Completed Units ASAP

Note: Units to be delivered F.O.B. City of Fayetteville, Fleet Maintenance Facility, 131 Pepsi Lane, Fayetteville, North Carolina, 28301.

BIDDER INFORMATION

Name of Company LAFayette Ford

5202 RAEFORD RD

Fayetteville NC 28304

Phone No. 910 424 0281 EXT 3378 Fax No. 910-

E-Mail Address KeithM@LAFayetteFL.com

Federal I.D. No. 56 064 2493

SDBE, Minority or Woman Owned Business Enterprise Yes ☒ No

Bid Submitted By: Keith Matthews
(Name Printed Out)

Keith Matthews
(Signature)

Title: Commercial / Fleet mgr

Date: 3-7-2022

**CITY OF FAYETTEVILLE
SPECIFICATIONS / UPFIT
FORD POLICE INTERCEPTOR UTILITY (PIU)**

It is the intent of this specification to secure for the City of Fayetteville (35) Ford Police Interceptor Utility AWD. Specifications for this unit are enclosed herein and should be considered to be minimum requirements. All parts not specifically mentioned which are necessary in operations shall be furnished by the successful bidder. All equipment provided shall meet the requirements of all OSHA, State and Federal Laws.

It will be the bidder's responsibility to carefully examine each item of this specification. Failure to respond to each section of the technical specification will cause the proposal to be rejected without review as "non-responsive". A check mark in the blank immediately preceding each number shall indicate minimum requirements are met. All exceptions and variations must be clearly noted on the attached Exception/Variation Form. This form must be signed and returned with the bid package. Failure to clearly identify all exceptions or variations, as determined by and at the discretion of the City Of Fayetteville, may be cause for rejection of the bid.

Bid will be awarded on the basis of price, equipment quality, and conformity with this set of specifications. The City of Fayetteville reserves the right to reject any or all bids and to waive all informalities.

VEHICLE DELIVERY:

The completed vehicles shall be delivered by the successful bidder to:
City of Fayetteville
Fleet Maintenance Department
131 Pepsi Lane
Fayetteville, North Carolina 28301
Attn: Chris Wilkerson

GENERAL

1. ☒ (35) Ford Police Interceptor Utility, AWD PIU – (99B-44U)
2. ☒ Units to have 3.3L V-6 Direct Injection Engine.
3. ☒ Exterior Color:

(35) – Oxford White (Option YZ)
4. ☒ Ready for the Road Package – (Option 67H).
5. ☒ Standard Configuration: Cloth Front / Vinyl Rear (Option 96).
6. ☒ Units to have Solid Black Steel Rim with Silver Center Cap

7. ☒ Rear View Camera – Mirror Display (Option 87R)
8. ☒ (15) Units to have Inner Edge Lighting Options (96W and 96T)
9. ☒ All Units to have Lighting Option (63L)
10. ☒ All to Full Size Road Ready Spare Tire
11. ☒ 4 Fobs / Keys Per Vehicle

ADDITIONAL FEATURES

12. ☒ (20) Units to have Whelen Roof Mounted Light Bar That works with the Ford Road Ready Package (Equivalent To A Whelen Legacy Light Bar) (Front of Bar Blue/White & Rear of Bar to be Amber/Blue/White)
13. ☒ Motorola 20 Foot Power Cable, 45 Watt Radios (Part Number HKN4192B)
14. ☒ Motorola Accessory Cable (Part Number HLN6963B)
15. ☒ Radio Antenna: Sti-co Concealed Internal Antenna (Part Number CCAS-SB-7-800)
16. ☒ Console System with locking adjustable swing arm with universal mounting plate that will mount with the Ford Road Ready Package: Will House an APX 4500 Motorola Radio, and the Cencom Control Head with two cup holders and arm rest.
17. ☒ All Units to have 12v Accessory Plug and USB Port
18. ☒ (35) Units to have lock storage for rifle, and drawer for wiring and controls. (Equivalent to Setina or Gamber Johnson System.)
19. ☒ (20) Units to have Fayetteville Police Department One Piece Graphic Package (20 Units will have exterior light bar)
20. ☒ All Units to have 1 Magnetic Mic Clip for Motorola Radio
21. ☒ All Units to have 1 Standard Mic Clip for PA Mic

Title all Vehicles to:

City Of Fayetteville

433 Hay Street Fayetteville, NC 28301

EXCEPTIONS AND VARIATIONS:

Bldder shall fully describe every varlance, exception, and/or devlation. Additional sheets may be used.

THE CITY OF FAYETTEVILLE
NORTH CAROLINA

March 11, 2022 2:00 p.m.

BID PROPOSAL

THIRTY FIVE FORD POLICE INTERCEPTOR UTILITY AWD UPFIT

VEHICLE (EA) 15@44,642 20@44,033

TOTAL PRICE \$ 1,550,290

CITY OF FAYETTEVILLE SPECIFICATIONS *Do not include sales tax in price of units.

Manufacturer/Model 2022 Ford Explorer Interceptor S

Delivery Time for Completed Units ^{Approx.} 24 Weeks

Note: Units to be delivered F.O.B. City of Fayetteville, Fleet Maintenance Facility, 131 Pepsi Lane, Fayetteville, North Carolina, 28301.

BIDDER INFORMATION

Name of Company Capital Ford Inc

4900 Capital Blvd

Raleigh NC 27619

Phone No. 919-790-4648 Fax No. 919-871-6917

E-Mail Address jromano@capital-ford.com

Federal I.D. No. 56-1456873

SDBE, Minority or Woman Owned Business Enterprise Yes No

Bid Submitted By: Jennifer Romano
(Name Printed Out)

Jennifer Romano
(Signature)

Title: Government Sales Manager

Date: 3/10/2022

**CITY OF FAYETTEVILLE
SPECIFICATIONS / UPFIT
FORD POLICE INTERCEPTOR UTILITY (PIU)**

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Title all Vehicles to:

City Of Fayetteville

433 Hay Street Fayetteville, NC 28301

EXCEPTIONS AND VARIATIONS:

Bidder shall fully describe every variance, exception, and/or deviation. Additional sheets may be used.

City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 22-2606

Agenda Date: 3/28/2022

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.07

TO: Mayor and Members of City Council

THRU: Douglas J. Hewett, ICMA-CM - City Manager

FROM: Jay C. Toland, CMA - Chief Financial Officer/Assistant City Manager

DATE: March 28, 2022

RE:

**Resolution Providing for the Sale and Issuance of \$19,000,000
General Obligation Parks and Recreation Bonds, Series 2022**

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

Goal 4: Desirable Place to Live, Work and Recreate

Executive Summary:

Council is asked to approve the following resolution;

***RESOLUTION PROVIDING FOR THE SALE AND ISSUANCE OF
\$19,000,000 GENERAL OBLIGATION PARKS AND RECREATION
BONDS, SERIES 2022***

This resolution will start the process to provide funding and/or reimbursement (for projects already complete) to the City for the following projects (projects may change at Council's discretion).

Background:

In March 2016, Fayetteville voters passed a \$35 million bond referendum for parks and recreation projects. The first bond issuance was completed in May 2019 to provide project funding. Most of the projects have been appropriated in advance of the bond

issuance and construction activities have been underway for many projects.

Issues/Analysis:

None - this is the final tranche of the 35 million bond referendum.

Budget Impact:

None - a dedicated portion of property tax (1.42 cents) is designated for repayment of debt.

Options:

1. Adopt resolution as is to provide cash flow to the parks and recreation bond projects
2. Adopt resolution at former approved rate - 19M +/-
3. Do not adopt resolution and provide guidance to staff

Recommended Action:

Staff recommends adoption of resolution as presented

Attachments:

Issuance Resolution

Fayetteville 2022 G.O. Financing Calendar

CITY OF FAYETTEVILLE, NORTH CAROLINA
General Obligation Bonds, Series 2022

FINANCING SCHEDULE

Feb-22							Mar-22							Apr-22							May-22						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5			1	2	3	4	5						1	2	1	2	3	4	5	6	7
6	7	8	9	10	11	12	6	7	8	9	10	11	12	3	4	5	6	7	8	9	8	9	10	11	12	13	14
13	14	15	16	17	18	19	13	14	15	16	17	18	19	10	11	12	13	14	15	16	15	16	17	18	19	20	21
20	21	22	23	24	25	26	20	21	22	23	24	25	26	17	18	19	20	21	22	23	22	23	24	25	26	27	28
27	28						27	28	29	30	31			24	25	26	27	28	29	30	29	30	31				

DATE	TASK	RESPONSIBILITY
Week of January 17	Review Plan of Finance with LGC	Working Group
By January 27	Information Request from LGC to City	LGC
February 17	Information due from City to LGC	City / LGC / FA
February 22	Distribute 1 st Draft of Sale and Issuance Resolution	BC
February 24	Distribute 1 st Draft of POS / NOS	LGC
Week of February 28	Working Group Call to Review POS	Working Group
March 10	Distribute 2 nd Draft of POS	BC / LGC
March 11	Send Documents to Rating Agencies	FA
March 18	Finalize Sale and Issuance (City Council Agenda Deadline)	BC
Week of March 21	Rating Agency Calls	FA / City
March 28	City Council Meeting – Adopt Sale and Issuance Resolution	BC / City
By March 30	Receive Ratings	FA / City
March 31	Finalize POS / NOS	BC / LGC
April 1	Post POS / NOS	LGC / BC / FA
April 12	Pricing	Working Group
By April 19	Post Final OS	LGC / BC / FA
Week of April 25	Distribute Closing Documents	BC
May 3	Closing	Working Group

City Council typically meets the 2nd and 4th Monday of each month

RESPONSIBILITY LEGEND:

Role	Entity	Defined
Issuer	City of Fayetteville, North Carolina	“City”
Regulatory Agency	Local Government Commission	“LGC”
Bond Counsel	The Charleston Group	“BC”
Financial Advisor	First Tryon Advisors	“FA”

The City Council of the City of Fayetteville, North Carolina met in a regular meeting in the FAST Conference Room of the FAST Transit Center located at 505 Franklin Street in Fayetteville, North Carolina, at 7:00 p.m. on March 28, 2022.

Present: Mayor Mitch Colvin, presiding, and Council Members

Absent: Council Members

Also Present: _____

* * * * *

_____ introduced the following resolution the title of which was read and a copy of which had been previously distributed to each Council Member:

**RESOLUTION PROVIDING FOR THE SALE AND ISSUANCE OF
\$19,000,000 GENERAL OBLIGATION PARKS AND RECREATION
BONDS, SERIES 2022**

BE IT RESOLVED by the City Council (the “City Council”) of the City of Fayetteville, North Carolina (the “City”):

Section 1. The City Council has determined and does hereby find and declare as follows:

(a) An order authorizing \$35,000,000 Parks and Recreation Bonds (the “Parks and Recreation Bonds”) was adopted by the City Council on December 14, 2015, which order was approved by the vote of a majority of the qualified voters of the City who voted thereon at a referendum duly called and held on March 15, 2016.

(b) That \$16,000,000 of Parks and Recreation Bonds were issued in the principal amount of \$16,000,000, designated “City of Fayetteville General Obligation Parks and Recreation Bonds, Series 2019,” and dated May 30, 2019; no notes have been issued in anticipation of the receipt of the proceeds of the sale of the balance of said Parks and Recreation Bonds; and it is necessary to issue \$19,000,000 of the Parks and Recreation Bonds at this time.

(c) The maximum period of usefulness of the parks and recreational facilities improvements to be provided with the proceeds of said bonds is estimated as a period of forty (40) years from May 3, 2022, the date of the bonds authorized hereby, and that such period expires on May 3, 2062.

Section 2. Pursuant to said order, the City shall issue bonds in the aggregate principal amount of \$19,000,000 designated “General Obligation Parks and Recreation Bonds, Series 2022” (the “Bonds”), to be dated the date of delivery thereof. The Bonds shall be stated to mature annually, June 1, \$950,000 2023 to 2042, inclusive, and shall bear interest at a rate or rates to be determined by the Local Government Commission of North Carolina at the time the Bonds are sold, which interest to the respective maturities thereof shall be payable on each June 1 and December 1, beginning December 1, 2022, until payment of such principal sum.

[Notwithstanding the foregoing, the principal due on June 1 of each year as provided above may be made to come due on account of the maturity of Bonds on such date or pursuant to mandatory sinking fund redemption, all as provided in the Notice of Sale relating to the Bonds. Bonds to be retired on multiple dates on account of mandatory sinking fund redemptions and a final maturity are herein referred to as “Term Bonds.” The Chief Financial Officer of the City may take all actions necessary, including modification of the form of Bonds set forth in Section 3 of this resolution and the redemption provisions set forth in Section 4 of this resolution, in order to conform any Bonds to the requirements for Term Bonds.]

Each Bond shall bear interest from the interest payment date next preceding the date on which it is authenticated, unless it is (a) authenticated upon an interest payment date, in which event it shall bear interest from such interest payment date or (b) authenticated prior to the first interest payment date, in which event it shall bear interest from its date; provided, however, that if at the time of authentication interest is in default, such Bond shall bear interest from the date to which interest has been paid.

The principal of and the interest on the Bonds shall be payable in any coin or currency of the United States of America which is legal tender for the payment of public and private debts on the respective dates of payment thereof.

The Bonds shall be issued by means of a book-entry system with no physical distribution of Bond certificates to be made except as hereinafter provided. One Bond certificate with respect to each date on which the Bonds are stated to mature, in the aggregate principal amount of the Bonds stated to mature on such date and registered in the name of Cede & Co., as nominee of The Depository Trust Company (“DTC”), shall be issued and required to be deposited with DTC and immobilized in its custody. The book-entry system will evidence ownership of the Bonds in the principal amount of \$5,000 or any whole multiple thereof, with transfers of ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC and its participants. The principal of each Bond shall be payable to Cede & Co. or any other person appearing on the registration books of the City hereinafter provided for as the registered owner of such Bond or her registered assigns or legal representative at such office of the Bond Registrar mentioned hereinafter or such other place as the City may determine upon the presentation and surrender thereof as the same shall become due and payable. Payment of the interest on each Bond shall be made by said Bond Registrar on each interest payment date to the registered owner of such Bond (or the previous Bond or Bonds evidencing the same debt as that evidenced by such Bond) at the close of business on the record date for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding such

interest payment date, by check mailed to such person at his or her address as it appears on such registration books; provided, however, that for so long as the Bonds are deposited with DTC, the payment of the principal of and interest on the Bonds shall be made to DTC in same-day funds by 2:30 p.m. or otherwise as determined by the rules and procedures established by DTC. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC, and transfer of principal and interest payments to beneficial owners of the Bonds by participants of DTC will be the responsibility of such participants and other nominees of such beneficial owners. The City shall not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing records maintained by DTC, its participants or persons acting through such participants.

In the event that (a) DTC determines not to continue to act as securities depository for the Bonds or (b) the Chief Financial Officer of the City determines that continuation of the book-entry system of evidence and transfer of ownership of the Bonds would adversely affect the interests of the beneficial owners of the Bonds, the City will discontinue the book-entry system with DTC. If the City identifies another qualified securities depository to replace DTC, the City will make arrangements with DTC and such other depository to effect such replacement and deliver replacement Bonds registered in the name of such other depository or its nominee in exchange for the outstanding Bonds, and the references to DTC or Cede & Co. in this resolution shall thereupon be deemed to mean such other depository or its nominee. If the City fails to identify another qualified securities depository to replace DTC, the City shall deliver replacement Bonds in the form of fully-registered certificates in denominations of \$5,000 or any whole multiple thereof ("Certificated Bonds") in exchange for the outstanding Bonds as required by DTC and others. Upon the request of DTC, the City may also deliver one or more Certificated Bonds to any participant of DTC in exchange for Bonds credited to its account with DTC.

Unless indicated otherwise, the provisions of this resolution that follow shall apply to all Bonds issued or issuable hereunder, whether initially or in replacement thereof.

Section 3. The Bonds shall bear the manual or facsimile signatures of the Mayor or the Mayor Pro Tem and the City Clerk or any deputy or assistant City Clerk of the City and the official seal or a facsimile of the official seal of the City shall be impressed or imprinted, as the case may be, on the Bonds.

The certificate of the Local Government Commission of North Carolina to be endorsed on all Bonds shall bear the manual or facsimile signature of the Secretary or the Deputy Secretary of said Commission and the certificate of authentication of the Bond Registrar to be endorsed on all Bonds shall be executed as provided hereinafter.

In case any officer of the City or the Local Government Commission of North Carolina whose manual or facsimile signature shall appear on any Bonds shall cease to be such officer before the delivery of such Bonds, such manual or facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery, and any Bond may bear the manual or facsimile signatures of such persons as at the actual time of the execution of such Bond shall be the proper officers to sign such Bond although at the date of such Bond such persons may not have been such officers.

No Bond shall be valid or become obligatory for any purpose or be entitled to any benefit or security under this resolution until it shall have been authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed thereon.

The Bonds to be registered in the name of Cede & Co. and the endorsements thereon shall be in substantially the following form:

UNLESS THIS BOND IS PRESENTED BY AN AUTHORIZED REPRESENTATIVE OF THE DEPOSITORY TRUST COMPANY, A NEW YORK CORPORATION ("DTC"), TO THE CITY OF FAYETTEVILLE, NORTH CAROLINA OR ITS AGENT FOR REGISTRATION OR TRANSFER, EXCHANGE, OR PAYMENT, AND ANY BOND ISSUED IS REGISTERED IN THE NAME OF CEDE & CO. OR IN SUCH OTHER NAME AS IS REQUESTED BY AN AUTHORIZED REPRESENTATIVE OF DTC (AND ANY PAYMENT IS MADE TO CEDE & CO. OR TO SUCH OTHER ENTITY AS IS REQUESTED BY AN AUTHORIZED REPRESENTATIVE OF DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL INASMUCH AS THE REGISTERED OWNER HEREOF, CEDE & CO., HAS AN INTEREST HEREIN.

No. R-_____ \$_____

United States of America
State of North Carolina
County of Cumberland

CITY OF FAYETTEVILLE
GENERAL OBLIGATION PARKS AND RECREATION BOND
SERIES 2022

<u>Maturity Date</u>	<u>Interest Rate</u>	<u>CUSIP No.</u>
June 1, 20__	_____%	_____

The City of Fayetteville, a municipal corporation duly organized and validly existing under the laws of the State of North Carolina, is justly indebted and for value received hereby promises to pay to

CEDE & CO.

or registered assigns or legal representative on the date specified above, upon the presentation and surrender hereof, at the office of the Chief Financial Officer of said City (the "Bond Registrar"), in Fayetteville, North Carolina, the principal sum of

_____ DOLLARS

and to pay interest on such principal sum from the date hereof or from June 1 or December 1 next preceding the date of authentication to which interest shall have been paid, unless such date of authentication is June 1 or December 1 to which interest shall have been paid, in which case from such date, such interest to the maturity hereof being payable on each June 1 and December 1, beginning December 1, 2022, at the rate per annum specified above, until payment of such principal sum. The interest so payable on any such interest payment date will be paid to the

person in whose name this bond (or the previous bond or bonds evidencing the same debt as that evidenced by this bond) is registered at the close of business on the record date for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding such interest payment date, by check mailed to such person at his or her address as it appears on the bond registration books of said City; provided, however, that for so long as the Bonds (hereinafter defined) are deposited with The Depository Trust Company (“DTC”), the payment of the principal of and interest on the Bonds shall be made to DTC in same day funds by 2:30 p.m. or otherwise as determined by the rules and procedures established by DTC. Both the principal of and the interest on this bond shall be paid in any coin or currency of the United States of America that is legal tender for the payment of public and private debts on the respective dates of payment thereof. For the prompt payment hereof, both principal and interest as the same shall become due, the faith and credit of said City are hereby irrevocably pledged.

This bond is one of an issue of bonds designated “General Obligation Parks and Recreation Bonds, Series 2022” (the “Bonds”) and issued by said City for the purpose of providing funds, together with any other available funds, for parks and recreational facilities improvements, and this bond is issued under and pursuant to The Local Government Bond Act, as amended, Article 7, as amended, of Chapter 159 of the General Statutes of North Carolina, an order adopted by the City Council of said City, which order was approved by the vote of a majority of qualified voters who voted thereon at a referendum duly called and held, and a resolution duly adopted by said City Council (the “Resolution”).

The Bonds maturing on or prior to June 1, 20__ are not subject to redemption prior to maturity. The Bonds maturing on June 1, 20__ and thereafter are subject to redemption prior to maturity, at the option of said City, from any moneys that may be made available for such purpose, either in whole or in part on any date not earlier than June 1, 20__, at a redemption price equal to 100% of the principal amount of the Bonds to be redeemed, plus accrued interest thereon to the date fixed for redemption.

[If any Bonds are Term Bonds, the following paragraph shall be applicable:

The Bonds maturing June 1, ____ shall be subject to mandatory redemption in part by lot on June 1 in the years and amounts set forth below at a redemption price equal to 100% of the principal amount of the Bonds to be redeemed, plus accrued interest thereon to the date fixed for redemption:

Year

Amount

***Maturity]**

If less than all of the Bonds of any one maturity shall be called for redemption, the particular Bonds or portions of Bonds of such maturity to be redeemed shall be selected by lot in such manner as said City in its discretion may determine; provided, however, that the portion of

any Bond to be redeemed shall be in the principal amount of \$5,000 or any whole multiple thereof and that, in selecting Bonds for redemption, each Bond shall be considered as representing that number of Bonds which is obtained by dividing the principal amount of such Bond by \$5,000. So long as a book-entry system with The Depository Trust Company ("DTC"), is used for determining beneficial ownership of Bonds, if less than all of the Bonds within the maturity are to be redeemed, DTC and its participants shall determine which of the Bonds within a maturity are to be redeemed by lot. If less than all of the Bonds stated to mature on different dates shall be called for redemption, the particular Bonds or portions thereof to be redeemed shall be called in such manner as said City may determine.

