



## Legislation Details (With Text)

**File #:** 19-768      **Version:** 2      **Name:**

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**On agenda:** 5/28/2019      **Final action:**

**Title:** P19-17F: The issuance of a Special Use Permit to allow a multi-family residential development in the Single-Family Residential (SF-6) District, located on Cliffdale Road (Tax Map # 9487-11-3927), containing 29.55± acres at the intersections of Cliffdale Road and Lowell Harris Road and being the property of Mary Frances Newton Conoly and Virginia Newton Barefoot.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. P19-17F Aerial Notification Map, 2. P19-17F Zoning Map, 3. P19-17F Land Use Map, 4. Plan Review Application, 5. View of Subject Property, 6. Revised Plan Kingsley Park 05-17-19, 7. Neighborhood Meeting sign in sheet, 8. Kingsley Park-Neighborhood meeting summary, 9. Townhouses\_Elevation

Date	Ver.	Action By	Action	Result
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**TO:** Mayor and Members of City Council

**THRU:** Kristoff Bauer, ICMA-CM - Deputy City Manager  
Gerald A. Newton, AICP - Development Services Director  
Taurus Freeman - Planning & Zoning Divisional Manager

**FROM:** Sharon D. Williams, AICP - Senior Planner

**DATE:** May 28, 2019

**RE:**  
P19-17F: The issuance of a Special Use Permit to allow a multi-family residential development in the Single-Family Residential (SF-6) District, located on Cliffdale Road (Tax Map # 9487-11-3927), containing 29.55± acres at the intersections of Cliffdale Road and Lowell Harris Road and being the property of Mary Frances Newton Conoly and Virginia Newton Barefoot.

**COUNCIL DISTRICT(S):**  
7 - Larry Wright

### Relationship To Strategic Plan:

2024 Goals, Goal IV: Desirable Place to Live, Work and Recreate is achieved by providing for a clean and beautiful community with green spaces.

### **Executive Summary:**

The applicant is requesting a Special Use Permit to develop the property with 220 townhouse units, a clubhouse, other amenities and open space at the intersection of Cliffdale Road and Lowell Harris Road in an Single-Family 6 (SF-6) zoning district.

### **Background:**

The parcel contains 29.55± acres and is undeveloped. The applicant is proposing to construct a 32-building development with primary access off Lowell Harris Road, which will be developed with twenty-two (22) 7-unit buildings, nine (9) 6-unit buildings and two (2) 4-unit buildings for a total of 210 townhomes.

Applicant: Scott Brown, P. E., 4D Site Solutions, Inc.

Owners: Mary Frances Newton Conoly and Virginia Newton Barefoot

Requested Action: A Special Use Permit to authorize multi-family dwellings in the SF-6 zoning district.

Property Address: 0 Cliffdale Road

Council District: 7

Status of Property: vacant

Size: 29.55± acres

Adjoining Zoning and Land Use:

North: Single-Family 6 (SF-6) - Residential

South: Single-Family 15 (SF-15)) - Residential

West: Agricultural-Residential (AR), Single-Family 10 (SF-10) & Single-Family 15 (SF-15) - Residential

East: Single-Family 15 (SF-15) - Residential and Daycare Center

Traffic Count: Lowell Harris Road - 1,300 Average Daily Trips (ADT), 2016  
Cliffdale Road - 12,000 Average Daily Trips (ADT), 2017

### **2010 Land Use Plan:**

The plan recommends low density residential for this area, which is characterized as having a density greater than 2.1 up to 6 dwelling units per acre.

### **2030 Growth Vision Plan:**

*Policy Area 6: Expanded Parks and Recreation:*

Policy 6.7: New residential development should provide for adequate open space and recreation areas in proportion to the demand created by the development.

*Policy Area 8: Quality Housing and Residential:*

Policy 8.4: Affordable housing needs shall be met through an array of rental and home ownership options including apartments, townhouses, granny flats, carriage houses (garage apartments), single-family site built homes, accessory living units and manufactured homes.

### **Issues/Analysis:**

#### **Specifics of this SUP:**

The property is located at the intersection of Cliffdale Road and Lowell Harris Road. It contains

29.55± acres and is undeveloped.

In 2011, the property was rezoned (P11-18F) from Agricultural Residential (AR) to Single-Family 6 (SF-6). The applicant has now submitted a Special Use permit in order to construct a multi-family development. The conceptual plan indicates they propose to construct thirty-two (32) buildings, with a combined total of 210 townhouse units, which will be located in front of an established single-family residential neighborhood.

The Single-Family Residential 6 (SF-6) District is intended to accommodate single-family detached residential development at moderate densities. It also accommodates two- to four-family dwellings and single-family attached dwellings (townhouses).

The SF-6 zoning district permits multi-family townhouse dwellings, provided the project is approved by City Council through a Special Use Permit. A special use requirement in a particular zoning district means that the use may be appropriate in the district, but because of its nature, extent, and external effects, it requires special consideration of the location, design, and methods of operation before it can be deemed appropriate in the district and compatible with its surroundings. The issuance of an SUP is intended to provide a landowner and the City an alternative to rezoning the land to a more intense zoning district. The base zoning district allows certain uses and development that may be appropriate, but also allows uses and development that may not conform to City plans or would have adverse impacts on public facilities or surrounding lands.

