

**FAYETTEVILLE CITY COUNCIL
AGENDA
REGULAR MEETING
FEBRUARY 8, 2010
7:00 P.M.**

VISION STATEMENT

**The City of Fayetteville
is a GREAT PLACE TO LIVE with
a choice of DESIRABLE NEIGHBORHOODS,
LEISURE OPPORTUNITIES FOR ALL,
and BEAUTY BY DESIGN.**

**Our City has a VIBRANT DOWNTOWN,
the CAPE FEAR RIVER to ENJOY, and
a STRONG LOCAL ECONOMY.**

**Our City is a PARTNERSHIP of CITIZENS
with a DIVERSE CULTURE and RICH HERITAGE,
creating a SUSTAINABLE COMMUNITY.**



FAYETTEVILLE CITY COUNCIL
AGENDA
FEBRUARY 8, 2010
7:00 P.M.
City Hall Council Chamber

1.0 CALL TO ORDER

2.0 INVOCATION

3.0 PLEDGE OF ALLEGIANCE

4.0 APPROVAL OF AGENDA

5.0 PUBLIC FORUM

The public forum is designed to invite citizen input and discussion. The public forum is held on the second Monday of every month and shall be the first item of business after the Approval of the Agenda. The public forum shall last no longer than 15 minutes. The Mayor shall have the discretion to extend the public forum up to 30 minutes. Each speaker shall have up to two (2) minutes to speak. Anyone desiring to speak may sign up in advance with the City Clerk located on the Second Floor, City Hall, 433 Hay Street, Fayetteville, N.C., by FAX at (910) 433-1980, or by e-mail at cityclerk@ci.fay.nc.us. If speakers provide the subject matter ahead of the meeting, the City staff can ensure that appropriate information is available at the meeting. This information, however, is not required.

6.0 CONSENT

- 6.1 PWC - Resolution Confirming Assessment Roll and Levying Assessments - Arran Lakes East and West

7.0 PUBLIC HEARINGS

For certain issues, the Fayetteville City Council may sit as a quasi-judicial body that has powers resembling those of a court of law or judge. The Council will hold hearings, investigate facts, weigh evidence and draw conclusions which serve as a basis for its decisions. All persons wishing to appear before the Council should be prepared to give sworn testimony on relevant facts.

- 7.1 Development Services - Case No. P09-35F: The rezoning from C1P Commercial District to R5/CZ Residential Conditional Zoning District for an apartment complex on property located at 5951 Cliffdale Road. Containing 11.21 acres more or less and being the property of Tart and Tart Inc.

Presenter: Craig Harmon, Planner II

7.2 Development Services - Case No. P09-36F: The rezoning from R6 Residential District to R5/CZ Residential Conditional Zoning District for townhomes on properties located at 108, 110, 202 and 204 Pinecrest Drive. Thomas L. Bradford dba Pear Tree Properties LLC and Island Time Pizza LLC owner.

Presenter: Craig Harmon, Planner II

7.3 Development Services - Case No. P09-46F. The rezoning of the property located at 412 Gillespie Street from R5 Residential District to C1 Commercial District or to a more restrictive zoning classification. St. Joseph's Episcopal Church owner.

Presenter: Craig Harmon, Planner II

8.0 OTHER ITEMS OF BUSINESS

8.1 BRAC Regional Task Force (BRAC RTF) – Pipeline NC Presentation

Presenter: Paul Dordal, BRAC RTF Executive Director, Futures, Inc.

8.2 City Manager's Office - Fayetteville Forward Action Agenda Update

Presenter: Dale Iman, City Manager

9.0 ADJOURNMENT

CLOSING REMARKS

POLICY REGARDING NON-PUBLIC HEARING AGENDA ITEMS

Anyone desiring to address the Council on an item that is not a public hearing must present a written request to the City Manager by 10:00 a.m. on the Wednesday preceding the Monday meeting date.

POLICY REGARDING PUBLIC HEARING AGENDA ITEMS

Individuals wishing to speak at a public hearing must register in advance with the City Clerk. The Clerk's Office is located in the Executive Offices, Second Floor, City Hall, 433 Hay Street, and is open during normal business hours. Citizens may also register to speak immediately before the public hearing by signing in with the City Clerk in the Council Chamber between 6:30 p.m. and 7:00 p.m.

POLICY REGARDING CITY COUNCIL MEETING PROCEDURES SPEAKING ON A PUBLIC AND NON-PUBLIC HEARING ITEM

Individuals who have not made a written request to speak on a nonpublic hearing item may submit written materials to the City Council on the subject matter by providing twenty (20) copies of the written materials to the Office of the City Manager before 5:00 p.m. on the day of the Council meeting at which the item is scheduled to be discussed.

**COUNCIL MEETING WILL BE AIRED
FEBRUARY 8, 2010 - 7:00 PM
COMMUNITY CHANNEL 7**

**COUNCIL MEETING WILL BE RE-AIRED
FEBRUARY 10, 2010 - 10:00 PM
COMMUNITY CHANNEL 7**

Notice Under the Americans with Disabilities Act (ADA): *The City of Fayetteville will not discriminate against qualified individuals with disabilities on the basis of disability in the City's services, programs, or activities. The City will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City's programs, services, and activities. The City will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all City programs, services, and activities. Any person who requires an auxiliary aid or service for effective communications, or a modification of policies or procedures to participate in any City program, service, or activity, should contact the office of Ron McElrath, ADA Coordinator, at rmcelrath@ci.fay.nc.us, 910-433-1696, or the office of Rita Perry, City Clerk at cityclerk@ci.fay.nc.us, 910-433-1989, as soon as possible but no later than 72 hours before the scheduled event.*

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Joe Callis, PWC Business Planning Manager
DATE: February 8, 2010
RE: **PWC - Resolution Confirming Assessment Roll and Levying Assessments - Arran Lakes East and West**

THE QUESTION:

Providing sanitary sewer service to Areas 4 and 5 of the Phase 5 Annexation

RELATIONSHIP TO STRATEGIC PLAN:

Goal 4: More Efficient City Government - Cost-Effective Service Delivery

BACKGROUND:

I am enclosing the Resolution Confirming Assessment Roll and Levying Assessments for inclusion on the February 8, 2010 City Council agenda. The Preliminary Assessment Roll was made available at the City Clerk's office for review by property owners and the public hearing was held January 25, 2010.

As outlined in the public hearing and set forth in information previously provided property owners in the affected area, the sanitary sewer assessment rate for a typical single family residential lot is applied on a per lot basis at \$5,000. This amount includes both the main and lateral charge. For properties that require grinder pumps, the area average lateral charge of \$790 is recommended.

ISSUES:

OPTIONS:

RECOMMENDED ACTION:

Adopt Resolution Confirming Assessment Roll and Levying Assessments

ATTACHMENTS:

Resolution Confirming Assessment Roll and Levying Assessments

RESOLUTION CONFIRMING ASSESSMENT ROLL AND LEVYING ASSESSMENTS

WHEREAS, the City Council of the City of Fayetteville has on January 25, 2010 held a public hearing, after due notice as required by law, on the Preliminary Assessment Roll for the extension of a sanitary sewer collection system to serve all or a portion of the Arran Lakes East and West areas; and

WHEREAS, the City Council has heard all those present who requested to be heard, and has found the said Assessment Roll to be proper and correct.

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Fayetteville, that:

1. The Assessment Roll for the extension of a sanitary sewer collection system to serve all or a portion of Andes Court, Bowman Court, Caspian Court, Denham Court, Grampian Court, Greenock Avenue, Keswick Drive, Kirby Court, Lawnwood Drive, Lochcarron Drive, Lochness Court, MacGregor Court, Maddox Court, McDougal Drive, Ormskirk Drive, Paisley Avenue, Selkirk Place, Shenandoah Drive, Thornwald Court, Tiree Drive, and Whitburn Avenue is hereby declared to be correct, and is hereby confirmed in accordance with Chapter 160A, Section 228 of the General Statutes of North Carolina.
2. The City Council of the City of Fayetteville, pursuant to authority conferred by Chapter 160A, Section 216 of the General Statutes of North Carolina and following sections, does hereby levy assessments as contained in the said Assessment Roll. The basis for the utility assessment being as shown on the attached schedule labeled Exhibit "A". A copy of the said Assessment Roll is on file with PWC's Deputy Tax Collector.
3. The City Attorney is hereby directed to deliver to the PWC Deputy Tax Collector the said Assessment Roll.
4. The PWC Deputy Tax Collector is hereby charged with the collection of said assessments in accordance with the procedure established by Chapter 160A, Sections 232 and 233 of the General Statutes of North Carolina.

5. The PWC Deputy Tax Collector is hereby further directed to publish on the 1st day of March, 2010 the notice required by Chapter 160A, Section 229 of the General Statutes of North Carolina.

Adopted this _____ day of _____, 2010.

Anthony G. Chavonne, Mayor

Rita Perry, City Clerk

The following City Council members voted for passage of the above Resolution:

The following City Council members voted against passage of the above Resolution:

Exhibit "A"

Assessment Rate:

Typical single family residential lots computed on per lot basis of \$5,000.

For all other properties, a per front foot rate of \$55.56 with a 90' minimum plus the area average cost for service lateral of \$790 shall apply.

For properties that require a grinder pump, the area average cost for service lateral of \$790 shall apply.

Term: To be repaid over a period not to exceed 10 years at an interest rate of 8%.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, Planner II
DATE: February 8, 2010
RE: **Development Services - Case No. P09-35F: Rezoning from C1P Commercial District to R5/CZ Residential Conditional Zoning District for an apartment complex on property located at 5951 Cliffdale Road. Tart and Tart Inc. property owner.**

THE QUESTION:

What is the appropriate zoning district for properties along major thoroughfares in high traffic areas that are surrounded by height density commercial and residential? This item was pulled from the consent agenda and scheduled for a public hearing due to concerns regarding transportation impacts.

RELATIONSHIP TO STRATEGIC PLAN:

Growing City, Livable Neighborhoods - A Great Place to Live.

BACKGROUND:

Owner: Tart & Tart, Inc.
Applicant: CL Tart
Requested Action: C1P to R5/CZ
Property Address: 5951 Cliffdale Rd. (Council member Meredith's district)
Size: +/- 11.21 acres
Existing Land Use: The Sports Center
Adjoining Land Use & Zoning: North – C1P Commercial / South – C3 Commercial / East – C1P Commercial / West – R5A Residential
2010 Land use Plan: Heavy Commercial

2030 Growth Vision Plan: 2.9 New development shall be especially encouraged in locations where a full range of urban services and infrastructure is already in place.

Letters Mailed: 57

School System: Westover High, Anne Chesnutt Middle, Montclair Elementary

C1P - This district is identical to the C1 local business district except that plans as required by the subdivision chapter must be submitted to the planning agency for approval prior to development; and, mixed residential use is permitted with special limitations. This zoning district is intended to primarily support the conduct of retail trade in outlying shopping areas with emphasis on daily necessities for the convenience of surrounding residential areas.

R5 - Predominately a single-family residential district, but with smaller lot areas than all other residential districts per family required, permitting frequent use of two-family and multifamily structures. This district would allow for a maximum of 319 units on this property.

ISSUES:

Cliffdale Road is a major thoroughfare with 36,000 average daily trips in the area of the proposed rezoning. Cliffdale is a NC DOT maintained road. FAST Transit service is available near this property. FAST, Planning staff and the applicant have discussed possible transit related features and all agree that the sidewalk to Cliffdale is the most supportive feature. NCDOT is requiring

additional improvements to Cliffdale Road to mitigate the the expected traffic impact of the project. Required improvements will include a new right in and right out lane be added to Cliffdale.

Zoning Commission and Staff recommend approval based on:

1. Although the 2010 Landuse Plan calls for heavy commercial on this property, it is the Zoning Commission and staff's opinion that multi-family is also appropriate and is consistent with the policies of the 2030 Growth Vision Plan.
2. Because of the limited amount of road frontage on this interior lot, it is not as conducive to heavy commercial uses as other properties listed as such in the 2010 Plan.
3. As a Conditional Rezoning, the development will be held to the conditions of the site plan limiting the number of units to 182 where 319 would be allowed under conventional R5 zoning.
4. The required NCDOT improvements to Cliffdale Road. (see conditions) These improvements are designed to minimize the effects of the proposed development. According to the NCDOT, there is enough capacity on Cliffdale Road at this location to handle the additional traffic generated by 182 apartment units.