Not more than sixty (60) nor less than thirty (30) days before the redemption date of any Bonds to be redeemed, whether such redemption be in whole or in part, said City shall cause a notice of such redemption to be filed with the Bond Registrar and to be mailed, postage prepaid, to the registered owner of each Bond to be redeemed in whole or in part to his or her address appearing upon the registration books of said City, provided that such notice to Cede & Co. shall be given by certified or registered mail or otherwise as prescribed by DTC. On the date fixed for redemption, notice having been given as aforesaid, the Bonds or portions thereof so called for redemption shall be due and payable at the redemption price provided for the redemption of such Bonds or portions thereof on such date and, if moneys for payment of such redemption price and the accrued interest are held by the Bond Registrar as provided in the Resolution, interest on the Bonds or the portions thereof so called for redemption shall cease to accrue. If a portion of this Bond shall be called for redemption, a new Bond or Bonds in principal amount equal to the unredeemed portion hereof will be issued to Cede & Co. or its legal representative upon the surrender hereof.

Any notice of redemption[, **except a notice of redemption in respect of a mandatory sinking fund redemption,**] may state that the redemption to be effected is conditioned upon the receipt by the Bond Registrar on or prior to the redemption date of moneys sufficient to pay the redemption price of and interest on the Bonds to be redeemed, and that if such moneys are not so received, such notice shall be of no force or effect and such Bond shall not be required to be redeemed. In the event that such notice contains such a condition and moneys sufficient to pay the redemption price of and interest on such Bonds are not received by the Bond Registrar on or prior to the redemption date, the redemption shall not be made, and the Bond Registrar shall within a reasonable time thereafter give notice, in the manner in which the notice of redemption was given, that such moneys were not so received.

The Bonds are being issued by means of a book-entry system with no physical distribution of bond certificates to be made except as provided in the Resolution. One bond certificate with respect to each date on which the Bonds are stated to mature, in the aggregate principal amount of the Bonds stated to mature on such date and registered in the name of Cede & Co., as nominee of DTC, is being issued and required to be deposited with DTC and immobilized in its custody. The book-entry system will evidence ownership of the Bonds in the principal amount of \$5,000 or any whole multiple thereof, with transfers of ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC and its participants. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC, and transfer of principal and interest payments to beneficial owners of

the Bonds by participants of DTC will be the responsibility of such participants and other nominees of such beneficial owners. Said City will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

In certain events, said City will be authorized to deliver replacement Bonds in the form of fully-registered certificates in the denomination of \$5,000 or any whole multiple thereof in exchange for the outstanding Bonds as provided in the Resolution.

At the office of the Bond Registrar, in the manner and subject to the conditions provided in the Resolution, Bonds may be exchanged for an equal aggregate principal amount of Bonds of the same maturity, of authorized denominations and bearing interest at the same rate.

The Bond Registrar shall keep at his or her office the books of said City for the registration of transfer of Bonds. The transfer of this bond may be registered only upon such books and as otherwise provided in the Resolution upon the surrender hereof to the Bond Registrar together with an assignment duly executed by the registered owner hereof or his or her attorney or legal representative in such form as shall be satisfactory to the Bond Registrar. Upon any such registration of transfer, the Bond Registrar shall deliver in exchange for this bond a new Bond or Bonds, registered in the name of the transferee, of authorized denominations, in an aggregate principal amount equal to the unredeemed principal amount of this bond, of the same maturity and bearing interest at the same rate.

The Bond Registrar shall not be required to exchange or register the transfer of any Bond during a period beginning at the opening of business fifteen (15) days before the day of the mailing of a notice of redemption of Bonds or any portion thereof and ending at the close of business on the day of such mailing or of any Bond called for redemption in whole or in part pursuant to the Resolution.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of North Carolina to happen, exist and be performed precedent to and in the issuance of this bond have happened, exist and have been performed in regular and due form and time as so required; that provision has been made for the levy and collection of a direct annual tax upon all taxable property within said City sufficient to pay the principal of and the interest on this bond as the same shall become due; and that the total indebtedness of said City, including this bond, does not exceed any constitutional or statutory limitation thereon.

This bond shall not be valid or become obligatory for any purpose or be entitled to any benefit or security under the Resolution until this bond shall have been authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed hereon.

IN WITNESS WHEREOF, the City of Fayetteville, North Carolina, by resolution duly adopted by its City Council, has caused this bond to be manually signed by the [Mayor] [Mayor Pro Tem] and the [Deputy] City Clerk of said City and its official seal to be impressed hereon, all as of the ____ day of May, 2022.

[Do not sign] _____
[Mayor] [Mayor Pro Tem]

[SEAL]

[Do not sign] _____
[Deputy] City Clerk

CERTIFICATE OF LOCAL GOVERNMENT COMMISSION

The issuance of the within bond has been approved under the provisions of The Local Government Bond Act of North Carolina.

[Do not sign] _____
Secretary, Local Government Commission

CERTIFICATE OF AUTHENTICATION

This bond is one of the Bonds of the series designated herein and issued under the provisions of the within-mentioned Resolution.

[Do not sign] _____
Chief Financial Officer, as Bond Registrar

Date of authentication: _____

ASSIGNMENT

FOR VALUE RECEIVED the undersigned registered owner thereof hereby sells, assigns and transfers unto _____

the within Bond and all rights thereunder and hereby irrevocably constitutes and appoints _____

_____,

attorney to register the transfer of said bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

In the presence of:

NOTICE: The signature must be guaranteed by an institution which is a participant in the Securities Transfer Agent Medallion Program (STAMP) or similar program.

The signature to this assignment must correspond with the name as it appears on the face of the within Bond in every particular, without alteration of enlargement or any change whatever.

Certificated Bonds issuable hereunder shall be in substantially the form of the Bonds registered in the name of Cede & Co. with such changes as are necessary to reflect the provisions of this resolution that are applicable to Certificated Bonds.

Section 4. The Bonds maturing on or prior to June 1, 2032 are not subject to redemption prior to maturity. The Bonds maturing on June 1, 2033 and thereafter are subject to redemption prior to maturity, at the option of the City, from any moneys that may be made available for such purpose, either in whole or in part on any date not earlier than June 1, 2032, at a redemption price equal to 100% of the principal amount of the Bonds to be redeemed, plus accrued interest thereon to the date fixed for redemption.

Notwithstanding the foregoing, the Chief Financial Officer of the City may modify the redemption provisions set forth above if the Chief Financial Officer of the City determines that it is in the best interests of the City to modify the same for purposes of marketing and sale of the Bonds, such modified redemption provisions to be set forth in the Notice of Sale relating to the Bonds. In such case, the Chief Financial Officer is authorized and directed to take all actions necessary to conform the terms of the Bonds to reflect such modified redemption provisions.

[If the Chief Financial Officer of the City determines that all or a portion of the Bonds shall be Term Bonds, then such Term Bonds shall be subject to mandatory sinking fund redemption in the amount necessary to retire principal of the Bonds on each June 1 as set forth in Section 2 of this resolution at a redemption price equal 100% of the principal amount to be so redeemed, plus accrued interest to the date fixed for redemption. In the event that any of the Term Bonds are redeemed in part pursuant to the optional redemption provisions set forth in the immediately preceding paragraph, the mandatory redemption requirements for the remaining Term Bonds of the same maturity shall be reduced in an aggregate amount equal to the amount of Term Bonds of the same maturity so redeemed in the years and amounts designated by the Chief Financial Officer of the City to the Bond Registrar.]

If less than all of the Bonds of any one maturity shall be called for redemption, the particular Bonds or portions of Bonds of such maturity to be redeemed shall be selected by lot in such manner as the City in its discretion may determine; provided, however, that the portion of any Bond to be redeemed shall be in the principal amount of \$5,000 or any whole multiple thereof and that, in selecting Bonds for redemption, each Bond shall be considered as representing that number of Bonds which is obtained by dividing the principal amount of such

Bond by \$5,000. So long as a book-entry system with DTC, is used for determining beneficial ownership of Bonds, if less than all of the Bonds within the maturity are to be redeemed, DTC and its participants shall determine which of the Bonds within a maturity are to be redeemed by lot. If less than all of the Bonds stated to mature on different dates shall be called for redemption, the particular Bonds or portions thereof to be redeemed shall be called in such manner as the City may determine.

Not more than sixty (60) nor less than thirty (30) days before the redemption date of any Bonds to be redeemed, whether such redemption be in whole or in part, the City shall cause a notice of such redemption to be filed with the Bond Registrar and to be mailed, postage prepaid, to the registered owner of each Bond to be redeemed in whole or in part to his or her address appearing upon the registration books of the City, provided that such notice to Cede & Co. shall be given by certified or registered mail or otherwise as prescribed by DTC. Failure to mail such notice or any defect therein shall not affect the validity of the redemption with regard to registered owners to whom such notice was properly given. Each such notice shall set forth the date designated for redemption, the redemption price to be paid and the maturities of the Bonds to be redeemed. In the event that Certificated Bonds are outstanding, each such notice to the registered owners thereof shall also set forth, if less than all of the Bonds of any maturity then outstanding shall be called for redemption, the distinctive numbers and letters, if any, of such Bonds to be redeemed and, in the case of any Bond to be redeemed in part only, the portion of the principal amount thereof to be redeemed. If any Bond is to be redeemed in part only, the notice of redemption shall state also that on or after the redemption date, upon surrender of such Bond, a new Bond or Bonds in principal amount equal to the unredeemed portion of such Bond will be issued.

Any notice of redemption, except a notice of redemption in respect of a mandatory sinking fund redemption, may state that the redemption to be effected is conditioned upon the receipt by the Bond Registrar on or prior to the redemption date of moneys sufficient to pay the redemption price of and interest on the Bonds to be redeemed, and that if such moneys are not so received, such notice shall be of no force or effect and such Bond shall not be required to be redeemed. In the event that such notice contains such a condition and moneys sufficient to pay the redemption price of and interest on such Bonds are not received by the Bond Registrar on or prior to the redemption date, the redemption shall not be made and the Bond Registrar shall within a reasonable time thereafter give notice, in the manner in which the notice of redemption was given, that such moneys were not so received.

On or before the date fixed for redemption, moneys shall be deposited with the Bond Registrar to pay the redemption price of the Bonds or portions thereof called for redemption, as well as the interest accruing thereon to such redemption date.

On the date fixed for redemption, notice having been given in the manner and under the conditions hereinabove provided, the Bonds or portions thereof called for redemption shall be due and payable at the redemption price provided therefor, plus accrued interest to such redemption date. If moneys sufficient to pay the redemption price of the Bonds or portions thereof to be redeemed, plus accrued interest thereon to the date fixed for redemption, are held by the Bond Registrar in trust for the registered owners of Bonds or portions thereof to be redeemed,

interest on the Bonds or portions thereof called for redemption shall cease to accrue, such Bonds or portions thereof shall cease to be entitled to any benefits or security under this resolution or to be deemed outstanding, and the registered owners of such Bonds or portions thereof shall have no rights in respect thereof except to receive payment of the redemption price thereof, plus accrued interest thereon to such redemption date.

If a portion of a Bond shall be selected for redemption, the registered owner thereof or his or her attorney or legal representative shall present and surrender such Bond to the Bond Registrar for payment of the principal amount thereof so called for redemption, and the Bond Registrar shall authenticate and deliver to or upon the order of such registered owner or his or her legal representative, without charge therefor, for the unredeemed portion of the principal amount of the Bond so surrendered, a Bond or Bonds of the same maturity, of any denomination or denominations authorized by this resolution and bearing interest at the same rate.

Section 5. Bonds, upon surrender thereof at the office of the Bond Registrar together with an assignment duly executed by the registered owner or his or her attorney or legal representative in such form as shall be satisfactory to the Bond Registrar, may, at the option of the registered owner thereof, be exchanged for an equal aggregate principal amount of Bonds of the same maturity, of any denomination or denominations authorized by this resolution and bearing interest at the same rate.

The transfer of any Bond may be registered only upon the registration books of the City upon the surrender thereof to the Bond Registrar together with an assignment duly executed by the registered owner or his or her attorney or legal representative in such form as shall be satisfactory to the Bond Registrar. Upon any such registration of transfer, the Bond Registrar shall authenticate and deliver in exchange for such Bond a new Bond or Bonds, registered in the name of the transferee, of any denomination or denominations authorized by this resolution, in an aggregate principal amount equal to the unredeemed principal amount of such Bond so surrendered, of the same maturity and bearing interest at the same rate.

In all cases in which Bonds shall be exchanged or the transfer of Bonds shall be registered hereunder, the Bond Registrar shall authenticate and deliver at the earliest practicable time Bonds in accordance with the provisions of this resolution. All Bonds surrendered in any such exchange or registration of transfer shall forthwith be canceled by the Bond Registrar. The City or the Bond Registrar may make a charge for shipping and out-of-pocket costs for every such exchange or registration of transfer of Bonds sufficient to reimburse it for any tax or other governmental charge required to be paid with respect to such exchange or registration of transfer, but no other charge shall be made by the City or the Bond Registrar for exchanging or registering the transfer of Bonds under this resolution.

As to any Bond, the person in whose name the same shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of the principal of any such Bond and the interest on any such Bond shall be made only to or upon the order of the registered owner thereof or his or her legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond, including the interest thereon, to the extent of the sum or sums so paid.

The City shall appoint such registrars, transfer agents, depositaries or other agents as may be necessary for the registration, registration of transfer and exchange of Bonds within a reasonable time according to then current commercial standards and for the timely payment of principal of and interest on the Bonds. The Chief Financial Officer of the City, or any person at any time acting in such capacity, is hereby appointed the registrar, transfer agent and paying agent for the Bonds (collectively the “Bond Registrar”), subject to the right of the City Council to appoint another Bond Registrar, and as such shall keep at his or her office in the City, the books of the City for the registration, registration of transfer, exchange and payment of the Bonds as provided in this resolution.

Section 6. The City covenants that, to the extent permitted by the Constitution and laws of the State of North Carolina, it will comply with the requirements of the Internal Revenue Code of 1986, as amended or as may be amended from time to time, and any Treasury regulations now or hereafter promulgated thereunder, to the extent necessary so that interest on the Bonds will not be included in gross income of the owners of the Bonds for federal income tax purposes.

Section 7. All actions of the Mayor, the City Manager, the Chief Financial Officer and the City Clerk of the City in applying to the Local Government Commission of North Carolina to advertise and sell the Bonds are hereby authorized, ratified and approved, and the Local Government Commission of North Carolina is hereby requested to ask for sealed bids for the Bonds by publishing notices and printing and distributing a Preliminary Official Statement, to be dated as of the date of delivery thereof, relating to the offering and sale of the Bonds. The printing and distribution of such Preliminary Official Statement, in substantially the form presented at this meeting, is hereby ratified, authorized and approved.

The preparation of a final Official Statement (the “Final Official Statement”), which will be in the form of the Preliminary Official Statement, but will include certain pricing and other information to be made available to the successful bidder for the Bonds by the Local Government Commission of North Carolina, is hereby approved, and the Mayor, the Mayor Pro Tem, the City Manager and the Chief Financial Officer of the City are hereby authorized to execute and deliver the Final Official Statement for and on the behalf of the City, and such execution shall be conclusive evidence of the approval of the City Council of the Final Official Statement.

Section 8. The City hereby undertakes, for the benefit of the beneficial owners of the Bonds, to provide to the Municipal Securities Rulemaking City Council (the “MSRB”):

(a) by not later than seven months from the end of each fiscal year of the City, beginning with the fiscal year ending June 30, 2022, audited financial statements of the City for such fiscal year, if available, prepared in accordance with Section 159-34 of the General Statutes of North Carolina, as it may be amended from time to time, or any successor statute, or, if such audited financial statements of the City are not available by seven months from the end of such fiscal year, unaudited financial statements of the City for such fiscal year to be replaced subsequently by audited financial statements of the City to be delivered within fifteen (15) days after such audited financial statements become available for distribution;

(b) by not later than seven months from the end of each fiscal year of the City, beginning with the fiscal year ending June 30, 2022, (i) the financial and statistical data as of a date not earlier than the end of the preceding fiscal year for the type of information included under the headings “THE CITY - Debt Information and - Tax Information” (excluding any information on overlapping units) in the Final Official Statement and (ii) the combined budget of the City for the current fiscal year, to the extent such items are not included in the audited financial statements referred to in (a) above;

(c) in a timely manner not in excess of ten business days after the occurrence of the event, notice of any of the following events with respect to the Bonds:

(1) principal and interest payment delinquencies;

(2) non-payment related defaults, if material;

(3) unscheduled draws on debt service reserves reflecting financial difficulties;

(4) unscheduled draws on credit enhancements reflecting financial difficulties;

(5) substitution of credit or liquidity providers, or their failure to perform;

(6) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds or other material events affecting the tax status of the Bonds;

(7) modification to the rights of the beneficial owners of the Bonds, if material;

(8) bond calls, **[except for a mandatory sinking fund redemption,]** if material, and tender offers;

(9) defeasances;

(10) release, substitution or sale of any property securing repayment of the Bonds, if material;

(11) rating changes;

(12) bankruptcy, insolvency, receivership or similar event of the City;

(13) the consummation of a merger, consolidation or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and

(14) appointment of a trustee or a successor or additional trustee or the change of name of a trustee, if material;

(15) incurrence of a financial obligation (as defined below) of the City, if material, or agreement to covenants, events of default, remedies, priority rights or other similar terms of a financial obligation of the City, any of which affect beneficial owners of the Bonds, if material; and

(16) default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a financial obligation of the City, any of which reflect financial difficulties; and

(d) in a timely manner, notice of a failure of the City to provide required annual financial information described in (a) or (b) above on or before the date specified.

All information provided to the MSRB as described in this Section shall be provided in an electronic format as prescribed by the MSRB and accompanied by identifying information as prescribed by the MSRB.

The City may meet the continuing disclosure filing requirement described above by complying with any other procedure that may be authorized or required by the United States Securities and Exchange Commission.

For the purposes of this Section, “financial obligation” means (a) a debt obligation, (b) a derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation, or (c) a guarantee of either clause (a) or (b) above. The term “financial obligation” shall not include municipal securities as to which a final official statement has been provided to the MSRB consistent with Rule 15c2-12 issued under the Securities Exchange Act of 1934 (“Rule 15c2-12”).

If the City fails to comply with the undertaking described above, any beneficial owner of the Bonds may take action to protect and enforce the rights of all beneficial owners with respect to such undertaking, including an action for specific performance; provided, however, that failure to comply with such undertaking shall not be an event of default and shall not result in any acceleration of the Bonds. All actions shall be instituted, had and maintained in the manner provided in this paragraph for the benefit of all beneficial owners of the Bonds.

The City reserves the right to modify from time to time the information to be provided to the extent necessary or appropriate in the judgment of the City, provided that:

(a) any such modification may only be made in connection with a change in circumstances that arises from a change in legal requirements, change in law, or change in the identity, nature or status of the City;

(b) the information to be provided, as modified, would have complied with the requirements of Rule 15c2-12 as of the date of the Final Official Statement, after taking into account any amendments or interpretations of Rule 15c2-12, as well as any changes in circumstances; and

(c) any such modification does not materially impair the interests of the beneficial owners of the Bonds, as determined either by parties unaffiliated with the City (such as bond counsel), or by the approving vote of the registered owners of a majority in principal amount of the Bonds pursuant to the terms of this resolution, as this resolution may be amended from time to time, at the time of such amendment.

In the event that the City makes such a modification, the annual financial information containing the modified operating data or financial information shall explain, in narrative form, the reasons for the modification and the impact of the change in the type of operating data or financial information being provided.

The provisions of this Section shall terminate upon payment, or provision having been made for payment in a manner consistent with Rule 15c2-12, in full of the principal of and interest on all of the Bonds.

Section 9. The Mayor, the Mayor Pro Tem, the City Manager, the Chief Financial Officer, the City Clerk or any deputy or assistant City Clerk of the City are hereby authorized and directed to execute and deliver such closing and other documents necessary for the purpose of facilitating the sale and issuance of the Bonds in a manner consistent with the terms of this resolution.

Section 10. This resolution shall take effect upon its adoption.

Upon motion of Council Member _____, seconded by Council Member _____, the foregoing resolution entitled "RESOLUTION PROVIDING FOR THE SALE AND ISSUANCE OF \$19,000,000 GENERAL OBLIGATION PARKS AND RECREATION BONDS, SERIES 2022" was adopted by the following vote:

Ayes: _____

Noes: _____

* * * * *

I, Pamela Megill, City Clerk of the City of Fayetteville, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of the City Council of said City at a regular meeting held on March 28, 2022, as relates in any way to the adoption of the foregoing resolutions providing for the sale and issuance of general obligation bonds of said City.

I DO HEREBY FURTHER CERTIFY that proper notice of such regular meeting was given as required by North Carolina law.

WITNESS my hand and the official seal of said City this 28th day of March, 2022.

City Clerk

[SEAL]

City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 22-2611

Agenda Date: 3/28/2022

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.08

TO: Mayor and Members of City Council

THRU: Jay Toland, Assistant City Manager
Telly C. Whitfield, PhD., Assistant City Manager

FROM: Alvester T. (Toney) Coleman, PhD, A.A.E., Airport Director

DATE: March 28, 2022

RE:

Acceptance of Concessions Rent Relief Airport Rescue Grant Offer

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

Goal IV - Desirable Place to Live, Work and Recreate

4.1 - To maintain public transportation investments with high quality transit and airport services.

Executive Summary:

City Council is asked to accept the Concessions Rent Relief Airport Rescue Grant Offer 3-37-0021-051-2022 for the Fayetteville Regional Airport, and to authorize the City Manager to execute the Agreement.

Background:

- On August 9, 2021, City Council approved American Rescue Plan Act (ARPA) Airport Grant Offer 3-37-0021-051-021 that provided funds to FAY to help prevent, prepare for, and respond to coronavirus. The \$2,976,320 ARPA Grant allowed funds to be used for FAY's operational and maintenance expenses or debt service payments.
- The Concessions Rent Relief Airport Rescue Grant Addendum was not ready for award at that time, but is now available from the FAA to provide relief to Airport Concessions on a prorated basis as determined by Airport Management and in

accordance with the “Conditions” for airport concession relief as identified in the attached Concessions Rent Relief Airport Rescue Grant Agreement Transmittal Letter dated March 9, 2022.

