



Legislation Details (With Text)

**File #:** 21-2433      **Version:** 1      **Name:** SUP21-11. Order of Approval - Findings of Fact  
**Type:** Consent      **Status:** Agenda Ready  
**File created:** 12/16/2021      **In control:** City Council Regular Meeting  
**On agenda:** 1/24/2022      **Final action:**

**Title:** SUP21-11. Order of Approval - Findings of Fact: Special Use Permit to allow sixteen Single-Family Attached Dwellings (Townhome/Duplex units) in a Single-Family Residential 10 (SF-10) zoning district, to be located at 880 & 881 Danish Drive (REID # 9499835427000 & 9499837311000), totaling 3.79 acres ± and being the property of Raymond King, King Construction and Development Company, Inc.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Plan Review Application, 2. SUP21-11 notification Map, 3. SUP21-11 Zoning Map, 4. SUP21-11 Land Use Map, 5. Subject Property, 6. Surrounding Properties, 7. Site Plan, 8. SUP21-11 Order of Approval - Findings of Fact

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

**THRU:** Telly C. Whitfield, Ph.D. - Assistant City Manager  
Dr. Gerald Newton, AICP - Development Services Director

**FROM:** Craig Harmon, Planner II, CZO

**DATE:** January 24, 2021

**RE:** SUP21-11. Order of Approval - Findings of Fact: Special Use Permit to allow sixteen Single-Family Attached Dwellings (Townhome/Duplex units) in a Single-Family Residential 10 (SF-10) zoning district, to be located at 880 & 881 Danish Drive (REID # 9499835427000 & 9499837311000), totaling 3.79 acres ± and being the property of Raymond King, King Construction and Development Company, Inc.

**COUNCIL DISTRICT(S):**  
8 - Courtney Banks-McLaughlin

**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:**

Due to General Statute 160D, the Order of Approval (Findings of Facts) resulting from an Evidentiary Hearing decision must be approved by the council, board, or commission making the final action, per § 160D-705. The City Council must review and approve the written findings before the Mayor signs the Findings of Facts document.

The Finding of Facts was created based on the City Council meeting records. City Councilmember statements have been incorporated into the motions.

The owner looks to build sixteen townhome style duplex units. These would be built in eight double unit buildings, side by side. The surrounding properties are zoned SF-10 except for the area to the north which is on the Fort Bragg Military Reserve.

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 November 22, 2021, the City Council voted 8-1 in favor of granting a Special Use Permit (SUP) to allow sixteen Single-Family Attached Dwellings (Townhome/Duplex units) be built in a Single-Family Residential 10 (SF-10) zoning district, to be located at 880 & 881 Danish Drive.

**Background:**

Owner: Raymond King, King Construction and Development Company, Inc.

Applicant: Scott Brown, 4D Site Solutions, Inc

Requested Action: SUP - Single-Family Attached Dwellings

Properties Addresses: 880 & 881 Danish Dr

Council District: 8 - Courtney Banks-McLaughlin

Status of Properties: Undeveloped

Size: Approximately 3.79 acres

Adjoining Land Use & Zoning:

- North - MA: Fort Bragg
- South - SF-10: Single-family
- West - SF-10: Single-family
- East - SF-10: Single-family

Letters Mailed: 67

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 if this property is developed as townhomes each unit will have to be on its own individual lot.

### **Issues/Analysis:**

#### **Surrounding Area**

To the north is Fort Bragg, to the south, west and east of the subject property are single-family homes.

#### **Special Use Permit Request**

The applicant is requesting a Special Use Permit to construct townhomes on a vacant property. The lot is approximately 3.79 acres. Danish Drive is located north of Fillyaw Road. According to the site plan submitted, this portion of Danish Drive will be a private street. The attached site plan shows the layout of the sixteen 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.

The application is only to address the construction of the sixteen townhome site.

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.

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/duplexes).

As shown in the owner’s application, the special use complies with the standards set forth in the Unified Development Ordinance (UDO). The minimum lot size is met for a 16-unit townhome/duplex complex. All setbacks meet 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 surrounding property is zoned and constructed as single-family residential homes. The proposed development is a residential development located at the end of Danish Drive. The proposed use is similar in nature to the surrounding uses. The proposed SUP will be compatible with the character of the surrounding property.

- (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 and application, the proposed use is residential and matches the use of the surrounding property. No adverse impacts to the surrounding property is anticipated. The traffic, noise, odor, etc will be similar in nature to the existing uses.

- (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 driveway for the development will be a continuation of where the city street currently ends. The property has remained undeveloped for years. The property will be development in accordance with the current UDO and storm water ordinance.

- (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, the project is designed to comply with the current storm water ordinance and UDO for landscaping. No significant deterioration of resources is expected from the project.

- (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 ingress and egress will be from the end of the city street. Negative impacts to traffic is not anticipated.

- (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 neighboring properties are developed as single-

family residential homes. The proposed development will be similar in nature. Negative impacts to property values are not anticipated.

- (8) The Special use complies with all other relevant City, State, and Federal laws and regulations. According to the application and site plan the SUP will comply with all local, state and federal regulations.

**Budget Impact:**

This action should result in no increase in City services.

**Options:**

- 1) Approval of the Order of Approval - Findings of Fact. (Recommended);
- 2) Remand to Staff for revision; or
- 3) Denial of the Findings of Fact.

**Recommended Action:**

Planning Staff recommends approval of the Order of Approval - Finding of Facts for SUP21-11.

**Attachments:**

1. Application
2. Aerial Map
3. Zoning Map
4. Land Use Plan Map
5. Subject Properties
6. Surrounding Properties
7. Site Plan
8. SUP21-11 Order of Approval - Findings of Fact