#### CITY OF WILMINGTON REGULAR CITY COUNCIL MEETING MINUTES TUESDAY, JUNE 17, 2025

The Council of the City of Wilmington met in regular session on the above date at 6:30 p.m. at City Hall, Council Chambers, 102 North 3<sup>rd</sup> Street, Wilmington, North Carolina.

Those present were: Mayor Bill Saffo, presiding; Mayor Pro-Tem Clifford Barnett, Sr.; Councilmembers Charlie Rivenbark, Kevin Spears, Luke Waddell, David Joyner, and Salette Andrews; City Clerk Penelope Spicer-Sidbury; City Attorney Meredith Everhart; and Interim City Manager Thom Moton.

Sergeant Ronald Evans, Wilmington Police Department, gave the invocation, followed by the Pledge of Allegiance to the Flag.

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#### PRESENTATION

Mayor Saffo and Council presented Chief Donny Williams, Wilmington Police Department with the Order of the Long Leaf Pine on behalf of the Honorable Josh Stein, Governor.

Mayor Saffo stated that Chief Williams is a native of Wilmington and got his start with the Wilmington Police Department as a summer Youth Worker assigned to the Office of the Chief. He served as a Police Cadet before becoming a Sworn Officer in December 1992. Once sworn in he slowly rose through the ranks as a dedicated protector of this community. The Wilmington City Council unanimously approved Chief Williams as the Wilmington Police Department's Chief on June 23, 2020. He earned the job through his demonstrated leadership, commitment to the citizens of Wilmington and admirable execution of the projects he managed.

Mayor Saffo advised he has seen Chief Williams devotion firsthand as he was hands on with the civil unrest of 2020, led the department through multiple natural disasters and played a vital role in responding to unprecedented public safety concerns. Under Chief William's leadership, violent crime in Wilmington has neared a multi-year low, his commitment to innovative approaches has produced a highly trained and well-equipped police force which has delivered on City Council's priorities for public safety. Chief Williams has a heart for our community's youth and is credited for expanding the Police Activity League (PAL) of which more than 500 young Wilmingtonians participate annually. Mayor Saffo stated he is grateful for Chief William's dedication to the Law Enforcement profession and his core belief that all who call Wilmington home deserves to live in a safe community with a trusted and effective police force who treat all persons with fairness and respect.

Mayor Saffo stated that since 1963, North Carolina's governors have reserved their highest honor, The Order of the Long Leaf Pine, for persons who have made significant contributions to the state and their communities through exemplary service and exceptional accomplishments. He added that on behalf of the Governor of the State of North Carolina, he gets to bestow the high honor upon Chief Donny Williams, who will retire on June 30<sup>th</sup>, 2025 after more than 33 years of admirable service to the Wilmington Police Department.

Chief Williams thanked God for getting him here, his Mother, Wife, and his co-workers of the City of Wilmington who have stood with him through thick and thin. He stated that who he wants to thank the most are the citizens of Wilmington, in addition to raising him, the community supported him for 35 years and allowed him to serve from being a Police Cadet all the way up to Chief. He thanked the current and former Councilmembers that have supported him and the Police Department.

Mayor Saffo read and presented a Proclamation naming June 20, 2025 as World Refugee Day to Mr. Wes Magruder, Office Director, Church World Service, who made brief remarks.

Mayor Saffo read and presented a Proclamation naming June 2025 as Pride Month to Ms. Jamie Windham, Executive Director of the LGBTQ Center for the Cape Fear Coast, who made brief remarks.

Mr. Thomas Boland, Chair, Wilmington Tree Commission, gave a brief overview of the Heritage Tree Awards. He presented awards with the designation of significant trees to Ms. Chelsea Parham, Ms. Donna Dowson, Ms. Jill Webb, and Ms. Isabelle Shepherd.

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#### CONSENT AGENDA

Councilmember Waddell requested that Item C2 (Resolution Authorizing the City Manager to Retire Police Canine Officer Dex and to Transfer Ownership of Canine Officer Dex to Police Sergeant Kendall Murphy) be pulled.

Councilmember Rivenbark requested that Item C17 (Resolution Rejecting All Bids for the Front Street Bridge Rehabilitation Project) be pulled.

Councilmember Spears requested that Item C14 (Resolution Authorizing the City Manager to Enter into a Three-Year Grant Agreement with YWCA of the Lower Cape Fear, Inc., in the Annual Amount of \$60,000 to Enhance Economic Development Activity within the City of Wilmington) be pulled.

Items on the Consent Agenda were acted upon and unanimously adopted on motion of Mayor Pro-Tem Barnett, seconded by Councilmember Andrews as presented as follows:

**Approved** of Special Council Meeting Minutes - Budget Work Session on March 28, 2025, Special Council Meeting Minutes - Budget Work Session on May 16, 2025, Special Council Meeting Minutes - Budget Work Session on May 30, 2025, Council Agenda Briefing Meeting Minutes on June 2, 2025, Regular Council Meeting Minutes on June 3, 2025, Special Council Meeting Minutes on June 5, 2025, and Special Council Meeting Minutes on June 6, 2025.

Adopted Resolution Authorizing the City Manager to Negotiate and Execute a Three-Year Contract with Sunstates Security, LLC in the Amount of \$218,946 Annually for Security Services at the Skyline Center.

Adopted Resolution Authorizing the City Manager to Enter into a Three-Year Agreement with Otis Elevator Company in the Amount of \$240,000 for Elevator Maintenance and Repair Services at 929 North Front Street, 155 N. Brunswick Street, and 115 N. 3rd Street.

Adopted Resolution Authorizing the City Manager to Enter into a Three-Year Agreement with Wrightsville Beach Landscaping in the Annual Amount of \$88,795 for Landscaping Services at 929 North Front Street, 155 North Brunswick Street, and 115 North 3rd Street and North Front Street Median.

**Adopted** Resolution to Authorize the City Manager to Execute a One-Year Contract Extension with CSI International, Inc. (Formerly Executive Building Maintenance) for Janitorial Services at the Skyline Center in the Amount of \$376,731.

**Adopted** Resolution Authorizing a New Lease on the Seventh Floor of Skyline Center to Beacon Technologies, Inc.

Adopted Resolution Authorizing the City Manager to Enter Into a Uniform Rental Services Agreement with UniFirst Corporation.

Adopted Resolution Authorizing The City Manager to Enter into a Three-Year Contract with Galls Parent Holdings, LLC, for the Purchase of WPD's Class A Uniforms.

Adopted Resolution Authorizing the City Manager to Enter into a Three-Year Contract with Galls Parent Holdings, LLC, for the Purchase of WPD's Tactical Uniforms.

Adopted Resolution Awarding On-Call Contracts for Stormwater Engineering Services.

Adopted Resolution to Adjust Accounts Receivable for Uncollectible Accounts.

Adopted Resolution Appointing the City Tax Collector.