- No direct payments shall be made to Concessionaires, but Fayetteville Regional Airport may use concession rent relief funds to provide relief from rent and minimum annual guarantees to on-airport rental car tenants, on-airport parking concessions, and in-terminal concessions. Fayetteville Regional Airport’s allocation is \$185,768.

Issues/Analysis:

None

Budget Impact:

There is no impact to the General Fund.

Options:

1. Accept Concessions Rent Relief Airport Rescue Grant Offer No. 3-37-0021-051-2022 for the Fayetteville Regional Airport and authorize the City Manager to execute the Agreement.
2. Do not accept Concessions Rent Relief Airport Rescue Grant Offer No. 3-37-0021-051-2022 for the Fayetteville Regional Airport nor authorize the City Manager to execute the Agreement.

Recommended Action:

3. Staff recommends that Council move to accept Concessions Rent Relief Airport Rescue Grant Offer No. 3-37-0021-051-2022 for the Fayetteville Regional Airport and authorize the City Manager to execute the Agreement.

Attachments:

ARPA Grant offer No. 3-37-0021-051-2022

City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 22-2614

Agenda Date: 3/28/2022

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.09

TO: Mayor and Members of City Council

THRU: Telly C. Whitfield, Ph.D. - Assistant City Manager

FROM: Christopher Cauley, MPA - Economic & Community Development
Director
Taurus Freeman, MPA - Assistant Director, Economic & Community
Development

DATE: March 28, 2022

RE:

Authorization to Apply for North Carolina Department of Commerce Rural
Economic Development Grant for Dedicated North Carolina Holding, LLC

COUNCIL DISTRICT(S):

District 5 - Johnny Dawkins

Relationship To Strategic Plan:

Strategic Operating Plan FY2022

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

- 2.2: To invest in community places to ensure revitalization and increase quality of life

Goal VI: Collaborative citizen and Business Engagement

- 6.2: To ensure trust and confidence in City government through transparency and high quality customer service
- 6.3: To inform and educate about local government by enhancing public outreach and increasing community dialog, collaboration and empowerment

Executive Summary:

The Fayetteville-Cumberland Economic Development Corporation is assisting Dedicated North Carolina Holding, LLC (also known as ChenMed, LLC) with a substantial rehabilitation of an existing commercial facility. This effort qualifies under the Rural

Economic Development Grant from the North Carolina Department of Commerce (NCDOC).

The grant application requires a supporting resolution from the local government and authorization for the signature of the Mayor or City Manager. Staff is requesting the City Council to adopt the attached resolution and authorize the Mayor and City Manager to sign the grant application.

Background:

The Building Reuse Program, under the Rural Grants/Programs Section of the NCDOC, provides grants to local governments. Three categories of funding are available for 1) the renovation of vacant buildings, 2) the renovation or expansion of a building occupied by an existing North Carolina company wishing to expand in their current location, and 3) the renovation, expansion, or construction of health care entities that will lead to the creation of new, full-time jobs.

The City of Fayetteville is requesting a \$300,000 Rural Economic Development Grant from the NCDOC for a building reuse grant for Dedicated North Carolina Holding, LLC. The company will undertake substantial renovations of its property at 4101 Raeford Road; and in turn, guarantee the creation of 30 new full-time jobs. The grant requires that the City provide a five-percent (5%), or \$15,000 cash match for the project. At least \$1,482,500 of qualified project expenditures will have to be made by ChenMed to qualify for funding.

Issues/Analysis:

This grant will incentivize the rehabilitation of an existing and underutilized commercial facility within the City.

Budget Impact:

If awarded, a match may be required; however, the City also has several grant funded programs that may benefit this business. If those programs are utilized, that may qualify as the match. Sourcing of the match will be presented if awarded.

Options:

- Adopt the attached resolution and authorize the Mayor and City Manager to sign the grant application;
- Do not adopt the attached resolution and authorize the Mayor and City Manager to sign the grant application; or
- Direct Staff to some other course of action.

Recommended Action:

Staff recommends City Council adoption of the attached resolution and authorize the Mayor and City Manager to sign the grant application for Dedicated North Carolina Holding, LLC.

Attachments:

Resolution of Support for Building Reuse Grant

Resolution No. _____

RESOLUTION AUTHORIZING THE CITY MANAGER AND MAYOR OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA TO APPLY FOR FUNDING THROUGH THE NORTH CAROLINA DEPARTMENT OF COMMERCE BUILDING REUSE PROGRAM FOR THE DEDICATED NORTH CAROLINA HOLDING, LLC BUILDING REUSE PROJECT

WHEREAS, The North Carolina General Assembly has authorized funds to stimulate economic development and job creation in distressed areas through constructing critical water and wastewater facilities, addressing technology needs, renovating vacant buildings, and implementing research and demonstration projects; and

WHEREAS, The Building Reuse and Restoration Grants Program is designed to spur economic activity and job creation by assisting in the productive reuse of vacant or existing buildings; and

WHEREAS, the City has a need for and intends to assist in the renovation of an existing building located at 4101 Raeford RD., Fayetteville, NC; and

WHEREAS, the City intends to request funding assistance in the amount of \$300,000 from the North Carolina Department of Commerce from its Building Reuse Program for the project that will create 30 full-time jobs.

NOW, THEREFORE, be it resolved by the City Council for the City of Fayetteville that;

The City is in full support of the application and the project, if funding is received. The City will arrange for a local cash match, not to exceed \$15,000; and

The City of Fayetteville has substantially complied or will substantially comply with all State and local laws, rules, regulations, and ordinances applicable to the project and to the grants pertaining thereto.

NOW, THEREFORE, be it resolved by the City Council for the City of Fayetteville is hereby authorizing the City Manager and Mayor to authorize and execute all necessary documents to apply for the Building Reuse Grant described above.

Adopted this the 28th day of March, 2022.

(SEAL)

CITY OF FAYETTEVILLE

By:

Mitch Colvin, Mayor

ATTEST:

Pamela Megill, City Clerk

City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 22-2615

Agenda Date: 3/28/2022

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.010

TO: Mayor and Members of City Council

THRU: Telly C. Whitfield, Ph.D. - Assistant City Manager

FROM: Christopher Cauley - Economic & Community Development Director
Kelly Olivera - Budget & Evaluation Director

DATE: March 28, 2022

RE:

Adoption of Budget Ordinance Amendment 2022-7 and Capital Project Ordinance
Amendment 2022-55 to Appropriate Funds for the Murchison Road
Redevelopment Project (Catalyst Site - 1

COUNCIL DISTRICT(S):

District 2 - Shakeyla Ingram

Relationship To Strategic Plan:

Goal 2: Responsive City Government Supporting a Diverse and Viable Economy
Objective 2.4: Sustain a favorable development climate to encourage business growth
Target for Action 2.4.1: Execute redevelopment and business growth plan for Murchison
Road and Bragg Boulevard with beautification of City Gateways

Executive Summary:

Economic & Community Development is requesting that City Council adopt Budget
Ordinance Amendment (BOA) 2022-7 to appropriate \$220,000 from the General Fund
funding balance to support Capital Project Ordinance Amendment (CPOA) 2022-55 for
the Murchison Road Redevelopment Project. The project, also referred to as the Catalyst
Site - 1, is for the elimination of blight and the assemblage of property for development.

Background:

North Carolina General Statute 158-7.1 allows governments to acquire property for the
purpose of economic redevelopment. On January 28, 2013, City Council adopted

Resolution 2013-008 (attached) authorizing the City Manager to execute documents pertaining to the acquisition of property in Catalyst Site - 1 of the Murchison Road Redevelopment Plan Area. In the intervening years, the City Council has expanded the footprint to include sites 1A, 1B, and 1C.

On July 1, 2012, City Council initiated the project with an appropriation of \$200,000 for the acquisition and clearance of land. Subsequent appropriations have increased the total project budget to \$2,615,000. If adopted, the CPOA will increase the total project budget by \$220,000 to \$2,835,000.

The additional funds will provide Staff with resources to continue the redevelopment and blight abatement efforts along this major corridor and City gateway.

Issues/Analysis:

None

Budget Impact:

The requested BOA will appropriate \$220,000 of the General Fund funding balance to provide the transfer to the capital project.

Options:

1. Adopt Budget Ordinance Amendment 2022-7 and Capital Project Ordinance Amendment 2022-55 to fund the requested increase to the project budget.
2. Do not adopt the Budget Ordinance Amendment or Capital Project Ordinance Amendment and provide further direction to staff.

Recommended Action:

Staff recommends that the City Council move to adopt Budget Ordinance Amendment 2022-7 and Capital Project Ordinance Amendment 2022-55 as presented.

Attachments:

- Budget Ordinance Amendment 2022-7
- Capital Project Ordinance Amendment 2022-55
- Resolution 2013-008

**2021-2022 BUDGET ORDINANCE AMENDMENT
CHANGE 2022-7**

BE IT ORDAINED BY THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA:

That the City of Fayetteville Budget Ordinance adopted June 14, 2021 is hereby amended as follows:

Section 1. It is estimated that the following revenues and other financing sources will be available during the fiscal year beginning July 1, 2021, and ending June 30, 2022, to meet the appropriations listed in Section 2.

<u>Item</u>	<u>Listed As</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule A: General Fund</u>			
Fund Balance Appropriation	\$ 27,246,597	\$ 220,000	\$ 27,466,597
All Other General Fund Revenues and Financing Sources	175,223,003	-	175,223,003
Total Estimated General Fund Revenues and Other Financing Sources	<u>\$ 202,469,600</u>	<u>\$ 220,000</u>	<u>\$ 202,689,600</u>

Section 2. The following amounts are hereby appropriated for the operations of the City Government and its activities for the fiscal year beginning July 1, 2021, and ending June 30, 2022, according to the following schedules:

<u>Item</u>	<u>Listed As</u>	<u>Revision</u>	<u>Revised Amount</u>
<u>Schedule A: General Fund</u>			
Community Investment	\$ 7,706,551	\$ 220,000	\$ 7,926,551
All Other General Fund Expenditures and Other Financing Uses	194,763,049	-	194,763,049
Total Estimated General Fund Expenditures and Other Financing Uses	<u>\$ 202,469,600</u>	<u>\$ 220,000</u>	<u>\$ 202,689,600</u>

Adopted this 28th day of March, 2022.

**CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 2022-55 (CPO 2013-3)**

BE IT ORDAINED by the City Council of the City of Fayetteville, North Carolina, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby amended:

Section 1. The project change authorized is to Capital Project Ordinance 2013-3, adopted effective July 1, 2012, as amended, for the funding of the Murchison Road redevelopment project, including property acquisition, clearing and other related expenditures.

Section 2. The project director is hereby directed to proceed with the project within the terms of the various agreements executed and within the funds appropriated herein.

Section 3. The following revenues are anticipated to be available to the City to complete the project:

	Listed As	Amendment	Revised
General Fund Transfer	\$ 1,190,000	\$ 220,000	\$ 1,410,000
Risk Management Fund Transfer	1,425,000	-	1,425,000
	<u>\$ 2,615,000</u>	<u>\$ 220,000</u>	<u>\$ 2,835,000</u>

Section 4. The following amounts are appropriated for the project:

Project Expenditures	<u>\$ 2,615,000</u>	<u>\$ 220,000</u>	<u>\$ 2,835,000</u>
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Section 5. Copies of the capital project ordinance amendment shall be made available to the budget officer and the finance officer for direction in carrying out the projects.

Section 6. The City Manager is hereby authorized and directed to take such action as he may deem necessary or appropriate to execute this ordinance.

Adopted this 28th day of March, 2022.

Resolution No. R2013-008

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND ACQUIRE REAL PROPERTY IN THE MURCHISON ROAD REDEVELOPMENT CORRIDOR AREA

WHEREAS, the City of Fayetteville, North Carolina is a municipal corporation existing under and by virtue of the Constitution, statutes and laws of the State of North Carolina; and

WHEREAS, North Carolina General Statutes § 160A-457 authorizes the City: To acquire by voluntary purchase from the owner, real property which is appropriate for housing construction or the economic development of the community; To demolish, remove, or rehabilitate buildings and improvements on land so acquired; and To sell, exchange, or transfer real property in a community development project area to any redeveloper at private sale for residential, recreational, commercial, industrial or other uses in accordance with the community development plan; and

WHEREAS, the Murchison Road Corridor Redevelopment Project is consistent with strategic planning goals of a More Attractive City – Clean and Beautiful; Revitalized Downtown – A Community Focal Point; and Growing City, Livable Neighborhoods – A Great Place to Live; and

WHEREAS, the City of Fayetteville is committed to the redevelopment of the Murchison Road Corridor; and

WHEREAS, the acquisition of properties in the Murchison Road Corridor Redevelopment Project Area is consistent with the City's redevelopment plans and funding commitments to the project;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fayetteville hereby grants the City Manager or his designee the authority to negotiate and acquire property in the Murchison Road Corridor Redevelopment Project Area.

Respectfully submitted, this 28th day of January 2013.

CITY OF FAYETTEVILLE

(SEAL)



By: Anthony G. Chavonne
ANTHONY G. CHAVONNE, Mayor

ATTEST:

Pamela Megill
PAMELA MEGILL, City Clerk

City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 22-2616

Agenda Date: 3/28/2022

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.011

TO: Mayor and Members of City Council

THRU: Jay Toland, Assistant City Manager
Adam Lindsay, Assistant City Manager
Telly Whitfield, Assistant City Manager

FROM: Christopher Cauley, Economic and Community Development Director
Michael Gibson, Parks, Recreation and Maintenance Director
Kelly Olivera, Budget and Evaluation Director

DATE: March 28, 2022

RE:

Adoption of Capital Project Ordinances 2022-17 through 2022-19 and Capital
Project Ordinance Amendment 2022-56 to Appropriate State Direct Grant Funds

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

Goal IV: Desirable Place to Live, Work and Recreate

Objective 4.2: To enhance diverse recreation, leisure and cultural opportunities.

Objective 4.3: To improve mobility and connectivity through sidewalk, trail, and bike lane investments.

Objective 4.6: To reduce poverty and homelessness

Executive Summary:

Council is asked to adopt Capital Project Ordinance Amendments (CPO) 2022-17 through 2022-19 and Capital Project Ordinance Amendment (CPOA) 2022-56 to appropriate State Direct Grant funding from the North Carolina Office of State Budget and Management for four projects. CPO 2022-17 will appropriate \$250,000 for renovations to Old City Hall. CPO 2022-18 will appropriate \$1,700,000 for upgrades to the City's trails and greenways. CPO 2022-19 will appropriate \$2,700,000 for renovations to historic

buildings and sites. CPOA 2022-56 will appropriate \$1,000,000 for the Homeless Day Resource Center.

Background:

The City has received notification of direct funding awards from the State for various projects identified in the State's Current Operations Appropriations Act, Session Law (S.L.) 2021-180, as amended by S.L. 2021-189.

As the City receives specific grant award documentation, staff will bring appropriation actions to Council for adoption.

Contacts and scopes of work are available for the following four projects:

CPO 2022-17 will appropriate \$250,000 of State funds for the renovation of Old City Hall, to include roof repair, a new HVAC system, accessibility improvements, interior wall renovations, waterproofing, and other related costs.

CPO 2022-18 will appropriate \$1,700,000 of State funds for upgrades to the City's trails and greenways, to include conceptual design, and other related costs.

CPO 2022-19 will appropriate \$2,700,000 of State funds for renovations to historic buildings and sites, to include the Orange Street School, the E.E. Smith House, the Martin Luther King, Jr. Park, the Umoja Wall and the Market House, and relate ancillary costs.

CPOA 2022-56 will appropriate \$1,000,000 of State funds for the Infrastructure Program for a Day Resource Center for the City's homeless population. This program is currently funded by a pass-through of federal funds via the North Carolina Office of Recovery and Resiliency at \$3,990,000. The additional State direct grant fund appropriation will bring the total project budget to \$4,990,000.

Issues/Analysis:

None

Budget Impact:

There is no impact to the General Fund since no grant matches are required.

Options:

- 1) Adopt Capital Project Ordinances 2022-17, 2022-18 and 2022-19, and Capital Project Ordinance Amendment 2022-56.
- 2) Do not adopt Capital Project Ordinance 2022-17, 2022-18 and 2022-19, and Capital Project Ordinance Amendment 2022-56 as presented.

Recommended Action:

Staff recommends that Council move to adopt Capital Project Ordinances 2022-17, 2022-18 and 2022-19, and Capital Project Ordinance Amendment 2022-56 as presented.

Attachments:

Capital Project Ordinance 2022-17
Capital Project Ordinance 2022-18
Capital Project Ordinance 2022-19
Capital Project Ordinance Amendment 2022-56

**CAPITAL PROJECT ORDINANCE
ORD 2022-17**

BE IT ORDAINED by the City Council of the City of Fayetteville, North Carolina, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1. The authorized project is for the renovation of Old City Hall, to include roof repair, new HVAC system, accessibility improvements, interior wall renovations, waterproofing, and other related costs.

Section 2. The project director is hereby directed to proceed with the project within the terms of the various agreements executed and within the funds appropriated herein.

Section 3. The following revenues are anticipated to be available to the City to complete the project:

NC Office of State Budget and Management	<u>\$ 250,000</u>
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Section 4. The following amounts are appropriated for the project:

Project Expenditures	<u>\$ 250,000</u>
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Section 5. Copies of this capital project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out the project.

Section 6. The City Manager is hereby authorized and directed to take such action as he may deem necessary or appropriate to execute this ordinance.

Adopted this 28th day of March, 2022.

**CAPITAL PROJECT ORDINANCE
ORD 2022-18**

BE IT ORDAINED by the City Council of the City of Fayetteville, North Carolina, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1. The authorized project is for upgrades to the City's trails and greenways, to include conceptual design, and other related costs.

Section 2. The project director is hereby directed to proceed with the project within the terms of the various agreements executed and within the funds appropriated herein.

Section 3. The following revenues are anticipated to be available to the City to complete the project:

NC Office of State Budget and Management	<u>\$ 1,700,000</u>
--	---------------------

Section 4. The following amounts are appropriated for the project:

Project Expenditures	<u>\$ 1,700,000</u>
----------------------	---------------------

Section 5. Copies of this capital project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out the project.

Section 6. The City Manager is hereby authorized and directed to take such action as he may deem necessary or appropriate to execute this ordinance.

Adopted this 28th day of March, 2022.

**CAPITAL PROJECT ORDINANCE
ORD 2022-19**

BE IT ORDAINED by the City Council of the City of Fayetteville, North Carolina, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1. The authorized project is for renovations to historic buildings and sites, to include the Orange Street School, E.E. Smith House, Mark Luther King, Jr. Park, the Umoja Wall, the Market House, and related ancillary costs.

Section 2. The project director is hereby directed to proceed with the project within the terms of the various agreements executed and within the funds appropriated herein.

Section 3. The following revenues are anticipated to be available to the City to complete the project:

NC Office of State Budget and Management	<u>\$ 2,700,000</u>
--	---------------------

Section 4. The following amounts are appropriated for the project:

Project Expenditures	<u>\$ 2,700,000</u>
----------------------	---------------------

Section 5. Copies of this capital project ordinance shall be made available to the budget officer and the finance officer for direction in carrying out the project.

Section 6. The City Manager is hereby authorized and directed to take such action as he may deem necessary or appropriate to execute this ordinance.

Adopted this 28th day of March, 2022.

**CAPITAL PROJECT ORDINANCE AMENDMENT
CHANGE 2022-56 (CPO 2020-22)**

BE IT ORDAINED by the City Council of the City of Fayetteville, North Carolina, that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby amended:

Section 1. The project change authorized is to Capital Project Ordinance 2020-22, adopted November 12, 2019, for the funding of the Infrastructure Program as funded by the Community Development Block Grant Disaster Recovery Program (CDBG-DR) as awarded by the U.S. Department of Housing and Urban Development, passed through the North Carolina Department of Public Safety, Office of Recovery and Resiliency (NCORR), and the North Carolina Office of State Budget and Management.

Section 2. The project director is hereby directed to proceed with the project within the terms of the various agreements executed and within the funds appropriated herein.

Section 3. The following revenues are anticipated to be available to the City to complete the project:

	Listed As	Amendment	Revised
CDBG-DR - HUD, passed through NCORR	\$ 3,990,000	\$ -	\$ 3,990,000
NC Office of State Budget and Management	-	1,000,000	1,000,000
	<u>\$ 3,990,000</u>	<u>\$ 1,000,000</u>	<u>\$ 4,990,000</u>

Section 4. The following amounts are appropriated for the project:

Project Expenditures	<u>\$ 3,990,000</u>	<u>\$ 1,000,000</u>	<u>\$ 4,990,000</u>
----------------------	---------------------	---------------------	---------------------

Section 5. Copies of the capital project ordinance amendment shall be made available to the budget officer and the finance officer for direction in carrying out the projects.

Section 6. The City Manager is hereby authorized and directed to take such action as he may deem necessary or appropriate to execute this ordinance.

Adopted this 28th day of March, 2022.

City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 22-2617

Agenda Date: 3/28/2022

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Consent

Agenda Number: 7.012

TO: Mayor and Members of City Council

THRU: Adam Lindsay, Assistant City Manager

FROM: Jodi Phelps, Corporate Communications Director

DATE: March 18, 2022

RE:

Revisions to City Seal

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

Goal #6: Collaborative Citizen & Business Engagement

Executive Summary:

The primary objective is to update the City Seal providing options for City Council consideration as an extension of the City's new "Can Do" branding initiative. Design options are reflective of the rebranding research and Council recommendations.

Background:

North Star Place Branding + Marketing worked with the Fayetteville Cumberland Collaborative Branding Committee (FCCBC)* to develop and launch the new regional brand and the rebrand of the City, including the City logos, flag and seal.

The City's "Can Do" brand, launched in December 2020, was based on extensive market research, which included in-depth interviews and surveys with nearly 4,000 Fayetteville residents, visitors and civic leaders. The research helped define consumer perception, stakeholder vision and Fayetteville's competitive position as a place to live and work.