The conditions as submitted or agreed to by the applicant and recommended by the Zoning Commission and staff are:

1. The development will be held to the conditions of the site plan, some of which are to limit the number of units to 182 where 319 would be allowed under conventional R5 zoning.
2. The developer will add a 6 foot chain link fence (made solid in appearance) adjacent to all existing non-residential development.
3. The developer agreed to add a sidewalk from the proposed apartments to Cliffdale Road and extend the right turn lane past Tart Place's entrance 100' to allow easier access out of the development to Cliffdale Road, as well as build a new right turn lane off of Cliffdale Road into the proposed development (both requirements of NCDOT).

OPTIONS:

1. Rezone the property to R5/CZ Residential Conditional Zoning District with the conditions as noted above or modified by Council and agreed to by the developer (Recommended by Zoning Commission and Staff);
2. Deny the request.

RECOMMENDED ACTION:

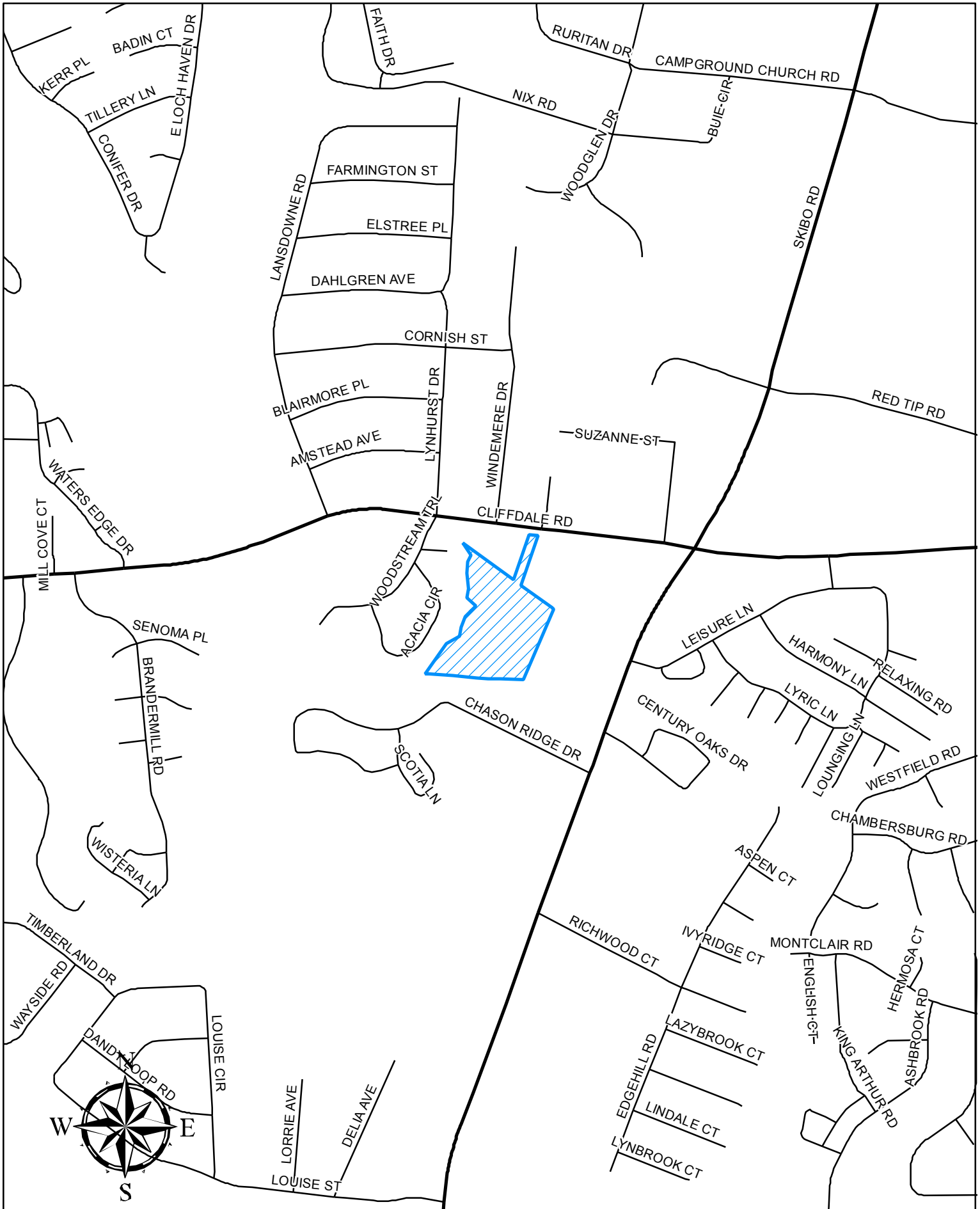
Zoning Commission and Staff recommend that Council move to approve the requested R5/CZ rezoning with the conditions noted (Issues, above).

ATTACHMENTS:

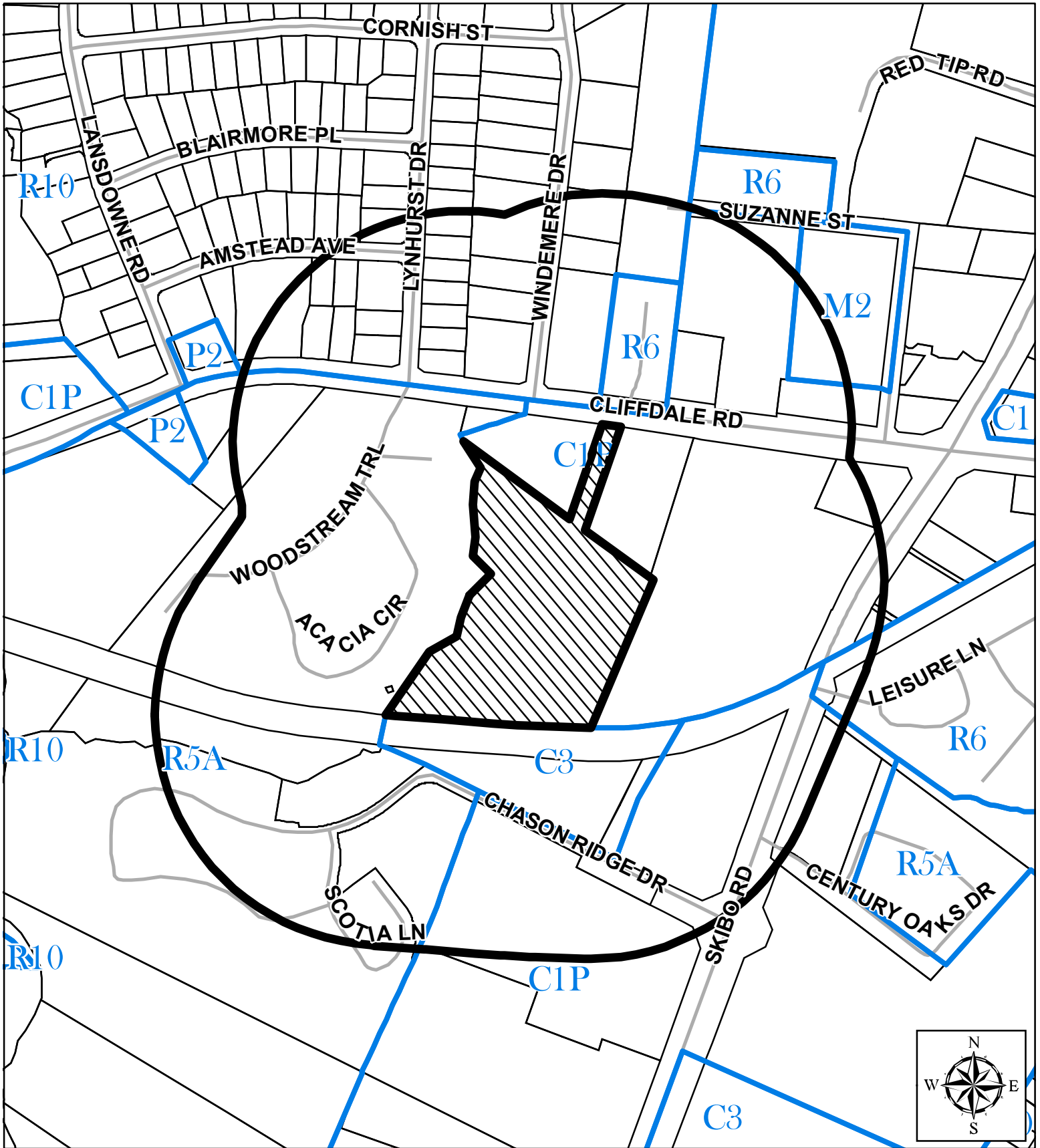
Vicinity Map
Zoning Map
2010 Plan
Current Landuse
Ortho Photo
Site Plan
Zoning Commission Minutes

Zoning Commission - Vicinity Map

Case No. P09-35F

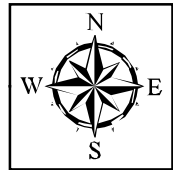


ZONING COMMISSION
CASE NO. P09-35F



Request: C1P to R5/CZ
Location: 5951 Clifdale Rd.
Acreage: +/- 11.21

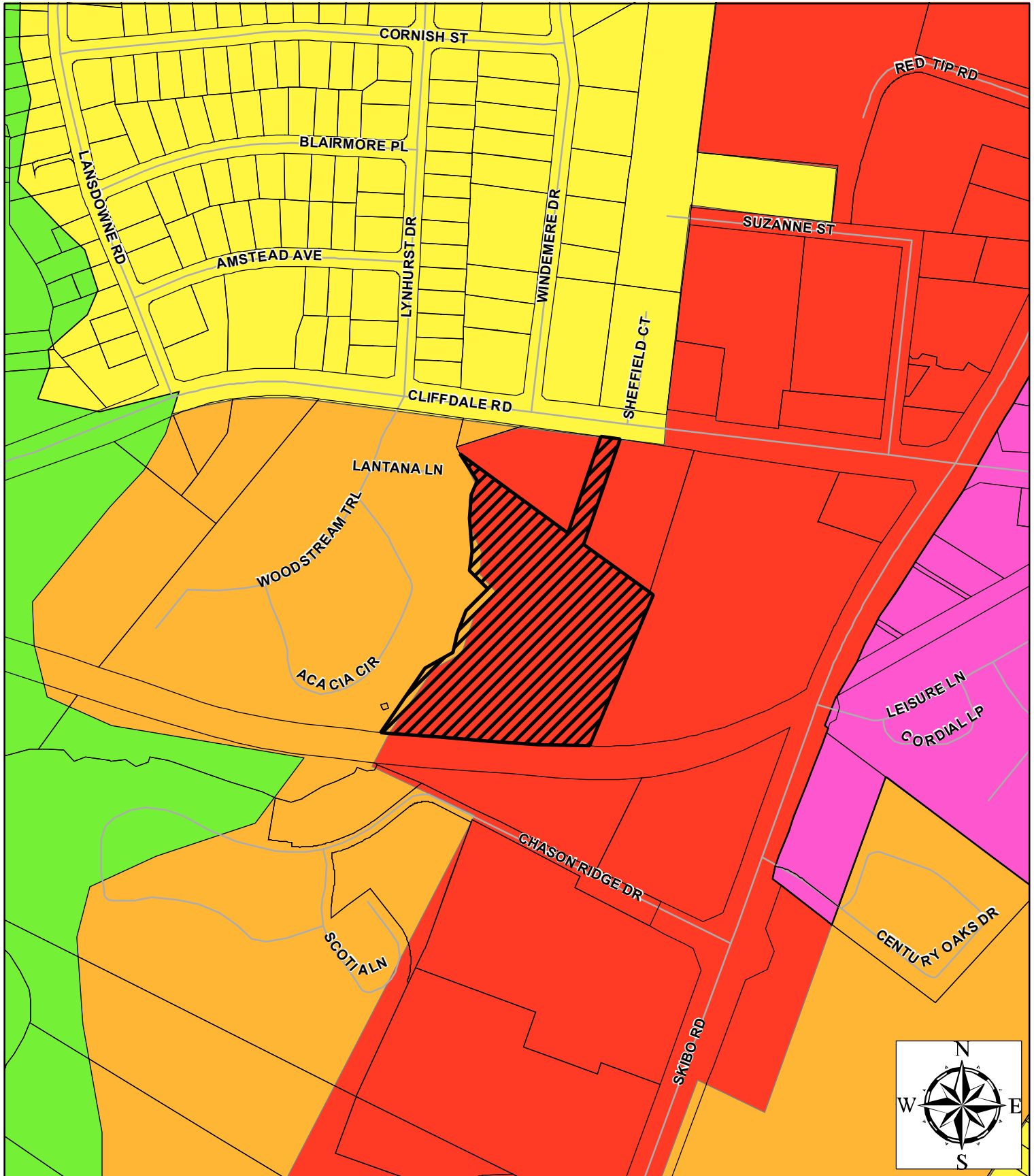
Zoning Commission: 10/13/2009 Recommendation: _____
City Council: _____ Final Action: _____
Pin: 0407-75-5969









Letters are being sent to all property owners within the circle, the subject property is shown in the hatched pattern.

