



## Legislation Text

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File #: 21-2201, Version: 1

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**TO:** Mayor and Members of City Council

**THRU:** Telly C. Whitfield, Ph.D. - Assistant City Manager  
Dr. Gerald Newton, AICP - Development Services Director  
Taurus Freeman, MPA - Planning & Zoning Division Manager

**FROM:** Craig M. Harmon, CZO - Planner II

**DATE:** September 27, 2021

**RE:**  
**SUP21-03. Order of Approval - Findings of Fact:** Special Use Permit to allow an existing funeral home to operate a crematory, zoned as Limited Commercial, Limited Commercial Conditional & Single-Family 10 Zoning Districts, located at 6651 Raeford Road (REID #0406080963000) near the intersection of Raeford and Strickland Bridge Roads, 2.55 acres  $\pm$  and being the property of Crumpler Family Holdings LLC, represented by Del Crawford, Crawford Design Company.

**COUNCIL DISTRICT(S):**  
7 - Larry Wright

**Relationship To Strategic Plan:**  
Strategic Operating Plan FY 2021  
Goals 2026

- Goal 2: Responsible City Government Supporting a Diverse and Viable Economy
  - Objective 2.4 - Sustain a favorable development climate to encourage business growth
- Goal 3: City Investment in Today and Tomorrow
  - Objective 3.2 - Manage the City's future growth and strategic land use

**Executive Summary:**

Due to General Statute 160D, the Order of Approval (Findings of Facts) resulting from an Evidentiary Hearing decision must be approved by the council, board, or commission making the final action, per § 160D-705. The City Council must review and approve the written findings before the Mayor signs the Findings of Facts document.

The Finding of Facts was created based on the City Council meeting records. City Councilmember statements have been incorporated into the motions.

Special Use Permits require that the applicant meet specific standards for certain uses in specific districts. Unlike discretionary legislative rezonings, an evidentiary hearing requires that the applicant provide appropriate findings. The Finding of Facts are pivotal in documenting the findings presented

by the applicant and approved by Council.

As defined by the Unified Development Ordinance (UDO), a crematory is a facility containing furnaces for the reduction of dead bodies to ashes by fire. According to the UDO, crematories are accessory uses to funeral home operations. Crematories are allowed in the Limited Commercial (LC) zoning district with an approved Special Use Permit (SUP).

On August 23, 2021, the City Council voted unanimously (7-0) to approve a Special Use Permit to allow an existing funeral home to operate a crematory, zoned as Limited Commercial, Limited Commercial Conditional & Single-Family 10

### **Background:**

Owner: Rick Wilhide, Lafayette Funeral Home; Crumpler Family Holdings LLC.

Applicant: Del Crawford, Crawford Design Company

Requested Action: SUP - Crematory

Property Address: 6651 Raeford Road

Council District: 7 - Larry Wright

Status of Property: Crematory

Size: 2.55 acres +/-

Adjoining Land Use & Zoning:

- North: LC - Raeford Rd. & Commercial (Starbucks)
- South: SF-10 - Residential
- West: LI - Automotive Body Repair
- East: LC - Vacant

Letters Mailed: 49

Land Use Plan: Neighborhood Mixed Use

Additional Reviews:

Technical Review Committee (TRC) - A preliminary review has been conducted as part of the Special Use Permit application process. No major comments or stipulations were received from the committee. A full TRC review will be conducted if the Special Use Permit is approved.

### **Issues/Analysis:**

Surrounding Area

The zoning districts associated with this property are Limited Commercial (LC), Limited Commercial Conditional (LC/CZ), and Single-Family (SF-10). This property was recently recombined from three lots into one. The resulting recombination created a lot with three different zoning districts.

The area bordering Raeford Road is zoned LC, this is the proposed area for the crematorium. The area to the southeast was rezoned from SF-10 to LC/CZ to allow a parking lot in 2015. The remaining area to the southwest is zoned SF-10 and provides a buffer between the funeral home and the residential development to the south. The zoning districts surrounding the parcel are Light Industrial (LI), LC, and SF-10.