North Star's process involved research, strategy, and creative development phases. To ensure that the diverse perspectives were represented from the start, the FCCBC arranged for North

Star to meet with a broad range of interview and focus group participants. They sought input from young leaders, major employers, military families, municipal leaders, and entrepreneurs, as well as representatives from the education, business, arts, and faith communities.

Note: The Fayetteville Cumberland Collaborative Branding Committee (FCCBC) includes representatives from the City of Fayetteville, Cumberland County, Cumberland County Tourism Development Authority (TDA), Vision 2026, Arts Council of Fayetteville/Cumberland County, Fayetteville Area Convention and Visitors Bureau, Cool Spring Downtown District, Greater Fayetteville Chamber, Crown Complex, Cumberland County Schools, and the Fayetteville Cumberland County Economic Development Corporation.*

Issues/Analysis:

None

Budget Impact:

None

Options:

1. Council can select one of the three options (A,B,C) included in this report to adopt as the official City seal.
2. Council can determine which of the three options (A,B,C) in this report is favored and also make a request to staff for additional modifications.
3. Council can determine none of the three options are ideal and request additional versions for consideration.

Recommended Action:

Staff recommends that Council moves to select Option A which would provide for maximum branding impact with high contrast and aesthetic elements in line with the overall City brand and best practices.

Attachments:

Staff recommends that Council moves to select Option A which would provide for maximum branding impact with high contrast and aesthetic elements in line with the overall City brand and best practices.

Option A (Staff Recommendation)



Option B



Option C



City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 22-2620

Agenda Date: 3/28/2022

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Staff Reports

Agenda Number: 8.01

TO: Mayor and Members of City Council

THRU: Jay Toland, Assistant City Manager

FROM: Yamile Nazar, Director
Diversity Equity & Inclusion
Human Relations Department

DATE: March 28, 2022

RE:

United States Department of Justice Report for Repurposing the Fayetteville
Market House

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

Goal II: The City of Fayetteville will have a Responsive City Government supporting a diverse and viable economy. Goal VI: The City of Fayetteville will continue to have a collaborative “resident” and business engagement base.

Executive Summary:

Information is presented to Council involving suggested options for the repurposing of the Fayetteville Market House.

Background:

At the request by City Council on April 15, 2021, the Fayetteville-Cumberland Human Relations Commission was directed to implement the United States Department of Justice (hereon in, “USDOJ”) City SPIRIT community engagement module. Its purpose was to host events where Fayetteville residents could share ideas on how to repurpose the Market House. Two community events were held: one in October 2021 and the second in January 2022.

Following the two events, USDOJ collected all information provided and a report was finalized with recommendations received. The content of the report will be shared with City Council by USDOJ Representative Dion Lyons, and members of the Fayetteville-Cumberland Human Relations Commission.

If strategically repurposed, the historic Market House has the potential to make a significant contribution to local and regional African-American history, positive community race and human relations, residents' quality of life, as well as municipal tourism and the regional economy.

The community groups were comprised of diverse individuals, age, race, gender, who represented the civic, business, religion, higher education sectors, the Human Relations Commission, and others, to include but not limited to, city government staff.

Issues/Analysis:

The initial top five overarching options are as follows:

Top Four Responses in Order

1. **Structural Modification** - Inside lane of the traffic circle bricked in to create a larger footprint for outside activities.
2. **Art Exhibits** - Activate the four sidewalk corners to speak to the diversity of the community (not just Black history). Corners can host temporary art. Make it active space that people can engage with.
3. **Art Exhibits** - In depth with the emotional connectivity associated with the history of Fayetteville and the Market House highlighting successful Black contributors to the structure. Upstairs - present/future. Downstairs - past.
4. **Themed Events** - Destination visit for education of the student community (Pre-K through 12 and college/university) with a combination of static displays, plays, volunteer opportunities, master classes.

The City SPIRIT community event attendees were tasked with developing greater details on how to accomplish the above-referenced.

Budget Impact:

None at this time.

Options:

Select options from the USDOJ City SPIRIT recommendations for repurposing the Market House (recommended).

Do not approve the proposed repurposing options provided in the USDOJ City SPIRIT

report.

Recommended Action:

City staff recommend that repurposing options that can begin implementation be considered. This action is consistent with the intent and spirit of the Human Relations ordinance which provides guidance to the Human Relations Commission and City Staff in support of its efforts aligned with Goal 4 which promotes Fayetteville as a desirable place to live, work and recreate.

Attachments:

USDOJ final report

PowerPoint Presentation

City-SPIRIT

OVERVIEW FOR COMMUNITY LEADERS AND CITY OFFICIALS



www.justice.gov/crs

Community Relations Service

2

- Civil Rights Act of 1964, Title X
- Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009

City-SPIRIT

3

Site

Problem

Identification and

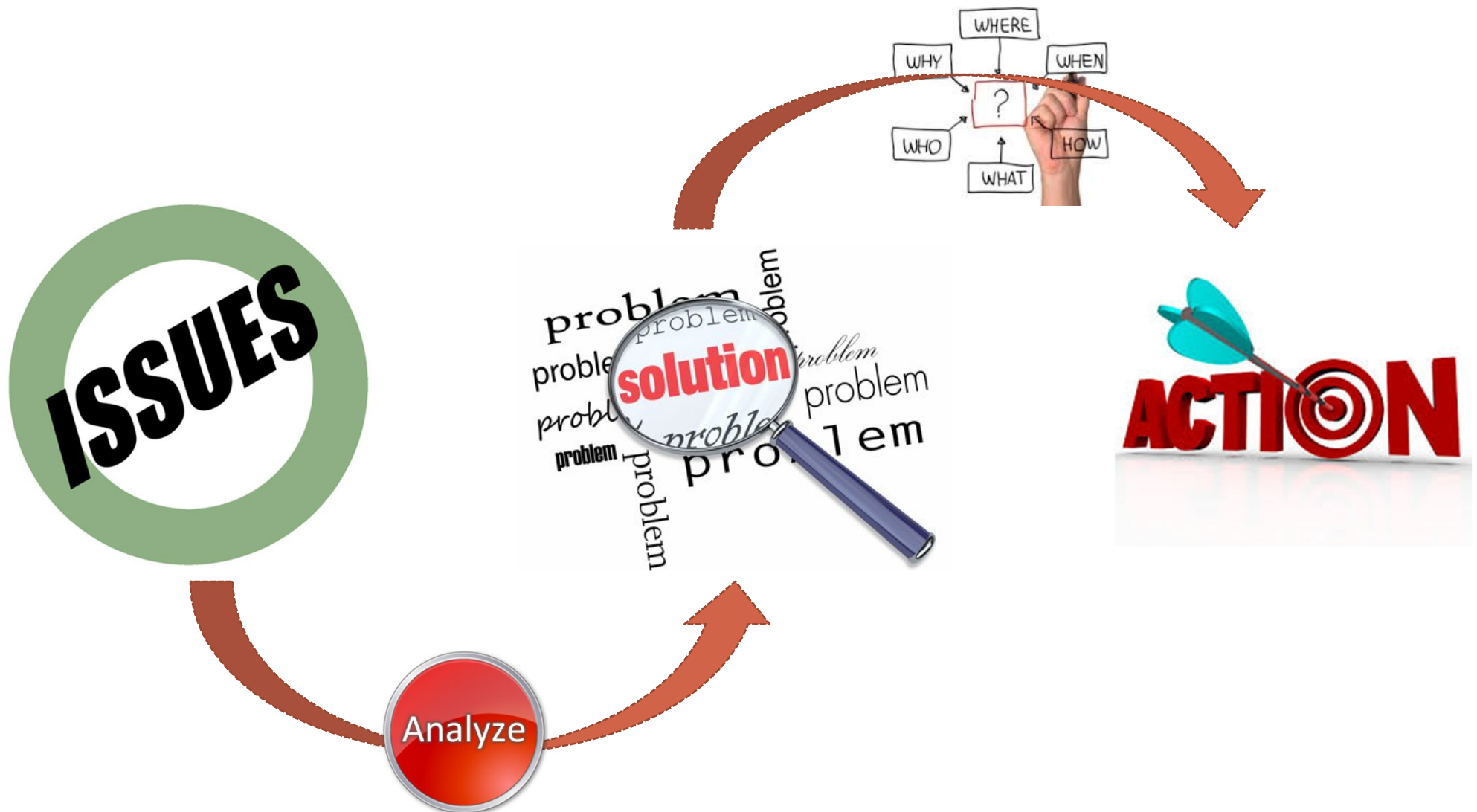
Resolution of

Issues

Together

What is City-SPIRIT

4

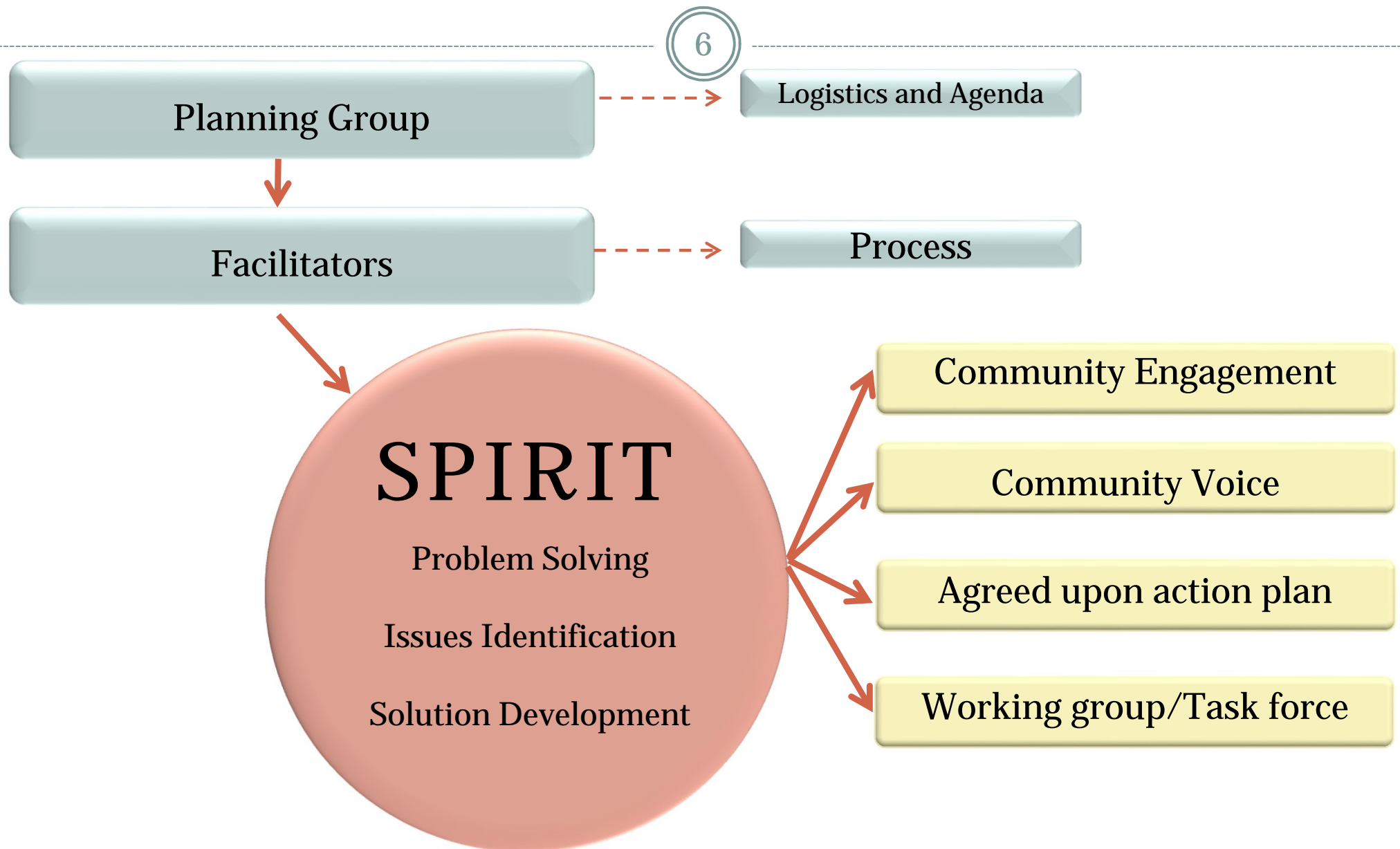


Why facilitate a City-SPIRIT

5

- Increases mutual understanding and communication between leaders to resolve conflicts in their community
- Facilitate the inclusion of the voice of key community stakeholders
- Supports other community engagement and collaborative problem solving efforts/initiatives
- Facilitates mutual agreement to draft and implement a solution-oriented plan-of-action

How is the City-SPIRIT process conducted?



How is the City-SPIRIT process conducted?

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- Convene a City SPIRIT Planning Group
- City SPIRIT Planning Group and community leadership will identify 40-50 diverse leaders
 - City and county leaders
 - Law enforcement
 - Civil rights leaders
 - Faith based leaders
 - Community-based organizations and non-profits
 - Youth leaders
 - Others

How is the City-SPIRIT process conducted?

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- City SPIRIT Planning Group and community leadership will identify small group facilitators
- Process requires 8+ hours of dedicated time with leaders
 - 2.0 hours for issues identification
 - 2.0 hours for problem solving/action planning
 - 2+ hours for report-outs and logistics

How is the City-SPIRIT process conducted?

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- One large plenary room and break out rooms or areas
- Flipcharts, easels, markers and voting dots
- Identification of “City SPIRIT Council” and commitment by leadership to work towards implementing the developed solutions
- Facilitator training

City-SPIRIT

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WHAT ARE THE STEPS?

City-SPIRIT

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- Leadership's Message
- Introductions & Icebreakers
- Ground Rules
- Issues Identification
- Small Group Prioritization
- Small Group Report Outs #1
- Issues Prioritization (voting)
- Solutions Development
- Small Group Report Outs #2
- Leaders Address & Introduction of the SPIRIT Council
- SPIRIT Council Report & Convening

City-SPIRIT

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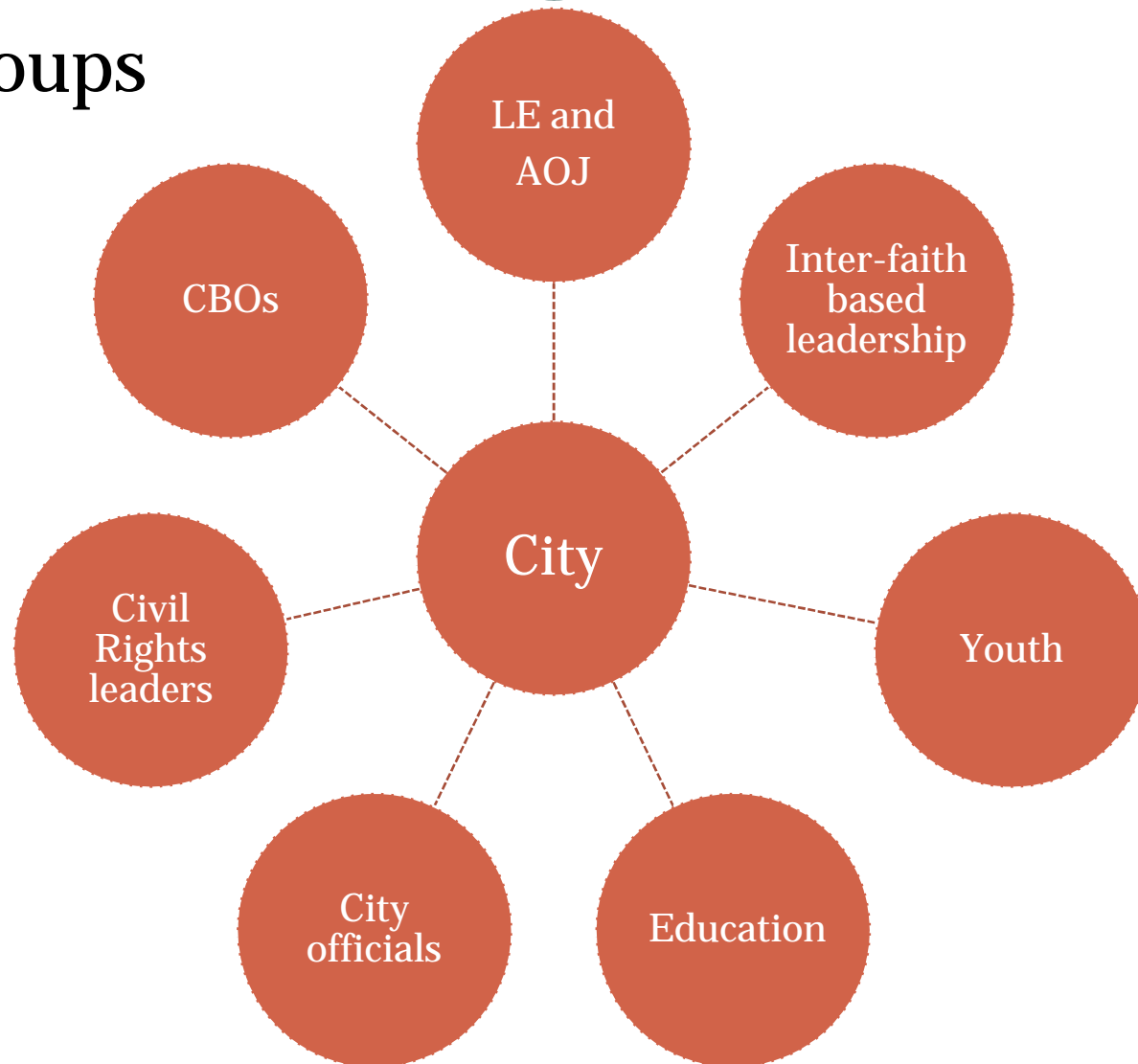
- **Step One: Leadership's Message**

- Why are we here?
- Why were you chosen?
- What is expected?
- Leadership commitments to continue the process and implement solutions
- The tone is motivational and positive

City-SPIRIT

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- “Like” groups



City-SPIRIT

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- Step Two: Introductions & Icebreakers
 - Options:
 - ✦ Describe something unique about you, your family or a relative
 - ✦ What do you hope to learn today?
 - ✦ Describe your favorite past-time or hobby. How did you get started?

City-SPIRIT

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- **Step Three: Ground Rules**

- One person speaks at a time
- Wait until recognized before speaking
- Refrain from judgmental statements or gestures towards others
- Listen first, talk second
- Avoid private conversations
- Keep group discussions confidential
- No cell phones
- Group may elect to use a talking piece
- **RESPECT**

City-SPIRIT

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- **Step Four: Problems/Issues Identification**
 - Focus on identifying problems/issues and not solutions
 - Document problems/issues on flip charts
 - Open-ended questions (what? how?)
 - ✦ What are some positive things happening in your City?
 - ✦ What is working?
 - ✦ What problems/issues should the group to address?
 - ✦ What isn't working?

City-SPIRIT

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- **Step Five: Small Group Prioritization**
 - Ask your group to select the top 3-5 issues that are most important to them
 - Open-ended questions (why? what?)
 - ✦ What problems/issues are most important to us?
 - ✦ What problems/issues can we impact now? What problems/issues can we impact in the future?

City-SPIRIT

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- **Step Six: Small Group Report Outs**
 - Facilitator will ask each group to select two representatives to conduct the “report out” (step five)
 - Each small group will provide a short “report out” on the top 3-5 issues they identified

City-SPIRIT

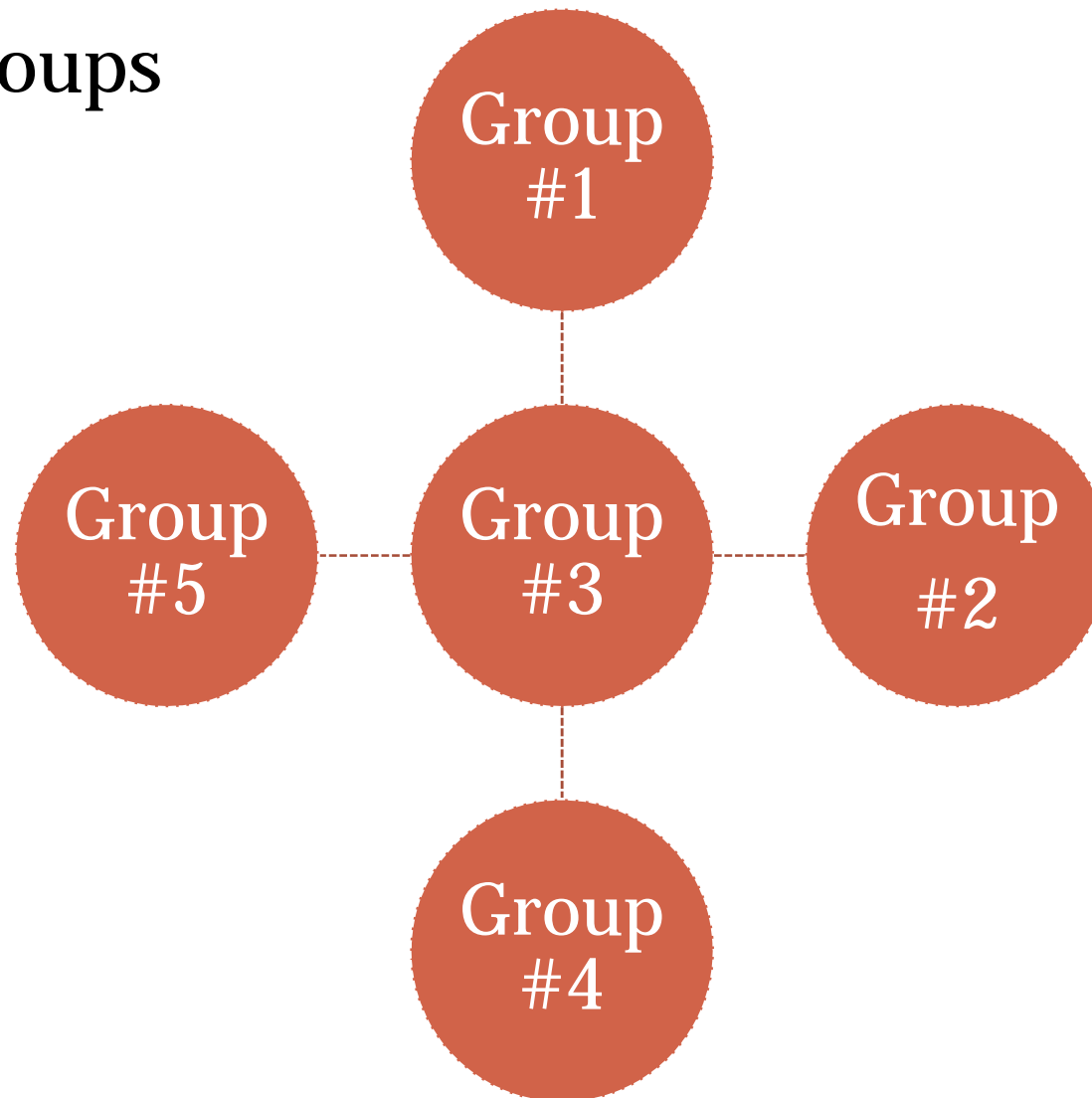
19

- **Step Seven: Problems/Issues Prioritization (voting)**
 - Each participant will receive three voting “dots”
 - Each participant will vote by placing one or more of their dots on the problems/issues considered most important for them to address
 - CRS and facilitators will count the votes and create categories for the “problem solving/solutions development” phase (step seven)
 - Participant are re-assigned into mixed groups

City-SPIRIT

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- Mixed groups



City-SPIRIT

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- **Step Eight: Solutions Development**
 - Focus on solutions, not new issues
 - Document solution on the flip charts
 - Open-ended questions (how? what? who?)
 - ✦ How can we address the issue?
 - ✦ What can we do to positively impact the issue?
 - Consequential analysis
 - ✦ How will the proposed “solution” work ? Will it work? Who needs to be involved to make it work?

