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**FAYETTEVILLE CITY COUNCIL
REGULAR MEETING MINUTES
COUNCIL CHAMBER, CITY HALL
MAY 22, 2023
7:00 P.M.**

Present: Mayor Mitch Colvin

Council Members Katherine K. Jensen (District 1); Shakeyla Ingram (District 2); Mario Benavente (District 3); D. J. Haire (District 4); Johnny Dawkins (District 5); Derrick Thompson (District 6); Brenda McNair (District 7); Courtney Banks-McLaughlin (District 8); Deno Hondros (District 9)

Others Present: Douglas Hewett, City Manager
Karen McDonald, City Attorney
Adam Lindsay, Assistant City Manager
Kelly Olivera, Assistant City Manager
Jeff Yates, Assistant City Manager
Jodi Phelps, Chief of Staff
Kemberle Braden, Police Chief
Mike Hill, Fire Chief
Gerald Newton, Development Services Director
Loren Bymer, Marketing/Communication Director
Lachelle Pulliam, Assistant City Attorney
Paul Allen, Assistant City Attorney
Will Deaton, Planning and Zoning Manager
Craig Harmon, Senior Planner
Heather Eckhart, Planner II
Lauren Long, Planner II
Dereke Planter, Code Enforcement Supervisor
Jodi Picarella, Chief Financial Officer
Pamela Megill, City Clerk
Members of the Press

1.0 CALL TO ORDER

Mayor Colvin called the meeting to order.

2.0 INVOCATION

The invocation was offered by Father Gregory Lowchy, Saint Patrick Catholic Church.

3.0 PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Mayor and City Council.

4.0 ANNOUNCEMENTS AND RECOGNITIONS

Mayor Colvin presented a proclamation to Mr. Hyun Chul Kim, President of the Korean Chamber of Commerce, proclaiming May 2023 Asian American and Pacific Islander Heritage Month.

Mayor Colvin presented a proclamation to Mr. Daniel Edwards, Assistant Public Services Director, Mr. Byron Reeves, Assistant Public Services Director, and Mr. Brian McGill, Deputy City Traffic Engineer, proclaiming the week of May 21-27, 2023, as National Public Works Week.

Council Member Haire presented a Certificate of Excellence to Mr. Dykashie Harris for his hard work and outstanding performance as State Champion Bowler.

Mayor Colvin recognized and presented Mr. Austin Campbell with the North Carolina Public Transportation Association Transit Advocate Award. This award honors individuals and organizations who have

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championed the goals, services, and cause of public transportation in North Carolina.

Mayor Pro Tem Dawkins stated this week marks the 50th anniversary of the end of the Vietnam War. He thanked all Vietnam Veterans and welcomed them home.

Mayor Pro Tem Dawkins stated this week is All American Week on Fort Bragg and thanked the soldiers for all they do.

Council Member Ingram stated the line-up for Juneteenth has been announced and invited everyone to attend.

5.0 CITY MANAGER REPORT

There was no report for this meeting.

6.0 APPROVAL OF AGENDA

MOTION: Council Member Hondros moved to approve the agenda with the exception of Items 7.011 and 10.01.
SECOND: Council Member Ingram
VOTE: UNANIMOUS (10-0)

7.0 CONSENT AGENDA

MOTION: Council Member Haire moved to approve the consent agenda with the exception of Item 7.05; pulled for presentation and separate vote.
SECOND: Mayor Pro Tem Dawkins
VOTE: UNANIMOUS (10-0)

7.01 Approval of Meeting Minutes:

May 8, 2023 - Discussion of Agenda Items
May 8, 2023 - Regular

7.02 P23-11. Initial conditional zoning of two contiguous parcels totaling 4.68 ± acres, requesting annexation, to Heavy Industrial (HI/CZ) located at 1682 Middle River Loop (REID # 0447464759000), being the property of Charles F. Horne, and 1662 Middle River Loop (REID # 0447466947000), being the property of Billy D. Horne and Fay J. Horne, represented by Cynthia Smith of Moorman, Kizer & Reitzel, Inc.

7.03 P23-13. Conditional Rezoning from Heavy Industrial (HI) to Heavy Industrial/Conditional Zoning (HI/CZ) to allow car washing and auto detailing on 1.57 ± acres, located at 616 Person Street (REID # 0437929325000), and being the property of AOM II, LLC, represented by E.C., (Ned) Garber, III.

