



## Legislation Text

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File #: 22-2945, Version: 1

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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  
Jennifer C Baptiste, CZO - Planning and Zoning Division Manager

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

**DATE:** September 26, 2022

**RE:**  
**SUP22-06.** Special Use Permit to allow three Two-Family Dwellings (duplexes units) in a Single-Family Residential 10 (SF-10) zoning district, to be located at 2417 & 2421 Colgate Dr. (REID # 0426650150000 & 0426558132000), totaling 1.94 acres ± and being the property of Military Standard Construction, LLC.

**COUNCIL DISTRICT(S):**  
5 - Mayor Pro Tem 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 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 or other parties to show that the standards have not been met by the applicant.

The owner is requesting to construct three duplex buildings with a total of 6 units (see attached site plan). There is a substantial power line and easement that stretches across the property from north to south. All surrounding properties are zoned SF-10 - Single Family Residential<sup>10</sup>. 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.

## **Background:**

Owner: Mark Mayoras, Military Standard Construction, LLC.

Applicant: Blaine Stubbs, Military Standard Construction, LLC.

Requested Action: SUP - Dwelling, Two- to Four-Family (3 Duplexes)

Properties Addresses: 2417 & 2421 Colgate Dr

Council District: 5 - Mayor Pro Tem Johnny Dawkins

Status of Properties: Vacant w/ Power Easement

Size: Approximately 1.94 acres total

Adjoining Land Use & Zoning:

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

Letters Mailed: 142

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

All of the surrounding properties are zoned SF-10 - Single Family Residential 10. 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 three duplexes on properties located on Colgate Drive. The attached site plan shows the layout of the six units.

According to the owner, the proposed use will comply with all of the City's Dwellings, Two- to Four-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 three 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.

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?>

, 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 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, newly constructed duplexes, will complement the integrity of the neighborhood and provide additional value to the community as a whole. As a result of quality workmanship and utilization of upper tier materials, the homes will not appear as poorly constructed units, but instead, enrich the visual appearance of the neighborhood.

- (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, a highly skilled crew ensures minimal intrusion on neighboring homes' quality of life. Deliveries will only occur through a designated area for entry and egress. Parking will be limited to the front portion of each lot during each phase of construction. Odors, noise, and vibration will be kept to a minimum at all times.

- (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, each home has been uniquely designed to highlight and compliment the area it will be constructed in. The requested special use permit will not damper or diminish the value, appearance, or integrity of the adjacent community.

- (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, Military Standard Construction, LLC will take every effort to avoid any deterioration of resources, and damage to habitats by following the guidelines of the NC Department of Environmental and 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, entrances and egress areas will be clearly marked and visible. Parking will occur in designated areas only.

- (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, each duplex will be constructed of high-quality materials and feature top-of-the-line amenities within its walls. Property values will be maintained or increased by the addition of these homes. Currently, the lots are vacant and provide no value to the area, allowing the special use permit creates value for the community.

- (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 SUP with any conditions listed above;
- 2) Approve the SUP with additional conditions;
- 3) Approve the SUP without conditions; or
- 4) Deny the SUP.

**Recommended Action:**

**OPTION 1**

I move to APPROVE the Special Use Permit (SUP) to allow the construction of three Two- to Four-Family Dwellings (three duplexes for a total of six housing units) subject to the conditions identified and the submitted site plans and conforming to the current Unified Development Ordinance standards, as presented by staff, based on the standards of the City's development code and the evidence presented during this hearing. And that the application is consistent with applicable plans because: (1) the development is located in a Single Family 10 Residential (SF-10) zoning district and (2) that this use complies with the findings listed below and (3) 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 with the approval of the Order of Findings by the City Council. 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) for the construction of three Two- to Four-Family Dwellings (three duplexes for a total of six housing units) as depicted on the attached site plan, as presented by staff, based on the standards of the City's development code and the evidence presented during this hearing. And that the application does not meet the finding(s) of fact listed below. More specifically finding(s) #\_\_\_\_\_.]

\* 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]

[Applicable to Motion to Deny] If denied this action shall become effective upon the approval of the Order of Findings by the City Council.]

### **Attachments:**

1. Application
2. Aerial Map
3. Zoning Map
4. Land Use Plan Map
5. Subject Properties
6. Surrounding Properties
7. Site Plan
8. Duplex Rendering