City-SPIRIT

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- **Step Nine: Small Group Report Outs**
 - Facilitator will ask their group to select two representatives to conduct the “report out”
 - Each small group will provide a short “report out” on the solutions they developed
 - Key community elected and appointed leaders should be attendance

City-SPIRIT

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- **Step Ten: Community Leaders and Officials Address & SPIRIT Council**
 - Community leaders and officials will address the participants
 - City SPIRIT Council is introduced
 - Next steps are outlined

City-SPIRIT

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- **Step Eleven: SPIRIT Report & Convening**
 - Following CRS protocol, CRS will assist in the collection of the raw data and in drafting of the written report
 - CRS will assist in the facilitation of the first collaborative convening of the City SPIRIT Council to review the written report and assist in the facilitation of drafting the proposed action steps following the statement of mutual understanding for the implementation of City SPIRIT

AGENDA

One-Day Agenda

7:30am-
8:00am

Facilitator discussion/debriefing

8:00-8:15

City SPIRIT participants convene and Leader's overview

8:15-8:45

City SPIRIT Overview

8:45-10:45

Issues Identification and Prioritization

10:45-11:30

Report-Out #1

11:30-12:15

Voting and Prioritization

12:15-1:15

LUNCH

Facilitators identify the top-5 issues for next phase

1:15-3:15

Problem Solving and Solution Development

3:15-4:30

Report-Out #2

4:30-5:15

Closing Remarks by Leaders

5:15-6:00

CRS, Facilitator and City SPIRIT Council Debriefing

City-SPIRIT

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QUESTIONS?

US DEPARTMENT OF JUSTICE
COMMUNITY RELATIONS SERVICE
[ENTER REGIONAL/FIELD OFFICE]
[ENTER CONTACT INFO]

Fayetteville Market House Community Workshop

This report is a compilation of recommended solutions developed by leaders in
Fayetteville, North Carolina



Community Relations Service
United States Department of Justice

In cooperation with

The Fayetteville, NC, Human Relations Council

March 2022

THIS REPORT SHOULD NOT BE PERCEIVED, CONSTRUED, INTERPRETED OR UNDERSTOOD TO BE A
FINDING OR CONCLUSION OF THE UNITED STATES DEPARTMENT OF JUSTICE OR ANY COMPONENT
THEREOF

Introduction

The United States Department of Justice (DOJ) Community Relations Service (CRS) was created by Title X of the 1964 Civil Rights Act. CRS assists state and local governments, private and public organizations, educational institutions, and community groups in resolving community-based conflicts stemming from issues related to race, color, and national origin. In 2009, with the passage of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act (HCPA), CRS's jurisdiction expanded to the prevention of and response to violent hate crimes committed on the basis of actual or perceived race, color, national origin, gender, gender identity, sexual orientation, religion, or disability. CRS's voluntary, confidential, and impartial conflict resolution services aim to assist all parties involved in a conflict with improving communication, promoting problem-solving, improving collaboration, and restoring positive community relations.

As a conflict resolution agency, CRS recognizes the value of facilitating dialogues that assist communities with identifying issues and addressing conflicts. This experience led CRS to create a community workshop program for the Fayetteville community that brings together diverse community leaders, city and county officials, law enforcement, ministerial leaders, and other community leadership to identify solutions related to the Market House reutilization initiative and develop strategies. The community workshop program applied principles of collaborative problem-solving and community empowerment and engagement to improve local community relations.

This report outlines the proposals and solutions developed by community leaders for the Market House reutilization initiative through CRS's facilitation services. The information in this report is based upon the community workshop session notes generated from the small-group breakout sessions.

The services provided by CRS were conducted in confidence and without publicity, and are subject to CRS's confidentiality mandate, set forth in 42 U.S.C., section 2000g-2b.

Overview

On February 5, 2021, CRS organized a planning group composed of city/county officials, diverse community leaders, ministerial leaders, advocates, and other key community leaders. The planning group developed the Market House community workshop agenda and completed important logistical and planning tasks.

CRS provided facilitator training to five volunteers from the Fayetteville Human Relations Commission (HRC). The training provided the volunteer facilitators with an overview of the solution development process for the community workshop, as well as program logistics, goals, facilitator roles, and active listening techniques.

On October 12, 2021, CRS facilitated the first session of the Fayetteville Community Workshop for 43 community leaders. On January 25, 2022, CRS facilitated the second session of the workshop for a separate cohort of 37 community leaders. All participating community leaders were selected by the HRC. Both dialogues began with introductions and welcoming remarks by the Fayetteville HRC Chairperson. A total of approximately 80 community leaders participated in the two sessions from the following organizations:

Cumberland County Commission, a grant writing firm, a small business, Fayetteville Cumberland Youth Council, US military veteran, a training firm, Manna Church, public school system, NAACP, River Jordan Council, a community activist organization, NC Human Relations Commission, Methodist University, Airmen and Family Readiness Center, Museum of Cape Fear, Fayetteville Police

Accountability Community Taskforce (PACT), City of Fayetteville, human relations management firm, US Air Force, Fayetteville City Council, Fayetteville Police Department, Fayetteville Arts Council, a law firm, Fayetteville Urban Ministries, Fayetteville State University, Atlantic Advisory Group, a health insurance company, Fascinate U, Federal Public Defender's Office, Cumberland County Council of Governments (CCCOG), a real estate firm, Fayetteville Technical College, a social work firm, a real estate development firm, and a community activist organization.

During both sessions, the participants were divided into five groups to develop proposals for the Fayetteville Market House reutilization initiative. Community leaders brainstormed to create proposals to improve community engagement for the Market House within the following topic areas: structural modifications, themed events, artistic expressions, marketing, and commerce.

After the brainstorming sessions, CRS and the volunteer facilitators led groups to develop detailed solution implementation plans. Participants created strategies and actions for the proposals in each of the five categories starting with the highest priority topic areas.

Agenda: October 12, 2021 & January 25, 2022

8:00-8:30 Facilitator discussion and debriefing

8:30-8:45 City, County, and Community Leadership Overview

8:45-9:00 Introduction of Community Leadership Participants

9:00-9:15 Dialogue Methodology Overview for Participants

9:15-11:00 Proposal Brainstorming and Prioritization

11:00-11:15 Lunch

11:15-11:30 Group Reconstitution

11:30-2:00 Problem Solving and Solution Development

2:00-3:00 Report-Out #2

3:00-3:30 Selection of Market House Working Group

3:30-4:00 Closing Remarks by City/County and Community Leadership

Step 1: Introductions

Facilitators began breakout sessions with ice breakers and introductions. HRC stated that the variety of dedicated human capital in the room was a distinguishing factor. The community leaders were introduced by occupation and organization, which enabled networking and promoted community teambuilding.

Step 2: Proposal Brainstorming

October 2021 session:

GROUP #1: Themed Events

- Education
- At and about the Market House
- On post too
- QR Codes
- Flyers at local businesses

GROUP #2: Structural Modification

- Preservation of the original architecture
- Handicap accessible
- Expansion of the Market House base, alleviating multiple traffic lanes
- Mount plaques to convey the history of the Market House
- Designate an area to permanently display the number of, and the names of enslaved people sold at the Market House
- Include a stage for events/performances, etc.

GROUP #3: Commerce

- Funding the Market House
- Non-profit organizations
- Donations
- Vendor events
- Educational opportunities
- Farmer market
- Modernize and progressive

GROUP #4: Marketing

- Vision: Market House as a place of engagement and entertainment
- Education hub: True and full history conveyed
- Place of entertainment: festivals, etc.
- Engagement utilizing print, technology, and live discussions

- Sunrise theme - new horizons magnify the signing of the U.S. Constitution
- Countering the “nothing downtown for me” thought
- Using a teaser trailer type campaign to engage different groups on various levels in the community
- Recorded video enactments; a variety of delivery methods

GROUP #5: Artisans

- The Market House is itself a form of art
- Vibrant displays
- Different forms of art
- With vibrant rotating exhibits: engaging diversity, truth seeking, social justice
- Art dedicated to youth, with youth involved in selecting the art
- Professional art
- Funded and curated by the community

January 2022 session:

GROUP #1: Themed Events/Education

- Accurate education about the Market House
- Show correlation of the Market House to other Fayetteville historical landmarks
- Hologram showing individuals/scenarios from the period
- Target audience - people who have disagreement regarding the Market House’s history
- Regardless of what is being displayed, the message must convey that there are senior citizens who will not go downtown
- Highlight the positive aspects of the building (Constitution, state house, almost state capitol)

GROUP #2: Structural Modification

- Limitation – steps, 1200 square feet
- Ramp (additional)
- First floor accessible
- Structure study
- Enclosed
- Close roundabout
- Exclude truck traffic
- Elevator – self contained
- Greenery
- Multifunctional 1200 square feet
- Education focused
- Museum – living history (audio, pictures)
- Marketing
- Connected to the CWR Museum Arsenal
- Touring link – E.E. Smith House, Orange Street School

GROUP #3: Commerce

- Recognizing and honoring
- Education – field trips
- Avoid farmer market
- Take top off Market house and move it to the History Center
- Money goes to the History Center

GROUP #4: Marketing

- Pre-conception:
- Establish social media pages for the Market House which will be run by delegates of the City SPIRIT council, managed by the Fayetteville HRC
- Delegates/marketing group should have term limits to ensure relevance
- Website: www.fayettevillemarkethouse.org
- Purpose: educational, historical, current events in Fayetteville; civil rights issues in Fayetteville; timeline/purpose for City SPIRIT and Market House repurposing
- Initial marketing – purpose and timeline of repurposing. Paid ads and press releases - sunshine list, community watch meeting, flyers and handouts in downtown businesses
- Delegates have authority over events/publications related to the Market House
- Community parking and rates

GROUP #5: Artisans

- Art projected could represent current events
- No advertisements
- Respect the story – we don't have to focus on doom and gloom
- Address the truth related to the building
- Have designated past display
- Create space that recognizes history while recognizing and honoring Black artists
- Interactive display
 - Clothes
 - Period relevant articles
 - Photo studio
- Kaleidoscope
 - Lights
 - Motorized – creates light on walls
 - Project elementary school art on the building
- Displayed like The Holocaust Museum in D.C.
 - What is on display now in N.C.
- Public and private artists collaborate with historians/anthropologists/sociologists for the framework of exhibits
- Themed monthly events recognizing different cultures
 - For example: Black history month, women's history month, Native American history

Step 3: Proposal Brainstorming Small Group Report Outs

Each of the small groups focused on the most important proposals within their assigned areas of concern. They then prioritized the top proposals for the Market House reutilization initiative.

After the proposal brainstorming sessions, the groups re-convened into a general session. Each group selected spokespersons who gave short presentations on the proposals created to address their areas of concern.

Step 4: Group Refocus

Participants were given the opportunity to choose a topic area and were then regrouped based on their selection for the solution development phase.

Step 5: Solution Development

Participants were asked to develop detailed solutions for the top three proposals produced during the issues identification and brainstorming phase.

The following solutions were developed by community leaders during the October 2021 session:

Solution
Group 1: Themed Events: <ul style="list-style-type: none">• Virtual Tour<ul style="list-style-type: none">○ Who: Historian tour guides – FSU professors of Black history○ When: Projected 8 months○ How: Videographer with a selection of materials and professors to speak, someone with practical knowledge○ Why: Authenticity○ Expand learning accessibility○ LIMFACS, ASL, Braille, multi-language interpreter• QR Codes<ul style="list-style-type: none">○ Who: A hired city position (historian, with intern availability/volunteers)○ When: 6-8 months to get everything together○ How: Establish QR code [link tree] one stop shop○ Why: Easy access to information - one stop shop

Solution
2. Group Two: Marketing <ul style="list-style-type: none">• Engagement/marketing – education/historical truth<ul style="list-style-type: none">○ Who: FSU history/sociology NC African American Heritage Commission Methodist University history/sociology Fayetteville city museum○ When: One-year paid stipend○ How: Present narrative – stakeholder buy-in Dialogue

Continued presentation available in the Market House

Reconciliation

- Marketing – social media
- Dedicated website with history
- Why: To present a clear historical truth of the use and events of the Market House
- Presentation: Seminars with leaders upon receipt of the report
 - When: One year public (30 days after the final report)
- Marketing: Op-eds, newspaper, TV, radio
 - When: Six months after contracted research
- Reconciliation/acknowledgement from city leaders
 - When: Upon receipt of the report
- Create QR codes for virtual tours
 - Who: City of Fayetteville
 - How: IT department
 - When: Upon receipt of the report
- Use of space (Market House)
 - Exhibits and events from the arts and themes groups
 - Dedicate the space to history
 - Showcase digital history display upstairs (ADA stairlift)
 - When: Spring 2022
 - Who: The group who commissions the historians can also coordinate the details of the dedicated space for historical truth

Solution

3. Group Three: Artisans

- Interactive resources
 - What: Connecting Market House visitors with art activities that promote positive emotional responses or insight
 - Who: Art council, artists, media services, etc.
 - When: Fall 2022
 - How: Providing digital and physical resources connecting visitors to artists, with QR codes, interactive displays, video displays, etc.
- Diversity in the arts
 - What: Various genres of art that represent African American culture and history
 - Who: Artists of any background who produce the art; Arts Council
 - When: Spring of 2022
 - How: Have dedicated space for African American culture and history, have an alternate space within the Market House that is representative of Fayetteville
- Rotating art exhibit
 - What: Quarterly displays of art exhibits that rotate themes and genres, such as:
 - Dance, music, visual arts, spoken word, etc.
 - Who: Arts Council, schools, universities, local artists, etc.
 - When: Spring 2022
 - How: Partnership with arts councils, universities, schools, to form a coalition of artists to help strategize and implement plans for exhibits

Solution
4. Group Four: Commerce <ul style="list-style-type: none"> • Who: Local and statewide board members • What: Create a non-profit – citizens • Where: Upstairs in the Market House • When: June 30, 2022 • How: Fayetteville City Human Relations Council • Why: Progress and awareness • Tourism • Non-profits • Not commercialize • Not a stand-alone draw • Keep millennials involved • Tech is a park – closes at dusk • Ease up on regulations

The following solutions were developed by community leaders during the January 2022 session:

Solution
Group 1: Themed Events: <ul style="list-style-type: none"> • ‘Sunday on the Square’ <ul style="list-style-type: none"> ○ When: July 24, 2022 ○ Who: CORA’s community foundation, with fiscal agent ○ What: Introduction of the history of the Market House <ul style="list-style-type: none"> ▪ Interactive QR codes (history) with marketing team ▪ Art displays – video, live performances, local schools, spoken word, drama ▪ Guided and self-guided tours ▪ Trolley ▪ Link historical buildings and sites ▪ Smith house, Evans, etc. ○ How: Marketing history and tours <ul style="list-style-type: none"> ▪ QR Codes ▪ History is in the City Manager’s office ▪ Nichole – FSU library ▪ Fred Whitted ▪ Charles Anderson ▪ Kelly Walsh ○ 1832-2020 history of the Market House ○ Form historian committee to compile the information for the QR codes. This effort should be led by Joshua James • Funding: <ul style="list-style-type: none"> ○ Sponsorship

- Downtown vendors
- Corporations
- City funding
- All sports teams (Fayetteville)
- Dreamville Foundation
- Minority artists/businesses
- Radio
- TV
- News
- Donations in kind (restaurants)
- Go fund me

Solution

2. Group Two: Marketing

- Campaigns
- Oct 21 and Jan 22
 - City SPIRITs
 - City Council presentation
 - City Council approval
- July 2022
 - Establish social media pages
 - Website established
 - Publish to ‘Sunshine Campaign’ list and flyers. Spokespeople need to spread the word about repurposing and opening
 - Revisit website and website approval
 - Soft opening for downtown business owners, stakeholders, City SPIRIT delegates and members, descendants of sold slaves
- February 2024
 - Adjustment from soft opening February to August 2024
- August 2024
 - Presentation from City Council renaming the area “Generation Square” and acknowledging the complete history of the Market House.
- February 2025

Solution

3. Group Three: Artisans

- Community Mural
 - What: Progression of history mural to replace BLM mural [where]
Mural to depict different cultures around the Market House
 - Who: Local artists
Arts Council
Cool Spring
Call out to artists now
City responsible for removal and logistics

- When: Juneteenth 2022
- Downstairs
 - What: Temporary art murals (360 art)
 - Greenery (real or artificial)
 - How: Contract through city to hang or install temporary panels that can be moved
 - Interactive musical piece
 - Display to recognize families
 - Who:
 - Arts Council – call out to artists now
 - Cool Spring
 - Personal interviews with decedents' families
 - Historical commission
 - When:
 - September 2023 [Folk Fest]
- Trail of art
 - What: Connecting Market House with Fayetteville State University
 - Where: Permanent art mixed with dynamic displays
 - Who:
 - Call out to local artists
 - Cool Spring
 - Arts Council
 - Downtown Alliance
 - How: City and county money, path from Seabrook to downtown
 - When: During Murchison Road revitalization

Solution

4. Group Four: Commerce

- No taxpayer dollars
- Need donations – benefits the community
- Annual fundraiser – radio, letters, arts education
- Event: Sunday on the Square, art, food, oil, soaps
- Entry fee – Percentage donated back to maintaining the Market House and scholarships
- How to generate funds
- Where are the funds going
 - Artists and production costs and clean up plus FE fund (10%)
 - Budget
- Event date
 - Three months marketing
 - Three months artist development
 - One month to find artists
- Documentary and curriculum
 - Sell to schools
 - Receive funding for production

Step 6: Solution Development Small Group Report Outs

Each group gave a short presentation on their detailed solutions and implementation strategies by topic area.

Step 7: Fayetteville Market House Working Group

The Fayetteville Market House Community Workshop ended with positive exchanges between community and city leaders. The Fayetteville HRC compiled a list of volunteer workshop participants to form the Fayetteville Market House Working Group who will work on implementing the proposed solutions. This list will contain the names of the Fayetteville Market House Working Group and will include alternates committed to follow-up meetings.

Step 8: Next Steps

CRS will provide facilitation services to the Fayetteville Market House Working Group and city leaders. The services will include the creation of a plan of action to implement the solutions developed by the working group. CRS may also provide training to community leaders to successfully facilitate working group meetings.

CRS Contact:

Dion Lyons
Community Relations Service
United States Department of Justice
(404) 387-4808
Dion.lyons@usdoj.gov

City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 22-2621

Agenda Date: 3/28/2022

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Staff Reports

Agenda Number: 8.02

TO: Mayor and Members of City Council

THRU: Adam Lindsay, Assistant City Manager

FROM: Michael Gibson, Parks, Recreation and Maintenance Director
Bianca Shoneman, Cool Spring Downtown District, Inc. President &
CEO

DATE: March 28, 2022

RE:

City Sponsored Juneteenth Celebration - Update

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

Goal 4 - The City of Fayetteville will be a highly desirable place to live, work and recreate with thriving neighborhoods and a high quality of life for its citizens.

Executive Summary:

Discussion on City sponsored Juneteenth Celebration. Review updated proposal from Cool Spring Downtown District, Inc. on two day event.

Background:

Research has been conducted and collaboration has been ongoing with Cool Springs Downtown District, Inc. on potential options for Juneteenth Celebration.

Issues/Analysis:

N/A

Budget Impact:

\$145,000.00

Options:

City Council to review update and provide staff with direction.

Recommended Action:

Staff is requesting direction from City Council on how to proceed with Juneteenth Celebration Planning.

Attachments:

Type here

JUNETEENTH 2022 PROPOSAL

What is the Significance of Juneteenth?

Juneteenth (short for "June Nineteenth") marks the day when federal troops arrived in Galveston, Texas in 1865 to take control of the state and ensure that all enslaved people be freed. The troops' arrival came a full two and a half years after the signing of the Emancipation Proclamation. Juneteenth honors the end to slavery in the United States and is considered the longest-running African American holiday. The year following 1865, freedmen in Texas organized the first of what became the annual celebration of "Jubilee Day" on June 19. In June 2021, Congress established Juneteenth as a national holiday; President Biden signed it into law on June 17, 2021.

CSDD Has partnered with Circa 1865 and events throughout the county to create a multi-day tourism opportunity.