7.04 P23-18. Creation of an Airport Entrance Corridor Overlay (AECO) zoning district located at 101-231 Airport Road on approximately 130 ± acres belonging to Cedar Creek Crossing West LLC, Kinlaw Rentals LLC, Asemota, Osaze Love-Efosa & Lily Efosa Igunbor, Caughon Holdings LLC, McDonald, Vadis, Smith, Izzie H. Heirs & Vadis S. McDonald, Hertz Corporation, Eaton Corp C/O Ducharme, McMillen & Assoc, Spivey, Phyllis Council, Vance Johnson Plumbing Inc, Pittman, W R & Linda, Warren, Mark A & Kim D, Fullblock LLC, Winstead Rentals Limited Partnership, Infinity Nine at Fay LLC, WFN Investment Group LLC, State of North Carolina, City of Fayetteville.

7.05 This item was pulled from the consent agenda for presentation and separate vote.

7.06 Addition of Certain Streets to the City of Fayetteville System

The Fayetteville street system includes 750.50 center line miles and is one of the City's largest assets impacting every citizen,

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employee, emergency service personnel, commuter, and visitor. As new development progresses, new streets are built in accordance with the City's standards, and can be designated for private or public ownership and maintenance. When streets are constructed to City standards, it requires a Council action to add the streets to the City's system. Streets added to our system qualify for Powell Bill Program allocations, which is a North Carolina funding program for the building and maintenance of major city streets.

Staff has identified two recently constructed streets for subdivisions throughout the City that are now acceptable for addition to the City of Fayetteville system of streets. These streets and drainage systems within the street rights-of-way have been inspected by staff and are now acceptable for addition to the City of Fayetteville system of streets. The 0.32-mile addition will bring the City's street system total to 750.82 miles

7.07 Adoption of Capital Project Ordinance Amendment 2023-25 to Increase the Local Match for Transit Capital Grant NC-2020-033-00

Adoption of Capital Project Ordinance Amendment 2023-25 to appropriate \$35,000.00 of local funds provided by the Transit Operating Fund to Federal Transit Administration Grant NC-2020-033-00 for the purchase of three FASTTRAC! paratransit vehicles.

7.08 Approval of Installment Financing and Adoption of Resolution for Various Vehicles and Equipment Purchases

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN INSTALLMENT FINANCING AGREEMENT, A SECURITY AGREEMENT, AND RELATED DOCUMENTS IN CONNECTION WITH THE FINANCING OF VARIOUS VEHICLES AND EQUIPMENT FOR THE CITY OF FAYETTEVILLE, NORTH CAROLINA. RESOLUTION NO. R2023-021

7.09 Bid Recommendation - Excitation System in Steam Turbine Generator at BWGP

Approval of the bid recommendation to award the purchase of the Excitation System in Steam Turbine Generator at the Butler Warner Generation Plant to Nexus Controls, LLC, Longmont, CO, the lowest responsive, responsible bidder in the total amount of \$334,824.00.

7.010 Bid Recommendation - Readvertisement for PH V Annex, Project XII, Area 26 Cliffdale West Subdivision

Approval to reject the lowest, non-responsible bid submitted by Metra Industries, Inc., for the Phase V Annexation Project XII, Area 26 Cliffdale West Subdivision, contract and approve the contract award to T.A. Loving Company, Goldsboro, NC, the lowest responsive, responsible bidder, in the total amount of \$10,725,500.00. City Council authorized the CEO and General Manager of the Fayetteville Public Works Commission to execute for that purpose the contract for its construction.

7.011 Capital Project Ordinance - Appropriating \$15.55 million of General Obligation Bonds for public infrastructure (\$9.4 million), public safety (\$4.15 million), and housing (\$2 million)

This item was removed from the agenda.

7.05 Uninhabitable Structures Demolition Recommendations

**416 Alfalfa Street - District 2
887 Winslow Street - District 2
111 Jasper Street - District 4**

Council Member Haire pulled this item from the consent agenda for a presentation of 111 Jasper Street and separate vote.

