

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 between public street right-of-way and an Ice House, located at 2726 Raeford Road.

SUP 25-04

Property Address: 2726 Raeford Rd  
Tax Map Number: REID #s 0427217637000  
Property Owner: WIN-KAS NC LLC

The City Council for the City of Fayetteville, NC, held an evidentiary hearing on May 27, 2025, to consider a Special Use Permit request filed by Davance Locklear of Two Cams (“Applicant”), on behalf of , WIN-KAS NC LLC (“Property Owner”), to issue a Special Use Permit to allow the reduction of the separation requirement between public street right-of-way and an Ice House at 2726 Raeford 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*.

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. WIN-KAS NC LLC is the Property Owner of property zoned Community Commercial (CC) located 2726 Raeford Road, which contains approximately 0.83 acres in the City of Fayetteville, NC.
2. The Subject Property is currently zoned Community Commercial (CC) and has an Ice House and Restaurant on it.
3. The Property Owner/Applicant seeks to reduce the required 100-foot separation from Ice Houses and public rights-of-way.
4. The Applicant filed a timely application for a Special Use Permit on behalf of the Property Owner on April 11, 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.D.3.k. allows an Ice House to operate inside of 100 feet from a public street right-of-way 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.D.3.k., Ice House, as the Property Owner seeks to operate an ice house on its property pursuant to Section 30-4.D.3.k.

Ice houses of 50 square feet in size or larger shall comply with the following requirements:

1. Ice houses shall be located at least 100 linear feet from any public street right-of-way.
2. The ice house shall be surrounded with plantings (excluding any areas necessary for dispensing or servicing) on any side facing a public street or residentially- zoned land. Plantings shall be at least 36 inches in height at the time of planting.
3. Ice houses shall be served by a semi-circular parking and vehicular access area that removes the need for backing. In cases where the ice house is located within an established surface parking area, accessways shall be painted or otherwise designated.
4. Any signage shall have a maximum copy area of 16 square feet.
5. All roof-top mechanical equipment shall be screened.
6. Exterior lighting shall be provided in accordance with the standards in Section 30-5.E, Exterior Lighting.
7. A litter receptacle shall be provided and shall be maintained in a sanitary condition.
8. Ice houses shall not be allowed as a primary use and shall be designed with an exterior closure that is similar to the primary structure on the site.
9. Existing ice houses in place prior to July 1, 2011 shall comply with these standards by July 1, 2014.

The Subject Property is part of the Highland Center shopping mall and contains Hunan Garden and the subject Ice House. The present

Property Owner will follow all standards and conditions required by City ordinances.

- b. The special use will be in harmony with the area in which it is located, as an Ice House is a permitted use in CC zoning but requires a SUP to reduce its separation from adjoining property lines. The proposed special use will fit with the area as it is surrounded by a parking lot and commercial businesses.
- 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 in a parking lot with abundant ingress and egress.
- d. The subject property was previously approved for the construction of an Ice House 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 the use is already constructed and has been in business for 17 months.
- 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 2726 Raeford 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 WIN-KAS NC 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;
- 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 23rd day of June, 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