Juneteenth: Reclamation - A Joyful Americana Jubilee

Proposed Event Schedule

Saturday, June 18, 8:00 AM - 9:00 PM

8:00 AM - 10:30 AM

Throughout Downtown

- Jubilee Run, in partnership with Fayetteville Running Club and following the Emancipation Parade route

12:00 PM - 9:00 PM

Franklin/Gillespie Street - Main Stage

- 12:00 PM: Local Jazz Artist
- 1:30 – West African band
- 4:00- R and B
- 6:30 – Pop/Americana
- 8: 30- Hip Hip
- 9:00 PM: Fireworks, Lift Ev'ry Voice & Sing (Black National Anthem) final fanfare (Heritage Restoration Chorale)

Maxwell St. - Aux Stage, Artists, History (12:00 PM - 7:00 PM)

- **Artisan Row** - artist booths for visual, textile, pottery/glass etc. goods
- **Local Acts** - Musicians, Comedy, Poetry, Step Show, Transportation Museum
- Can Do Coldwell Banker Trolley - Historic Black Fayetteville fact tour

Donaldson St - Jubilee Eats (12:00 PM - 9:00 PM)

- Black-owned restaurants/food trucks
- Black-owned wineries (breweries?)

Franklin Street - Juneteenth Walkabout (12:00 - 9:00 PM)

- Additional vendors - Retail, Sponsors, Non-Profits, etc.
- Other entertainment: face painting, caricature artists, etc.

Sunday, June 19, 10:00 - 12:00 PM

- Keynote Speaker Jackie Shelton Green, NC Poet Laureate
- Heritage Brunch
- PROPOSED LOCATION: Franklin Street Parking Deck

Sunday, June 19, 12:00 – 6:00 PM

Festival Park

- National Touring Band
- MLK Presentation
- Vendors
- Artists Booths
- Note: Curated by Cumulus Broadcasting

Budget Proposal

Total Request: \$145,000

Production: \$15,000

Openers: \$7,500

Site Development: \$3,000

Local Artists: \$2,000

Headliners: \$95,000

Incidentals: \$2,500

Fireworks: \$6,000

Marketing/Printing: \$4,000

Administrative Fee: \$13,000

Juneteenth Jubilee



COOL
SPRING
DOWNTOWN DISTRICT



FAYETTEVILLE ^NC
AMERICA'S CAN DO CITY

IN PARTNERSHIP WITH



JUNE
18TH-19TH

DOWNTOWN
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DOWNTOWN DISTRICT



FAYETTEVILLE ^{N C}

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JUNETEENTH JUBILEE

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June 18th-19th Jubilee

JUNE | DOWNTOWN
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Twentieth Anniversary Jubilee

June
18th-19th

DOWNTOWN
FAYETTEVILLE



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Juneteenth
Juneteenth

Juneteenth
JUNETEENTH

Juneteenth
JUNETEENTH

Juneteenth
Jubilee

City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 22-2579

Agenda Date: 3/28/2022

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Public Hearing

Agenda Number: 9.01

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 - Planner II

DATE: March 28, 2022

RE:

TA21-17: Proposed Text Amendments to the Unified Development Ordinance to allow a Dwelling, Multi-Unit Single-Family, Detached on one lot. Applicant Next Chapter Holdings, represented by Jonathan Charleston of the Charleston Group.

..end

COUNCIL DISTRICT(S):

All

..b

Relationship To Strategic Plan:

Strategic Operating Plan FY 2021

Goals 2026

Goal 2: Responsible City Government Supporting a Diverse and Viable Economy

- Objective 2.4 - Sustain a favorable development climate to encourage business growth

Goal 3: City Investment in Today and Tomorrow

- Objective 3.2 - Manage the City's future growth and strategic land use

Executive Summary:

Since the start of the City of Fayetteville Zoning (March 13, 1961) through now, the city ordinances do not allow more than one single-family detached dwelling (primary structure) on one lot. In order to allow this concept of multiple single-family dwellings on one parcel, a change must be made to the current ordinance. Consideration of this change is a significant policy issue that appears workable.

According to the applicant and some research, the national demand for single-family detached rental units is on the rise. This Text Amendment Application has been submitted by the Charleston Group, Attorneys on behalf of New Chapter Holdings, LLC. The applicant is requesting a change to the City's Unified Development Ordinance (UDO) to allow multiple single-family detached dwellings (primary structures) to be built on one lot.

The applicant is requesting the ability to construct multiple single-family detached dwelling units on one parcel. The concept is to design the units as single-family dwellings, but rent the units as opposed to selling the individual units. This concept has grown in popularity across the country and is gaining traction in North Carolina. So much so that this is the third developer to approach the City in the last two years about constructing this type of development.

This item was introduced to the Planning Commission at their January meeting. After a brief presentation, the item was tabled to the February meeting by the Commission.

On February 15, the Planning Commission held a public hearing regarding this case. There were no speakers in opposition. The Commission voted 9-0 to recommend approval of the text amendment as prepared by staff.

Background:

Currently only one principal use or structure is allowed on a single lot. The applicant seeks a text amendment to allow a single-family detached dwelling community to be built on one lot, without subdividing it into individual parcels.

The City of Fayetteville's UDO defines a "dwelling, multi-family" as a building containing five or more individual dwelling units, with the units often stacked one above the other in a vertical configuration, sharing common vertical walls and/or horizontal floors and ceilings.

The City of Fayetteville's UDO defines "Lots" as a parcel of land or any combination of several parcels of land occupied or intended to be occupied by a principal use or structure, together with any accessory structures or uses and such access ways, parking area, yards, and open spaces required in these regulations.

In the UDO, the proposed changes include the following sections:

- Section 30-5. Development Standards
- Section 30-9.D. Definitions

Issues/Analysis:

The applicant is proposing changes to the following two definitions in the UDO. The underlined areas are the applicant's requested changes from their application.

1. Dwelling, Multi-Family - A building containing five or more individual dwelling units, with the units often stacked one above the other in a vertical configuration, sharing common vertical walls and/or horizontal floors and ceilings, or not less than one hundred (100) single family detached residential rental structures all having common ownership.
2. Lot - A parcel of land or any combination of several parcels of land occupied or intended to be occupied by a principal use or structure, or multiple structures with the same principal use, together with any accessory structures or uses and such access ways, parking area, yards, and open spaces required in these regulations.

Text amendments

After review of the applicant's request, the professional Planning Staff has put together the following alternate text changes that staff believes will be more equitable for the entire city, accomplish the applicant's goals, and protect neighboring properties by adding the following standards to the UDO. Because although this application was submitted by an individual, this change will affect all developments of this type if adopted.

For smaller neighborhoods, the Cottage Development standards in the UDO should be used as an alternative.

30-5: Development Standards

30-5.P. Multi-Unit Single-Family Design Standards

- a. Zoning Districts - Permitted in the following districts
 1. MR-5 - Mixed Residential 5

2. OI - Office & Institutional
3. NC - Neighborhood Commercial
- b. Dimensional Standards
1. Total Acreage

Minimum total development size shall be no less than 10 acres

Density

- i. Must meet that of the underlying Zoning District.
- c. Building Orientation
1. Separation

All buildings/units within a Multi-Unit Single-Family Detached Dwelling development must meet the following building location standards.

- i. Each building/unit front shall be located at least 55 feet from the centerline of the street fronting the dwelling or 25 feet from edge of pavement.
- ii. Each building/unit shall have a distance separation of 10 feet between each structure.

2. To Streets

All dwellings shall be oriented so that the primary entrance faces the private street or drive serving the community. In the case of corner lots, the primary entrance shall face the street from which the dwelling derives its street address.

- a. All dwelling units shall be accessed by a series of internal private drives.

3. Fronting Open Space

- a. At least ten percent of all dwellings shall front upon or abut an open space dedicated area.
- b. As an alternative to subsection (a) above, a developer may propose access to open space facilities within or adjacent to a development via a right-of-way 20 feet wide that is reasonably accessible to all residents in a development.

d. Garage Standards

1. Applicability

The standards in this section shall apply to new attached and detached street-facing and side-loaded garages and car ports located within 50 feet of the street fronting a dwelling.

2. Maximum Size

- a. Detached garages and carports shall not exceed 30 percent of the dwelling's total floor area.
- b. A street-facing garage door(s) or carport opening shall not exceed 40 percent of the total front façade area of the dwelling.

e. Roof Projections

All roof vents, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys) shall be located on the rear elevations to the maximum extent practicable, or be otherwise configured to have a minimal visual impact as seen from the street.

f. Accessory Structures

Accessory structures such as clubhouse, pools, mail kiosks, etc. are allowed as part of the overall development.

f. Internal streets

All streets internal to the development must meet the City's public or private street standards.

30-9 Definitions:

Dwelling, Multi-Unit Single-Family, Detached on one lot - Designed to provide flexible and consistent alternative development to conventional single-family residential subdivision. Allows for the construction of multiple single-family detached dwellings on an individual lot without requiring subdivision into individual parcels for each dwelling. The use is subject to development standards.

30-4.A.2

Budget Impact:

N/A

Options:

In accordance with City Code, the City Council shall hold a public hearing on the application. After the close of the hearing, the Council shall consider the application, relevant support materials, the City Council Action Memo, and any comments given by the public. The Council, by a majority vote of a quorum present, shall take one of the following actions:

- 1) Adopt proposed text amendments as written;
- 2) Deny the proposed text amendments;
- 3) Adopt the proposed text amendments with revisions; or
- 4) Remand proposed text amendments back to Staff for further consideration.

In making its decision, the City Council shall adopt a written Statement of Consistency that describes whether the decision is consistent with all City-adopted plans that are applicable.

Recommended Action:

The Planning Commission and Professional Planning Staff recommends Option 1: Adopt proposed text amendments as written.

Attachments:

1. Ordinance Amending 30-4
2. Ordinance Amending 30-5
3. Ordinance Amending 30-9
4. Statement of Consistency

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING SECTION 30-4.A., USE TABLE, OF ARTICLE 30-4, USE STANDARDS, UNDER CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA

BE IT ORDAINED, by the City Council of the City of Fayetteville, North Carolina, that:

Section 1. Subsection 30-4.A.2, Use Table, of Section 30-4.A., Use Table, is amended by deleting Use Type “Dwelling, single-family detached” under Use Category “Household Living [1]” in its entirety and substituting with the following:

30-4.A. Use Table																						
30-4.A.2. Use Table																						
		Table 30-4.A.2 Use Table																				
		P = Permitted Use S = Special Use																				
		MP = Allowed Subject to a Planned Development Master Plan “/” = Prohibited Use [1]																				
USE CATEGORY	USE TYPE	ZONING DISTRICTS																		ADDITIONAL REQUIREMENTS		
		SPECIAL		RESIDENTIAL						BUSINESS						PLANNED DEVELOPMENT						
		CD	AR	SF - 15	SF - 10	SF - 6	MR - 5	MH	OI	NC [3]	LC	CC	MU	DT-1	DT-2	BP 4	LI	HI	PD- R		PD- EC	PD- TN
RESIDENTIAL USE CLASSIFICATION																						
Household Living [1]	Dwelling, Multi-Unit Single-Family, Detached on One Lot							P		P	P											30-5.P

Section 2. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code or Ordinances, City of Fayetteville, North Carolina, and the section of this ordinance may be renumbered to accomplish such intention.

ADOPTED this the _____ day of _____, 2022.

CITY OF FAYETTEVILLE

MITCH COLVIN, Mayor

ATTEST:

PAMELA J. MEGILL, City Clerk

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE
AMENDING ARTICLE 30-5, DEVELOPMENT STANDARDS, UNDER CHAPTER 30,
THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF
THE CITY OF FAYETTEVILLE, NORTH CAROLINA**

BE IT ORDAINED, by the City Council of the City of Fayetteville, North Carolina, that:

Section 1. Article 30-5, Development Standards, is amended by adding a new Section 30-5.P., Multi-Unit Single-Family Design Standards, as follows:

30-5.P. Multi-Unit Single-Family Design Standards

a. Zoning Districts – Permitted in the following districts:

1. MR-5 – Mixed Residential 5
2. OI – Office & Institutional
3. NC – Neighborhood Commercial

b. Dimensional Standards

1. Total Acreage
Minimum total development size shall be no less than 10 acres
Density
 - i. Must meet that of the underlying Zoning District.

c. Building Orientation

1. Separation
All buildings/units within a Multi-Unit Single-Family Detached Dwelling development must meet the following building location standards.
 - i. Each building/unit front shall be located at least 55 feet from the centerline of the street fronting the dwelling or 25 feet from edge of pavement.
 - ii. Each building/unit shall have a distance separation of 10 feet between each structure.
2. To Streets
All dwellings shall be oriented so that the primary entrance faces the private street or drive serving the community. In the case of corner lots, the primary entrance shall face the street from which the dwelling derives its street address.

- i. All dwelling units shall be accessed by a series of internal private drives.
- 3. Fronting Open Space
 - i. At least 10 percent of all dwellings shall front upon or abut an open space dedicated area.
 - ii. As an alternative to subsection (a) above, a developer may propose access to open space facilities within or adjacent to a development via a right-of-way 20 feet wide that is reasonably accessible to all residents in a development.
- d. **Garage Standards**
 - 1. Applicability

The standards in this section shall apply to new attached and detached street-facing and side-loaded garages and carports located within 50 feet of the street fronting a dwelling.
 - 2. Maximum Size
 - i. Detached garages and carports shall not exceed 30 percent of the dwelling's total floor area.
 - ii. A street-facing garage door(s) or carport opening shall not exceed 40 percent of the total front façade area of the dwelling.
- e. **Roof Projections**

All roof vents, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys) shall be located on the rear elevations to the maximum extent practicable, or be otherwise configured to have a minimal visual impact as seen from the street.
- f. **Accessory Structures**

Accessory structures such as clubhouse, pools, mail kiosks, etc., are allowed as part of the overall development.
- g. **Internal streets**

All streets internal to the development must meet the City's public or private street standards.

Section 2. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code or Ordinances, City of Fayetteville, North Carolina, and the section of this ordinance may be renumbered to accomplish such intention.

ADOPTED this the _____ day of _____, 2022.

CITY OF FAYETTEVILLE

MITCH COLVIN, Mayor

ATTEST:

PAMELA J. MEGILL, City Clerk

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-9.D., DEFINITIONS, UNDER CHAPTER 30, THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA

BE IT ORDAINED, by the City Council of the City of Fayetteville, North Carolina, that:

Section 1. Section 30-9.D., Definitions, is amended by adding the following definition in alphabetical order:

Dwelling, Multi-Unit Single-Family, Detached on One Lot

Designed to provide flexible and consistent alternative development to conventional single-family residential subdivision. Allows for the construction of multiple single-family detached dwellings on an individual lot without requiring subdivision into individual parcels for each dwelling. The use is subject to development standards.

Section 2. It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code or Ordinances, City of Fayetteville, North Carolina, and the section of this ordinance may be renumbered to accomplish such intention.

ADOPTED this the _____ day of _____, 2022.

CITY OF FAYETTEVILLE

MITCH COLVIN, Mayor

ATTEST:

PAMELA J. MEGILL, City Clerk

Consistency Statement

Text Amendments

Pursuant to City Code and N.C.G.S. Sections 160D-604 and -605, the Planning Commission finds that the proposed zoning text amendment in case **TA21-17** is consistent / inconsistent [select one] with the City of Fayetteville's Future Land Use Map and Plan (Comprehensive Plan). The following analysis examines the proposed amendment relative to the policies and strategies of the Comprehensive Plan:

LAND USE POLICES AND STRATEGIES:

LAND USE POLICES AND STRATEGIES	CONSISTENT	INCONSISTENT
LUP 1: Encourage growth in areas well- served by infrastructure and urban services, including roads utilities, parks, schools, police, fire, and emergency services.	X	
1.6: Require adequate infrastructure to be in place prior to or in tandem with new development. This includes road infrastructure such as roads, turn lanes, and sidewalks as well as public services such as parks, schools, water/sewer, police, fire, and emergency services.	X	
1.7: Encourage a logical progression of housing development and discourage "leapfrog" development. Leapfrog development is development that occurs in areas away from existing development and in areas currently not served by infrastructure or adjacent to services, esp. water/sewer. This type of growth can lead to higher costs of providing urban services.	X	
LUP 6: Encourage Development Standards that Result in Quality Neighborhoods	X	
6.1: Encourage quality neighborhood design through maintaining and improving standards for streets, sidewalks, stormwater, and open space.	X	
LUP 8: Require the Reservation of Open Space and Unique Natural Features in New Developments	X	
8.2: Preserve unique natural features through site design		X

LUP 10: Support Land Use, Site Design and Capital Improvement Initiatives That Increase Resiliency, and Reduce Impacts from Flooding and Natural Disasters	X
10.1: Encourage on-site stormwater control measures that reduce impacts of new development. Stormwater requirements should seek to mimic pre-development conditions, limit impacts from new development on adjacent properties and reduce the rate of stormwater runoff to avoid erosion of stream banks and encourage groundwater recharge	X

Additional comments, if any (write-in):

Date

Mayor Signature

City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 22-2590

Agenda Date: 3/28/2022

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Public Hearing

Agenda Number: 9.02

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 - Planning & Zoning Division Manager

FROM: Chester Green - Senior Planner

DATE: March 28, 2022

RE:

SN22-001. Consideration of Renaming a portion of Coalition Boulevard to Beaver Street

COUNCIL DISTRICT(S):

3 - Antonio Jones

Relationship To Strategic Plan:

Strategic Operating Plan FY 2022

Goals 2026

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

- 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.

Executive Summary:

The County's staff received a request to rename a portion of Coalition Boulevard to Beaver Street within the City Limits of Fayetteville.

Background:

With the construction of the new Amazon warehouse (Project Bronco) positioned in the center of Coalition Blvd off Bragg Blvd, Coalition Blvd will now be two dead-end streets. Each street will end at the warehouse with no pass-through access permitted. With the implementation of the Next Gen E911 standards, you cannot have two streets with the same name. Staff contacted Ryan Company, Senior Vice President of Development, and informed him that renaming for the street leading up to warehouse off Bragg Blvd. would be required.

Issues/Analysis:

The County has evaluated the petition and has not found any conflicts or duplications with the proposed name and recommends approval of the name change.

Attached is a copy of the legal description and ordinance officially renaming a portion of Coalition Boulevard to Beaver Street.

Budget Impact:

The renaming of this street would cause a minimal impact on the City's budget.

Options:

1. Approve the renaming of a portion of Coalition Boulevard to Beaver Street.
2. Deny the renaming of the roadway to Beaver Street and rename it to a different name.
3. Deny the renaming of the roadway to Beaver Street.

Recommended Action:

Staff recommends Council approve the renaming to Beaver Street as requested by the applicant.

Attachments:

- Memo Requesting Street Name Change
- Ordinance

Amy H. Cannon
County Manager

Tracy Jackson
Assistant County Manager



Rawls Howard
Director

David Moon
Deputy Director

Planning & Inspections Department

MEMORANDUM

TO: CHESTER GREEN II, PLANNER II
City of Fayetteville, Planning and Code Enforcement Service Department

FROM: ANNIE MELVIN, E911 STREET NAMING COORDINATOR
Cumberland County Planning & Inspection Department

THRU: RAWLS HOWARD, DIRECTOR
Cumberland County Planning & Inspection Department

DATE: March 4, 2022

SUBJECT: **CONSIDERATION OF RENAMING AN PORTION OF COALITION BLVD TO
BEAVER ST**

BACKGROUND:

With the construction of the new Amazon warehouse (Project Bronco), positioned in the center of Coalition Blvd off Bragg Blvd, Coalition Blvd will now be two dead-end streets. Each street will end at the warehouse with no pass-through access permitted. With the implementation of the Next Gen E911 standards, you cannot have two streets with the same name. Staff contacted Ryan Company, Senior Vice President of Development, and informed to rename the street leading up to the warehouse off Bragg Blvd. The new proposed name is Beaver Street.

**PROPOSED
BEAVER ST**

RECOMMENDATION/PROPOSED ACTION

Staff recommends approval of the street name change.

ATTACHMENTS:

Case SN0489 Backup Material

Type
Backup

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE,
NORTH CAROLINA, TO RENAME A PORTION OF COALITION BOULEVARD TO
BEAVER STREET**

BE IT ORDAINED, by the City Council of the City of Fayetteville, that:

Section 1. A portion of Coalition Boulevard shall be renamed due to the position of the new warehouse for Project Bronco (Amazon). Said street will extend west 780 feet, more or less, from Bragg Boulevard and only service the warehouse.

Section 2. It is the intention of the City Council to rename the road portion “Beaver Street” to promote and facilitate the orderly provision of mail and City police, fire, and sanitation collection services to all properties that adjoin the renamed road portion.

Section 3. It is therefore ordained by the City Council of the City of Fayetteville that the provisions of this ordinance are hereby adopted for the benefit, protection, and promotion of the general welfare of the City of Fayetteville and the provision of this ordinance are effective upon adoption this _____ day of _____, 2022.

CITY OF FAYETTEVILLE

BY: _____
MITCH COLVIN, Mayor

ATTEST:

PAMELA J. MEGILL, City Clerk

Amy H. Cannon
County Manager

Tracy Jackson
Assistant County Manager



Rawls Howard
Director

David Moon
Deputy Director

Planning & Inspections Department

February 16, 2022

Contact information for SN0789

Cloteen Jasmin

Market Leader, Senior Vice President of Development

Cloteen.jasmin@ryancompanies.com

Phone: 470-938-8804

Cell: 404-734-3764



**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE,
NORTH CAROLINA, TO RENAME A PORTION OF COALITION BOULEVARD TO
BEAVER STREET**

BE IT ORDAINED, by the City Council of the City of Fayetteville, that:

Section 1. A portion of Coalition Boulevard shall be renamed due to the position of the new warehouse for Project Bronco (Amazon). Said street will extend west 780 feet, more or less, from Bragg Boulevard and only service the warehouse.

Section 2. It is the intention of the City Council to rename the road portion “Beaver Street” to promote and facilitate the orderly provision of mail and City police, fire, and sanitation collection services to all properties that adjoin the renamed road portion.