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Mr. Dereke Planter, Code Enforcement Supervisor, presented this item for 111 Jasper Street and stated the City Inspector is required to correct conditions that are found to be in violation of the Dwellings and Buildings Minimum Standards. The structure is a vacant residential home that was inspected and condemned as a dangerous structure on September 28, 2022. The exterior steps and porch framing and flooring need repair; porch railings and columns, walls, doors and door frames need repair; window panes and frames and sashes need repair; roofing material, flashing and trim/fascia need repair; and roof rafters and sheathing need repair. Notice of the hearing was published in The Fayetteville Observer newspaper October 30, 2022. A hearing on the condition of the structure was conducted on November 14, 2022, at which time the owners did not appear. A subsequent Hearing Order to repair or demolish the structure within 90 days was issued and mailed to the owner on November 15, 2022, which also provided the City of Fayetteville Economic & Community Development's contact information for programs that may be able to assist with repairs and/or demolition expenses. To date, there has been no confirmation of enrollment in the Blight Removal Program, no repairs to the structure, and the structure has not been demolished. In the past 24 months, there has been 11 calls for 911 service to the property. There has been 11 code violation cases with no City assessments and no outstanding taxes.

416 Alfalfa Street

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY. ORDINANCE NO. NS2023-008

887 Winslow Street

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY. ORDINANCE NO. NS2023-009

111 Jasper Street

AN ORDINANCE OF THE CITY COUNCIL OF FAYETTEVILLE, NORTH CAROLINA REQUIRING THE CITY BUILDING INSPECTOR TO CORRECT CONDITIONS WITH RESPECT TO, OR TO DEMOLISH AND REMOVE A STRUCTURE PURSUANT TO THE DWELLINGS AND BUILDINGS MINIMUM STANDARDS CODE OF THE CITY. ORDINANCE NO. NS2023-010

MOTION: Council Member Haire moved to adopt the demolition ordinances for the properties located at 416 Alfalfa Street, 887 Winslow Street, and 111 Jasper Street.

SECOND: Council Member Ingram

VOTE: UNANIMOUS (10-0)

8.0 STAFF REPORTS

8.01 Fayetteville Fire Department 2023 First Quarter Report

Mr. Mike Hill, Fire Chief, presented the Fire Department 2023 First Quarter Report with the aid of a PowerPoint presentation. Chief Hill reported on Regional Hazmat Response, Response Times, Call Volume, Fires, Top Fire Losses, EMS, Hazardous Materials, Human Resources Branch, Training, Community Preparedness Branch, Emergency Management, and Security.

Discussion ensued.

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MOTION: Council Member Haire moved to accept the Fire Department Report.
SECND: Council Member Thompson
VOTE: UNANIMOUS (10-0)

8.02 Fayetteville Police Department 2023 1st Quarter Review

Mr. Kemberle Braden, Police Chief, presented the Police Department 2023 First Quarter Report with the aid of a PowerPoint presentation and reported on Crime Statistics, Crime Trend Analysis, Crime Fighting Strategies, Community Engagement, Death Investigations, Homicide Analysis, Aggravated Assault, Domestic Violence, Domestic Violence Services, Property Crimes, Juvenile Crime, Pro-active Police Actions, Opioid Epidemic, Drug Seizures, Federal Partnerships, Internal Affairs, License Plate Reader Technology, Traffic Fatalities, Traffic Stop Data, Homelessness/Mental Health Responses, Staffing, Employee Retention, Graduation and Promotion Ceremony, Community Watch Groups, and Community Engagement.

Discussion ensued.

MOTION: Council Member Benavente moved to accept the Police Department Report.
SECND: Council Member Thompson
VOTE: UNANIMOUS (10-0)

9.0 PUBLIC HEARINGS (Public & Legislative Hearings)

9.01 New Design Standards for the locally designated historic districts and local landmarks to comply with Chapter 160D of the North Carolina General Statutes

MOTION: Council Member Jensen moved to table this item to the next available work session.
SECOND: Mayor Pro Tem Dawkins
VOTE: PASSED by a vote of 9 in favor to 1 in opposition (Council Member Benavente)

9.02 AX23-02: Charles F. Horne, Billy D. Horne, and Fay J. Horne are petitioning to annex into the corporate limits of the City of Fayetteville and initially zone two parcels, a total of 4.68 ± acres to Heavy Industrial Conditional Zoning (HI/CZ). These parcels are located on the northern side of I-95 at 1682 and 1662 Middle River Loop and can be further identified by PINs 0447-46-4759 and 0447-46-6947; REID #s 0447-46-4759000 and 0447-46-6947000.

Ms. Lauren Long, Planner II, presented this item and stated Charles F. Horne, Billy D. Horne, and Fay J. Horne are petitioning to annex into the corporate limits of the City of Fayetteville and initially zone two parcels, a total of 4.68 ± acres to Heavy Industrial Conditional Zoning (HI/CZ). These parcels are located on the northern side of I-95 at 1682 and 1662 Middle River Loop and can be further identified by PIN #s 0447-46-4759 and 0447-46-6947 and REID #s 0447-46-4759000 and 0447-46-6947000.