Adopted Resolution Authorizing the City Manager to Enter into a Three-Year Grant Agreement with the Arts Council of Wilmington and New Hanover County in the Annual Amount of \$30,000 to Enhance Economic Development Activity within the City of Wilmington.

Adopted Resolution of City Council's Intent to Close a Portion of Aubrey Alley, an Unimproved Alley Between Parsley Street & Davis Street, in the City of Wilmington, North Carolina.

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#### Resolution Rejecting All Bids for the Front Street Bridge Rehabilitation Project was considered.

Councilmember Rivenbark inquired when did Staff find out that the bidder is not NCDOT pre-qualified. Mr. Kyle Burden, Project Manager, responded that the bidder does not have to show the qualifications until after the bid is received. Ms. Meredith Everhart, City Attorney, clarified that the bidder that did not meet all the qualifications is pre-qualified for certain NCDOT projects; but there were three certain codes in this project that they were not. She advised that it is her understanding that the bidder believed they were, as they have done bridge projects in the past, but they were not the same specific codes. When Staff readvertises the project, they will be more specific about the codes.

Mayor Saffo asked to be recused from this item as a family member has submitted a proposal for the Front Street Bridge Rehabilitation Project. Following further consideration, Councilmember Waddell made a motion to recuse Mayor Saffo from consideration on the Resolution Rejecting All Bids for the Front Street Bridge Rehabilitation Project. The motion was seconded by Mayor Pro-Tem Barnett and carried unanimously.

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#### Note: Mayor Pro-Tem Barnett presided.

Following further discussion, Councilmember Waddell moved approval of the Resolution Rejecting All Bids for the Front Street Bridge Rehabilitation Project. The motion was seconded by Councilmember Andrews and carried unanimously.

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#### Note: Mayor Saffo resumed presiding.

Resolution Authorizing the City Manager to Retire Police Canine Officer Dex and to Transfer Ownership of Canine Officer Dex to Police Sergeant Kendall Murphy was considered.

Mayor Saffo thanked Canine Officer Dex and Police Sergeant Murphy for their service and congratulated Officer Dex on his retirement.

Following further consideration, Councilmember Waddell moved approval of the Resolution Authorizing the City Manager to Retire Police Canine Officer Dex and

to Transfer Ownership of Canine Officer Dex to Police Sergeant Kendall Murphy. The motion was seconded by Councilmember Andrews and carried unanimously.

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Resolution Authorizing the City Manager to Enter into a Three-Year Grant Agreement with YWCA of the Lower Cape Fear, Inc., in the Annual Amount of \$60,000 to Enhance Economic Development Activity within the City of Wilmington was considered.

Councilmember Spears asked for all the information and data associated with the item and program sent to himself and Council.

Following further consideration, Councilmember Spears made a motion to approve the Resolution Authorizing the City Manager to Enter into a Three-Year Grant Agreement with YWCA of the Lower Cape Fear, Inc., in the Annual Amount of \$60,000 to Enhance Economic Development Activity within the City of Wilmington. The motion was seconded by Mayor Pro-Tem Barnett and carried unanimously.

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#### **PUBLIC INFORMATION**

Mr. Jordan Pettid, President, Wilmington Professional Firefighters Local 129 Association, spoke to Council regarding the Fire Department. He stated that he offers his sincere gratitude to Council for their continued partnership and support over the past year through the budget process. He advised that one of the steps forward in the protection of firefighter health is the inclusion of annual cancer screening in the department's health protocols. This effort is strengthened by the ongoing transition to PFAS-free gear as well as the home of receiving mission ready gear in the near future.

Mr. Pettid thanked Council for approving the implementation of the Senior Firefighter position. This rank will be a moral booster, strengthen crew dynamics, and help retain those in the department who make it better every day. He stated that Council's commitment to competitive compensation has not gone unnoticed and their actions to begin closing the wage gap tells members they are valued and their service to the City is work investing in. Also, Mr. Pettid thanked Council for the approval of the Training Captain position, a vital need in operation as the Training Captain will ensure the Firefighters stay sharp, prepared, and safe. Mr. Pettid presented the Mayor and Council each with a challenge coin, a symbol of trust, respect and shared purpose and presented to individuals who have demonstrated meaningful support and commitment.

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#### **PUBLIC HEARINGS**

Public Hearing was held on FY2026 Annual Action Plan for CDBG & HOME Funds.

Ms. Rachel Schuler, Director of Housing and Neighborhood Services, advised that no action is requested on this item tonight as it is only a Public Hearing. She noted that Council will be asked to take action at their July 15, 2025 meeting. The plan is a culmination of several steps in the HUD process including a required five-year consolidation plan, an annual action plan, as well as a Consolidated Annual Performance and Evaluation Report (CAPER).

Mr. Gilbert Combs, Community Development and Housing Manager, presented Council with the goals of the five-year consolidated plan and noted that responses gathered from a survey each year help when considering the annual action plan. He reviewed the responses received and how the department currently promotes the requested assistance. For Public Investments, the number one response was to rehabilitate or repair vacant housing for affordable homeownership. Currently, the department runs owner-occupied rehabilitation programs and a home buying program with the potential for rehabilitation called Homeownership Pool Program (HOP). For Public Services implemented through the City's Human Services Program the highestranking response was for affordable childcare. Currently, the City does not offer the service directly, but through the human services grant the City supports organizations such as the Boys and Girls Club, Voyage, and the Child Development Center. In response to the survey question about the quality of life in neighborhoods the highest

response was to provide financial assistance to help home buyers afford a home. The department supports homeowners in this way through a down payment assistance program and through HOP. The highest response received in relation to affordable housing issues was the lack of housing options for families earning 80%-60% area median income (AMI) and the highest response for homeless service needs was for homelessness prevention, diversion, and rapid exit. Mr. Combs advised that the Homeless Services Grant supports local programs with CDBG dollars, and the Affordable Housing fund provides support through the City's gap financing program.

Ms. Schuler advised that through the survey results and experience the department developed their recommendations for proposed funding. The different program categories including program delivery, affordable housing, public services, and Healthy Homes there is a mix of funding. The survey and public comment period will be open through June 26, 2025 in addition to the Public Hearing tonight. Any feedback gathered will be incorporated in the final plan that will be presented to Council in July.

Councilmember Joyner inquired how the survey is formatted, as a significant response around education which the City has no authority over. Ms. Schuler responded that the City funds many after-school programs that assist with education and eligible activities help form the actual survey and potential programs. They then deliver this through Human Services and different opportunities for after-school programming.

Mayor Pro-Tem Barnett inquired how many survey responses were received. Ms. Schuler responded they have received around 800. The survey is currently only available online, but with the proposed engagement software there may be additional options in the ways to do the survey in the next cycle.

Councilmember Waddell inquired about the Affordable Housing funds being below the 2.5 times cap that Council put on the balance recently. Ms. Schuler responded that based on the policy 2.5 times the value of the fund is about \$5.7 million, which will put them below the cap as the other funds are spent on the operating and other programs in the pipeline.

