

CITY OF FAYETTEVILLE
STATE OF NORTH CAROLINA
ORDER TO APPROVE A SPECIAL USE PERMIT

The issuance of a Special Use Permit to allow for the reduction in the separation requirement for an Automotive Wrecker Service in a Community Commercial Zoning District, located at 3003, 3005, 3009 Murchison Road.

SUP 25-03

Property Address: 3003, 3005, 3009 MURCHISON RD
Tax Map Number: REID #s 0428597115000, 0428596376000, 0428597350000
Property Owner: CITY PROPERTY LLC

The City Council for the City of Fayetteville, NC, held an evidentiary hearing on August 25, 2025, to consider a Special Use Permit request filed by Ali Abdo (“Applicant”), on behalf of CITY PROPERTY LLC (“Property Owner”), to issue a Special Use Permit to allow for the reduction in the separation requirement for an Automotive Wrecker Service at 3003, 3005, 3009 Murchison Road, Fayetteville, NC (“Subject Property”). The Subject Property is presently zoned as Community Commercial (CC).

On May 15, 2025, a notice of evidentiary hearing was mailed to the Property Owner and all the owners of property within 1,000 feet of the Subject Property. On May 13, 2025, a notice of evidentiary hearing sign was placed on the Subject Property. On May 16 and 23, 2025, a notice of evidentiary hearing advertisement was placed in the legal section of The Fayetteville Observer.

On May 27, 2025, the Fayetteville City Council postponed this item to their June 23, 2025, meeting. On June 23, 2025, the Fayetteville City Council postponed this item to their August 25, 2025, Meeting.

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. CITY PROPERTY LLC is the Property Owner of property zoned Community Commercial (CC) located 3003, 3005, 3009 Murchison Road, which contains approximately 2.35 acres in the City of Fayetteville, NC.
2. The Subject Properties are currently zoned Community Commercial (CC) and has an auto repair shop, two residential houses and a storage building on them.
3. The Property Owner/Applicant seeks to reduce the required 250-foot separation from Automotive Wrecker Services and Residentially Zoned property.

4. The Applicant filed a timely application for a Special Use Permit on behalf of the Property Owner on April 3, 2025.

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 30-4, Section 30-4.C.4.k.5. allows an Automotive Wrecker Service to operate outside of 250 feet from a residential district, school, or child care center with the approval of a Special Use Permit.

- a. The special use complies with all applicable standards, conditions, and specifications in this Ordinance, including Section 30-4.C.4.k.5., Automotive Wrecker Service, as the Property Owner seeks to operate an Automotive Wrecker Service on its property pursuant to Section 30-4.C.4.k.5.

Automotive wrecker service uses shall comply with the following standards:

The use shall be located at least 250 feet from any residential district, school, or child care center. In any of the districts in which this use may be located, the City Council may through a special use permit request approve a reduction in the separation requirement upon a showing of good cause with supporting evidence and mitigation of impacts.

Vehicles shall not be stored on-site for more than 90 days.

Vehicles shall be stored to the rear of the principal structure, behind a wooden fence or masonry wall in accordance with Section 30-5.D, Fencing Standards.

The proposed towing lot use complies with all applicable standards outlined in the City’s Zoning Ordinance, including Section 30-4.C, which governs use-specific standards for vehicle storage and towing operations.

In accordance with these standards:

The site will be fully enclosed with a secure, opaque perimeter fence to screen stored vehicles from public view and adjacent properties, as required. The site will also maintain an additional 10-foot buffer than what is required by the ordinance.

No vehicle repair, dismantling, or salvage activities will take place on-site. The lot is strictly for vehicle storage related to towing operations.

The site plan submitted and approved by the City adheres to setback, buffer, and access requirements, and demonstrates safe circulation for tow vehicles.

Stormwater management, lighting, and noise mitigation measures follow city codes and are designed to minimize any adverse impact on neighboring properties.

All vehicle ingress and egress points are located and designed to ensure safe and efficient traffic flow in and out of the property.”

- b. The special use will be in harmony with the area in which it is located, as an Automotive Wrecker Service is a permitted use in CC zoning but requires a SUP to reduce its separation from adjoining residential property lines. The proposed special use will fit with the area as it is surrounded by a parking lot, commercial businesses and is already an Automotive Repair Shop
- c. The special use will not materially endanger public health or safety if located where proposed and developed according to the plans that were submitted to and approved by the City. The Subject Property will not materially endanger the public health and safety because it is behind an existing Automotive Repair Shop with abundant ingress and egress.
- d. The subject property was previously approved for the construction of an Automotive Repair Shop in a commercial zoning district.
- e. The special use will not substantially injure the value of the abutting land, and the use is a public necessity because it fits with the adjoining use type of an Automotive Repair Shop.
- f. The special use complies with all other relevant City, State, and Federal laws and regulations since the Property Owner will be required to comply with all applicable laws and regulations.

7. The Special Use Permit applies to the entire Subject Property currently zoned Community Commercial (CC) located at 3003, 3005, 3009 Murchison Road.

8. The City’s Unified Development Ordinance (UDO) requires that the Property Owner 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 City Property LLC 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 Owner 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 by adhering to the setback buffer requirements with an additional 10-foot buffer.
- 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 provided that no vehicle repair or salvage activities will take place on the site, and the site will only be for vehicle storage; and;
- 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, with the conditions stated herein, is APPROVED.

VOTE: 9 to 0

This the 22nd day of September, 2025.

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