The Zoning Commission held a legislative hearing on April 11, 2023. The applicant attended the meeting and there were two speakers in favor of the requested map amendment. The Zoning Commission voted unanimously (5-0) to recommend approval of the proposed map amendment.

This is the advertised public hearing set for this date and time. The public hearing was opened.

Mr. Jimmy Kizer, 115 Broadfoot Avenue, Fayetteville, NC, appeared in favor.

There being no one further to speak, the public hearing was closed.

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AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ANNEXATION ORDINANCE NO. 2023-05-590

MOTION: Council Member Ingram moved to adopt the proposed ordinance annexing the parcel with an effective date of May 22, 2023, and establish the initial zoning consistent with prior action taken by Council concerning the map amendment.

SECOND: Mayor Pro Tem Dawkins

VOTE: UNANIMOUS (10-0)

9.03 P23-12. Rezoning from Single-Family Residential 10 (SF-10) to Mixed Residential 5 (MR-5), located at 0 Graham Road and 6677 Bailey Lake Road (REID #s 0406037174000 and 0406131181000), totaling 5.56 acres ± and being the property of LEF LLC, J & K General Contractor Inc., represented by Michael Adams of MAPS Surveying Inc.

Ms. Heather Eckhart, Planner II, presented this item and stated the applicant is seeking to rezone two parcels from Single-Family Residential 10 (SF-10) to Mixed Residential 5 (MR-5). The two parcels to be rezoned total 5.56 acres ±. The subject properties are south of Fire Station 17 located on Bailey Lake Road. The 5.36-acre parcel, addressed as 0 Graham Road, is currently undeveloped and wooded. The .20-acre parcel, addressed as 6677 Bailey Lake Road, has one single-family house which is vacant and will be demolished.

The Zoning Commission held a legislative hearing on April 11, 2023. There were two speakers in favor and two speakers in opposition at the meeting. The Zoning Commission denied the rezoning request. This item is before City Council on appeal.

This is the advertised public hearing set for this date and time. The public hearing was opened.

Mr. Louis Frangos, 3057 N. Main Street, Hope Mills, NC 28348, appeared in favor.

Mr. Gary Futch, 150 N. McPherson Church Road, Fayetteville, NC 28311, appeared in favor.

Discussion ensued.

There being no one further to speak, the public hearing was closed.

MOTION: Council Member Thompson moved to approve the map amendment to MR-5 as presented based on the evidence submitted and finds that the rezoning is consistent with the Future Land Use Plan as demonstrated by the consistency and reasonableness statement.

SECOND: Mayor Pro Tem Dawkins

VOTE: UNANIMOUS (10-0)

9.04 TA23-018 - Text Amendment to Article 30-3.H.6. Airport Overlay District of the Unified Development Ordinance

Mr. Craig Harmon, Senior Planner, presented this item and stated the proposed text amendment establishes the City of Fayetteville's newly created Airport Entrance Corridor Overlay (AECO) and aligns with Cumberland County's Airport Entrance Corridor Overlay, which governs the positioning of mobile/manufactured homes on Airport Road. The proposed amendment would also prohibit manufactured homes along and between certain roads that comprise this new overlay.

This is the advertised public hearing set for this date and time. There being no one present to speak, the public hearing was opened and closed.

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Discussion ensued.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE AMENDING ARTICLE 30-3.H.6. AIRPORT OVERLAY (APO) DISTRICT, OF CHAPTER 30, OF THE UNIFIED DEVELOPMENT ORDINANCE, OF THE CODE OF ORDINANCES OF THE CITY OF FAYETTEVILLE, NORTH CAROLINA. ORDINANCE NO. S2023-021

MOTION: Council Member Ingram moved to adopt the proposed text amendment for the Airport Overlay District.
SECOND: Council Member Hondros
VOTE: UNANIMOUS (10-0)

9.05 TA23-020-025: Proposed Text Amendment to UDO 30-2.C.8 Certificate of Appropriateness; 30-2.A.7.a Powers and Duties of the Historic Resources Commission; 30-2.C.22 Standards and Requirements for Local Landmark Designation; 30-1-9 Unified Development Ordinance; 2-41.A-F Historic Resources Commission.