Councilmember Spears inquired about the increase participation in the HOP Program. Ms. Schuler responded that they have seen an increase with the shift of the HOP Rehab program allowing people to buy homes and do rehabilitation on them as well as the paring it with State provided programs such as additional downpayment assistance. There is some carryover of these funds at the end of the fiscal year, which is how the allocation gets built up.

Mayor Saffo inquired how those that have an interest in affordable housing can find the information. Ms. Schuler responded that the State runs a website that allows people to search for affordable housing in a community and provides details of any restrictions. Typically, if there is an open application process going on for a project the developer will notify the department, and they will direct people to their property management company.

A lengthy question/ answer and discussion period was held.

Mrs. Penelope Spicer-Sidbury, City Clerk, advised she received no additional comments.

There being no one present to speak in favor or opposition to the FY2026 Annual Action Plan for CDBG & HOME Funds, the Public Hearing was closed. No action was taken.

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Quasi-Judicial Public Hearing was held on Ordinance Granting a Special Use Permit for a Residential Courtyard Development Located at 5651 Greenville Loop Road.

Councilmember Waddell inquired if the applicant would consider continuing the item until Council has taken action on what uses are appropriate for Special Use Permits. Mr. Sam Potter, Attorney, representing the applicant, responded that they would not consent to a continuation at this time. He advised this was originally set to be heard on January 21, 2025 and they are ready to move forward. He noted that

the law will be the same for this particular application even if Council does change the Special Use Permits.

Mayor Saffo made an opening statement advising this hearing is a quasijudicial evidentiary hearing. That means it is like a court hearing. State law sets specific procedures and rules concerning how City Council must make its decision. These rules are different from other types of land use decisions like rezoning cases. Council's discretion is limited. Council must base its decision upon competent, relevant, and substantial evidence in the record. A quasi-judicial decision is not a popularity contest. It is a decision constrained by the standards in the ordinance and based on the facts presented during the hearing only. Mayor Saffo noted that if someone is speaking as a witness, to please focus on the facts and standards, not personal preference or opinion.

Ms. Meredith Everhart, City Attorney, advised Council that the quasijudicial hearings are different than any other zoning hearings in that Council is not able to talk to any parties or receive any communication from any parties or concerned citizens prior to the hearing. If Council has received any communications, they are required to disclose that information during this hearing and state whether they will be able to be fair, impartial tryer of fact despite any information they received. She asked if any Councilmember has received any outside communications regarding this matter. Councilmember Waddell responded that Council received multiple emails from concerned citizens today. Ms. Everhart instructed Council that they are not able to consider any of the emails received today unless the information is also offered in the hearing and asked if receiving that information would prevent any Councilmember from being a fair and impartial tryer of fact. All Councilmembers responded no.

Ms. Everhart advised Council that participation in a quasi-judicial hearing is limited, this meeting is open to the public and everyone is welcome to watch. However, only parties with standing have the right to participate fully, including speaking to present evidence, calling witnesses, and making legal arguments. Parties are limited to the applicant, City Staff, expert Witnesses providing evidence on issues such as property value and traffic impacts, and individuals who can show that they have special damages. She defined special damages as damages over and above any damages to the general public that occur if the Special Use Permit is granted. Having a personal opinion about whether this is a good project or whether you don't like the project for one reason, or another does not reach the threshold of competent material and substantial evidence to show an individual has standing to participate in the hearing. Parties including the applicant, Staff, expert witnesses, and those believing they have standing will need to be sworn in by the City Clerk, provide their name and address, and a list will be provided to the Mayor. After being sworn in the Mayor will call them up individually and they will explain what special damages they believe they will have if the Special Use Permit is granted. After that the applicant and Council will have the opportunity to ask each person individually questions about why they believe they have standing, and Council will need to decide on each individual. Only those who Council determines on the record to have standing will be allowed to participate in the hearing. For those individuals who do not have standing, Council will need to disregard anything they say during their presentation.

Mayor Saffo asked for all individuals who believe they have standing to come up to the City Clerk to be sworn in and provide their names.

Mrs. Penelope Spicer-Sidbury, City Clerk, swore in Mr. Brian Chambers, Assistant Planning and Development Director, and Mr. Patrick O'Mahony, Senior Planner from City Staff. The Applicant, Mr. Chauncy Archer; and Mr. Sam Potter, Attorney representing the Applicant, were sworn in along with their expert witnesses, Mr. Phil Tripp, Engineer; and Mr. Cal Morgan, Real Estate Appraiser. There were no members of the public claiming special damages to be sworn in.

Mr. Patrick O'Mahony, Senior Planner, gave the Staff report providing details of the site, its current conditions and those around it. He reported that the applicant is proposing a courtyard development for 25 single family residential homes with 25 accessory garages. There is access provided directly from Greenville Loop Road via a new public street.

Councilmember Rivenbark inquired about the second-floor space above the garages provided in the proposed elevation illustrations. Mr. O'Mahony responded

that the applicant has stated that it is to be office or multipurpose space. The applicant has been advised it cannot be converted into an accessory dwelling unit.

Mr. O'Mahony reported that the site is not located in a designated area of opportunity or mixed-use center on the Growth Strategies Map of the Comprehensive Plan. The proposed plan does provide an alternative development pattern, creating a community of homes oriented around shared open space that is pedestrian centered and provides tree preservation along the corridor. He advised that because this is an evidentiary hearing there is no recommendation of Staff or the Planning Commission and provided the four findings of facts that Council will need to find have been made.

Mr. Sam Potter, Attorney representing the Applicant, spoke to Council advising the current state of the property consisting of two mobile homes and accessory buildings with a R-15 zoning district. The proposed project is a courtyard development with all homes facing the internal courtyards instead of facing out toward the street. The City Code that allows this requires a Special Use Permit, and if each house is 1,000 square feet or less they can get 5.1 units per acre hence the 25 proposed homes.

Mr. Potter stated there are specific criteria other than the four general criteria. In addition to the 5.1 units per acre there are restrictions that would not be present in a by right development such as maximum building footprint, impervious, courtyard dimensions, pedestrian connectivity, and tree requirements.

Mr. Chauncy Archer, Applicant, spoke to Council and provided details of the community which will be divided into three cluster of homes with a maximum of 12 homes per cluster. Cluster one is at the northern portion of the site and is a 12-home cluster that all face each other into a central courtyard. There are two canopy trees per property, and front porch requirements of eight feet deep and eight feet wide to encourage communal engagement. Cluster two is a seven-home cluster that is divided from cluster three which consists of six homes, by a dense tree canopy or either existing trees or supplemental trees. There are unengaged garages that are detached for each unit.

Mr. Archer provided illustrations for the style of homes they intend to have in the community with a combination of one, one and a half level, and potentially twolevel homes. They will be 1,000 square feet or less with high ceilings and utilizing all the space allowing people to feel like they are a more substantial home despite taking up a smaller footprint.

Mr. Phil Tripp, Project Engineer, spoke to Council and provided his credentials noting that he is a professional Engineer with an office in Wilmington for over 30 years. Council unanimously agreed Mr. Tripp has standing.