Section 3. It is therefore ordained by the City Council of the City of Fayetteville that the provisions of this ordinance are hereby adopted for the benefit, protection, and promotion of the general welfare of the City of Fayetteville and the provision of this ordinance are effective upon adoption this _____ day of _____, 2022.

CITY OF FAYETTEVILLE

BY: _____
MITCH COLVIN, Mayor

ATTEST:

PAMELA J. MEGILL, City Clerk

City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 22-2608

Agenda Date: 3/28/2022

Version: 1

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Public Hearing

Agenda Number: 9.03

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: Jennifer C Baptiste - Planning and Zoning Division Manager

DATE: March 28, 2022

RE:

AX22-02: Annexation request located at 3404 Cumberland Road of one parcel (REID: 0426007605000), consisting of 0.47 ± acres and being the property of Kodjo Sam Kouassi; related to P22-04: Initial Zoning.

COUNCIL DISTRICT(S):

5 - Johnny Dawkins

Relationship To Strategic Plan:

Strategic Operating Plan FY 2022

Goals 2027

Goal 2: Responsible City Government Supporting a Diverse and Viable Economy

- Objective 2.1: Ensure a diverse City tax base

Goal 3: City Investment in Today and Tomorrow

- Objective 3.2 - Manage the City's future growth and strategic land use

Goal 4: Desirable Place to Live, Work, and Recreate

- Objective 4.5 - Ensure a place for people to live in great neighborhoods

Executive Summary:

The applicant, Kodjo Sam Kouassi, submitted a petition requesting annexation of 0.47 acres ± on the northern side of Cumberland Road approximately 91 feet from the current City Limit line. This would be a satellite annexations consisting of one parcel, the applicant has submitted plans to the City's Technical Review Committee (TRC). The site is developed and is the location of Sam's Towing. The applicant is requesting annexation

due to desire to be placed on the City of Fayetteville Police department Wrecker Rotation.

The applicant has requested an initial zoning of the area to Community Commercial (CC). The Zoning Commission recommended approval of the zoning request on February 8, 2022.

Professional Planning Staff recommends approval of the annexation and initial zoning request.

Background:

The subject property is owned by Kodjo Sam Kouassi. The annexation request is for the property addressed as 3404 Cumberland Road (REID: 0426007605000), located on the norther side of Cumberland Road. The property, which is located within the City's Municipal Influence Area (MIA), is not contiguous to the City. (See Vicinity Map and Legal Description Map, attached.)

The applicant's does not have additional development plans for the location as the site is an existing business location.

See the attached Basic Information Sheet for more information about the property and the future project.

On February 8, 2022, the Zoning Commission held public hearing to review the initial zoning request for the property (P22-04). The Zoning Commission recommended approval of the initial zoning to Community Commercial (CC), per the applicant's request.

Issues/Analysis:

Sufficiency: The City's Real Estate Staff has found the annexation petition to be sufficient. (See Sufficiency Memo, attached.)

Compliance with Annexation Standard: Pursuant to the General Statutes, there are five standards that a satellite annexation area must meet in order to be annexed. (N.C.G.S. 160A-58.1(b)). This property meets the five standards, as shown in the attached Proposed Ordinance.

Effective Date: Pursuant to the General Statutes, the annexation ordinance may be made effective immediately, or on July 30th after the date of passage of the ordinance, or on the July 30, 2023 after the date of passage of the ordinance. (N.C.G.S. 160A-31). Staff recommends an effective date of March 28, 2022.

Compliance with City Development Standards: If the property is annexed, the property must be developed in compliance with City development standards. The owner/developer has already submitted plans through the City's TRC process, in anticipation of the property being annexed and initially zoned as requested. The TRC review process ensures that the future development will comply with City standards.

Financial Impact of Annexation on the Property Owners: If the property is annexed, the property tax costs to the owners will increase, due to application of the City tax rate. However, this increase will be reduced by the elimination of certain taxes (such as the County fire district tax and the County recreation tax).

As the property is developed, the owners will be subject to City property taxes, but the owners will also receive City services.

Services: City operating departments and PWC divisions have reviewed the proposed

annexation, and they should be able to serve the property. (Appendix A, attached, provides a summary of services, costs, and revenues, as reported by City departments and PWC).

Budget Impact:

Based on the projected costs and revenues, the annexation of the property should yield a positive impact for the City, particularly after the property has been fully assessed.

Options:

1. Adopt the Annexation Ordinance with an effective date of March 28, 2022, and include approval of the final action consistent with the recommendation of the Zoning Commission.
2. Adopt the Annexation Ordinance with an effective date of July 30, 2022, and include approval of the final action consistent with the recommendation of the Zoning Commission.
3. Adopt the Annexation Ordinance with an effective date of July 30, 2023, and include approval of the final action consistent with the recommendation of the Zoning Commission.
4. Do not adopt the Annexation Ordinance. This option means the property would remain outside the City, and the initial zoning would not occur.
5. Table action on the requested annexation.

Recommended Action:

Planning Staff recommends Option 1: Adopt the proposed ordinance annexing the area effective March 28, 2022, and establish the initial zoning consistent with the Zoning Commission recommendation.

Attachments:

1. Appendix A - Summary of Services, Costs, and Revenues
2. Legal Description Map
3. Vicinity Map
4. Basic Information Sheet
5. Sufficiency Memo
6. Proposed Annexation Ordinance

APPENDIX A: SUMMARY OF SERVICES, COSTS, AND REVENUES (AX22-02)

Name of Area: 3404 Cumberland Road (1 parcels) – located on the northern side of Cumberland Road

Assumed Effective Date: March 28, 2022

BUILD-OUT ASSUMPTIONS

The parcel (3404 Cumberland Road) is currently developed. There are not any additional development proposed for the site.

CITY SERVICES

If the area is annexed, the City could provide services, as explained below. The area is a satellite annexation with the City Limit line located approximately 91 feet to the west of this site. Thus, the site is in close proximity to existing city services.

Fire Department-

Fire Protection Services- The department reports that it would cover the area from Fire Station 5, which is slightly over 1.59 miles from the area.

Debt Assumption- The area is serviced by a rural fire department. Under State law, the City is required to request debt information from the Fire Department and may be required to assume some of that debt.

Fire Inspection Services- The City Fire Department will provide fire inspection services. The Department may receive minimal revenues from fire inspection fees, as applicable, depending on actual property use.

Police Department-

Patrol Services- The department has not provided any comment on the proposed annexation.

Public Services Department-

Engineering Division- This site is developed. If any additional development occurs, the site will have to be reevaluated.

Traffic Services and Street Maintenance- The division stated that it has no comment on the annexation. This site is served by public roads.

Solid Waste Division- Solid Waste will not service this area.

Transit Department

The closest transit stop is Boone Trail.

Summary of City Costs and Revenues

Solid Waste & Recycling: There will not be a cost to the department in regards to the annexation of this site. The department has indicated that they will not service the site.

Ad valorem tax revenue:

- FY 21-22: Initial year of annexation: \$1,185 (property within City for nine months of fiscal year). Assuming that the subject property is annexed effective March 28, 2022 and that the property will

be in the City for nine months of the fiscal year, the estimated ad valorem tax revenue for FY 21-22 is \$1,185.

- FY 22-23: First full fiscal year property is in City: \$2,843 (property within City for full 12 months of fiscal year). The first full fiscal year that the property is in the City, the estimated ad valorem tax revenue for FY 22-23 is \$2,843.

Population-based revenues: No additional population-based revenue since this property is a commercial development.

PWC SERVICES

If the property is annexed, PWC could provide services, as explained below.

PWC Water and Sewer Division

Sewer: Sewer is available. The developer will be responsible for connecting into the system if needed.

Water: Water is available. The developer will be responsible for connecting into the system if needed.

Fire Hydrants: The developer will be responsible for installing fire hydrants on the new water mains per the Fire Marshall's requirements.

Costs to PWC: PWC would incur routine operation and maintenance costs.

Revenues to PWC: PWC would receive revenue from the new sewer and water accounts.

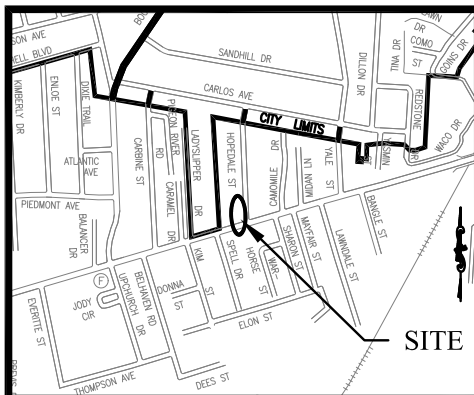
PWC Electrical Division

Electrical: The property is currently served by PWC.

Street Lights: The property is currently served by PWC.

Costs to PWC: Not applicable.

Revenues to PWC: Not applicable.



0426-00-6785
109 HOPEDALE ST
DB: 5236, PG: 841
PB: 14, PG: 67

0426-00-6785
107 HOPEDALE ST
DB: 2911, PG: 201
PB: 14, PG: 67

NCGS MON "OWENS"
NAD 83(2001)
N=462,523.23
E=2,024,170.87

S62° 14' 43"W
3839.59' (TIE LINE)


[illegible]

0426-01-5026
3424 CUMBERLAND RD
DB: 10364, PG: 758
PB: 11, PG: 15

0426-00-6548
3414 CUMBERLAND RD
DB: 3475, PG: 749

EXHIBIT B

LEGEND

 PROPOSED ANNEXATION
 - - - - R/W LINE
 - - - - PARCEL LINE
 R/W - RIGHT-OF-WAY
 CP - COMPUTED POINT
 EIP - EXISTING IRON PIPE
 MON - MONUMENT
 NCGS - NORTH CAROLINA GEODETIC SURVEY
 N - NORTH
 S - SOUTH
 E - EAST
 W - WEST
 SF - SQUARE FOOT

THIS MAP MAY NOT BE A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS AND HAS NOT BEEN REVIEWED FOR COMPLIANCE WITH RECORDING REQUIREMENTS FOR PLATS.

SHEET 1 OF 1

ANNEXATION DATE: _____
EFFECTIVE DATE: _____

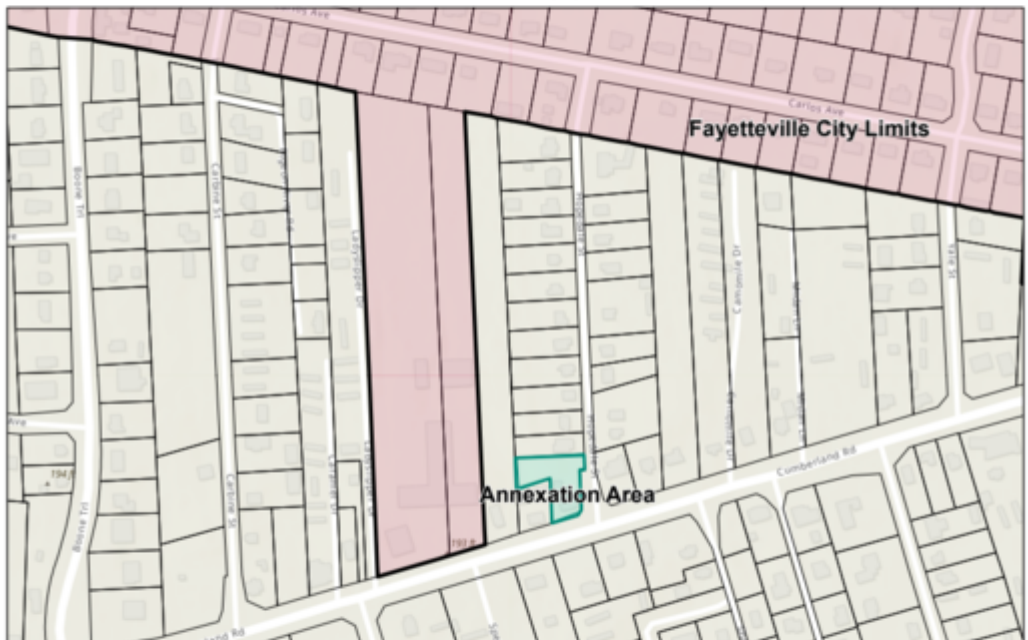


PUBLIC SERVICES DEPARTMENT
ENGINEERING DIVISION
433 HAY ST. 28301
(910) 433-1656

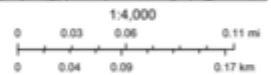
**PROPOSED ANNEXATION
0426-00-7605
3404 CUMBERLAND ROAD
±21,323.87 SF ±0.49 ACRES TOTAL**

DATE	<u>2/16/2022</u>	DRAWN BY	<u>RSH</u>
SCALE	<u>1" = 40'</u>	CK'D BY	<u>RSH</u>

Annexation: Sam's Towing (Non-Contiguous)



2/4/2022

Eleri, NASA, NOAA, USGS, FEMA, Eleri Community Maps Contributors, County

BASIC INFORMATION ABOUT ANNEXATION AREA (AX22-02)

Information Updated as of: 3/16/2022

Date Petition Received: 02/24/2022

Assumed Ordinance Adoption Effective Date: 3/28/2022

1. Name of Area:	Sam's Towing – AX22-02
2. Name of Owner(s):	Kodjo Sam Kouassi
3. General Location/ Adjacent Neighborhoods/ Address	<u>General Location:</u> 3404 Cumberland Road <u>Adjacent Neighborhoods:</u> Ellington Pines District <u>Address:</u> 3404 Cumberland Road
4. Tax Identification Numbers (PIN):	Area includes one tax parcel (REID: 0426007605000)
5. Fire Department To Be Affected:	Fire Station 9 – Boone Trail
6. Is the Area Contiguous?	No
7. Is the Area in the Fayetteville MIA (Municipal Influence Area)?	Yes
8. Type of Annexation:	Petition-initiated non-contiguous (satellite) area
9. Background:	The owner owns a wrecker service and is seeking to be added to the City of Fayetteville's Police Wrecker Rotation.
10. Reason the Annexation was Proposed:	The owner would like to continue to use PWC water.
11. Number of Acres in Area:	0.47 acres +/-
12. Type of Development in Area:	Parcel is developed with a commercial business. The surrounding areas is a mix of residential and commercial uses.
13. Present Conditions:	<ul style="list-style-type: none">a. <u>Present Land Use:</u> Commercial businessb. <u>Present Number of Housing Units:</u> 0c. <u>Present Demographics:</u> Total Population = 0d. <u>Present Streets:</u> Cumberland Roade. <u>Water and Sewer Service:</u> Availablef. <u>Electrical:</u> Currently serving the property by PWC.g. <u>Current Real Property Tax Value:</u> Current Combined Taxable Value is \$54,436. (Land=\$9, 000. Building= \$45,436; Extra Feature=\$0) Source: Cumberland. County GIS parcel file exported on 03/16/2022.h. <u>Current Personal Property Tax Value:</u> \$0
14. Factors Likely to Affect Future of Area:	<ul style="list-style-type: none">a. <u>Plans of Owner:</u> The owners plan to continue operation of the wrecker service.b. <u>Development Controls</u><ul style="list-style-type: none">1. <u>Land Use Plans</u><ul style="list-style-type: none">a. <u>Future Land Use Plan-2040 (2021)-</u> medium-density; open space subdivisions2. <u>Zoning</u><ul style="list-style-type: none">a. <u>Current Zoning in County:</u> C(P) – Commercial w/Plan (County GIS)b. <u>Expected Zoning After Annexation:</u> Community Commercial (CC) (Fayetteville Zoning Commission recommended approval on February 8, 2022)3. <u>Plan Approvals-</u> Developed site received TRC review.c. <u>Fayetteville Airport Impacts</u><ul style="list-style-type: none">1. <u>In Fay Airport Impact Zones?</u> No2. <u>In Fay Airport Overlay District?</u>-Nod. <u>Military Base Impacts</u><ul style="list-style-type: none">1. <u>In Simmons Noise Contours?</u> No (2018 JLUS Report)

BASIC INFORMATION ABOUT ANNEXATION AREA (AX22-02)

Information Updated as of: 3/16/2022

Date Petition Received: 02/24/2022

Assumed Ordinance Adoption Effective Date: 3/28/2022

	<ul style="list-style-type: none">2. <u>In Simmons Accident Potential Zones?</u>-No (2018 JLUS Rep)3. <u>Red-Cockaded Woodpecker Impacts?</u>-Not known.e. <u>Environmental Factors</u><ul style="list-style-type: none">1. <u>Watershed Basin</u>- Buckhead Creek2. <u>Drainage Patterns</u>- Property drains from north to south – to Cumberland Road. .3. <u>Flood Zones</u>-The site is not in 100 Year or 500 Year Flood Zones.4. <u>Endangered/Threatened Species</u>-Parcel is not designated as a Wildlife Habitat Connector, but is next to a parcel so designated.5. <u>Wetlands</u>-County GIS Map Viewer does not show any wetlands on this property.
15. Expected Future Conditions:	<ul style="list-style-type: none">a. <u>Future Land Use</u>: Residential subdivision; lowest densityb. <u>Future Number of Housing Units</u>: 0c. <u>Future Demographics</u>: 0d. <u>Future Streets</u>: 0e. <u>Water and Sewer Service</u>: PWCf. <u>Electric Service</u>: PWCg. <u>Future Real Property Tax Value</u>: It is assumed property value will increase after development occurs.h. <u>Future Personal Property Tax Value</u>: Unknown

MEMO

To: Alicia P. Moore, Planning Department

From: Kecia N. Parker, Real Estate Manager

CC: To the file

Date: February 17, 2022

Re: Sufficiency of Annexation Petition

SIGNERS OF THE PETITION: Kodjo Kouassi, Owner

Kodjo Kouassi per recorded deed found in Book 10775, Page 889, is the record owner for the 0.49 acre tract.

1: 0426-00-7605-Ellington Pines SE01 PL0014-0067

My search ended February 15, 2022. No pertinent out conveyances were recorded for this property.

Petition is sufficient!

Annexation Ordinance No: _____
AX 22-04: South side of Cumberland Road

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE
CITY OF FAYETTEVILLE, NORTH CAROLINA**

WHEREAS, the City Council has been petitioned under G.S. 160A-58.1 to annex the area described below; and

WHEREAS, the City of Fayetteville has investigated the sufficiency of the petition; and

WHEREAS, the City of Fayetteville has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at City Hall Council Chambers at 7:00 PM on March 28, 2022, after due notice by publication; and

WHEREAS, the City Council further finds that the area described therein meets the standards of G.S. 160A-58.1(b), to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three (3) miles from the primary corporate limits of the City of Fayetteville;
- b. No point on the proposed satellite corporate limits is closer to the primary corporate limits of another municipality than to the primary corporate limits of the City of Fayetteville;
- c. The area described is so situated that the City of Fayetteville will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;
- d. No subdivision, as defined in G.S. 160A-376 and as interpreted by the City's Legal Department, will be fragmented by this proposed annexation;
- e. The area within the proposed satellite corporate limits, when added to the area within all other satellite Corporate limits, does not exceed ten percent (10%) of the area within the primary corporate limits of the City of Fayetteville;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Fayetteville North Carolina that:

Section 1. By virtue of the authority granted by G.S. 160A-58.2, the following described non-contiguous property owned by Kodjo Sam Kouassi is hereby annexed and made part of the City of Fayetteville, North Carolina as of March 28, 2022:

Name of Annex Area: Sam's Towing, North of Cumberland Road

Name of Owner(s): Kodjo Sam Kouassi

PIN: 0426007605000 / Size: 0.47 +/- Acres

LEGAL DESCRIPTION OF THE PROPERTY (Prepared on 02172022)

BEGINNING at an existing iron pipe in the northern right of way margin of Cumberland Road, said point also being the southeast corner of the property located at 3414 Cumberland Road and known as Tax REID number of 0426006548000 and continuing thence for a first call of North 03 degrees 06 minutes 03 seconds West 126.18 feet to an existing iron pipe, thence continuing with the northern line of 3414 Cumberland Road, South 72 degrees 48 minutes 57 seconds West 90.10 feet to an existing iron pipe, thence North 03 degrees 06 minutes 03 seconds West 81.74 feet a computed point, thence North 86 degrees 53 minutes 57 seconds East 184.60 feet to a computed point in the western right of way margin of Hopedale Street, thence continuing along said right of way South 03 degrees 06 minutes 03 seconds East 48.54 feet to a computed point, thence South 86 degrees 39 minutes 07 seconds West 15.08 feet to a computed point, thence South 03 degrees 20 minutes 50 seconds East 104.98 feet to a computed point, thence South 35 degrees 00 minutes 28 seconds West 19.13 feet to a computed point in the northern margin of Cumberland Road, thence South 73 degrees 07 minutes 00 seconds West 72.87 to the BEGINNING, and containing approximately 0.49 acres more or less.

Section 2. Upon and after March 28, 2022, the above-described area and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Fayetteville, North Carolina and shall be entitled to the same privileges and benefits as other parts of the City of Fayetteville, North Carolina. Said area shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the City of Fayetteville shall cause to be recorded in the office of the Register of Deeds of Cumberland County, and in the Office of the Secretary of State in Raleigh, North

Carolina, an accurate map of the annexed area, described in Section 1, together with a certified copy of this ordinance. Such a map shall also be delivered to the Cumberland County Board of Elections as required by G.S. 163-288.1.

Adopted this ____ day of _____, 20____.

ATTEST _____
Pamela Megill, City Clerk

Mitch Colvin, Mayor

City of Fayetteville

433 Hay Street
Fayetteville, NC 28301-5537
(910) 433-1FAY (1329)

City Council Action Memo

File Number: 22-2607

Agenda Date: 3/28/2022

Version: 2

Status: Agenda Ready

In Control: City Council Regular Meeting

File Type: Public Hearing

Agenda Number: 9.04

TO: Mayor and Members of City Council

THRU: Douglas J. Hewett, ICMA-CM, City Manager

FROM: Jay C. Toland, CMA - Chief Financial Officer/Assistant City Manager

DATE: March 28, 2022

RE:

Public Hearing on a Proposed Installment Financing Agreement for a New Fire Station) for the City, Resolution Making Certain Findings, and Request the Local Government Commission to Approve the Financing

COUNCIL DISTRICT(S):

All

Relationship To Strategic Plan:

Goal V: Financially Sound City Providing Exemplary City Services - Objective 5.1: Ensure strong financial management with fiduciary accountability and plan for the future resource sustainability by aligning resources with City priorities.