2010 Land Use Plan

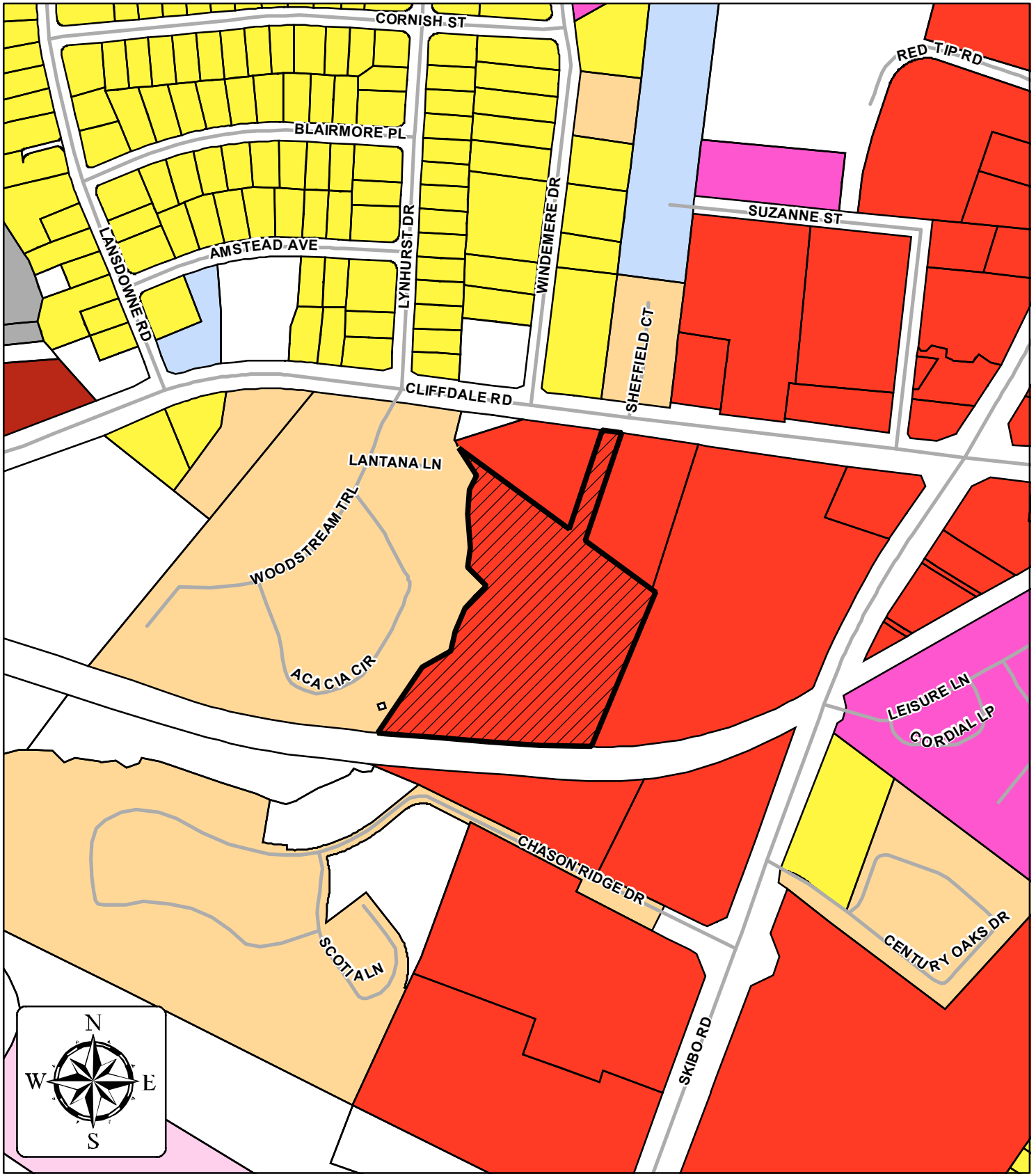
Case No. P09-35F



Legend

- | | | |
|--|--|---|
|  Medium Density Residential |  Office / Institutional |  Governmental |
|  Light Commercial |  Heavy Commercial |  Low Density Residential |

Current Land Use
P09-35F



Legend

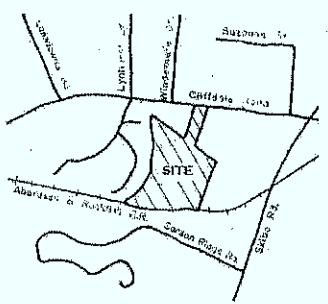
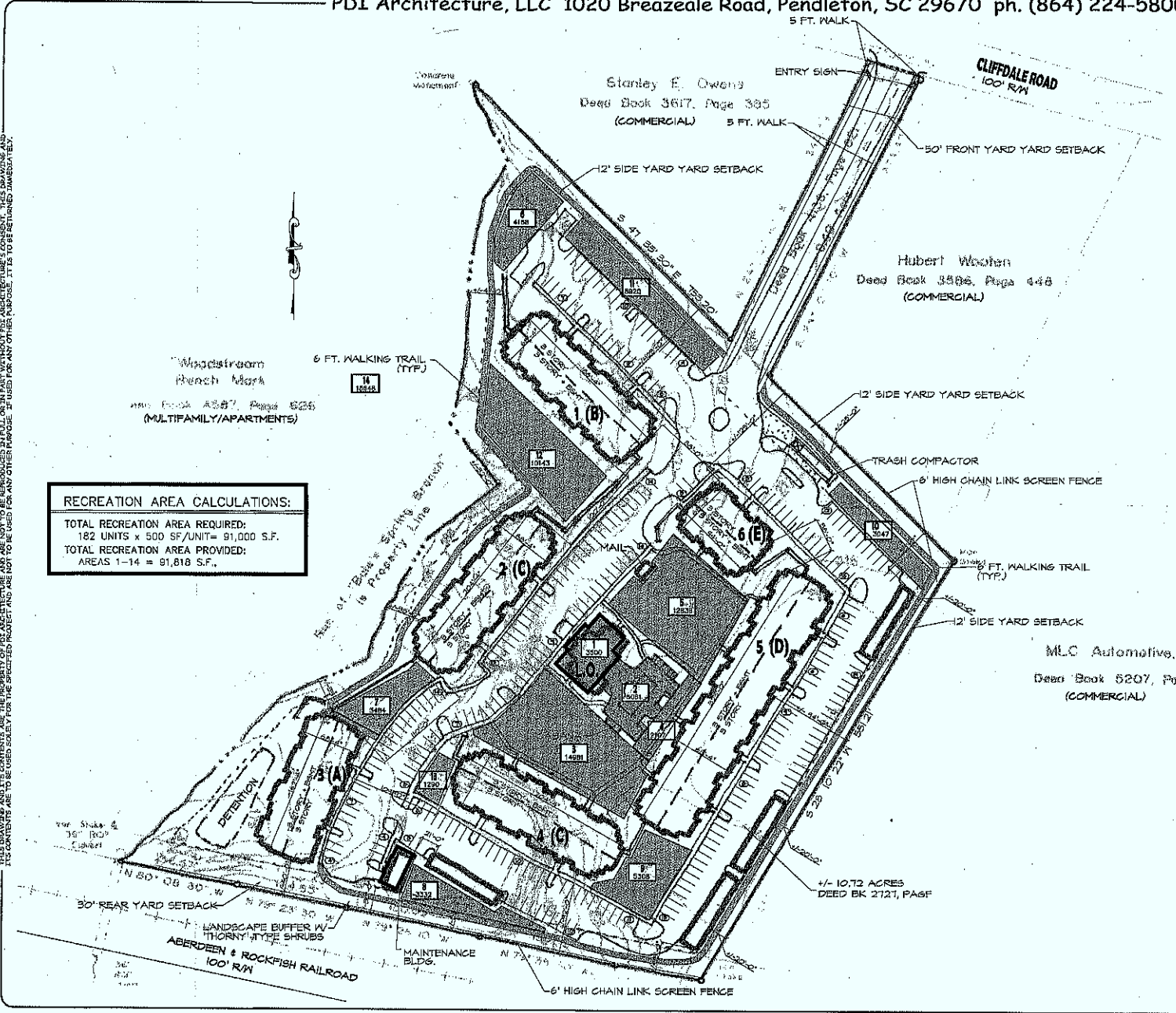
Existing Landuse	Common Area	Group Quarters	Industrial	Multi-Family	Open Space	Communications-Utilities	Vacant Commercial
Single Family Detached	Commercial	Golf Course	Institutional	Mobile Home	Parking	Under Construction	Not Verified
Single Family Attached	Cemetery	Government Office	Lake	Mobile Home Park	Predominantly Vacant	Vacant Land	Null PIN

ZONING COMMISSION
CASE NO. P09-35F



7-1-6-1

THIS DRAWING AND ALL CONTENTS ARE THE PROPERTY OF PDI ARCHITECTURE AND ARE NOT TO BE REPRODUCED IN FULL OR IN PART WITHOUT THE ARCHITECTURE'S CONSENT. THIS DRAWING AND ALL CONTENTS ARE TO BE USED SOLELY FOR THE SPECIFIC PROJECT AND ARE NOT TO BE USED FOR ANY OTHER PURPOSE. FEES FOR ANY OTHER PURPOSES WILL BE RETURNED IMMEDIATELY.



LOCATION MAP



PROJECT SUMMARY	
UNIT MIX	PARKING
182 UNITS	349 PRKG. SPACES PROVIDED
BR = 42 UNITS	INCLUDES GARAGE BAYS (4-16)
2BR = 12 UNITS	
3BR = 28 UNITS	
ADDITIONAL INFORMATION	
BLDG. A (8 STORY W/ 28 UNITS)	PROJECT INCLUDES:
BLDG. B (8 STORY W/ 28 UNITS)	POSTAL AREA (1) MAINT. BLDG.
BLDG. C (8 STORY W/ 28 UNITS)	TRASH COMPACTOR
BLDG. D (8 STORY W/ 28 UNITS)	LEASING OFFICE, POOL, POOL CABANA,
BLDG. E (8 STORY W/ 28 UNITS)	ENTRY SIGN

SITE PLAN INFORMATION	
ACREAGE:	10.72 ACRES (464,822 SF)
ZONING:	CURRENT ZONING: COMMERCIAL PROPOSED ZONING: NS
DENSITY (NS):	ALLOWABLE: 160 UNITS / 5000 S.F. 2ND UNIT / 5000 S.F. 3RD UNIT / 5000 S.F. 4TH UNIT / 5000 S.F. PERMANENT 100' UNIT (200 UNITS) TOTAL ALLOWABLE UNITS: 400
PROPOSED:	182 TOTAL UNITS
LOT FWIDTH:	REQUIRED: 50' ACTUAL: 44'-4 1/2'
SETBACKS:	FRONT YARD: 50' OFF R/W REAR YARD: 50' SIDE YARD: 12' + 4' FOR EACH STORY ABOVE 2 STORIES
SETBACKS (RESIDENTIAL ZONING):	REQUIRED: 6' SOLID FENCE # ANY NON-RESIDENTIAL DEVELOPMENT PROPOSED: 6' SOLID FENCE # ANY NON-RESIDENTIAL DEVELOPMENT
PARKING:	REQUIRED: 1 (G) SPACES PER UNIT + 216 SPACE PROPOSED: 216 SPACES + 92 GARAGE SPACES= 308 SPACES

RECREATION AREA CALCULATIONS:
TOTAL RECREATION AREA REQUIRED:
182 UNITS x 500 SF/UNIT = 91,000 S.F.
TOTAL RECREATION AREA PROVIDED:
AREAS 1-14 = 91,818 S.F.,

SITE PLAN
Tack Place Apartments
1020 Breazeale Road
Pendleton, North Carolina

**MINUTES
CITY OF FAYETTEVILLE
ZONING COMMISSION
CITY COUNCIL CHAMBERS
1ST FLOOR, CITY HALL
October 13, 2009- 7:00 P.M.**

MEMBERS PRESENT

Pete Paoni
Richard West
John Crawley
Lockett Tally
Marshall Isler

MEMBERS ABSENT

OTHERS PRESENT

Marsha Bryant, Planner
Craig Harmon, Planner
Janet Smith, Asst. City Atty
David Steinmetz, Inspections
Karen Hilton, Intm Plan. Dir.