Mr. Tripp stated the proposed project at 5651 Greenville Loop is 25 units, 53 parks, not including the detached garage parking. The project has access to water and sewer through the Cape Fear Public Utility Authority, and electricity will be provided through Duke Energy. They propose stormwater treatment through the stormwater pond located at the front of the site with secondary treatment through infiltration scattered throughout the project as well as pervious paving. He advised that the site is relatively flat with the drainage outfall at Greenville Loop Road where water flows to the west, and then to the South towards Hewletts Creek.

Mr. Tripp reported that the projected traffic count at peak hour in the morning is 21, with evening peak hours being 27. There was no traffic impact analysis required. They will need to apply for a driveway permit through the North Carolina Department of Transportation (NCDOT) who will review and approve and may make recommendations such at a de-escalation lane. The applicant proposes a five-foot sidewalk along the frontage of Greenville Loop Road and a network of sidewalks throughout the interior to service the courtyards and individual homes.

Mayor Saffo inquired if the Cross City Trail ties into the sidewalk along Greenville Loop Road. Mr. Thom Moton, Interim City Manager, responded that the Cross City Trail is along the other side of the road.

Mayor Pro-Tem Barnett inquired why there was no traffic analysis required. Mr. Tripp responded that it is because the peak hour trips are less than 100.

Mr. Potter inquired if the plan that Mr. Tripp submitted complies with all the safety and fire regulations. Mr. Tripp responded yes, it does.

Mr. Cal Morgan, Real Estate Appraiser, spoke to Council providing his professional history and advised he was engaged by the applicant to perform research and analysis that would enable him to conclude an option as to Item C of the Special Use Permit Application. Item C stated that the use will not substantially injure the value of adjoining or abutting properties, or that the use is a public necessity. He focused his research to the valuation component of the requirement.

Mr. Morgan stated that to develop an opinion on the requirement he researched and reviewed several developments with comparable densities and designs in the local market, as well as the properties that adjoin them. He reviewed the sales history and prices of properties that were adjacent to these developments, then compared that data to the sales history and prices of similar properties that were close by but not adjacent to the projects to determine if there was any discernable difference in values. He also reviewed several newer developments considered somewhat comparable to the proposed project to determine what type of impact their overall design and appeal has on the immediate area. He reported that based on the data that he reviewed there is no indication that the proposed project would have a negative impact on the adjoining or abutting property values.

Councilmember Joyner requested Mr. Morgan's data to review more closely.

Mr. Potter asked that Mr. Tripp and Mr. Morgan be accepted by Council as expert witnesses and their testimony be treated as such. Mayor Saffo and Ms. Everhart, City Attorney, responded they have no objections.

Mr. Potter asked that their presentation be submitted into evidence as well as the Staff presentation. Mayor Saffo responded there are no objections and to have them submitted into the record. (See Attachment A)

Mr. Potter advised that the fourth criteria is the compliance with the Comprehensive Plan and the fact that a Special Use Permit is available in the zoning district means that it complies with the comprehensive plan. There are several proposed conditions which include that the proposed development will comply with all landscaping requirements, each home will have a covered main porch with a minimum floor area of 75 square-feet, building orientation, a maximum ground floor heated area of 1,000 square-feet per house, and no common dumpster.

Mayor Pro-Tem Barnett inquired how much the homes are estimated to be sold for. Mr. Archer responded that the short answer is that they do not know, but marketability is important. He noted that the homes are small so they will be priced accordingly, but they do have to produce a product that is befitting the area and is cohesive. They will be within a dollar per foot range to be comparable to properties in the area. He advised they will be single-family homes, largely two-bedrooms, with a three-bedroom plan but space is a concern. These have not been designed for large families but were derived for demands and needs that he has come across in the real estate industry that were unmet. He advised it would be tight beyond two or three people living in the house, and the parking requirements will limit how many people could be there.

Mayor Pro-Tem Barnett inquired if the houses will be sold or if it will be for renters. Mr. Archer responded that the same question came up in their community meeting and there were concerns about it being a build to rent community. The intent is to sell to homeowners, primarily because the pattern was designed to create a small community cluster. Each home is surrounded by a semi-private courtyard making it feel like it's yours although it is part of the community. This allows the clusters to take advantage of the green space that otherwise would be in your backyard.

Councilmember Rivenbark inquired if there was the potential of doing onebedroom layouts. Mr. Archer responded that they have discussed the possibility but that it is a tougher market for one bedroom. The site does have some areas that are a little tight and they may not be able to fit a two-bedroom there and may have a one-bedroom make more sense. Councilmember Andrews inquired how and where trash will be collected. Mr. Archer responded that they would likely have to contract with a company with small trucks as he doesn't know that regular trucks would go down their drive aisles to do rollout.

Councilmember Andrews inquired if the garages would be deeded per home. Mr. Archer responded there would be a one-to-one ratio with the intent that every homeowner has a garage. There are parking restrictions with this pattern to where they had to consider having too much parking. At this point it may not be designed to be the best entertaining community in Wilmington, but that is why we have City Parks and other places to get out and about.

Councilmember Andrews inquired if there would be restrictions that would restrict leases preventing the homes from turning into short-term rentals. Mr. Archer responded that it could potentially happen, a lot of that comes down to property pricing and the make up of what a community wants. What he has seen is that in a community like this, typically it does not lend itself to that. He stated that these are important issues for them to consider, but they are not there quite yet. They are leaning toward that not being the goal and it being more about creating a community to owner occupants.

Mayor Pro-Tem Barnett inquired if Mr. Archer has done this before. Mr. Archer responded that he has helped a builder put together two multi-family communities in New Hanover County. He has not been a developer of his own project before; this is something that he has been passionate about for a while. It took a lot of time and research, and looking at the City's Land Development Code to see what type of pattern spoke to him and felt right in this area. He advised he has had a lot of conversations with Planning Staff and after those conversations the proposed plan seems more of what the Comprehensive Plan wants.

Mayor Saffo inquired if a Homeowners Association will be put in place. Mr. Archer responded yes, they have to.

Mayor Saffo inquired about the streets being private or public. Mr. Tripp responded that the main access road is proposed to be public with a temporary turnaround at the end. The interior streets are private, which is where the trash will be picked up. There is additional property behind this property that they did not want to cut off access as someone will do something with it at some point in time and access will be needed. The street itself can accommodate 15 more acres of property behind the proposed project.

Councilmember Rivenbark inquired if a fire apparatus will be able to get around the loop that is the proposed private street. Mr. Tripp responded absolutely.

Mayor Saffo inquired if since they are trying to create a neighborhood that is more intimate, would they consider eliminating short-term rentals in the Homeowners Association documents. Mr. Archer responded that he would consider that, as he doesn't know that short-term rentals would be an appropriate use for what they are doing.