Executive Summary:

City Council will conduct the public hearing on an installment financing agreement in an amount not to exceed \$9,000,000. The purpose of the financing will be to pay the costs of constructing and equipping a new fire station (Fire Station 4) for the City.

Background:

This public hearing has been set to receive comments on an Installment Financing Agreement to be entered into by the City pursuant to Section 160A-20 of the General Statutes of North Carolina in a principal amount not to exceed \$9,000,000. The purpose of the financing is to provide funds to pay the costs of constructing and equipping a new fire station (Fire Station 4).

If the City enters into the proposed agreement, it will secure its obligations by executing and delivering a deed of trust granting a lien on the site of the new fire station, together with all improvements or fixtures located or to be located thereon, subject to permitted encumbrances.

Section 160A-20(g) of the General Statutes of North Carolina requires that the City hold a public hearing prior to entering into the agreement. A notice advertising the public hearing was published in the Fayetteville Observer on March 18, 2022.

Hold the Public Hearing

Findings and Determinations: City Council is requested to make the following findings and determinations

- (a) There exists in the City a need to finance the costs of constructing and equipping a new fire station for the City.
- (b) The City has determined to enter into an installment financing agreement not to exceed \$9,000,000 to provide funds, together with any other available funds, to (i) pay the costs of the project and (ii) pay certain financing costs.
- (c) In order to secure its obligations under the agreement, the City will execute and deliver a deed of trust granting a lien on the site of the project, together with all improvements and fixtures located or to be located thereon.
- (d) It is in the best interests of the City to enter into the agreement and the deed of trust in that such transaction will result in providing financing for the project in an efficient and cost effective manner.
- (e) Entering into the installment financing agreement is preferable to a general obligation bond and revenue bond issue in that:
 - i. the City does not have sufficient constitutional authority to issue non-voted general obligation bonds pursuant to Article V, Section 4 of the North Carolina Constitution because the City has not retired a sufficient amount of general obligation debt in the preceding fiscal year to issue a sufficient amount of general obligation bonds for the financing of the Project;
 - ii. the nature of the financing does not allow for the issuance of revenue bonds to finance the Project;
 - iii. the cost of financing the Project exceeds the amount to be prudently provided from currently available appropriations and unappropriated fund balances;

- iv. the circumstances existing require that funds be available to commence the construction of the Project as soon as practicable and the time required for holding an election for the issuance of voted general obligation bonds pursuant to Article V, Section 4 of the North Carolina Constitution and The Local Government Bond Act will delay the commencement of the Project by several months; and
 - v. there can be no assurances that the issuance of general obligation bonds to finance the Project would be approved by the voters and the current interest rate environment dictates the financing of the Project to be accomplished in a timely and expedient manner.
- (f) The costs of the financing is reasonable compared to the costs associated with other alternative means of financing and is acceptable to the City Council.
- (g) Bond counsel to the City will render an opinion to the effect that the proposed undertaking as described above is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of the State of North Carolina.
- (h) The debt management policies of the City have been carried out in strict compliance with law, and the City is not in default under any obligation for repayment of borrowed money.
- (i) No ad valorem tax rate increase is expected to be necessary to pay principal of and interest on the agreement.

Local Government Commission Application: City Council is also requested to authorize and approve the filing of an application with the Local Government Commission for approval of the agreement and to request the Local Government Commission approve the agreement and the proposed financing.

Final Approval Resolution: City Council will be requested to adopt the final approval resolution on April 25, 2022.

Issues/Analysis:

A request for proposals was issued on March 14, 2022, with a due date of April 4, 2022. The winning bidder will be selected on or after April 4, 2022, and will be provided to the City Council with the request to adopt the final approval resolution on April 24, 2022

Budget Impact:

The FY2021-2022 budget includes sufficient funds to cover the debt service associated with financing the new fire station (Fire Station 4).

Options:

At the conclusion of the public hearing, staff recommends that Council move to:

- 1) Make the required findings and determinations, approved the resolution as presented, authorize and approve the filing of an application with the Local Government Commission for approval of the agreement, and request the Local Government Commission approve the proposed financing.
- 2) Do not make the required findings and determinations, or authorize the filing of an application with the Local Government Commission for approval, and provide alternative direction to staff

Recommended Action:

Approve Options 1 above

Attachments:

City Council Proceedings - Preliminary Resolution
Installment Financing Agreement Financing Calendar
Request for Proposals for Installment Financing Agreement

\$9,000,000*
City of Fayetteville, North Carolina
2022 Installment Financing Agreement

Bids due by: Monday, May 2, 2022 @ 12:00 pm

The City of Fayetteville, North Carolina (the “City”), is requesting proposals from financial institutions with respect to a commercial loan to be evidenced by its \$9,000,000* Installment Financing Agreement (the “Agreement”). Your response to the RFP would be greatly appreciated. The following key assumptions are to be utilized in preparing your proposal:

<i>Issuer:</i>	City of Fayetteville, North Carolina
<i>Use of Proceeds:</i>	The proceeds of the Agreement will be used to pay the costs of constructing and equipping a new 18,000+ square foot fire station (the “Project”) and pay costs of issuance.
<i>Tax Treatment:</i>	Tax-Exempt.
<i>Bank Qualified:</i>	No.
<i>Audit:</i>	The City’s budgets and audited financial statements are available on the City’s website at the following links: https://www.fayettevillenc.gov/city-services/budget-evaluation https://www.fayettevillenc.gov/city-services/finance/comprehensive-annual-financial-report-cafr
<i>Security:</i>	The obligations of the City under the Agreement will be secured by a deed of trust on the site of Project, together with any improvements or fixtures located or to be located thereon. The payment of the installment payments under the Agreement will be subject to annual appropriation. The City’s obligations under the Agreement will not be secured by the faith and credit or taxing power of the City.
<i>Authorization:</i>	The City is entering into the Agreement under the provisions of Section 160A-20 of the General Statutes of North Carolina, as amended. The City Council is expected to authorize the execution and delivery of the Agreement at its meeting on May 23, 2022 . It is anticipated that the Local Government Commission (the “LGC”) will approve this transaction at its meeting on June 7, 2022 . The execution and delivery of the Agreement is subject to the approvals by the City Council and the LGC.
<i>Rating:</i>	No rating is expected to be obtained for the Agreement. The City currently maintains General Obligation Bond credit ratings of Aa1 / AA+ from Moody’s and S&P, respectively.
<i>Issue Size:</i>	\$9,000,000*
<i>Debt Structure:</i>	The City has provided two preliminary amortizations below which should be used in preparation of your bid. Please note that bidders are not required to submit a bid for each option. The City reserves the right to lower the borrowing amount or adjust the principal structures to generate its desired principal structure. <u>A single fixed rate for the entire term of the amortization is required.</u>

Maturity Date	Option A	Option B
5/1/2022	\$ 600,000	\$ 450,000
5/1/2023	600,000	450,000
5/1/2024	600,000	450,000
5/1/2025	600,000	450,000
5/1/2026	600,000	450,000
5/1/2027	600,000	450,000
5/1/2028	600,000	450,000
5/1/2029	600,000	450,000
5/1/2030	600,000	450,000
5/1/2031	600,000	450,000
5/1/2032	600,000	450,000
5/1/2033	600,000	450,000
5/1/2034	600,000	450,000
5/1/2035	600,000	450,000
5/1/2036	600,000	450,000
5/1/2037	-	450,000
5/1/2038	-	450,000
5/1/2039	-	450,000
5/1/2040	-	450,000
5/1/2041	-	450,000
Total	\$9,000,000	\$9,000,000
Average Life	7.894 Years	10.394 Years

Note: Estimated; subject to change

- Principal Payments:** Annual principal payments on May 1, commencing May 1, 2023.
- Interest Payments:** Semi-annual interest payments (calculated on a 30/360 basis) on May 1 and November 1, commencing November 1, 2022.
- Optional Redemption:** The City is seeking flexibility with respect to redemption provisions. Please specify the redemption structure(s) that would provide the City with flexibility at the lowest cost of funds. Proposals with multiple redemption options are permitted.
- Bond Counsel/ Documents:** The Charleston Group will serve as special counsel to the City in connection with the Agreement and will prepare the necessary legal documentation, subject to the review and approval by the winning bidder (and its counsel). By submitting a proposal, the bidder waives any conflict of interest with respect to The Charleston Group serving as special counsel to the City in connection with the Agreement.
- Closing Costs:** None anticipated to be paid to or on behalf of the bank. Please specify any exceptions.
- Annual/Ongoing Costs:** None anticipated to be paid to or on behalf of the bank. Please specify any exceptions.
- Increased Cost:** The City will not consider any proposals that include future interest rate adjustments relating to the bank's increased costs, changes in tax rate, capital adequacy, capital requirements, etc.
- Conditions:** Please specify any conditions to the closing of the transaction (other than finalizing acceptable documents), any real estate related requirements (i.e. title insurance, environmental, survey, etc.) and any rights reserved to withdraw the proposal.

<i>Closing:</i>	Closing is anticipated to take place on or about June 9, 2022 . <u>The interest rate bid must be held firm until this date.</u>
<i>Ongoing Disclosure:</i>	In accordance with its customary practice, the City will post its annual financial statements to its website when available. The City will also provide these documents in electronic format to the bank upon request.
<i>Award:</i>	The City reserves the right to request additional information from the bidders and to waive any irregularity or informality and to negotiate provisions and covenants directly with any bidder. The City also reserves the right to reject all proposals for any reason. Although the selection will be based substantially on lowest total financing cost (including both interest cost and upfront fees and expenses), the City reserves the right to select the bidder that best meets the needs of the City. Final award is subject to the approval of the City Council and the LGC.
<i>Delivery:</i>	The Agreement is expected to be delivered on or about June 9, 2022 . The purchase price then due must be paid in federal funds or other immediately available funds. All proceeds from the purchase of the Agreement will be disbursed to the City at closing.
<i>Representations:</i>	The winning bidder will be required to execute a letter to the City acknowledging, among other things, that (1) no official statement or other offering material has been furnished other than the Request for Proposals; (2) the winning bidder had an opportunity to make inquiries of, and receive answers from such officials, employees, agents and attorneys of the City; (3) the winning bidder has knowledge and experience in financial and business matters and that it is capable of evaluating the merits and risks of making the loan to be evidenced by the Agreement and is financially able to bear the economic risk of holding the Agreement; (4) the winning bidder is acquiring the Agreement as a vehicle for making a commercial loan and without a present view to the distribution or resale thereof (subject, nevertheless, to any requirement of law that the disposition of its property shall at all times be under its control) within the meaning of the Federal securities laws; and (5) the winning bidder is acquiring the Agreement solely for its own account and no other person now has any direct or indirect beneficial ownership or interest therein.
<i>LOAN TREATMENT:</i>	BY SUBMITTING A BID IN RESPONSE TO THIS RFP, EACH BIDDER ACKNOWLEDGES AND REPRESENTS TO THE CITY AND ITS FINANCIAL ADVISOR THAT (1) NO OFFICIAL STATEMENT OR OTHER OFFERING MATERIAL WILL BE FURNISHED OTHER THAN THIS RFP; (2) THE BIDDER HAS KNOWLEDGE AND EXPERIENCE IN FINANCIAL AND BUSINESS MATTERS AND THAT IT IS CAPABLE OF EVALUATING THE MERITS AND RISKS OF MAKING THE COMMERCIAL LOAN TO BE EVIDENCED BY THE AGREEMENT AND IS FINANCIALLY ABLE TO BEAR THE ECONOMIC RISK OF HOLDING THE AGREEMENT; (3) NO CUSIP NUMBER WILL BE OBTAINED FOR THE AGREEMENT; AND (4) THE BIDDER INTENDS TO ACQUIRE THE AGREEMENT SOLELY FOR ITS OWN ACCOUNT AS A VEHICLE FOR MAKING A COMMERCIAL LOAN AND WITH NO PRESENT INTENTION TO DISTRIBUTE OR RESALE THE AGREEMENT OR ANY PORTION THEREOF.

To be considered, a proposal must be received by 12:00pm on **Monday, May 2, 2022**. Email submission of the proposal to the following persons is preferred.

JayToland@fayettevillenc.gov
jcharleston@charlestongroup.com
cbamba@charlestongroup.com
dcheatwood@firsttryon.com
chabliston@firsttryon.com

Questions may be addressed to the City through its bond counsel and/or financial advisor:

Bond Counsel

Catherine Bamba
The Charleston Group
201 Hay Street, Suite 2000
Fayetteville, NC 28302
(910) 485-2500
cbamba@charlestongroup.com

Financial Advisor

David Cheatwood
First Tryon Advisors
6101 Carnegie Blvd., Suite 210
Charlotte, NC 28209
(704) 926-2457
dcheatwood@firsttryon.com

CITY OF FAYETTEVILLE, NORTH CAROLINA
2022 Installment Financing
(Fire Station)

FINANCING SCHEDULE

Mar-22							Apr-22							May-22							Jun-22						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
		1	2	3	4	5						1	2	1	2	3	4	5	6	7				1	2	3	4
6	7	8	9	10	11	12	3	4	5	6	7	8	9	8	9	10	11	12	13	14	5	6	7	8	9	10	11
13	14	15	16	17	18	19	10	11	12	13	14	15	16	15	16	17	18	19	20	21	12	13	14	15	16	17	18
20	21	22	23	24	25	26	17	18	19	20	21	22	23	22	23	24	25	26	27	28	19	20	21	22	23	24	25
27	28	29	30	31			24	25	26	27	28	29	30	29	30	31					26	27	28	29	30		

DATE	TASK	RESPONSIBILITY
February 2	Pre-Application Meeting with LGC	Working Group
February 4	Distribute Draft Bank RFP	FA
By March 1	Comments Due on Preliminary Resolution / Draft Bank RFP	Working Group
By March 4	Distribute Draft of Preliminary Resolution / Notice of Public Hearing	BC
March 14	Send RFP to Banks	FA
By March 18	Send Notice to Joint Legislative Committee Finalize Preliminary Resolution / Publish Notice of Public Hearing	City / BC
March 28	City Council Meeting – Adopt Preliminary Resolution; Hold Public Hearing	City
April 14	Construction Bids Due	City
April [25]	City Council Meeting – Approve Winning Construction Bid	City
May 2	Bank Bids Due Call to Review Bank Bids	Working Group
By May 3	Submit LGC Application	City / FA
By May 6	Distribute Draft of Approving Resolution	BC
By May 13	Finalize Approving Resolution / Distribute Draft of Installment Financing Agreement (City Council Agenda Deadline)	BC
By May 20	Comments Due on Installment Financing Agreement	BC
May 23	City Council Meeting - Adopt Approving Resolution	City
Week of May 30	Distribute Revised Draft of Installment Financing Agreement / Draft of Closing Documents	BC
June 7	LGC Approval	LGC
June 9	Closing	Working Group

City Council typically meets 2nd and 4th Monday of the month

RESPONSIBILITY LEGEND:

Role	Entity	Defined
Issuer	City of Fayetteville, North Carolina	"City"
Regulatory Agency	Local Government Commission	"LGC"
Bond Counsel	The Charleston Group	"BC"
Financial Advisor	First Tryon Advisors	"FA"
Lender	TBD	"L"
Lender's Counsel	TBD	"LC"

The City Council of the City of Fayetteville, North Carolina met in a regular meeting in the FAST Conference Room of the FAST Transit Center located at 505 Franklin Street in Fayetteville, North Carolina, at 7:00 p.m. on March 28, 2022.

Present: Mayor Mitch Colvin, presiding, and Council Members

Absent: Council Members

Also Present: _____

* * * * *

The Mayor announced that this was the hour and day of the public hearing on a proposed installment financing agreement (the “Agreement”) to be entered into by the City of Fayetteville, North Carolina (the “City”) pursuant to Section 160A-20 of the General Statutes of North, as amended (the “Act”), in an aggregate principal amount not to exceed \$9,000,000 for the purpose of providing funds, together with any other available funds, to pay the costs relating to the constructing and equipping of a new fire station for the City (the “Project”). If the City enters into the proposed Agreement, it will secure its obligations thereunder by a deed of trust granting a lien on the site of the Project, together with all improvements or fixtures located or to be located thereon, subject to permitted encumbrances.

Section 160A-20(g) of the Act requires that the City hold a public hearing prior to entering into the Agreement.

The Mayor acknowledged due publication of the notice of public hearing in a newspaper with a general circulation in said City and directed the City Clerk to attach the affidavit showing

publication in said newspaper on a date at least ten (10) days prior to the date hereof as Exhibit A.

The Mayor then announced that the City Council would immediately hear anyone who might wish to be heard on the proposed Agreement as described above.

A list of all person making comments and a summary of such comments are attached as Exhibit B.

The public hearing was closed.

All statements and comments by participants of the public hearing were duly considered by the City Council.

Thereupon, Mayor Colvin introduced the following resolution the title of which was read and a copy of which had been previously distributed to each Council Member:

RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS REGARDING THE PROPOSED FINANCING BY THE CITY OF FAYETTEVILLE, NORTH CAROLINA OF THE CONSTRUCTING AND EQUIPPING OF A NEW FIRE STATION FOR THE CITY OF FAYETTEVILLE, NORTH CAROLINA, AND REQUESTING THE LOCAL GOVERNMENT COMMISSION TO APPROVE THE FINANCING ARRANGEMENT

BE IT RESOLVED by the City Council (the “City Council”) for the City of Fayetteville, North Carolina (the “City”):

Section 1. The City Council does hereby find and determine as follows:

(a) The City has determined to finance the costs relating to the constructing and equipping of a new fire station for the City (the “Project”).

(b) After a public hearing and due consideration, the City has determined to enter into an installment financing agreement (the “Agreement”) in an aggregate principal amount not to exceed \$9,000,000 to provide funds, together with any other available funds, to (i) pay the costs of the Project and (ii) pay certain financing costs in connection therewith.

(c) The City intends to select a lender on or after May 2, 2022, from the pool of proposals received in response to the request for proposals published by the City on March 14, 2022 (the “Lender”).

(d) The City intends to enter into an Agreement with the Lender, pursuant to which the Lender will advance to the City amounts sufficient, together with any other available funds, to pay the costs of the Project and associated financing costs, and the City will repay the advancement in installments with interest.

(e) In order to secure its obligations under the Agreement, the City will execute and deliver a deed of trust (the “Deed of Trust”) granting a lien on the site of the Project, together with all improvements or fixtures located or to be located thereon, subject to permitted encumbrances.

(f) It is in the best interests of the City to enter into the Agreement and the Deed of Trust in that such transaction will result in providing financing for the Project in an efficient and cost effective manner.

(g) Entering into the Agreement is preferable to a general obligation bond and revenue bond issue in that (i) the City does not have sufficient constitutional authority to issue non-voted general obligation bonds pursuant to Article V, Section 4 of the North Carolina Constitution because the City has not retired a sufficient amount of general obligation debt in the preceding fiscal year to issue a sufficient amount of general obligation bonds for the financing of the Project; (ii) the nature of the financing does not allow for the issuance of revenue bonds to finance the Project; (iii) the cost of financing the Project exceeds the amount to be prudently provided from currently available appropriations and unappropriated fund balances; (iv) the circumstances existing require that funds be available to commence the construction of the

Project as soon as practicable and the time required for holding an election for the issuance of voted general obligation bonds pursuant to Article V, Section 4 of the North Carolina Constitution and The Local Government Bond Act will delay the commencement of the Project by several months; and (v) there can be no assurances that the issuance of general obligation bonds to finance the Project would be approved by the voters and the current interest rate environment dictates the financing of the Project to be accomplished in a timely and expedient manner.

(h) Based upon information provided to the City Council, the costs of the financing described above is reasonably comparable to the costs associated with other alternative means of financing and is acceptable to the City Council.

(i) Bond counsel to the City will render opinions to the effect that the proposed undertaking as described above is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of the State of North Carolina.

(j) The debt management policies of the City have been carried out in strict compliance with law, and the City is not in default under any obligation for repayment of borrowed money.

(k) No ad valorem tax rate increase is currently expected to be necessary to pay principal of and interest on the Agreement.

Section 2. The City Council hereby authorizes and approved the filing of an application with the Local Government Commission for approval of the Agreement and requests the Local Government Commission approve the Agreement and proposed financing in connection therewith.

Section 3. This resolution shall take effect immediately upon its adoption.

Upon motion of Council Member _____, seconded by Council Member _____, the foregoing resolution entitled "RESOLUTION MAKING CERTAIN FINDINGS AND DETERMINATIONS REGARDING THE PROPOSED FINANCING BY THE CITY OF FAYETTEVILLE, NORTH CAROLINA OF THE CONSTRUCTING AND EQUIPPING OF A NEW FIRE STATION FOR THE CITY OF FAYETTEVILLE, NORTH CAROLINA, AND REQUESTING THE LOCAL GOVERNMENT COMMISSION TO APPROVE THE FINANCING ARRANGEMENT" was adopted by the following vote:

Ayes: _____

Noes: _____

* * * * *

I, Pamela Megill, City Clerk of the City of Fayetteville, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of the City Council of said City at a regular meeting held on March 28, 2022, as it relates in any way to the holding of a public hearing and adoption of the foregoing resolution relating to a proposed financing of a new fire station for the City and that said proceedings are to be recorded in the minutes of said City.

I DO HEREBY FURTHER CERTIFY that proper notice of such regular meeting was given as required by North Carolina law.

WITNESS my hand and the official seal of said City this 28th day of March, 2022.

City Clerk

[SEAL]

EXHIBIT A

[Attach publisher's affidavit evidencing publication of the Notice of Public Hearing]

EXHIBIT B

[A list of any persons making comments and a summary of such comments to be attached. If no comments are made, please insert “None”.]