MOTION: Council Member Jensen moved to table this item to the next available work session.
SECOND: Mayor Pro Tem Dawkins
VOTE: PASSED by a vote of 9 in favor to 1 in opposition (Council Member Benavente)

10.0 EVIDENTIARY HEARINGS

10.01 SUP23-03. Special Use Permit (SUP) to allow the reduction in separation standards between a bar and a church, school or daycare for property located at 127 Hay Street (REID # 0437640039000) and owned by APPLIANCE & INVESTMENT CO., applicant Lawrence Bryant, Electric Jungle LLC.

This item was removed from the agenda

10.02 SUP23-04. Special Use Permit to allow a duplex in the Single-Family Residential 15 (SF-15) zoning district on property located at 105 Arbor View Court (REID # 0427471706000) and owned by Nikki Creecy, Shinelight Properties, LLC.

Mr. Craig Harmon, Senior Planner, presented this item and stated the owner is requesting to construct one duplex (2 units) on one lot as shown on the site plan. The property to the north is zoned Single-Family 6 (SF-6) and the property to the east is zoned Single-Family 10 (SF-10). The properties to the south and west are zoned Single-Family 15 (SF-15). These properties are being used as single-family residential lots.

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.

There are a variety of residential zoning districts around the subject property including SF-6, SF-10, and SF-15. All of the surrounding properties are used as single-family residential dwellings except for one townhome development to the south.

The owner is requesting to construct one duplex (2 units) on one lot. The site plan shows the layout of the two units. Arbor View Court was previously platted as a four-lot subdivision intended for the construction of four single-family dwellings. Subsequently, the current owner purchased the four-lot subdivision and has applied for this Special Use Permit in order to construct a duplex on one of the four lots. The SUP must meet all of the following findings of fact:

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- (1) The special use complies with all applicable standards, conditions, and specifications in this Ordinance, including Section 30-4.C, Use-Specific Standards.

30-4.C.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:

- (a) Except for circular driveways, no two- to four-family dwelling lot shall be served by more than one driveway on the same block face.
 - (b) Three- and four-family dwellings on lots shall be served by a single entrance on any individual building façade.
 - (c) 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.
 - (d) Two- to four-family dwellings shall comply with Section 30-5.G, Single-Family and Two-Family Design Standards, or Section 30-5.H, Multi-Family Design Standards, as appropriate.
- (2) The special use will be in harmony with the area in which it is located.

According to the submitted site plan and the application, "the construction of the structure will be very much in keeping with the surrounding homes. The entrances to the units face a private street so from Morganton Road it will appear to be a single-family unit. Across Morganton Road there are two developments of multi-family units".

- (3) The special use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.

According to the application and site plan, "these are residential units and will have no negative impact on adjoining properties".

- (4) The special use is in general conformity with the City's adopted land use plans and policies.

The 2040 Land Use Plan calls for Medium-Density Residential, which consists primarily of single-family residential neighborhoods with small lots (3-6 dwellings per acre). Two- to Four-Family Dwellings should be interspersed within neighborhoods. Low-rise apartments are also possible. These areas of the City are mostly auto-oriented, with some walkable neighborhoods and destinations.

- (5) The special use will not substantially injure the value of the abutting land, or the special use is a public necessity.

According to the application, "the structure will blend nicely with surrounding properties which are already developed".

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

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The owner will be required to comply with all applicable laws and regulations.

This is the advertised public hearing set for this date and time. The public hearing was opened.

Ms. Nikki Creecy, Morganton Road, Fayetteville, NC, appeared in favor.

Ms. Lori Epler, 1333 Morganton Road, Fayetteville, NC, appeared in favor.

Ms. Sandy Parker, 207 Hull Road, Fayetteville, NC, appeared in opposition.

Ms. Denise Howell, 2312 Morganton Road, Fayetteville, NC, appeared in opposition.

Mr. Ron Kirby, 112 N. Churchill Drive, Fayetteville, NC, appeared in opposition.

Ms. Janet Whitaker, 313 N. Churchill Drive, Fayetteville, NC, appeared in opposition.

Ms. Lois Kirby, 112 N. Churchill Drive, Fayetteville, NC, appeared in opposition.

Ms. Anna Madriaga, 116 N. Churchill Drive, Fayetteville, NC, appeared in opposition.

Mr. Justin Herbe, 2614 Morganton Road, Fayetteville, NC, appeared in opposition.

Ms. Helene Cser, 208 Hull Road, Fayetteville, NC, appeared in opposition.

Mr. Eric Shaffer, 2606 Morganton Road, Fayetteville, NC, appeared in opposition.