Councilmember Rivenbark inquired if the homes were used more of transient than single-family homeownership, would it have a negative impact on the neighborhood. Mr. Morgan responded that he did not research if buying properties to use them for short-term rentals has a positive or negative impact on value. There are very few projects exactly like this, but he looked at nearby projects that were unique and the sale of the neighborhoods around them. He advised that short-term rentals were not part of his research, so he cannot answer that question as an expert witness.

Councilmember Joyner inquired about data from the study provided from Mr. Morgan on the Tesla Park and Georgetown Subdivision. Mr. Morgan advised that Tesla Park was established first and when the Georgetown subdivision was being sold, they were vacant lots which removed the subjectivity. He detailed his research of the properties adjacent and not adjacent to Tesla Park. He stated that the data shows that the average adjacent lot was sold for approximately \$69,000 in 2002, which was higher than the average \$67,000 of the other lots. The average annual change for the homes that back up to Tesla Park was 4.5%, while the average change for the homes that did not back up to the development was 4.4%.

Mayor Saffo inquired if the homeowner's association and fees will maintain the exterior and roofs of the property and what exactly they will cover. Mr. Archer responded that they have not got that far or discussed that yet. It would be his preference for it to be the homeowner's responsibility but to have Homeowner's association guidelines that enforce architectural controls. That way there are minimum standards that need to be met. In his experience with other communities the estimate for homeowner's association fees came at the end, once the construction was ending that way landscaping and things of that nature could be assessed to know what would be required to be maintained by the community.

Councilmember Rivenbark inquired at what point or how the Special Use Permit could be violated and rescinded. Mr. Brian Chambers, Assistant Director of Planning and Development, responded that the Special Use Permit is unique in that once the project is developed, it will basically remain in compliance unless they start tearing things down and rebuilding or violating the specific conditions. The applicant offered the condition to not have the community dumpster, if they went out there and found a dumpster they would be in violation of the Special Use Permit.

Mr. Potter offered Councilmember Joyner additional data from Mr. Morgan the Appraiser. Councilmember Joyner responded he will not say on the record he is satisfied, if there is additional evidence they think they need to present then proceed.

Mr. Morgan presented Council with a summary of the Belle Meade Apartments off Carolina Beach Road and the sales of single-family homes on a small cul-de-sac behind it as well as the Galleria on Wrightsville Avenue and the lot sales of the new subdivision behind it.

Mr. Potter asked Mr. Morgan if being a Licensed Appraiser, does he have ethical and professional standards that affect his ability to give the opinions that he is giving here today. Mr. Morgan responded yes, USPAP (Uniform Standards of Professional Appraisal Practice) is their professional standard. He advised that he is on the North Carolina Appraisal Board and has been an expert witness in numerous courts. He stated that he had not met the developer before tonight, he submitted a package, provided an opinion and if they wanted him to come and speak, he would do so.

Mayor Saffo stated if short-term rentals are to be allowed and not addressed in the homeowner's association, then he has concern about additional parking. Even though the applicant will be selling the property, he cannot determine if the individual owners will turn around and put them out for short-term rentals with the limited amount of parking. Mayor Saffo inquired if the applicant would consider eliminating short-term rentals and putting it into the homeowner's association documents. Mr. Potter responded with a clarifying question if he is asking them to offer it as a condition of the Special Use Permit that they limit short-term rentals. Mayor Saffo responded that he would say they do not allow them and provided examples of other neighborhoods that do not allow them. He stated that because of the size and scope of the layout, if they are going to put them in, then they must take into consideration some additional parking.

Mr. Potter reported that Mr. Archer believes the request is reasonable and proposes a three-month minimum lease. They are willing to offer a condition that there would be a restrictive covenant placed on the project that would limit leases to no less than three months.

Ms. Everhart stated there was no objection to the additional data brought forward by Mr. Morgan to be admitted into evidence. Mr. Chambers asked that the Staff report and materials be entered into the record.

Everyone being given an opportunity to be heard, the Quasi-Judicial Hearing was closed.

Ms. Everhart read the four findings of facts for Council to grant the Special Use Permit.

Following further consideration, Councilmember Rivenbark moved to approve the Ordinance Granting a Special Use Permit for a Residential Courtyard Development Located at 5651 Greenville Loop Road with the condition that any homeowner declarations include a minimum of 90 day lease and read the findings of facts. The motion was seconded by Mayor Pro-Tem Barnett and carried 6-1

(Councilmember Joyner voted "No"). A second reading of the Ordinance was waived on motion of Mayor Pro-Tem Barnett, seconded by Councilmember Rivenbark and carried unanimously.

\*\*\*\*\*\*

### Mayor Saffo was not seated, and Mayor Pro-Tem Barnett presided.

#### ORDINANCES

### Ordinance Making Appropriations to the General Fund for the Fiscal Year Beginning July 1, 2025 was considered.

Ms. Laura Mortell, Budget Director, reported there has been one change since Council's last meeting. She reviewed the other changes since the recommended budget. She detailed that the HUD Entitlement came in after the recommended budget, and the shifts that were needed to make the Administrative Funds whole. There was the addition of three agencies including \$10,000 to the Downtown Business Alliance, an additional \$40,000 to Voyager, and \$15,000 to the YMCA. Additionally, the Mounted Unit was added back into the budget.

Councilmember Spears inquired how long the Mounted Unit will be added back. Ms. Mortell responded that if that is the case the City Manager will make the decision in the next recommended budget. Mr. Moton clarified that this budget is just for Fiscal Year 2025-2026, but it is with the understanding that the new Police Chief upon employment will do an assessment of the department as well as the efficacy of the Mounted Patrol and make recommendations in the subsequent budget.

Following further consideration, Councilmember Andrews moved approval of the Ordinance Making Appropriations to the General Fund for the Fiscal Year Beginning July 1, 2025. The motion was seconded by Councilmember Rivenbark and carried 6-1 (Councilmember Waddell voted "No").

#### Note: Mayor Saffo was not seated.

Ordinance Making Appropriations to the Grant Projects, Financial Plans, Enterprise Funds, Debt Service Fund, Special Tax District, and Convention Center Fund for the Fiscal Year Beginning July 1, 2025 was considered.

\*\*\*\*\*

Following further consideration, Councilmember Andrews moved approval of the Ordinance Making Appropriations to the Grant Projects, Financial Plans, Enterprise Funds, Debt Service Fund, Special Tax District, and Convention Center Fund for the Fiscal Year Beginning July 1, 2025. The motion was seconded by Councilmember Spears and carried unanimously.

#### Note: Mayor Saffo was not seated.

\*\*\*\*\*

Ordinance Making Appropriations to the Capital Project Funds for the Fiscal Year Beginning July 1, 2025 was considered.

Following further consideration, Councilmember Andrews moved approval of the Ordinance Making Appropriations to the Capital Project Funds for the Fiscal Year Beginning July 1, 2025. The motion was seconded by Councilmember Rivenbark and carried unanimously.

Note: Mayor Saffo was not seated.

\*\*\*\*\*

#### Mayor Saffo returned and resumed presiding.

\*\*\*\*\*

#### Ordinance Amending Various Chapters of the City of Wilmington Fee Schedule for the Fiscal Year Beginning July 1, 2025 was considered.