The front of the parcel is adjacent to US401/Raeford Road and abuts the LI and LC zoning districts. This property also abuts Kilmory Drive to the south. Most of the properties to the south are zoned SF-

10. The SF-10 district provides for single-family homes. The adjacent LI zone allows for a crematorium. The adjacent residential zone is toward the rear half of the parcel, away from the building addition.

There is an automotive collision repair shop west of the proposed crematorium, and approximately 500 feet east of this property is a gas station/convenience store. A coffee shop and grocery store are to the north, across Raeford Road.

The existing use is a funeral home. The proposed use is a crematory that will be used as an accessory use to the funeral home. The owners are proposing a building addition that is approximately 1,350 square feet along with site improvements (see attached site plan).

This application states that the hours of operation for the crematory will fall in line with the existing funeral home, which are 8:00 a.m. 5:00 p.m. Monday thru Saturday and 12:00 p.m. 5:00 p.m. Sunday. There will be no increase in employees. The existing business employees four full-time and five part-time workers.

According to the owners, there are typically 2-3 clients on the premises at the same time, but some families may have more. With funerals and visitations, the number varies.

#### Special Use Permit Request

Although the UDO does not identify use specific standards for crematoriums, the use is heavily regulated under North Carolina General Statute Article 13F - Cremations. The article establishes the right for the Board of Funeral Services to enforce the General Statute.

Under the General Statute several safe guards to protect the general public are established. Some of the safe guards put in place are requiring inspections prior to licensing and yearly inspections associated with license renewal.

In addition, crematoriums are also regulated by the Department of Environmental Quality (DEQ) for air and environmental safety.

The SUP must meet the following findings of facts:

**(1) The special use complies with all applicable standards in Section 30-4.C, Use-Specific Standards;**

A crematory is listed in the Table of Use (Table 30-4.A.2) as requiring a Special Use Permit when located in the LC zoning district, but no additional development standards are associated with the use.

**(2) The special use is compatible with the character of surrounding lands and the uses permitted in the zoning districts(s) of surrounding lands;**

According to the applicant and application, the use is an existing development that is located next to other commercial development including an automotive repair business and gas station. The SF-10 to the south of this business is either part of this property or is buffered by property owned by the funeral home.

**(3) The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;**

The application states that the current site is existing and any additions to the site will have to meet the requirements of the UDO.

**(4) The special use is configured to minimize adverse effects, including visual impacts of**

**the proposed use on adjacent lands;**

The application states that the proposed addition and crematory services will be in the rear of the building and will not be visible from the street.

**(5) The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;**

The applicant attest that 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.

**(6) The special use maintains safe ingress and egress onto the site and safe road conditions around the site;**

The application states that this property is located on a major thoroughfare with three ingress and egress points. No changes or additional ingress/egress points are proposed.

**(7) 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; and**

The applicant attests that this is an existing use and no documentation has been submitted showing that property values would be negatively affected.

**(8) The special use complies with all other relevant City, State, and Federal laws and regulations.**

As depicted on the accompanying site plan for the proposed development, the use for which this SUP is requested complies with all use regulations and development standards of the City of Fayetteville. The applicant will be required to meet all applicable standards.

**Budget Impact:**

This action should result in no increase in City services.

**Options:**

- 1) 1) Approval of the Order of Approval - Findings of Fact. (Recommended);
- 2) 2) Remand to Staff for revision; or
- 3) 3) Denial of the Findings of Fact.

**Recommended Action:**

Planning Staff recommends approval of the Order of Approval - Finding of Facts for SUP21-03.]

**Attachments:**

1. Order of Approval - Findings of Fact
2. Application
3. Notification Map
4. Zoning Map

5. Land Use Plan Map
6. Subject Property
7. Surrounding Properties
8. Site & Elevation Plan
9. TRC Comments