

**CITY OF FAYETTEVILLE
STATE OF NORTH CAROLINA
ORDER TO APPROVE A SPECIAL USE PERMIT
The issuance of a Special Use Permit to allow an existing funeral home to operate a
crematory, zoned as Limited Commercial, Zoning District.**

SUP 21-003

Property Addresses: 6651 Raeford Road
Tax Map Numbers: REID # 0406080963000
Property Owner: Crumpler Family Holdings LLC

The City Council for the City of Fayetteville, NC, held an evidentiary hearing on August 23, 2021, to consider a Special Use Permit request filed by Del Crawford of Crawford Design Company (“Applicant”) on behalf of Crumpler Family Holdings LLC (“Property Owner”) to issue a Special Use Permit to allow an existing funeral home to operate a crematory, zoned as Limited Commercial, Zoning District, on the property addressed as 6651 Raeford Road, Fayetteville, NC (“Subject Property”). The Subject Property is presently zoned as Limited Commercial, Limited Commercial Conditional & Single-Family 10.

On August 10, 2021, 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 August 11, 2021, a notice of evidentiary hearing sign was placed on the Subject Property. On August 13 and 20, 2021, 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. Crumpler Family Holdings LLC is the owner of commercially zoned property addressed as 6651 Raeford Road, which contains approximately 2.55 acres in the City of Fayetteville, NC.
2. The Subject Property is currently zoned Limited Commercial, Limited Commercial Conditional & Single-Family 10 and used for commercial use.
3. The Property Owner seeks to build an addition to an existing building which will include a crematory on this property.
4. The Applicant filed a timely application for a Special Use Permit on behalf of the Property Owner on June 1, 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.A.2, Use Table, permits crematories in the Limited Commercial (LC) zoning district via a Special Use Permit approved by City Council.

7. There are no use-specific standards for crematory development.

8. The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands. The Subject Property is currently developed as a funeral home. The site will be used to build an addition containing a crematory.

9. No evidence was presented to show that the special use will have a significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration. The current site is existing and any additions to the site will have to meet the requirements of the UDO.

10. The special use will minimize adverse effects, including visual impacts of the proposed use on adjacent lands. The project will use the design plan and site plan that are part of this application and the proposed addition and crematory services will be in the rear of the building and will not be visible from the street.

11. There has been no evidence presented to show that there will be significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources as the site on this property is already developed. The site is not located near any significant water features and the proposed building addition will not produce any additional water runoff. The site plan demonstrates how this property meets the requirements of the UDO.

12. The special use maintains safe ingress and egress onto the site and safe road conditions around the site as this property is located on a major thoroughfare with three ingress and egress points. No changes or additional ingress/egress points are proposed.

13. 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. This is an existing use and no evidence has shown that property values would be negatively affected.

14. The special use will comply with all other relevant City, State, and Federal laws and regulations.

15. This Special Use Permit applies to the entire currently zoned Limited Commercial of the parcels identified by the REID # 0406080963000 and addressed as 6651 Raeford Road.

16. The City's Unified Development Code (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.

17. The City's Technical Review Committee will review and approve all plans before any permits are issued.

18. 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 Crumpler Family Holdings LLC was timely, notice was properly given, and public hearings were held by the City of Fayetteville's Zoning Commission and 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: UNANIMOUS (9 to 0)

This the _____ day of _____, 2021.

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 & Elevation Plans
8. TRC Comments