Councilmember Spears inquired about the allocation of funds that would be reinvested back into facilities and thought there would be an increase. Mr. Moton responded that the fee manual includes adjustments of fees based on the policy Council adopted regarding the cost recovery for user services and programs. A dollar of the fee

system is set to go into committed programs with some of it intended for scholarships and grants, but also to help support the building. He advised that Staff would be happy to work on committed revenues and bring it back early in the budget cycle for next fiscal year.

Following further consideration, Mayor Pro-Tem Barnett moved approval of the Ordinance Amending Various Chapters of the City of Wilmington Fee Schedule for the Fiscal Year Beginning July 1, 2025. The motion was seconded by Councilmember Joyner and carried unanimously.

\*\*\*\*\*

### Ordinance Making a Supplemental Appropriation of \$1,591,427 in Surplus Revenue to the General Fund was considered.

Ms. Laura Mortell, Budget Director, advised Council that this Ordinance is an administrative action to prevent a budget violation in the general fund towards the end of the year. There were several instances where they were unable to estimate things that came in higher than expected. She stated there were health insurance claims, and pharmacy expenses that went up and need to appropriate money to help. There are Worker's Compensation Settlements that come at any point in time, there is about \$258,000 that needs to be budgeted for specifically. Lastly, there are funds needed for the North Carolina Retirement System as employees have left who haven't contributed enough and the City is responsible for paying them and have a liability. She reported that Staff believes this \$1.5 million will ensure the general fund will be whole and anything that is not used will fall back to fund balance.

Following further consideration, Mayor Pro-Tem Barnett made a motion to approve the Ordinance Making a Supplemental Appropriation of \$1,591,427 in Surplus Revenue to the General Fund. The motion was seconded by Councilmember Andrews and carried unanimously. A second reading of the Ordinance was waived on motion of Councilmember Rivenbark, seconded by Councilmember Joyner and carried unanimously.

\*\*\*\*\*

#### Ordinance Authorizing Additional Spending Authority Related to Opioid Settlement Funds in the Amount of \$40,000 to be Provided to New Hanover County was considered

Ms. Martha Wayne, Finance Director, stated that Council approved an Ordinance in September 2024 appropriating Opioid Settlement Funds and related interest earnings totaling approximately \$140,000 to New Hanover County. The proposed Ordinance before Council tonight is administrative due to the amount received being slightly higher than expected. These funds will be spent in accordance with the spending plan that was created jointly by the City and County that implements education, outreach, access to services and treatment, sustainable recovery and wellness programs to combat the opioid epidemic. The City will continue to receive annual reporting and be involved in deciding the programs funded even through the City's Opioid Settlement Funds will be redirected to New Hanover County beginning July 1, 2025.

A brief question/ answer and discussion period was held.

Following further consideration, Mayor Pro-Tem Barnett made a motion to approve the Ordinance Authorizing Additional Spending Authority Related to Opioid Settlement Funds in the Amount of \$40,000 to be Provided to New Hanover County. The motion was seconded by Councilmember Rivenbark and carried unanimously. A second reading of the Ordinance was waived on motion of Councilmember Waddell, seconded by Councilmember Joyner and carried unanimously.

\*\*\*\*\*

Ordinance to Amend Various Funds to Comply with Accounting Requirements of GASB Statements No. 87 Regarding Leases and No. 96 Regarding Subscription-Based Information Technology Agreements was considered

Ms. Martha Wayne, Finance Director, advised Council that these standards require the City to record a right to use of assets as a liability for the term of the lease or subscription similar to a debt payment rather than recording these expenses as annual expenses. The change in accounting for these items requires the budget to record the full value over the entire life of the lease or term of the subscription, and whenever it exceeds one year. This Ordinance will get us in to compliance with accounting standards.

Following further consideration, Mayor Pro-Tem Barnett made a motion to approve the Ordinance to Amend Various Funds to Comply with Accounting Requirements of GASB Statements No. 87 Regarding Leases and No. 96 Regarding Subscription-Based Information Technology Agreements. The motion was seconded by Councilmember Andrews and carried unanimously. A second reading of the Ordinance was waived on motion of Councilmember Rivenbark, seconded by Councilmember Joyner and carried unanimously

#### \*\*\*\*\*\*\*\*\*

#### RESOLUTIONS

Resolution Authorizing Filing of Condemnation Actions for Acquisition of Conservation Easements, Permanent Drainage Easements, and Temporary Construction Easements for Stage II of the Wisteria Clearbrook Drainage Improvement Project was considered.

Mr. Michael Satterfield, Assistant City Attorney, reported that there are four potential condemnations for this project that are outstanding with acquisition needing to be completed by July 14, 2025 to stay on construction schedule. He detailed the attempts and efforts made by Staff to resolve the claims prior to condemnation. Three potential condemnations have agreed to settle but have not closed at this time, and they will continue to negotiate and work to resolve issues before and after filing.

Following further consideration, Councilmember Rivenbark moved approval of the Resolution Authorizing Filing of Condemnation Actions for Acquisition of Conservation Easements, Permanent Drainage Easements, and Temporary Construction Easements for Stage II of the Wisteria Clearbrook Drainage Improvement Project. The motion was seconded by Councilmember Waddell and carried unanimously.

#### \*\*\*\*\*\*

#### Resolution Authorizing an Upset Bid Process to Lease Real Property at 929 N. Front Street was considered.

Mr. Aubrey Parsley, Director of Economic Development, advised Council that North Carolina General Statue requires that when a lease exceeds 10 years, a local unit of government procedurally treats it as a sale mirroring another authorized disposition method. The proposed Resolution exceeds the threshold of 10 years; therefore Council is also presented with the authorization of an upset bid process for the lease.

Mr. Parsley provided details of the proposed lease space, Suite 800, 22,500 square feet. The lease parameters received in the initial bid were for the 22,500 square feet, a full-service lease, and an initial committed term of 132 months. Rent would be \$541,920 and would escalate by 2.5% per year thereafter. To be consistent with market for leases of this size and this level of term, there is a \$300,000 market-rate abatement, as well as an up to \$800,000 additional abatement awarded on a dollar-for-dollar basis for permanent real property improvements. The lease would come with two options to renew at two and five years, so the total lease term could be 21 years. There is also the right of first refusal on contiguous space on the first floor and an early termination clause after 72 months requiring 12-month notice and the reimbursement of all abatement received under the contract.

Mr. Parsley reviewed that there are currently 13 active leases in the Skyline Center with the total revenue on those leases totaling about \$5.8 million. The proposed lease depending on the level of investment would effectively double that number, if not more by brining another \$5.7 to \$6.5 million of committed revenue to the Skyline Center. He reviewed the leasing activity over the last two years. Mr. Parsley

gave an overview of the upset bid process, and the timeline should Council approve the Resolution.