The SF-6 zoning district has a minimum lot area of 5,000 sq. ft. for each dwelling unit. This parcel contains 29.55± acres, which would permit a total of 257 units; however, this does not take into account the areas used for roads or areas considered unbuildable due to wetlands, slopes or hydraulic soil.

The Future Land Use Plan recommends low density residential for this area, with a density recommendation of no more than six (6) dwelling units per acre. Based on the acreage of this parcel, the maximum number of units recommended is 177.

The applicant proposes 210 townhouse units with garages with a density of 7.11 units per acre. While that number exceeds the recommended density, staff is of the opinion that additional density might be appropriate provided the applicant take measures to protect the abutting Cliffdale Forest Subdivision.

The entrance to the development will be provided on Lowell Harris Road, which is an existing paved, unstriped 2-lane local road that ends at a City Convenience Center.

### **Use Specific Requirements:**

Under section 30-4.C.2. Residential Uses of the UDO, household living uses shall comply with the multi-family residential design standards in Article 30-5: Development Standards which regulates building orientation/articulation, building size, building facades, garage standards, parking location, roof form and outdoor activity areas. The City Technical Review Committee (TRC) will review those items when the site plan is submitted.

The applicant had a preliminary meeting with TRC on March 27, 2019. The primary issues raised were access, traffic and parking. NCDOT and Public Services Traffic Services Division stated that the project did not meet the threshold to require a traffic study be performed. NCDOT will require a right turn lane on to Lowell Harris Road as part of the development.

At the meeting, it was discussed that the Unified Development Ordinance (UDO) required three (3) access points for the proposed use per Section 30-5-F.6.a Development Entry Points. NCDOT has stated, however, it will not permit access to the site from Cliffdale Road. Per Section 30-5-F.6.c.2 of the UDO the City may to waive this requirement if access is not granted by NCDOT. Staff can grant the waiver administratively during the site plan approval.

The Chief Zoning Administrator recommended that the parking be reduced, as the applicant has proposed twice the number of required parking spaces. The applicant responded that based on similar projects she had built in the City the additional spaces were needed because residents used the garages as storage units rather than for parking their cars.

The developer will be required to obtain site plan approval for the townhouse development to include landscaping and lighting and the necessary building and trade permits before construction could begin.

The preliminary site plan indicates that the applicant would meet open space and setbacks requirements for the development and exceed the parking requirement by 48%.

### **Zoning Commission**

At its April 9, 2019 meeting, the Zoning Commission voted 3-2 to recommend approval of the request, based upon the recommendation by staff.

At the meeting, nine (9) speakers spoke in opposition to the request and two (2) spoke in favor, which were the Project Manager and an agent for the owners. The neighbors raised concerns regarding the increase in traffic on Lowell Harris Road and Cliffdale Road, drainage in an area they said was prone to flooding and a decrease in property values once the multi-family dwellings were constructed.

### **Neighborhood Meeting**

At the request of staff, a neighborhood meeting was held on Thursday, May 2, 2019 at 6:00 pm in City Council Chambers. At the meeting Scott Brown, P.E., 4D Site Solutions, provided an overview of the 220 townhouse unit development that was being proposed. He explained that access to the development would be off Lowell Harris Road, as NCDOT had denied access via Cliffdale Road. In response to the neighborhood's concerns about speeding on Lowell Harris, the developer offered to install speed humps between Quailmeadow Drive and Pleasant Oak Drive. City Traffic Services had approved a request for the installation; however, the required number of signatures were not obtained and the project was not completed. Mr. Brown stated that additional improvements to Lowell Harris Road might be required by the City once a plan was officially submitted.

In response to the complaints about drainage, Mr. Brown stated a Stormwater management pond would be installed to capture runoff for the proposed development. He said that the pond would be designed for that project and would not fix existing drainage and flooding issues experienced by the neighbors.

When asked about the construction schedule, Mr. Brown responded that the project would be built in five (5) phases and each phase would take approximately eight (8) months to complete. The

neighbors expressed concerns about construction traffic adding to the congestion during peak hours.

A complete summary of the meeting is attached.

### **Meeting with Staff**

On Monday, May 13, 2019, the developer met with staff to discuss ongoing concerns related to the project. At that meeting staff recommended a reduction of parking, a decrease in the number of units, a Stormwater pond designed for a 25-year storm and elevations detailing the materials used for the facades.

The applicant agreed to reduce the proposed number of townhouses from 220 to 210. They removed the end unit from each of the 8 buildings closest to the single-family dwellings on Lisa Ave, which abuts this development; thereby increasing the buffer. They also removed 2 units along Cliffdale Road.

The developer has agreed to reduce the number of parking spaces provided from 858 to 790 spaces. This represent a reduction of 68 spaces. The engineer understand that additional Stormwater measure will be required as part of the approval.

### **Budget Impact:**

There is not an immediate budgetary impact; however, the City can expect an increase in revenue from permit fees and taxes.