The meeting was called to order at 7:00 pm.

Mr. Paoni asked about the omission of the election of chair and vice chair for the Commission. The commission discussed the possibilities of moving the election to the November meeting. Mr. Crawley made a motion to have the election at the November meeting. Mr. West seconded the motion. A vote was taken and passed unanimously.

I. APPROVAL OF AGENDA

II. APPROVAL OF THE MINUTES FROM THE AUGUST 11, 2009 MEETING

A motion was made by Mr. West to approve the minutes from the August 11, 2009 meeting. The second was given by Mr. Tally. A vote was taken and passed unanimously.

III. APPROVAL OF THE MINUTES FROM THE SEPTEMBER 9, 2009 MEETING

A motion was made by Mr. West to approve the minutes from the September 9, 2009 meeting. A second was given by Mr. Tally. A vote was taken and passed unanimously.

Mr. Paoni explained the Commission members' job was to conduct public hearings, listening carefully to the testimony from both sides to make recommendations that would be forwarded to City Council for final action. Each side will be given fifteen (15) minutes, collectively, to speak and must be signed up prior to the meeting. Request for Special Use Permits are quasi-judicial and speakers must be sworn in before speaking. Any aggrieved party has ten (10) days from today's meeting to file an appeal with the City Clerk's Office, located on the second floor of City Hall.

IV. PUBLIC HEARINGS

- A. Case No. P09-35F. The rezoning from C1P Commercial District to R5/CZ Residential Conditional Zoning District for property located at 5951 Cliffdale Road. Containing 11.21 acres more or less and being the property of Tart and Tart Inc.**

Mr. Harmon gave an overview of the case. Mr. Harmon explained the current land use for the property and the surrounding areas. Mr. Harmon stated that the 2010 land use plan calls for heavy commercial for the area. He stated that the planning department mailed out 57 letters in regard to the request. Mr. Harmon showed pictures to explain current land use of the property. Mr. Harmon stated that with it being a conditional zoning, the applicant will be held to the conditions of the site plan limiting the number of units to 182 where 305 would be allowed under conventional R5 zoning.

Mr. Paoni asked about NC DOT requirements for the property.

Mr. McCree appeared in favor of the request. He stated that he developed the site plan and has worked with the District Engineer, DOT, and utilities. Mr. McCree stated that they plan on putting up a fence and hostile vegetation and they plan on adding a walking trail

Mr. Turlington appeared in favor of the request. He stated that he is the contractor on the project. He stated that they would be very nice apartments.

Mr. Dennis Lamb appeared in opposition of the request. He stated that he works for Woodside Apartments and that he is concerned about the traffic another complex in that area would cause.

The Commission discussed the concern about the traffic and meeting all of the DOT requirements for the project.

Mr. Crawley made a motion to approve the request with the specific conditions applicant listed and the site plan the applicant submitted. Mr. West seconded the motion. A vote was taken and the motion passed unanimously.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, Planner II
DATE: February 8, 2010
RE: **Development Services - Case No. P09-36F: Rezoning from R6 Residential District to R5/CZ Residential Conditional Zoning District for townhomes on properties located at 108, 110, 202 and 204 Pinecrest Drive. Thomas L. Bradford dba Pear Tree Properties LLC and Island Time Pizza LLC owner.**

THE QUESTION:

What is the appropriate zoning district and use in an established single family residential neighborhood? This request was previously denied by Council and sent back for consideration of conditional zoning. The public hearing scheduled to consider the conditional zoning was continued without action due to community opposition to the plans proposed in support of the conditional rezone request.

RELATIONSHIP TO STRATEGIC PLAN:

Growing City, Livable Neighborhoods - A Great Place to Live.
More Attractive City - Clean and Beautiful.

BACKGROUND:

Owner: Pear Tree Properties, LLC; Thomas L. Bradford; Island Time Pizza, Inc.
Applicant: Thomas L. Bradford
Requested Action: R6 to R5/CZ
Property Address: 108, 110, 202 & 204 Pinecrest Dr.
(Council member Hurst's district)
Size: +/- .7 acres
Existing Land Use: Single Family Residential & Vacant
Adjoining Land Use & Zoning: North – R6 Residential (1 prop. R10) / South – R6 Residential / East – R6 Residential / West – R6 Residential
2010 Land Use Plan: Medium Density Residential

2030 Growth Vision Plan:

Policy 8.8-EXISTING NEIGHBORHOODS shall be protected from encroachment by incompatible land uses.

Policy 8.9-NEW INFILL DEVELOPMENT shall be architecturally compatible with existing structures, landscape features and the streetscape within its vicinity.

Letters Mailed: 205

R6 - Primarily a single-family residential district but with smaller lot areas than R10 per family required, permitting more frequent use of two-family and multifamily structures. This district would allow for a maximum of 6 units on these properties combined.

R5 - Predominately a single-family residential district but with smaller lot areas than R6 per family required, permitting frequent use of two-family and multifamily structures. R5 is the City's highest density residential district. This district would allow for a maximum of 14 units on these properties combined.

ISSUES:

This application was sent back to the Zoning Commission from Council to be reheard as a Conditional Zoning request. The new conditions of this request limit the number of units to 8 and

the application is conditioned to the attached site plans.

The Zoning Commission recommends (3-2) approval with the following conditions:

1. Submitted site plan.
2. Four existing lots will be used for eight townhouses.
3. Four driveways will be reduced to two.
4. A sidewalk will be constructed along Pinecrest Drive.
5. Two parking spaces are provided for each residential unit.
6. The architecture will be compatible with the surrounding areas.

Planning Staff had recommended denial to the Zoning Commission based on:

1. The 2010 Land Use Plan recommends Medium Density Residential on these properties;
2. These properties are surrounded by mainly R6 zoning with one small lot of R10;
3. The existing neighborhood is made up of all single family homes;
4. This development is not in keeping with the development pattern of Pinecrest. The current pattern is for homes to be close to the street, with side and rear yard parking.
5. The proposed town homes would be set back off the road with a parking lot created in front of each unit. This development is inconsistent with the 2030 Growth Vision Plan, and most particularly, Policies 8.8 and 8.9 listed above;

Please find attached both the original site plans and the revised site plans for this proposed redevelopment project.

OPTIONS:

1. Rezone the property to R5/CZ Residential with agreed conditions (Zoning Commission);
2. Deny the rezoning of this property (Staff);
3. Rezone the property to R5/CZ Residential with revised or additional conditions if the applicant agrees with these changes.

RECOMMENDED ACTION:

Zoning Commission recommends that Council move to approve the requested R5/CZ rezoning with the conditions noted (Issues, above).

Staff recommends that Council move to deny the requested R5/CZ rezoning based on the findings included in the Issues section above.

NOTE: Council may modify the conditions if applicant agrees.

ATTACHMENTS:

Zoning Map

2010 Plan

Current Landuse

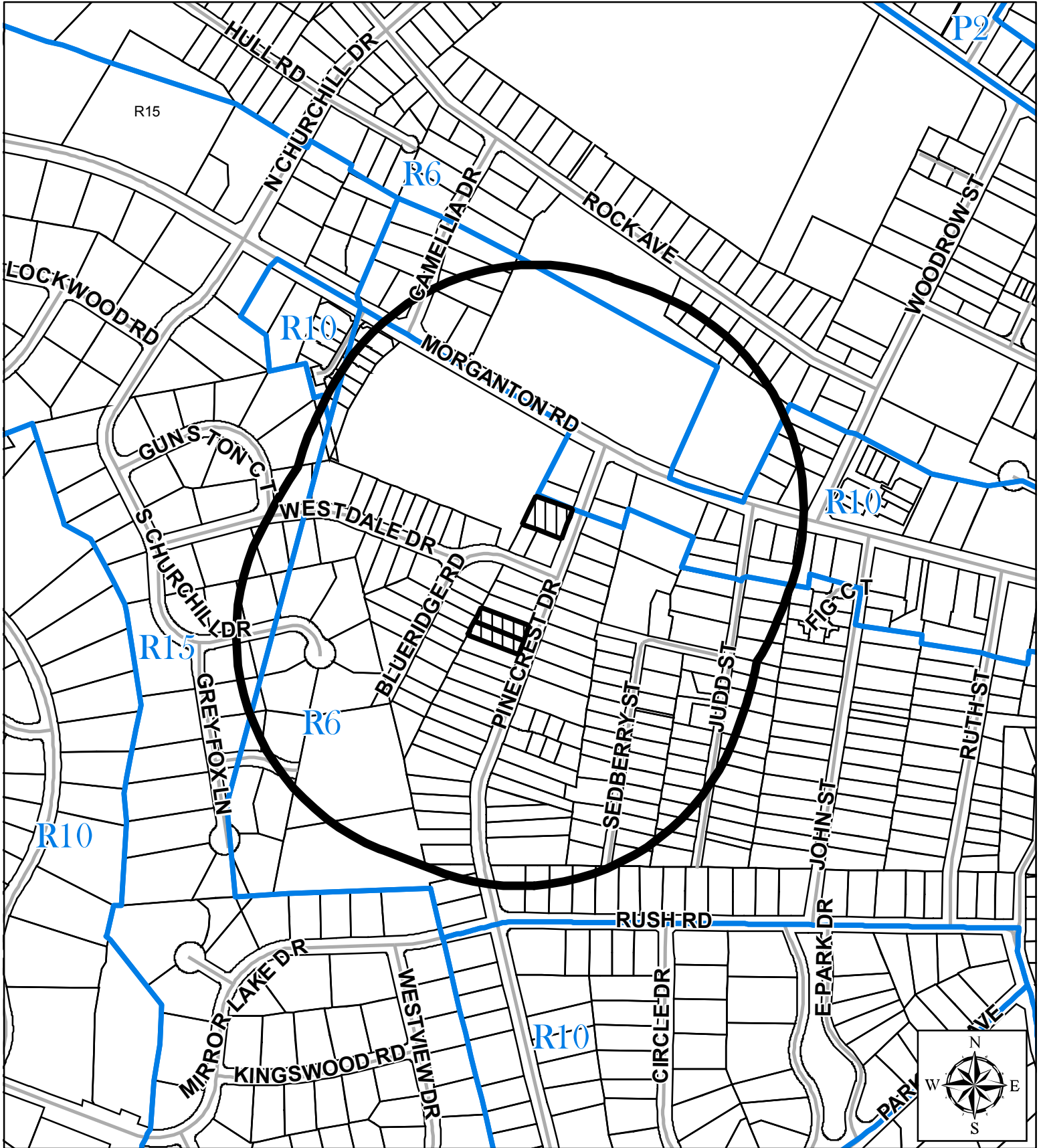
Ortho Photo

Site Plans Revised

Site Plans Original

Zoning Commission Minutes

ZONING COMMISSION
CASE NO. P09-36F



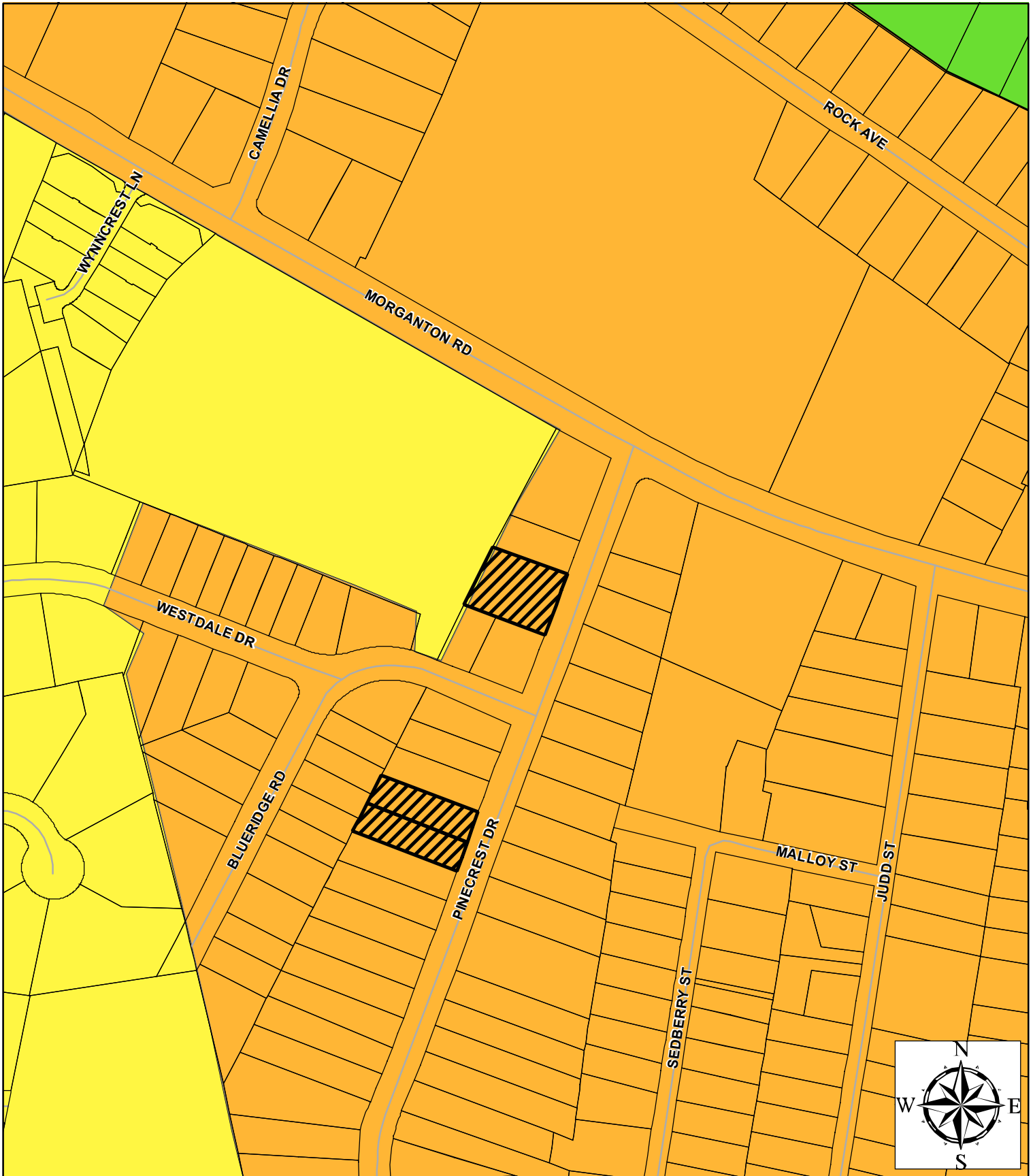
Request: R6 to R5/CZ
Location: 108, 110, 202, 204 Pinecrest Dr.
Acreage: +/- 0.7

Zoning Commission: 10/13/2009 Recommendation: _____
City Council: _____ Final Action: _____
Pin: 0407-75-5969







Letters are being sent to all property owners within the circle, the subject property is shown in the hatched pattern.

2010 Land Use Plan

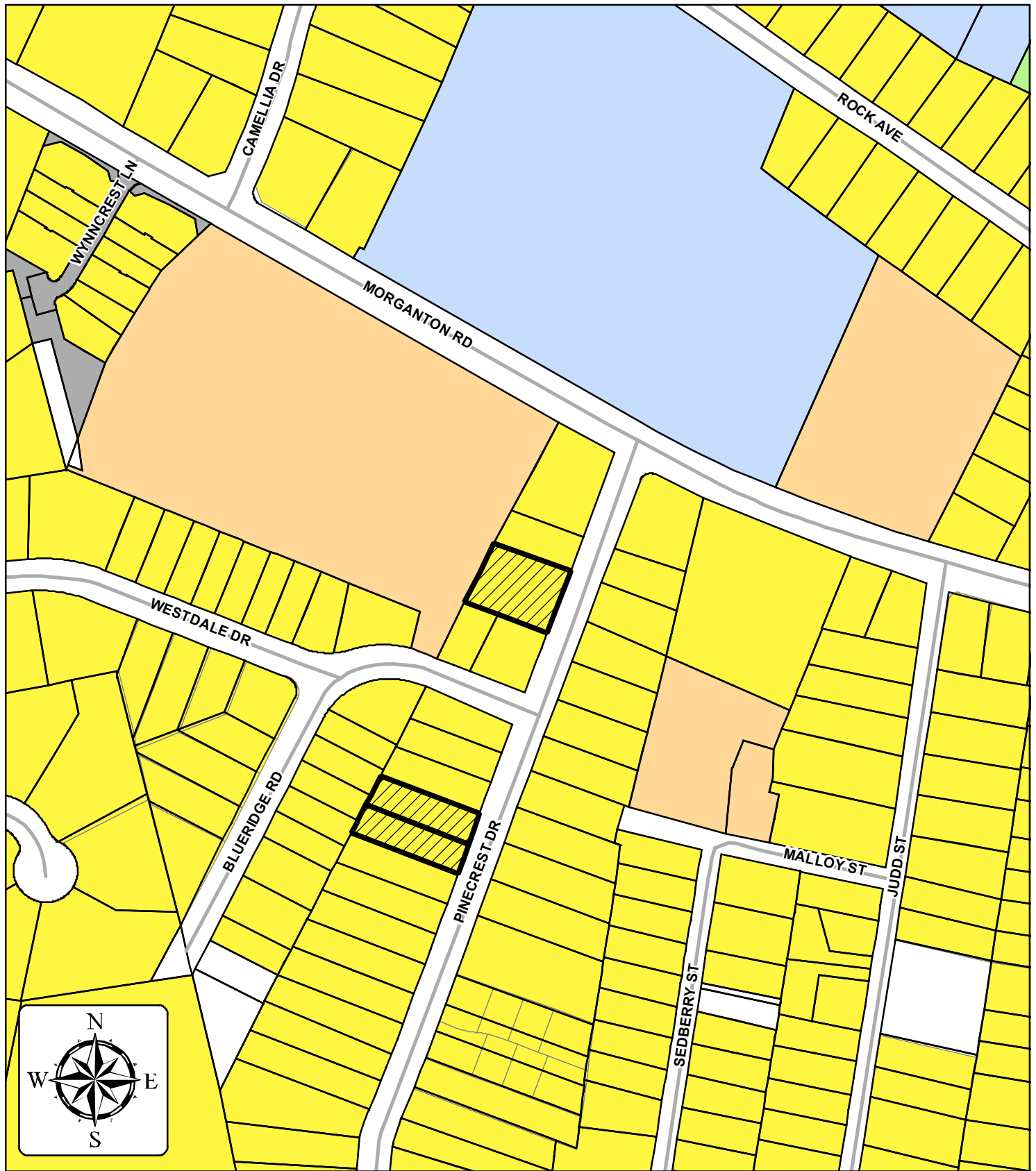
Case No. P09-36F



Legend

- | | | |
|--|--|---|
|  Medium Density Residential |  Office / Institutional |  Governmental |
|  Light Commercial |  Heavy Commercial |  Low Density Residential |

Current Land Use
P09-36F

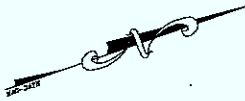
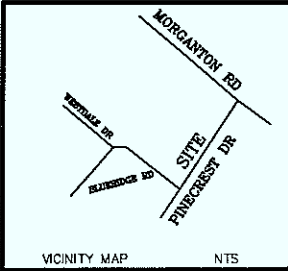


Legend

Existing Landuse	Common Area	Group Quarters	Industrial	Multi-Family	Open Space	Communications-Utilities	Vacant Commercial
Single Family Detached	Commercial	Golf Course	Institutional	Mobile Home	Parking	Under Construction	Not Verified
Single Family Attached	Cemetery	Government Office	Lake	Mobile Home Park	Predominantly Vacant	Vacant Land	Null PIN

ZONING COMMISSION
CASE NO. P09-36F





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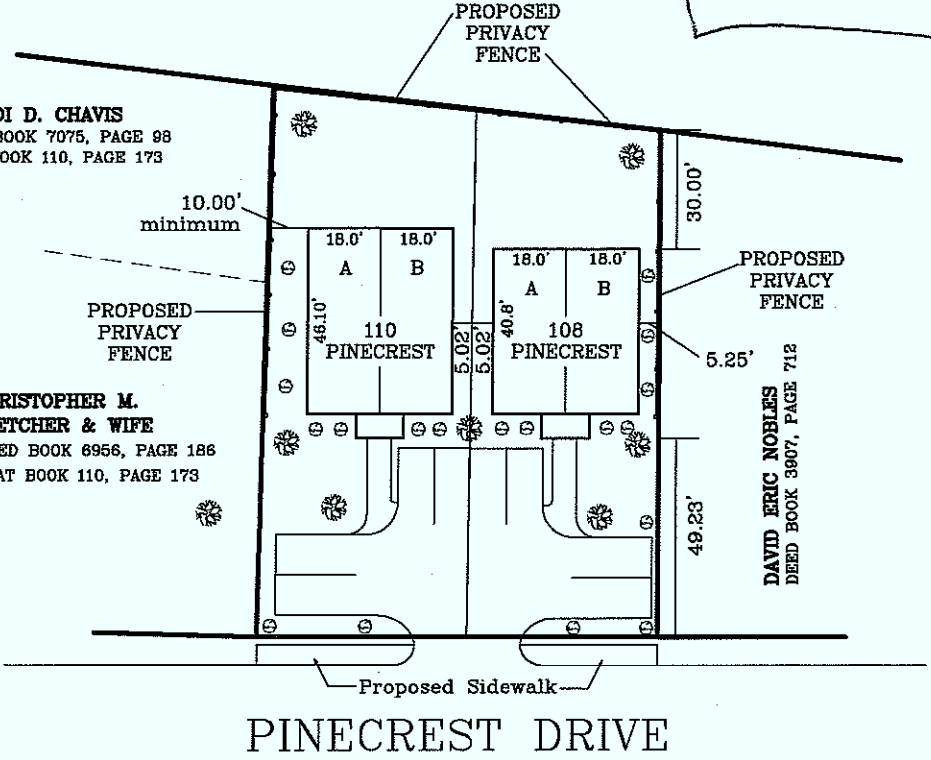
Revised Site Plan

MILLER & RICHARDSON INVESTMENTS LLC
DEED BOOK 47B1, PAGE 5

BRANDI D. CHAVIS
DEED BOOK 7075, PAGE 98
PLAT BOOK 110, PAGE 173

CHRISTOPHER M. FLETCHER & WIFE
DEED BOOK 6956, PAGE 186
PLAT BOOK 110, PAGE 173

DAVID ERIC NOBLES
DEED BOOK 3907, PAGE 712



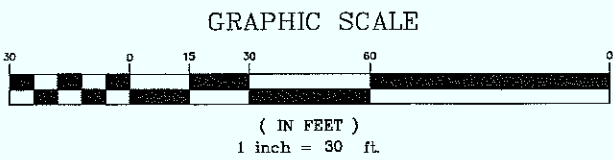
Conditional Use Application Site Plan

Current Zoning	R6
Existing Use	Vacant
Proposed Use	Single Family Residential(Townhouses)
Total Acreage	0.3 Acres 12,937 sq. ft.
Units Requested	4 Townhouse Units
There is no significant vegetation on the site.	
Date	December 16, 2009

