

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

The issuance of a Special Use Permit to allow 42 townhomes (single-family attached dwellings) on property zoned Single-Family 6 Residential (SF-6).

SUP 23-05

Property Address: Old Bunce Road  
Tax Map Number: REID # 9497843830000  
Property Owner: King Model Homes Construction Co. Inc.

The City Council for the City of Fayetteville, NC, held an evidentiary hearing on May 22, 2023, to consider a Special Use Permit request filed by Scott Brown, 4D Site Solutions, Inc., (“Applicant”) on behalf of King Model Homes Construction Co. Inc., (“Property Owner”) and Ben Stout, Stout Land Development, LLC., (“Developer”) to issue a Special Use Permit to allow 42 townhomes (single-family attached dwellings) on property located on Old Bunce Road, Fayetteville, NC (“Subject Property”). The Subject Property is presently zoned as Single-Family Residential 6 (SF-6).

On May 8, 2023, a notice of evidentiary hearing was mailed to the Property Owner and all of the owners of property within 1,000 feet of the Subject Property. On May 8, 2023, a notice of evidentiary hearing sign was placed on the Subject Property. On May 12 and 19, 2023, 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. King Model Homes Construction Co. Inc., is the owner of Single-Family Residential 6 (SF-6) zoned property unaddressed along Old Bunce Road, which contains approximately 5.24 acres in the City of Fayetteville, NC.
2. The Subject Property is currently zoned Single-Family Residential 6 (SF-6) and used as residential, but currently vacant.
3. The Property Owner/Applicant seeks to build 42 Townhomes (Single-Family Attached Dwellings).
4. The Applicant filed a timely application for a Special Use Permit on behalf of the Property Owner on April 17, 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 . . . ". Chapter 30, Article 4, Section 30-4.A.2 permits Residential Uses as a Use Category.

6. Chapter 30, Article 4, 30-4.C.2.a.2 Dwellings, Single-Family Attached, allows for townhomes to be built in the Single-Family 6 (SF-6) zoning district with a Special Use Permit.

- a. The special use complies with all applicable standards, conditions, and specifications in this Ordinance, including in Section 30-4.C, Use-Specific Standards. "The SUP will follow the UDO as well as all local, state and federal requirements", as well as all Multi-Family Design Standards found in 30-5.H.4 of the UDO.
- b. The special use will be in harmony with the area in which it is located. "Multifamily and Single-Family Attached Dwellings are permitted uses 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."
- 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. "The proposed use is residential multifamily which is in harmony with the property to the west and across the street. No significant negative impact is anticipated from the proposed development."
- d. The special use is in general conformity with the City's adopted land use plans and policies. The City's 2040 Future Land Use Plan calls for Medium Density Residential consisting 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, or the special use is a public necessity. "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 should 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. The 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 Single-Family Residential 6 (SF-6) of the parcels identified by REID # 9497843830000 and located on Old Bunce Road.

8. The City's Unified Development Ordinance (UDO) requires that the Property Owner adheres 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 for new construction 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 King Model Homes Construction Co. Inc., and Ben Stout, Stout Land Development, 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.

- i. 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, or the special use is a public necessity; 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 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 26th day of June, 2023.

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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