Following further consideration, Councilmember Andrews moved approval of the Resolution Authorizing an Upset Bid Process to Lease Real Property at 929 N. Front Street. The motion was seconded by Councilmember Rivenbark and carried unanimously.

#### \*\*\*\*\*

Resolution to Authorize Upset Bid Process for 2451 S College Road was considered.

Mr. Aubrey Parsley, Director of Economic Development, reported that a bid of \$1 million was received from Vinny, Inc for the property at 2451 South College Road. The bid received would contemplate a non-warranty deed, the sale would be asis, where-is, and would be set to close 30 days after the City executes the bid assuming no upset bids are received.

Mr. Parsley provided details on the property, its zoning and previous uses. He advised that the property has been on the market for about 120 days with many showings and interested parties, but the property is a fixer upper and takes a particular buyer. He provided an overview of the upset bid process and a timeline if Council approves the Resolution.

Councilmember Waddell inquired if the funds from the sale will go towards the variable rate debt. Mr. Parsley responded yes. Ms. Mary Vigue, Deputy City Manager, added that it is already included in the budget that was approved tonight. When Staff adjusted the tax rate they included the sale of surplus property at a certain amount and the estimate for this property was included in that.

Following further consideration, Councilmember Andrews moved approval of the Resolution to Authorize Upset Bid Process for 2451 S College Road. The motion was seconded by Councilmember Waddell and carried unanimously.

#### REPORTS

Councilmember Rivenbark, Chairman, Council's Appointments Committee for Boards, Commissions & Committees, presented the following revised recommendations:

#### DOWNTOWN PARKING ADVISORY COMMITTEE

(Residents of Old Wilmington) Term Expires: 08/17/2025

#### LOAN REVIEW BOARD

Reappt. Teddy Hardeen (Residential Lending) Term Expires: 06/15/2027

Appt. Erica Schierholz Alternate 2

#### WILMINGTON TREE COMMISSION

Reappt. Rhonda Waterhouse (City Resident) Term Expires: 06/18/28

Reappt. Cathey Luna (City Resident) Term Expires: 06/18/28

Reappt. Jeanne Fisher \_\_\_\_ (At Large) Term Expires: 06/18/28

Following further consideration, Councilmember Rivenbark made a motion to approve the revised recommendations, seconded by Councilmember Waddell, and the motion carried unanimously.

\*\*\*\*\*\*\*

#### ADDITIONAL ITEMS

Mayor Pro-Tem Barnett advised that growing up his father forced him to speak to people they walked past and say, "Good morning" or "Hello". With everything going on in our climate today it is important to recognize the people that cross our path because you never know what is going on in their shoes. He asked citizens to speak to

each other, smile, grin, nod, recognize that others around you may be going through even more challenging stuff than you are yourself.

Councilmember Andrews announced that the New Hanover County Recycling and Solid Waste Department is starting a monthly free store of usable items that ends up at the landfill with an opening date of July 12<sup>th</sup> from 9 am to 12 noon called Treasure Island.

Councilmember Spears advised the citizens of the County to pay attention to what is going on politically as we get closer to election presentations. Put faces and bodies with ideologies and remember what people are saying, but most importantly remember what people are doing as it relates to our County and City.

#### \*\*\*\*\*\*\*\*

Council voted unanimously to enter into a Closed Session pursuant to the provisions of N.C. General Statute §143-318.11 (a)(6) in order for City Council to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of prospective public officers or employees on motion of Councilmember Joyner, seconded by Councilmember Andrews.

#### \*\*\*\*\*

Council recessed the meeting.

\*\*\*\*\*\*

Council reconvened the meeting with all present as mentioned above.

\*\*\*\*\*\*

Mayor Saffo advised Council provided instruction and guidance to the Staff. No other action was taken.

#### \*\*\*\*\*

#### ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 9:51 P.M.

Respectfully Submitted,

Penelope Spicer-Sidbury, CMC/MMC/NCCMC City Clerk

THE ABOVE MINUTES ARE NOT A VERBATIM RECORD OF THE PROCEEDINGS. THE ENTIRE PROCEEDINGS ARE RECORDED ON TAPES 1, 2, AND 3, AND ARE INCLUDED AS PART OF THIS OFFICIAL RECORD.

Attachment A

# 5651 GREENVILLE LOOP ROAD

City of Wilmington City Council June 17, 2025

APPLICANT'S PRESENTATION

# CURRENT

- Property is currently vacant
- R-15 zoning district
- Contains two mobile homes and accessory buildings.
- By right 15,000 sq foot lots with minimum open space of ten percent (for developments of more than 5 lots).



# PROPOSED COURTYARD DEVELOPMENT

- 25 total homes
- 1,000 square feet or less for each home
- Each home has a detached garage with potential finished space above.
- All homes front on a courtyard between them, so front porches face inward.



SPECIAL USE PERMIT Courtyard developments are allowed in R-15 zoning district via a Special Use Permit.

• The appropriate board, in granting a special use permit, must find that all four of the following factors exist:

• 1. That the use <u>would not materially endanger the</u> <u>public health or safety</u> if located where proposed and developed according to the plan as submitted and approved by the issuance of the special use permit;

 2. That the use meets <u>all required conditions and</u> specifications;

3. That the use would **not substantially injure the value of adjoining or abutting property**, or that the use is a public necessity; and

• 4. That the location and character of the use, if developed according to the plan as submitted and approved, would be in harmony with the area in which it is to be located and in general conformity with adopted comprehensive plans, the CAMA plan, and adopted special area plans.

### SUP SPECIFIC CONDITIONS (COURTYARD STYLE)

• A. Where dwelling units are less than 1,000 sq/ft, allows for up to 5.1 units per acre. Each dwelling unit is under 1,000 sq. ft.

- B. Maximum building footprint of 40%.
- C. Max impervious is 60%.
- D. Courtyard Dimensions. 500 sq/ft per dwelling unit, minimum dimensions of at least 30 feet.
- E. Pedestrian connectivity to each courtyard.
- F. Other requirements set out in the LDC.

# 3 TOTAL CLUSTERS



### Courtyard Style Homes







# PHIL TRIPP, PE

Tripp Engineering



### CAL MORGAN, MAI, AI-GRS

- Jack C. (Cal) Morgan III, MAI, SRA, AI-GRS has over 20 years of experience in real estate appraisal, development/construction and investment analysis. Real estate valuation experience includes a range of applications including market value appraisals, appraisal review, litigation support/expert witness, tax appeals, equitable distribution, eminent domain, estate planning and various consulting assignments.
- Clientele consists of national, regional and local financial institutions, various federal, state and local government agencies, various sized corporations, private financiers, individual investors, property owners and law firms.

# COMPREHENSIVE PLAN COMPLIANCE

• The inclusion of a use in a zoning district, even where a special use permit is required, establishes a *prima facie* case that the use conforms with the comprehensive plan.

<u>Am. Towers, Inc. v. Town of Morrisville</u>, 222 N.C. App. 638, 643, 731 S.E.2d 698, 703 (2012)

• Here, a Special Use Permit is available for courtyard style development in R-15 zoning district.