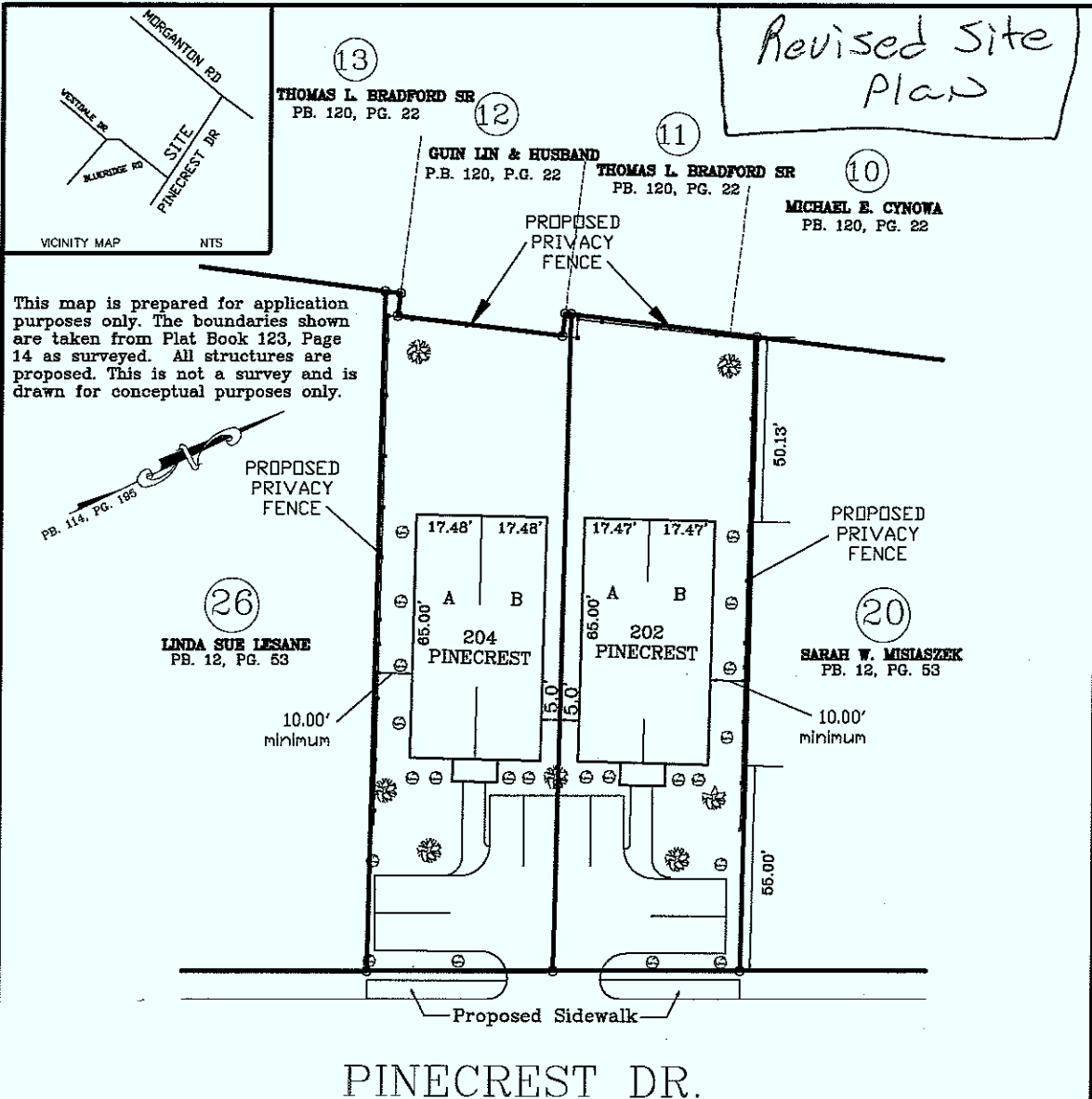
Owner Information
Thomas L. Bradford dba
Pear Tree Properties, LLC
P.O. Box 87555
Fayetteville, NC 28305
(910)484-9091

PRELIMINARY PLAT
Not for Construction, Recordation
Conveyance or Sale

LARRY KING & ASSOCIATES, R.L.S., P.A.
P.O. BOX 53787
1333 MORGANTON ROAD SUITE 201
FAYETTEVILLE, NORTH CAROLINA 28305
TELEPHONE (910) 483-4300
FAX (910) 483-4052
NC Firm License C-0687



Revised Site Plan



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26
LINDA SUE LESANE
PB. 12, PG. 53

20
SARAH W. MIASZEK
PB. 12, PG. 53

PINECREST DR.

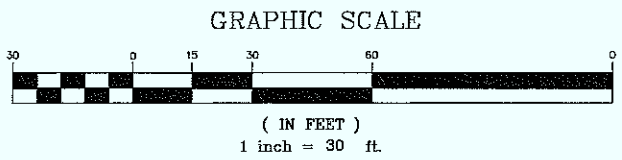
Conditional Use Application Site Plan

Current Zoning	R6
Existing Use	Single Family Residential
Proposed Use	Single Family Residential(Townhouses)
Total Acreage	0.4 Acres 17,255 sq. ft.
Units Requested	4 Townhouse Units
Any vegetation in the rear yards will remain.	
Date:	December 17, 2009

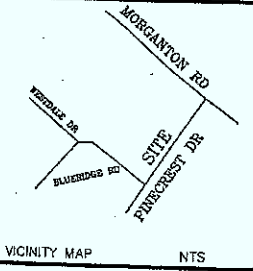
Owner Information
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 ISLAND TIME PIZZA, LLC
 P.O. Box 87555
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P09-36F

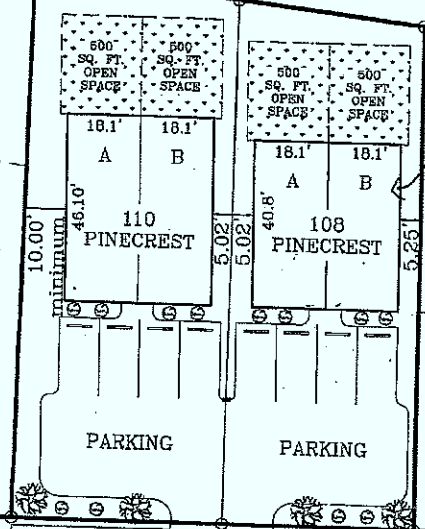


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INVESTMENTS LLC
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PLAT BOOK 110, PAGE 173



*Here above's 05300,
for common*

*one of two
stop*

meets infill

R10

DAVID ERIC NOBLES
DEED BOOK 3907, PAGE 712

PINECREST DRIVE

Conditional Use Application Site Plan

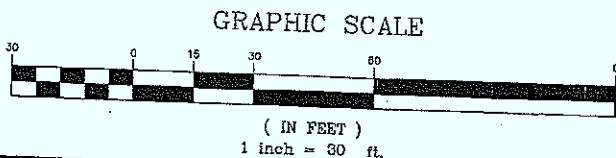
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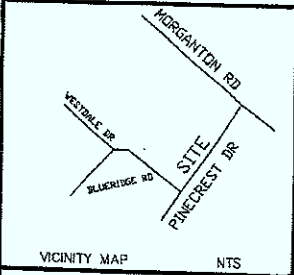


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C-0087



PO9-36F



13

THOMAS L. BRADFORD SR
PB. 120, PG. 22

12

GUIN LIN & HUSBAND
P.B. 120, P.G. 22

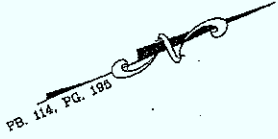
11

THOMAS L. BRADFORD SR
PB. 120, PG. 22

10

MICHAEL E. CYNOWA
PB. 120, PG. 22

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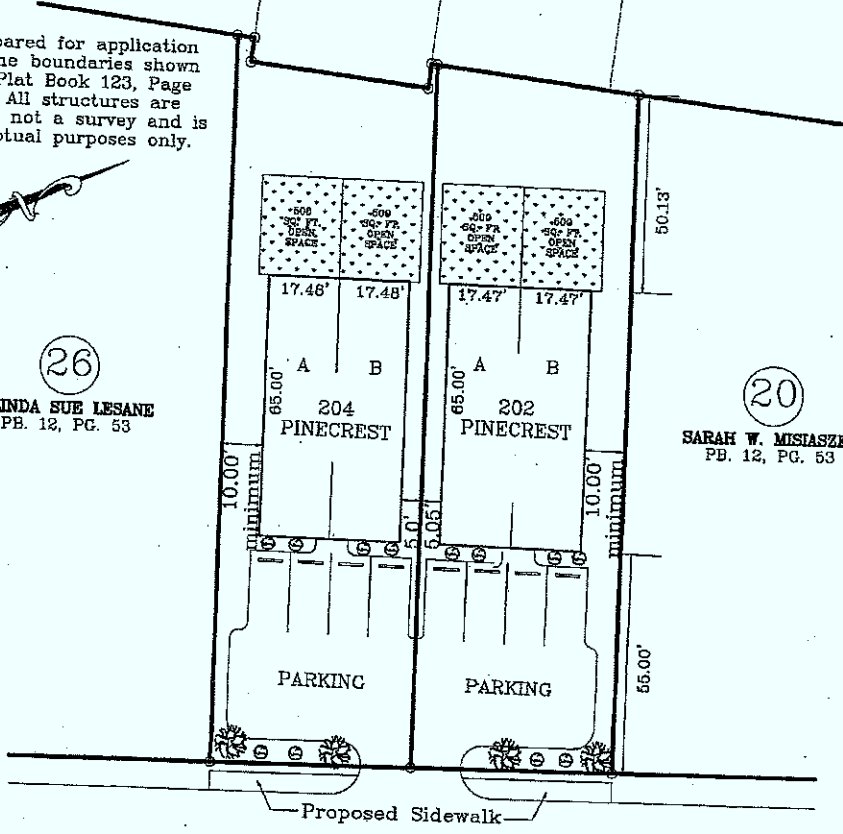


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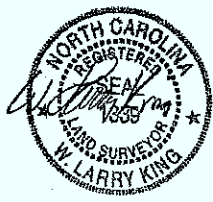


PINECREST DR.

Conditional Use Application Site Plan

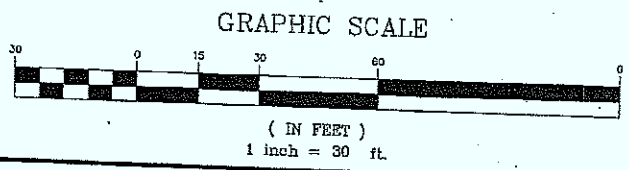
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**MINUTES
CITY OF FAYETTEVILLE
ZONING COMMISSION
CITY COUNCIL CHAMBERS
1ST FLOOR, CITY HALL
October 13, 2009- 7:00 P.M.**

MEMBERS PRESENT

Pete Paoni
Richard West
John Crawley
Lockett Tally
Marshall Isler

MEMBERS ABSENT

OTHERS PRESENT

Marsha Bryant, Planner
Craig Harmon, Planner
Janet Smith, Asst. City Atty
David Steinmetz, Inspections
Karen Hilton, Intm Plan. Dir.

The meeting was called to order at 7:00 pm.

Mr. Paoni asked about the omission of the election of chair and vice chair for the Commission. The commission discussed the possibilities of moving the election to the November meeting. Mr. Crawley made a motion to have the election at the November meeting. Mr. West seconded the motion. A vote was taken and passed unanimously.

I. APPROVAL OF AGENDA

II. APPROVAL OF THE MINUTES FROM THE AUGUST 11, 2009 MEETING

A motion was made by Mr. West to approve the minutes from the August 11, 2009 meeting. The second was given by Mr. Tally. A vote was taken and passed unanimously.

III. APPROVAL OF THE MINUTES FROM THE SEPTEMBER 9, 2009 MEETING

A motion was made by Mr. West to approve the minutes from the September 9, 2009 meeting. A second was given by Mr. Tally. A vote was taken and passed unanimously.

Mr. Paoni explained the Commission members' job was to conduct public hearings, listening carefully to the testimony from both sides to make recommendations that would be forwarded to City Council for final action. Each side will be given fifteen (15) minutes, collectively, to speak and must be signed up prior to the meeting. Request for Special Use Permits are quasi-judicial and speakers must be sworn in before speaking. Any aggrieved party has ten (10) days from today's meeting to file an appeal with the City Clerk's Office, located on the second floor of City Hall.

IV. PUBLIC HEARINGS

- D. Case No. P09-36F. The rezoning from R6 Residential District to R5/CZ Residential Conditional Zoning District for property located at 108, 110, 202 and 204 Pinecrest Drive. Containing 0.7 acres more or less and being the property of Thomas L. Bradford dba Pear Tree Properties LLC and Island Time Pizza LLC.**

Mr. Harmon explained to the Commission that two of the sites were not posted on the property, the second site being the properties on Pinecrest Drive, there were no signs that were posted on the property.

Ms. Bryant explained to the Commission and stated that the sign shop did not place the signs because they did not have frames to place the signs out. Mr. Harmon explained that the signs have to be up at least 10 days prior to the meeting.

Ms. Smith stated that in her opinion proper notification was not given due to the fact that the sign was posted in enough time. Ms. Smith stated that state law requires that there be mailed notice, posted notice and published notice on each rezoning request. She stated that they are missing one of the notices and due to that fact the Commission's action may be null and void.

The Commission discussed tabled this case and case P09-34F due to improper notification.

Ms. Hilton stated that state law says that posted public notification must be given prior to City meetings which would mean City Council meetings but that the City of Fayetteville Zoning ordinance, which is derived from state laws, only requires written notification for public hearing. Ms. Hilton stated that they have met the requirement for the zoning ordinance.

Mr. Harmon gave an overview of the case. Mr. Harmon explained the current land use for the property and the surrounding areas. Mr. Harmon stated that the 2010 land use plan calls for medium density for the area. He stated that the planning department mailed out 205 letters regards the request. Mr. Harmon showed pictures to explain current land use of the property. Mr. Harmon stated that staff recommendation is denial for the R5/CZ due to multiple reasons which include the 2010 land use plan and 2030 growth vision plan.

Ms. Epler appeared in favor of the request. She stated that she is an Engineer for Larry King and Mr. Bradford is her client. Ms. Epler stated that the lots are too small for single family residential and home is too small and won't sell. She stated that the existing lots are nonconforming and can't rebuild and can't remodel beyond 50% of value because he can not get a permit on the properties. Ms. Epler stated that the rezoning request supports the 2030 growth vision plan.

