

CITY OF FAYETTEVILLE

STATE OF NORTH CAROLINA
ORDER TO APPROVE A SPECIAL USE PERMIT

The issuance of a Special Use Permit to allow the construction of 111 Single-Family Attached Dwellings (townhomes) on property zoned Single-Family 6 Residential (SF-6).

SUP 24-03

Property Address: 6622 and 6658 Old Bunce Road
Tax Map Number: REID #s 9497843830000, 9497845917000, and 9497856199000
Property Owners: King Model Homes Construction Co. Inc., Robert Bunce, and Fayetteville Habitat for Humanity Inc.

The City Council for the City of Fayetteville, NC, held an evidentiary hearing on March 25, 2024, to consider a Special Use Permit request filed by Scott Brown, 4D Site Solutions (“Applicant”), on behalf of King Model Homes Construction Company Inc., Robert Bunce, and Fayetteville Habitat for Humanity Inc. (“Property Owners”), to issue a Special Use Permit to locate 111 Townhomes at 6622 and 6658 Old Bunce Road, Fayetteville, NC (“Subject Property”). The Subject Property is presently zoned as Single-Family Residential 6 (SF-6).

On March 12, 2024, a notice of evidentiary hearing was mailed to the Property Owners and all the owners of property within 1,000 feet of the Subject Property. On March 11, 2024, a notice of evidentiary hearing sign was placed on the Subject Property. On March 15 and 22, 2024, a notice of evidentiary hearing advertisement was placed in the legal section of *The Fayetteville Observer*.

On March 25, 2024, the City Council held its Evidentiary Hearing regarding this case.

Having considered all of the sworn testimony, evidence, and oral arguments submitted at the hearing by the parties, the City Council makes the following FINDINGS OF FACT and CONCLUSIONS OF LAW:

Findings of Fact

1. King Model Homes Construction Company Inc., Robert Bunce, and Fayetteville Habitat for Humanity Inc. are the Property Owners of property zoned Single-Family Residential 6 (SF-6) located at 6622 and 6658 Old Bunce Road, which contains approximately 15.43 acres in the City of Fayetteville, NC.

2. The Subject Property is currently zoned Single-Family Residential 6 (SF-6) and is vacant.

3. The Property Owners/Applicant seek to build 111 Single-Family Attached Dwellings (townhomes) on the Subject Property.

4. The Applicant filed a timely application for a Special Use Permit on behalf of the Property Owners on February 22, 2023.

5. The City of Fayetteville adopted the Unified Development Ordinance (UDO), codified under Chapter 30 of the City Code, to establish that “This Ordinance consolidates the City’s zoning and subdivision regulatory authority as authorized by the North Carolina General Statutes . . .”.

6. Chapter 30, Article 30-5, Section 30-5.H. Multi-Family Design Standards to be operated in the Single-Family Residential 6 zoning district (SF-6) with the approval of a Special Use Permit.

- a. The special use complies with all applicable standards, conditions, and specifications in this Ordinance, including in Section 30-5.H, Use-Specific Standards, as the Property Owners seek to build 111 Single-Family Attached Dwellings (townhomes) on its properties pursuant to Section 30-5.H. The proposed Single-Family Attached Dwellings (townhomes) are compatible with the area neighborhood as the neighborhood currently contains mostly single-family houses and some apartments. The proposed structures will be built to all UDO standards for the zoning district and comply with all special use UDO standards. The site will be complimentary to the existing neighborhood which is used for single-family and multi-family housing. The site provides a logical extension of a neighborhood.
- b. The special use will be in harmony with the area in which it is located, as multi-family is a permitted use in SF-6 zoning but requires a SUP. The proposed townhomes will be an improvement to the property as well as the neighborhood. There is a townhome project under construction on the opposite side of Old Bunce Road and a SUP was approved on one of these parcels in the last 18 months.
- c. The special use will not materially endanger public health or safety if located where proposed and developed according to the plan as submitted and approved. . The property will be served with public water and sewer and no negative impact is anticipated from the proposed development.. North Carolina Department of Transportation has been consulted about access. Storm water will be treated in accordance with the City’s stormwater ordinance.
- d. The special use is in general conformity with the City's adopted land use plans and policies as the 2040 Land Use Plan calls for Medium Density Residential, which consists primarily of single-family residential neighborhoods with small lots (3-6 dwellings per acre). Two- to Four-Family Dwellings should be interspersed within neighborhoods. Low-rise apartments are also possible. These areas of the City are mostly auto-oriented, with some walkable neighborhoods and destinations.

- e. The special use will not substantially injure the value of the abutting land, as the abutting land is all residential and the development will not restrict or limit development on the adjoining parcels. The project is residential and will be located in a residential neighborhood. The project will not have any negative impact on surrounding property values.
 - f. The special use complies with all other relevant City, State, and Federal laws and regulations since the Property Owners will be required to comply with all applicable laws and regulations.
7. The Special Use Permit applies to the entire Subject Property currently zoned Single-Family Residential 6 (SF-6) located at 6622 and 6658 Old Bunce Road.
8. The City's Unified Development Ordinance (UDO) requires that the Property Owners adhere to all City, State, and Federal requirements. Compliance with the required regulations will ensure that the surrounding properties are not harmed by this type of use.
9. An approved special use expires after 12 months if work has not commenced or permits have not been obtained or if the approved activity by the Special Use Permit is discontinued and not resumed for a period of one year.

Conclusions of Law

1. The City of Fayetteville adopted the Unified Development Ordinance (UDO), codified under Chapter 30 of the City Code, to consolidate the City's zoning and subdivision regulatory authority as authorized by the North Carolina General Statutes” See City Code, Chapter 30.
2. The application on behalf of King Model Homes Construction Co. Inc., Robert Bunce, and Fayetteville Habitat for Humanity Inc. was timely, notice was properly given, and an evidentiary hearing was held by the City of Fayetteville's City Council in compliance with the laws of North Carolina.
3. The Property Owners shall adhere to all City, State, and Federal requirements.
4. All of the general and specific conditions precedent to the issuance of a Special Use Permit have been satisfied.
- a. The special use complies with all applicable standards, conditions, and specifications in this Ordinance, including in Section 30-4.C, Use-Specific Standards;
 - b. The special use will be in harmony with the area in which it is located;

- c. The special use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;
- d. The special use is in general conformity with the City's adopted land use plans and policies;
- e. The special use will not substantially injure the value of the abutting land,; and
- f. The special use complies with all other relevant City, State, and Federal laws and regulations.

5. The special use expires after 12 months if work has not commenced or permits have not been obtained or if the approved activity by the Special Use Permit is discontinued and not resumed for a period of one year.

WHEREFORE, BASED ON THE FOREGOING FINDINGS OF FACT AND CONCLUSIONS OF LAW, it is ORDERED by the City of Fayetteville's City Council that the application for the issuance of a Special Use Permit is APPROVED.

VOTE: 9 to 0

This the 22nd day of April, 2024.

MITCH COLVIN, Mayor

ATTACHMENTS

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