Ms. Margaret Zastrow, 2607 Argosy Court, Fayetteville, NC, appeared in opposition.

Mr. Robert Bowers, 2315 Morganton Road, Fayetteville, NC, appeared in opposition.

There being no one further to speak, the public hearing was closed.

Discussion ensued.

MOTION: Mayor Pro Tem Dawkins moved to deny the request for a Special Use Permit as the proposed property is not in harmony with the neighborhood.

SECOND: Council Member Benavente

VOTE: FAILED by a vote of 5 in favor to 5 in opposition (Council Members Colvin, Ingram, McNair, Banks-McLaughlin, and Hondros)

MOTION: Council Member Banks-McLaughlin moved to approve the Special Use Permit based on it meeting the six findings of fact.

SECOND: Council Member Ingram

VOTE: FAILED by a vote of 5 in favor to 5 in opposition (Council Members Jensen, Benavente, Haire, Dawkins, and Thompson)

MOTION: Council Member Jensen moved to table this item for 30 days to allow both parties to engage in conversations.

Motion died for lack of a second.

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MOTION: Council Member Ingram moved to table this item for 30 days.
SECOND: Council Member Jensen
VOTE: PASSED by a vote of 7 in favor to 3 in opposition (Council Members Benavente, Dawkins, and Thompson)

10.03 SUP23-05. Special Use Permit (SUP) to allow the construction of 42 townhomes (single-family attached units) on property zoned Single-Family 6 Residential (SF-6) located on Old Bunce Road (REID # 9497843830000) and being the property of King Model Homes Construction Co. Inc., Project owner Ben Stout, Stout Land Development, LLC., applicant Scott Brown, 4D Site Solutions, Inc.

Mr. Craig Harmon, Senior Planner, presented this item and stated the owner is requesting to construct 42 townhomes on one lot located on Old Bunce Road. The subject property and surrounding properties are zoned Single-Family 6 (SF-6) except for the parcel to the north which is currently zoned Mixed Residential 5 (MR-5). The surrounding area has been developed for a variety of residential uses such as single-family homes, mobile home parks, duplexes, townhomes, and apartments. In the City's Unified Development Ordinance (UDO) townhomes are defined as single-family attached dwellings, with 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. The SUP must meet all of the following findings of fact:

- (1) The special use complies with all applicable standards, conditions, and specifications in this Ordinance, including Section 30-4.C, Use-Specific Standards.

According to the applicant, "the SUP will follow the UDO as well as all local, state and federal requirements", as well as all Multi-Family Design Standards found in 30-5.H.4 of the UDO.

- (2) The special use will be in harmony with the area in which it is located.

According to the submitted site plan and the application, "Multifamily is a permitted use in SF-6 zoning but requires a SUP. The proposed townhomes will be an improvement to the property as well as the neighborhood. There is a townhome project under construction on the opposite side of Old Bunce Road".

- (3) The special use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.

According to the application and site plan, "42 units are proposed. The proposed use is residential multifamily which is in harmony with the property to the west and across the street. No significant negative impact is anticipated from the proposed development".

- (4) The special use is in general conformity with the City's adopted land use plans and policies.

The City's 2040 Future Land Use Plan calls for Medium-Density Residential consisting primarily of single-family residential neighborhoods with small lots (3-6 dwellings per acre). Two- to Four-Family Dwellings should be interspersed within neighborhoods. Low-rise apartments are also possible. These areas of the city are mostly auto-oriented, with some walkable neighborhoods and destinations.

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- (5) The special use will not substantially injure the value of the abutting land, or the special use is a public necessity.

According to the application, "The development will not restrict or limit development on the adjoining parcels. The project is residential and will be located in a residential neighborhood. The project should not have any negative impact on surrounding property values".

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

The owner will be required to comply with all applicable laws and regulations.

This is the advertised public hearing set for this date and time. The public hearing was opened.

Mr. Ben Stout, 1786 Metromedical Drive, Fayetteville, NC, appeared in favor.

There being no one further to speak, the public hearing was closed.

Discussion ensued.

MOTION: Council Member McNair moved to approve the Special Use Permit; meeting all six findings of fact.
SECOND: Council Member Benavente
VOTE: UNANIMOUS (10-0)

11.0 ADJOURNMENT

There being no further business, the meeting adjourned at 11:21 p.m.

Respectfully submitted,

PAMELA J. MEGILL
City Clerk
052223

MITCH COLVIN
Mayor