

**CITY OF FAYETTEVILLE
STATE OF NORTH CAROLINA
ORDER TO APPROVE A SPECIAL USE PERMIT
To allow 4 Single-Family Attached Dwellings (Townhomes) in a Single-Family
Residential 10 (SF-10) zoning district.**

SUP 21-09

Property Address: 611 Law Road
Tax Map Number: REID # 0439858626000
Property Owner: Olajuwon Morgan, PalmHaven, LLC

The City Council for the City of Fayetteville, NC, held an evidentiary hearing on February 28, 2022, to consider a Special Use Permit request filed by Olajuwon Morgan (“Applicant”) on behalf of PalmHaven, LLC (“Property Owner”) to issue a Special Use Permit to allow 4 Single-Family Attached Dwellings (Townhomes) in a Single-Family Residential 10 (SF-10) zoning district, on the property addressed as 611 Law Road, Fayetteville, NC (“Subject Property”). The Subject Property is presently zoned as Single-Family Residential 10 (SF-10).

On February 14, 2022, a notice of evidentiary hearing was mailed to the Property Owner and all of the owners of property within 500 feet of the Subject Property. On February 16, 2022, a notice of evidentiary hearing sign was placed on the Subject Property. On February 18 and 25, 2022, a notice of evidentiary hearing advertisement was placed in the legal section of *The Fayetteville Observer*.

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. Olajuwon Morgan, PalmHaven, LLC, is the owner of Single-Family Residential 10 (SF-10) zoned property addressed as 611 Law Road, which contains approximately 0.9 acres in the City of Fayetteville, NC.

2. The Subject Property is currently zoned Single-Family Residential 10 (SF-10) and used for residential use.

3. The Property Owner seeks to build 4 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 Owner on September 24, 2021.

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 . . . ". Chapter 30, Article 4, Section 30-4.A.2 permits Residential Uses as a Use Category.

6. Chapter 30, Article 4, Section 30-4.C.4.i.1, Use Table, permits dwelling, single-family attached, in the Single-Family Residential 10 (SF-10) zoning district which meet the Use-Specific Standards.

- a. The special use complies with all of the following applicable standards in Section 30-4.C, Use-Specific Standards:
 - (1) The special use establishes a minimum level of design quality for three- to four-family residential, attached residential, and multi-family development to foster sustained value and stability within developments and neighborhoods.
 - (2) The special use promotes greater compatibility between three- to four-family residential, attached residential, and multi-family development and other allowed uses in the City through standards addressing building size and appearances, as well as off-street parking.
- b. The special use complies with the standards set forth in the Unified Development Ordinance (UDO) as the minimum lot size is met for a 4-unit townhome complex. All setbacks meet the given standards and the site plan is drawn to meet the requirements of the UDO.
- c. The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands as the surrounding property is zoned and constructed as mainly single-family residential homes; the proposed development is a residential development located on Law Road; the proposed use is similar in nature to the surrounding uses; and the proposed Special Use Permit will be compatible with the character of the surrounding property.
- d. The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration as the proposed use is residential and matches the use of the surrounding property and the traffic, noise, odor, etc., will be similar in nature to the existing uses.
- e. The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands. The driveways for the development will all extend to Law Road. This undeveloped property will be developed in accordance with the current UDO and storm water ordinance.

- f. The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources. The project is designed to comply with the current storm water ordinance and UDO for landscaping. There is no evidence of significant deterioration of resources from the project.
 - g. The special use maintains safe ingress and egress onto the site and safe road conditions around the site. The ingress and egress will be from Law Road. There is no evidence of negative impacts to traffic. The special use will comply with all other relevant City, State, and Federal laws and regulations.
 - h. 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. The neighboring properties are developed as mostly single-family residential homes and the proposed development will be similar in nature. There is no evidence of negative impacts to property values.
 - i. The special use is required to comply with all other relevant City, State, and Federal laws and regulations. Compliance with the required regulations will ensure that the surrounding properties are not harmed by this type of use.
7. The Special Use Permit applies to the entire Subject Property currently zoned Single-Family Residential 10 of the parcels identified by REID # 0439858626000 and addressed as 611 Law 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. The City's Technical Review Committee will review and approve all plans before any permits are issued.
10. 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 Olajuwon Morgan, PalmHaven, 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 is compatible with the character of surrounding lands and the uses permitted in the zoning district of surrounding lands.
- b. The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration.
- c. The special use will minimize adverse effects, including visual impacts, of the proposed use on adjacent lands.
- d. The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.
- e. The special use maintains safe ingress and egress onto the site and safe road conditions around the site.
- f. 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.
- g. 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 FACTS 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: 10 to 0

This the 28th day of March, 2022.

MITCH COLVIN, Mayor

ATTACHMENTS

1. Application
2. Notification Map
3. Zoning Map
4. Land Use Plan Map
5. Subject Properties
6. Surrounding Properties
7. Site Plan
8. Elevations