Mr. Bradford appeared in favor of the request. He stated that this was the fourth hearing in regard to the request. He stated that 600 letters had gone out in regard to this request. Mr. Bradford gave the Commission a handout explaining the proposed project for the properties for this rezoning request. Mr. Bradford stated that he is trying to make improvements to the area and improve the tax value in the area. He stated that traffic will not be impacted by the development. Mr. Bradford gave the Commission a petition with 87 names on it in support of the rezoning.

Mr. Paoni asked if they were townhomes or a duplex. Mr. Bradford stated that it was a townhome duplex and that the 2030 plan defines it as single family residence.

Mr. Paoni addressed his concern about the parking. Mr. Bradford stated that the parking would change if the duplexes are built. Mr. Paoni asked if they were rentals or owners. Mr. Bradford said they would be owners.

Ms. Smith stated that the petition has not been verified and they are just signatures.

Mr. King appeared in favor of the request. He stated that he lives in the area and that he thinks that the sidewalks that are being proposed with this project would be a great addition to the area.

Mr. Ward appeared in opposition of the request. He stated that he has not seen the rendering of what the proposed changes is going to look like. Mr. Ward stated that he wants it to be consistent with the neighborhood and not to look like apartments. Mr. Ward stated that there are several apartment complexes in the area. Mr. Ward addressed his concern about the traffic.

Mr. Fletcher appeared in opposition of the request. He stated that he lives next door to the proposed project. He expressed his concerned about the traffic and that the duplexes would look different than the single family residences that are in the area. Mr. Fletcher stated that he has a petition with 24 signatures within the area that are opposed to the rezoning request that he plans on submitting to Fayetteville City Council.

Ms. Watts appeared in opposition of the request. She stated that she is the realtor representing Mr. Fletcher. She stated that there has been no interest in Mr. Fletcher's home because of the chance that there might be a

multiple family dwelling right next door. She stated that four families would be living on .30 acres where normally would only have one house.

The Commission discussed parking in the area and how the cars would be parking in the duplex areas with Mr. Bradford. Mr. Isler asked about parking in the back lot. Mr. Bradford stated that there was no room available to have the cars park in the back.

The Commission discussed their concerns about the character of the area to include the parking issues and the style of the buildings.

Mr. Bradford stated that this will improve the area and that the developments will make the area look better.

The public hearing was closed.

Mr. Harmon, for clarity stated that the 2010 and 2030 are two different plans and both are valid, one present land use and one future land use for the City of Fayetteville. Mr. Harmon reiterated the fact that Mr. Bradford is not limited to remodeling the house for only less than 50% of the value.

Mr. Crawley made a motion to approve the request. Mr. Isler seconded the motion. The Commission voted and the vote was 3 to 2 in favor of the motion with Mr. Crawley, Mr. Isler and Mr. Paoni voting in favor of the request.

Mr. Harmon stated that the case would be going to Fayetteville City Council on November 23, 2009 as a public hearing item.

C.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Craig Harmon, Planner II
DATE: February 8, 2010
RE: **Development Services - Case No. P09-46F. Rezoning of the property located at 412 Gillespie Street from R5 Residential District to C1 Commercial District. St. Joseph's Episcopal Church owner.**

THE QUESTION:

What is the appropriate zoning district for interior/transitional properties that do not have frontage to a public or private street in an area slated for redevelopment?

RELATIONSHIP TO STRATEGIC PLAN:

Growing City, Livable Neighborhoods - A Great Place to Live.
More Attractive City - Clean and Beautiful.
Greater Tax Base Diversity - Strong Local Economy.

BACKGROUND:

Owner: St. Joseph's Episcopal Church
Applicant: St. Joseph's Episcopal Church
Requested Action: R5 to C1
Property Address: 412 Gillespie Street
Status of Property: Undeveloped and Landlocked
Size: 0.24 +/- acres
Existing Land Use: Vacant
Adjoining Land Use & Zoning: North - R5 Residential / South - R5 Residential / East - C1 & C3 Commercial / West R5 Residential
2010 Land Use Plan: Downtown
Letters Mailed: 90
Transportation: Gillespie Street is a major thoroughfare, with an average daily traffic count of 12,000 vehicles at this location.

R5 - Predominately a single-family residential district, but with smaller lot areas per family required, permitting frequent use of two-family and multifamily structures. As currently zoned, there is no height restriction and 6 units could be built on the property.

C1 - Primarily for the conduct of retail trade in outlying shopping areas with emphasis on daily necessities for the convenience of surrounding residential areas.

ISSUES:

The same owner has another piece of property that adjoins this one to the south and that fronts Gillespie Street. That property has two zoning classifications: C3 for the portion fronting Gillespie, and R5 for the portion to the rear and contiguous with the subject property. Zoning Commission recommends Approval of the rezoning based on: 1. The properties between this one and Gillespie are zoned commercial. 2. Zoning to commercial may foster new development and/or redevelopment in this area.

The Planning Staff recommends Denial of the rezoning based on: 1. Currently there is no legal access to the property. 2. The rezoning would move the commercial zoning district one lot deeper into the surrounding residential development. 3. The new commercial district would be surrounded on 3 sides by residential. 4. This subject property is landlocked.

OPTIONS:

1. Deny the rezoning of this property (Recommended by Staff);
2. Zone the property to C1 Commercial Zoning District (Recommended by Zoning Commission);
3. Zone to a more restrictive Zoning District.

RECOMMENDED ACTION:

Zoning Commission recommend that Council move to approve the rezoning from R5 Residential District to C1 Commercial District based on the reasons provided above (in issues).

Staff recommends that Council move to deny the rezoning from R5 Residential District to C1 Commercial District based on the reasons provided above (in issues).

ATTACHMENTS:

Zoning Map

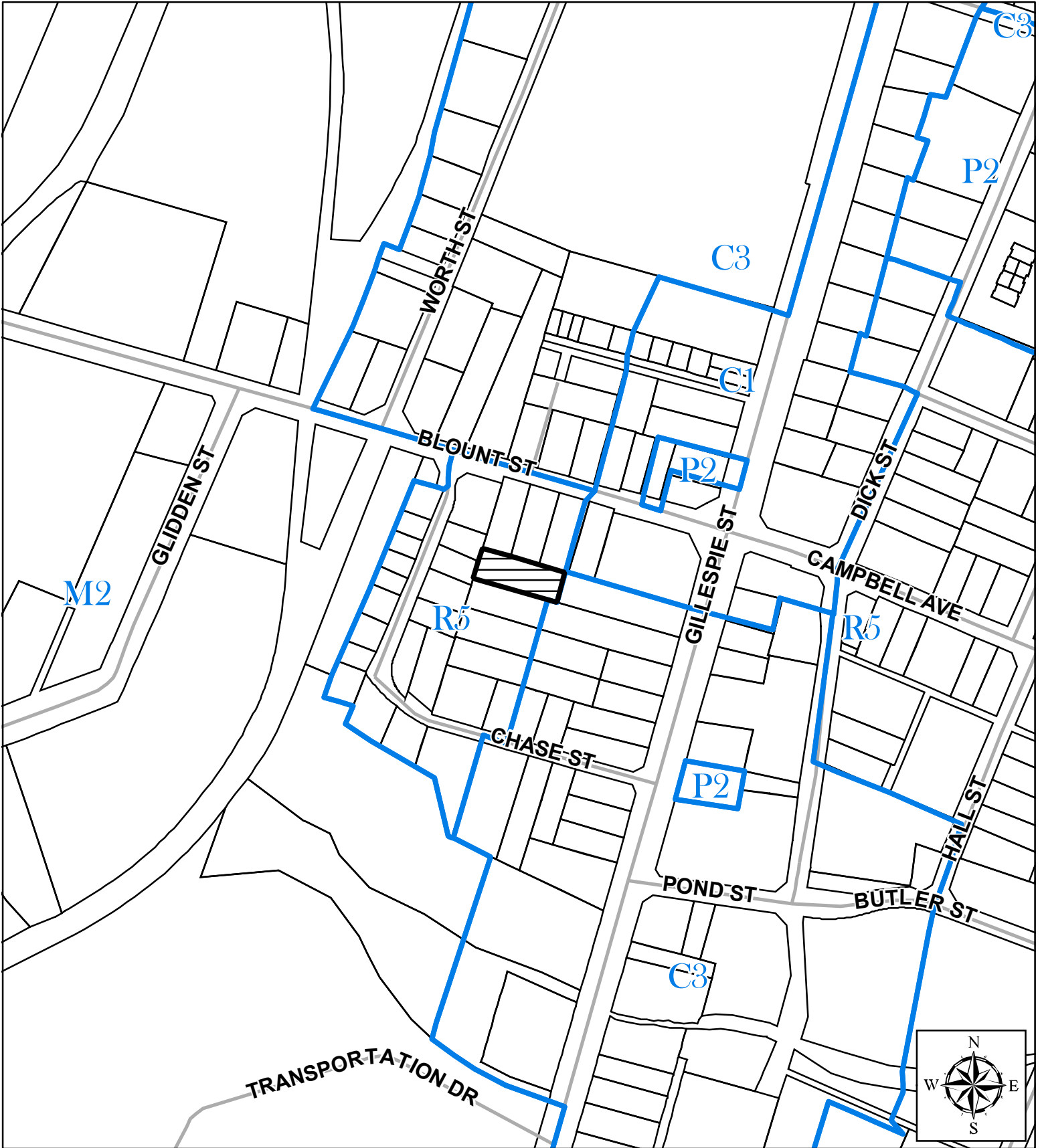
2010 Plan

Current Landuse

Ortho Photo

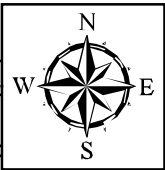
Zoning Commission Minutes

**ZONING COMMISSION
CASE NO. P09-46F**



Request: R5 to C1
Location: 412 Gillespie St
Acreage: +/- 0.24

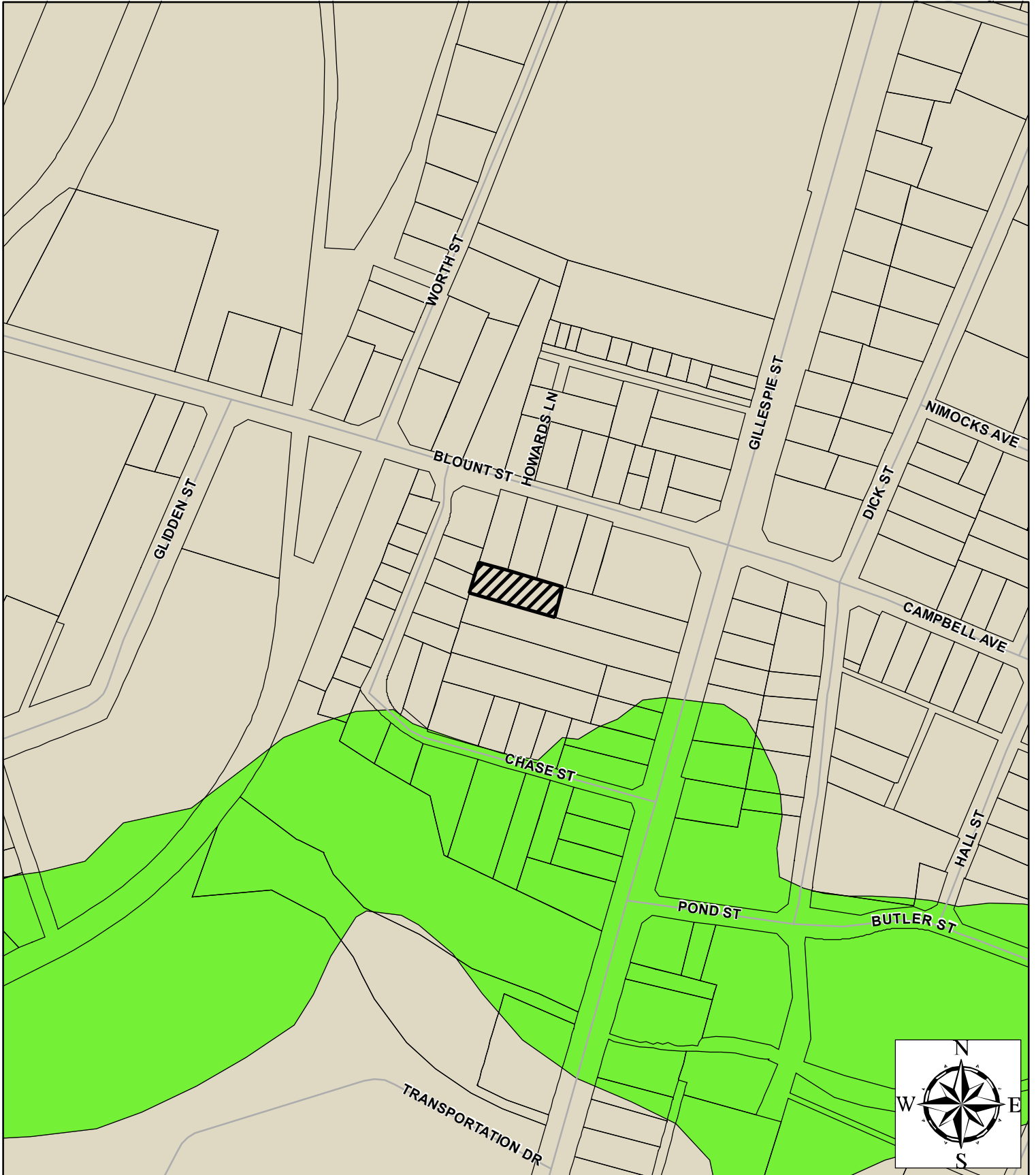
Zoning Commission: 12/08/2009 **Recommendation: _____**
City Council: _____ **Final Action: _____**
Pin: 0437-51-3760









Letters are being sent to all property owners within the circle, the subject property is shown in the hatched pattern.