### **Options:**

- 1) Approval of the SUP to allow a multi-family development in the SF-6 zoning district (Recommended)
- 2) Approval of the SUP with conditions as set by the City Council
- 3) Denial of the request

### **Staff Recommendation:**

Staff recommends APPROVAL of the Special Use Permit to allow the property to be used for a multi-family development:

- The use of property for multi-family is permitted in the Single-Family 6 (SF-6) zoning district.
- The preliminary site plans demonstrates the applicant will meet density, parking and open space requirements.
- The 2010 Land Use Plan promotes a full range of housing types that include single family, multi-family, group quarters, institutional housing, manufactured homes, and mobile home parks that will allow all persons the opportunity to live in decent, safe, and sanitary housing.

If APPROVED, staff recommends the following conditions:

- The site shall be developed substantially in accordance with the preliminary site plan entitled “Kingsley Park”, prepared by 4D Site Solutions dated May 17, 2019. The approval of the Special Use Permit does not constitute approval of any building and trade or sign permits. The site plan is subject to approval by the City of Fayetteville Technical Review Committee.
- The exterior façade of the buildings shall be substantially in accordance with look and finishes shown on the “Kingsley Park Elevation Plan” submitted by Lorraine Mohler, COE, Mohler Homes, as attached.
- Staff recommends that the applicant be required to install a Type D buffer along all residentially zoned properties in order to provide screening between the existing single-family dwellings and the proposed 210 townhomes.
- An environmental assessment shall be conducted which will include an analysis of wetlands, floodplain and the habitat of the Red-Cockaded Woodpecker.
- The developer, at their expense, shall install speed humps on Lowell Wood Road between Quailmeadow Drive and Pleasant Oak Drive under specifications approved by Public Services Traffic Services Division
- In order to limit drainage impacts, the developer shall be required to meet a higher drainage standard, as determined by the City Engineer as part of the site plan approval
- In order to blend with the existing residences, the following design standards shall be applicable to each building in the development:
  1. Building façades shall incorporate wall offsets, in the form of projections or recesses in the façade plane, a minimum of every 30 feet of the building wall.
  2. Wall offsets shall have a minimum depth of two feet.
  3. Façades shall provide a minimum of four of the following design features:
    1. One or more dormer windows or cupolas;
    2. A recessed entrance;
    3. A covered porch;
    4. Pillars, posts, or pilasters;
    5. One or more bay windows with a minimum 12-inch projection from the façade plane;
    6. Eaves with a minimum six-inch projection from the façade plane;
    7. A parapet wall with an articulated design, which entails design variation rather than a simple rectilinear form;
    8. Multiple windows with a minimum four-inch-wide trim; or
    9. Brick façade extending to the eaves.

### **Recommended Action:**

#### **OPTION 1**

I move to APPROVE the Special Use Permit (SUP) in a Single-Family 6 (SF-6) zoning district, as presented by staff, based on the standards of the City's development code and the evidence presented during this hearing. Additionally, the application is consistent with applicable plans because: (1) the development is located in a Single-Family 6 (SF-6) District, which permits single-

family attached dwellings and (2) the use specific standards for multi-family dwellings have been met and (3) that this use complies with the findings listed below and (4) the proposed permit is in the public interest because the proposed SUP does fit with the character of the area.

[Applicable to Motion to Approve] If approved, this Special Use Permit shall become effective ten days after its approval by the City Council, which is June 7, 2019. The SUP shall expire one year from its effective date if a building permit is not issued within that time.

**\*For a motion to approve, all eight findings below must be met:**

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

**OPTION 2**

I move to DISAPPROVE the Special Use Permit (SUP) in a Single-Family 6 (SF-6) zoning district, as presented by staff, based on the standards of the City's development code and the evidence presented during this public hearing. And that the application is inconsistent with applicable plans because: (1) the proposed SUP does not meet the goals and objectives of the Single-Family 6 (SF-6) zoning district and (2) that this use does not comply with the findings listed below and (3) the proposed Special Use Permit is not in the public interest because the proposed SUP does not fit with the character of the area. [List any of the eight findings below that have not been met.]

[Applicable to Motion to Deny] If denied this action shall become effective ten days after its denial by the City Council, which is June 6, 2019.

**\* For a motion to deny only one of the findings shown below needs to not apply.**

1. The special use will comply with all applicable standards in Section 30-4.C, Use-Specific Standards; [insert supporting facts]
2. The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands; [insert supporting facts]
3. The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration; [insert supporting facts]
4. The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands; [insert supporting facts].
5. The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources; [insert supporting facts]

6. The special use maintains safe ingress and egress onto the site and safe road conditions around the site; [insert supporting facts].
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; [insert supporting facts]
8. The special use complies with all other relevant City, State, and Federal laws and regulations. [insert supporting facts]

**Attachments:**

1. Aerial Map
2. Zoning Map
3. Land Use Plan Map
4. Application
5. Site Photo
6. Site Plan
7. Elevation Drawing
8. Neighborhood Meeting Summary
9. Sign In Sheet for Neighborhood Meeting