- Project meets each of the special conditions.
- Staff report covers additional reasons why this plan is in accordance with the Comprehensive Plan!

# PROPOSED CONDITIONS

Proposed development will comply with all landscaping requirements in the Land Development Code ("LDC").

Each home will have a covered main entry porch with a minimum floor area of seventy-five square feet and comply with the LDC.

Building orientation shall comply with Art. 5 § 18-435(C)(5)(b) of LDC.

Maximum ground floor, heated area is 1,000 sq/ft per house.

No Common Dumpster.



## EVIDENTIARY STANDARD (ANY OPPOSITION)

 In the event that the applicant satisfies this initial burden of production, then "prima facie he is entitled to" the issuance of the requested permit. At that point, any decision to deny the application "should be based upon findings contra which are supported by competent, material, and substantial evidence appearing in the record," with the local governmental body lacking the authority to "deny a permit on grounds not expressly stated in the ordinance" given that "it must employ specific statutory criteria which are relevant."

# **OPPOSITION STANDING**

- Any person claiming standing to be a party, other than the applicant or city staff, shall notify the city clerk of their claim and whether is based on ownership of abutting property or alleged special injury, before the first evidence is taken in the evidentiary hearing.
- Anyone that fails to timely notify the city clerk shall have waived their right to participate as a party in the evidentiary hearing.

## **OPPOSITION MUST HAVE STANDING**

- NCGS 160D-406: The applicant, the local government, and any person who would have standing to appeal the decision under <u>G.S. 160D-1402(c)</u> shall have the right to participate as a party at the evidentiary hearing. Other witnesses may present competent, material, and substantial evidence that is not repetitive as allowed by the board.
- NCGS 160D-1402: Parties with standing are: (1) the Owner or Contract Purchaser; (2) someone who will suffer "special damages" if the project is approved, (3) an Association that includes members with independent standing and (4)the City.

## WHAT ARE SPECIAL DAMAGES?

 "A property owner does not have standing to challenge another's lawful use of her land merely on the basis that such use will reduce the value of her property; however, where the challenged land use is prohibited by a valid zoning ordinance, the owner of adjoining or nearby lands, <u>who</u> <u>will sustain special damage from the proposed use through a</u> <u>reduction in the value of his own property, does have a standing to</u> <u>maintain an action to prevent the use</u>."

Fort v. Cnty. of Cumberland, 218 N.C. App. 401, 721 S.E.2d 350 (2012)

## LAY OPINIONS ARE NOT COMPETENT EVIDENCE

- Expression of opinion about the possible effects of granting a permit are insufficient to support the findings of a quasi-judicial body. Further, the expression of "generalized fears" does not constitute a competent basis for denial of a permit.
- Opinions by residents of the area that the value of neighboring property would be adversely affected by the ... project, ... insofar as they are "conclusions unsupported by factual data or background, are incompetent and insufficient to support the [quasi-judicial body's] findings,"

Sun Suites Holdings, LLC v. Bd. of Aldermen of Town of Garner, 139 N.C. App. 269, 278 (2000)

Attachment A

# PH2: Evidentiary Hearing

Special Use Permit 5651 Greenville Loop Rd SU-2-125

STAFF'S PRESENTATION











#### **Existing site conditions**






Looking across Greenville Loop Rd





**Existing Conditions** 



5625 Greenville Loop Rd



Cottages at Hewlett Creek





5659 Greenville Loop Rd



5641 Greenville Loop Rd



**Adjacent Properties** 





### Proposed Site Plan

- Courtyard Development in R-15 requires SUP.
- 25 single family homes
- 25 accessory garages, no ADUs proposed or permitted.
- Access provided from Greenville Loop Rd. via new public street.
- Stub-out to the north for future connectivity.













**Proposed Elevations** 









In reviewing the application, staff finds the following:

• Compact infill development.

• Clear and safe pedestrian networks within and around the proposal.

• Tree preservation along the corridor.



# Findings of Fact

- 1. The use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved by the issuance of the special use permit;
- 2. The use meets all required conditions and specifications;
- 3. The use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
- 4. The location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with adopted comprehensive plans, the CAMA plan, and adopted special area plans.





Table 18-435.1: Courtyard density standards					
Dwelling unit size (gross square footage)	Zoning district				
	R-15	R-10	R-7	R-5	
	Maximum density (dwelling units per acre)				
≤ 1,000	5.1	7.6	10.85	15.2	
1,001 - 1,200	4.35	6.5	9.3	13	
> 1,200	3.6	5.45	7.75	10.9	

# Figure 18-435.1: Central courtyard open space Symbol Legend **Property lines** Minimum dimension measurement Central Open Space

#### Figure 18-435.3: Building orientation



#### Engaged garage

A garage that is integral to and part of the of the building it serves

(see Figure 18-688: Engaged garage).



Section 18-688

## **Exceptional Design Standards**

Table 18-303: Point system for additional impervious surface area			
Category A elements	Points available		
Install impact resistant windows for category 4 hurricane (or higher) in all windows	2		
Install back-up power generators with the ability to supply sustained power to at least 75% of the development during a power outage	5		
Locate HVAC on roof	2		
Plant native vegetation (except grass) in addition to landscaping requirements in article 5.	0.5-point for every 5% of land coverage		
Retain existing natural vegetation	1 point for every 5% of land coverage, excluding required setback areas		
Provide open space in addition to the open space requirements in Article 2, Zoning Districts.	0.5-point for every 5% of land coverage		
Provide additional undisturbed buffers adjacent to/surrounding all wetlands or surface waters	1 point for every additional foot of buffer		
Install 1.5 feet of critical root zone protection for every one foot of tree diameter (at breast height)	1		
Install tree infiltration boxes in parking areas, as designed per manufacture's specifications	1 point per 1% of treated runoff		
Construct an impact-resistant roof for the entire roof area of all buildings on site	5		
Install cistern(s) for irrigation	3		
Install a pollinator garden	2 points for every 50 square feet of planted area		

Table 18-303: Point system for additional impervious surface area			
Category B elements	Points available		
Use pervious or grass paving systems on at least 50 percent of driveways and parking areas	5		
Install a green or blue roof	1 point for every 5% of roof coverage		
Provide additional freeboard above the minimum requirements	3 points for 1 foot of freeboard added (up to 2 feet)		
Install parking for commercial and multiple dwelling uses within building footprint	5 points for half of required parking and 10 points for all of required parking		
Install constructed wetlands	1 point for every 1% of wetland area constructed		
Provide rain gardens or bioretention areas that meet the minimum design criteria of NCDEQ to capture and treat or infiltrate the one year, 24-hour storm volume site-generated stormwater	1 point per 1% of treated runoff		
Install building mounted solar options	1 point per 250 watts		
Provide shade or solar-reflective paving on roads, sidewalks, and parking areas, in addition to the requirements in Article 5, Site Development Requirements	0.5-point for every 10% of area covered (may be a mix of shading and paving)		