2010 Land Use Plan

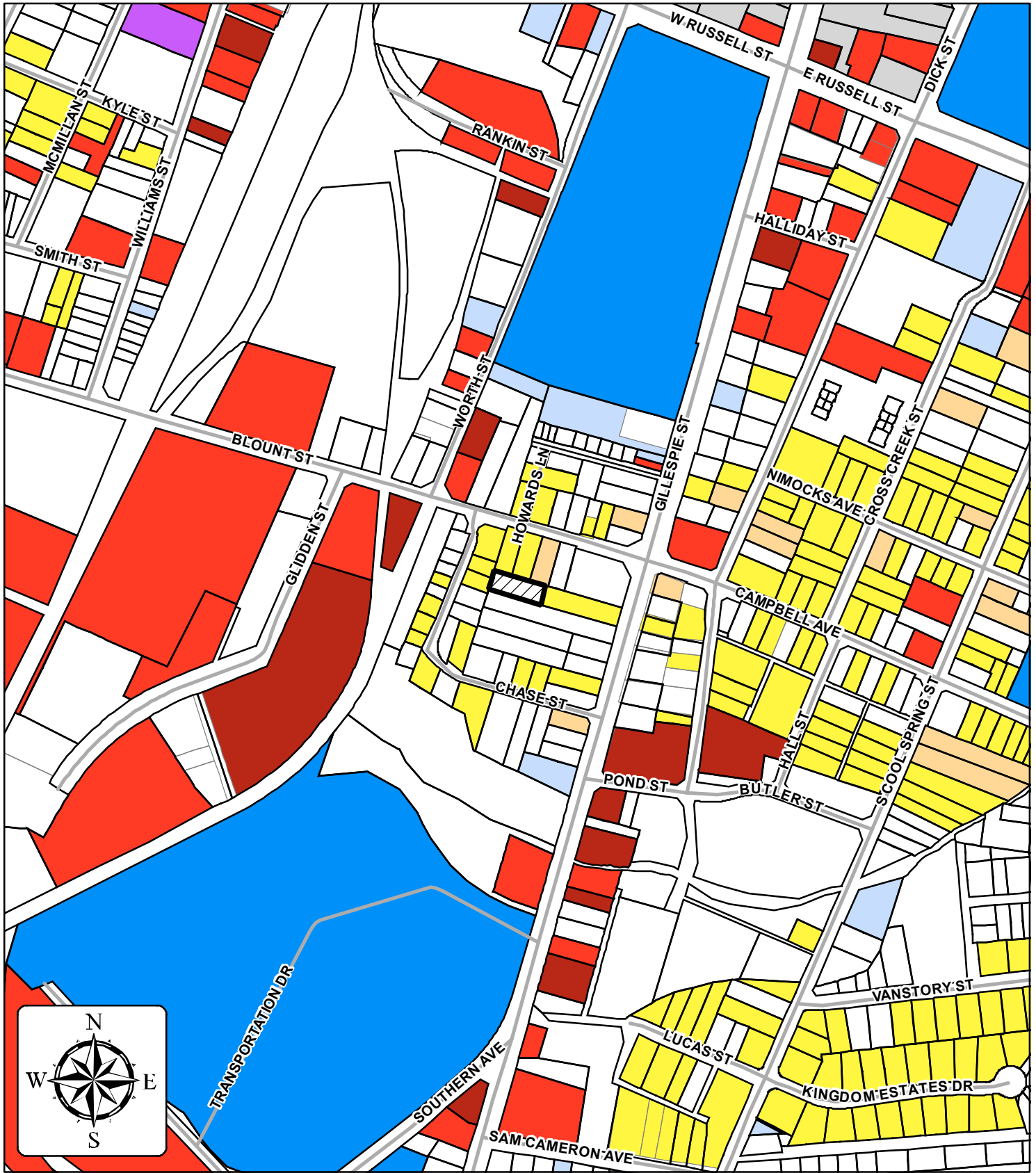
Case No. P09-46F



Legend

- | | | |
|--|--|---|
|  Medium Density Residential |  Office / Institutional |  Governmental |
|  Light Commercial |  Heavy Commercial |  Low Density Residential |

Current Land Use
P09-46F



Legend

Existing Landuse	Common Area	Group Quarters	Industrial	Multi-Family	Open Space	Communications-Utilities	Vacant Commercial
Single Family Detached	Commercial	Golf Course	Institutional	Mobile Home	Parking	Under Construction	Not Verified
Single Family Attached	Cemetery	Government Office	Lake	Mobile Home Park	Predominantly Vacant	Vacant Land	Null PIN



**MINUTES
CITY OF FAYETTEVILLE
ZONING COMMISSION
CITY COUNCIL CHAMBERS
1ST FLOOR, CITY HALL
DECEMBER 8, 2009- 7:00 P.M.**

MEMBERS PRESENT

Pete Paoni
Richard West
John Crawley
Lockett Tally
Marshall Isler
Mannell
Hendricks

MEMBERS ABSENT

OTHERS PRESENT

Marsha Bryant, Planner
Craig Harmon, Planner
Janet Smith, Asst. City Atty
David Steinmetz, Inspections
Karen Hilton, Intm Plan. Dir.

The meeting was called to order at 7:00 pm.

I. APPROVAL OF AGENDA

Mr. Crawley made a motion to approve the agenda. Mr. West seconded the motion. A vote was taken and passed unanimously.

II. APPROVAL OF THE MINUTES FROM THE OCTOBER 13, 2009 MEETING

Mr. Paoni made a motion to approve the minutes from October 13, 2009. Mr. Crawley seconded the motion. A vote was taken and passed unanimously.

III. APPROVAL OF THE MINUTES FROM THE NOVEMBER 10, 2009 MEETING

Mr. Crawley made a motion to approve the minutes from November 10, 2009. Mr. Isler seconded the motion. A vote was taken and passed unanimously.

Mr. Paoni explained the Commission members' job was to conduct public hearings, listening carefully to the testimony from both sides to make recommendations that would be forwarded to City Council for final action. Each side will be given fifteen (15) minutes, collectively, to speak and must be signed up prior to the meeting. Request for Special Use Permits are quasi-judicial and speakers must be sworn in before speaking. Any aggrieved party has ten (10) days from today's meeting to file an appeal with the City Clerk's Office, located on the second floor of City Hall.

IV. PUBLIC HEARINGS

C. **Case No. P09-46F. The rezoning from R5 Residential District to C1 Commercial District or to a more restrictive zoning classification for property located at 412 Gillespie Street. Containing 0.24 acres more or less and being the property of St. Joseph's Episcopal Church.**

Mr. Harmon gave an overview of the case. Mr. Harmon explained the current land use for the property and the surrounding areas. Mr. Harmon stated that the property is an undeveloped landlocked piece of property. He stated that the 2010 land use plan called for downtown district. He stated that the Planning Department mailed out 90 letters in regards to the request. Mr. Harmon showed pictures to explain current land use of the property.

Mr. Harmon stated that Planning Staff recommends denial of the rezoning based on:

1. Currently there is no legal access to the property.
2. The rezoning would move the commercial zoning district one lot deeper into the surrounding residential development.
3. The new commercial district would be surrounded on 3 sides by residential.

Mr. Harmon asked if there were any questions of staff.

Mr. West asked why the applicant wants the rezoning. Mr. Harmon replied that a representative from the church was available to answer that question.

Mr. Paoni opened the public hearing.

Mr. Donald LaHuffman appeared in favor of the request. Mr. LaHuffman stated that he was a representative for St. Joseph Episcopal Church. Mr. LaHuffman stated that the church is requesting the rezoning because they have the prospect of selling it.

Mr. West asked Mr. LaHuffman how they plan to have access to the property. Mr. LaHuffman explained that the prospective buyer has discussed the possibility of purchasing adjacent parcels to this property.

Mr. Paoni asked if it was the front property with the structure on it. Mr. LaHuffman replied no that there is not structure on the property, it was the property located behind that property.

Mr. Paoni asked if the sell was contingent on the approval of the rezoning.

Mr. Isler asked if the church owns the adjacent property out to Gillespie. Mr. Harmon replied that it's a split zoning on the property.

There were no speakers in opposition. The public hearing was closed.

Mr. Isler asked Mr. Harmon if the applicants were aware of staff recommendation. Mr. Harmon stated that he spoke with several people from the church about the changes of having the property rezoned.

Mr. LaHuffman stated that staff told him that C1 zoning was going to be what was recommended.

Mr. Paoni expressed his concern about the prospective buyer's absence from the application process to Mr. LaHuffman.

Mr. West asked about the other properties the potential buyer is going to purchase in the area. Mr. LaHuffman stated that he was unaware of the additional properties the buyer intends to purchase.

Mr. Isler made a motion to approve the applicant's request. Mr. West seconded the motion. A vote was taken and passed with a vote of 4 to 1 with Mr. Paoni voting in opposition.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Dale Iman, City Manager
DATE: February 8, 2010
RE: **City Manager's Office - BRAC Regional Task Force (BRAC RTF) - Pipeline NC Presentation by: Paul Dordal, BRAC RTF Executive Director, Futures, Inc.**

THE QUESTION:

To provide an presentation to Council regarding PipelineNC.com

RELATIONSHIP TO STRATEGIC PLAN:

Greater Tax Base Diversity - Strong Local Economy

BACKGROUND:

The BRAC RTF was awarded a U.S. Department of Labor Workforce Demonstration Program Grant in 2007 to develop transformational initiatives to facilitate employment and economic growth for the region as a result of significant impacts resulting from the projected growth at Fort Bragg. PipelineNC.com represents the completion of a major component of the DOL grant.

PipelineNC.com, is an education and workforce Internet platform for job seekers and employers in the Fort Bragg region. PipelineNC.com aligns and integrates the area's labor supply, education, employment and training capabilities, and emerging employer occupational demands.

(Source: CarolinaNews.com)

ISSUES:

NA

OPTIONS:

NA

RECOMMENDED ACTION:

For information purposes only.

CITY COUNCIL ACTION MEMO

TO: Mayor and Members of City Council
FROM: Dale Iman, City Manager
DATE: February 8, 2010
RE: **City Manager's Office - Fayetteville Forward Action Agenda Update**

THE QUESTION:

Has progress been made towards advancement of the action agenda in the Fayetteville Forward pledge?

RELATIONSHIP TO STRATEGIC PLAN:

- Growing City, Livable Neighborhoods - A great Place To Live
- Greater Tax Base Diversity - Strong Local Economy
- More Attractive City - Clean aNd Beautiful
- More Efficient Government - Cost Effective Service Delivery
- Greater Community Unity - Pride in Fayetteville
- Revitalized Downtown - A Community Focal Point

BACKGROUND:

Fayetteville City Council established a commitment to each other and to the citizens of Fayetteville by adopting the Fayetteville Forward pledge. The pledge detailed a 100-day citizen-focused action agenda for staff and Council. Upon reaching the 50-day mark, this status brief to Council highlights the progress to date.

ISSUES:

Do the work efforts to date reflect the overall direction articulated by the City Council in the Fayetteville Forward pledge?

OPTIONS:

1. Accept the status brief as provided, with guidance to the City Manager on areas of interest.
2. Request additional information on the items listed in the update.
3. Modify/clarify interests.

RECOMMENDED ACTION:

Accept the status brief as provided, with guidance to the City Manager on areas of interest.