

**FAYETTEVILLE CITY COUNCIL  
AGENDA BRIEFING MINUTES  
LAFAYETTE ROOM  
SEPTEMBER 19, 2012  
4:00 P.M.**

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); D. J. Haire (District 4) (departed at 4:45 p.m.); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); James W. Arp, Jr. (District 9)

Absent: Council Members Kady-Ann Davy (District 2); Robert A. Massey, Jr. (District 3); Wade Fowler (District 8)

Others Present:

Theodore Voorhees, City Manager  
Kristoff Bauer, Assistant City Manager  
Karen McDonald, City Attorney  
Scott Shuford, Development Services Director  
Karen Hilton, Planning and Zoning Division Manager  
Craig Harmon, Planner II  
David Nash, Planner II  
Members of the Press

Mayor Chavonne called the meeting to order at 4:00 p.m.

City staff presented the following items scheduled for the Fayetteville City Council's September 24, 2012, agenda:

**CONSENT ITEMS**

**Case No. P12-44F. Initial zoning from C(P) Commercial and R6 Residential in Cumberland County to LC Limited Commercial in Fayetteville or a more restrictive district for property located at 122 West Mountain Drive. Containing 1 acre more or less and being the property of Charles Horne.**

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He explained the owners of the property petitioned for an approximate one acre portion of the property to be annexed into the City of Fayetteville and wanted to make that one acre commercial so that a building could be built there for a national bug exterminator office. He further explained the City's Land Use Plan called for medium-density residential on the property, however Cumberland County recently rezoned the majority of the property to C(P) for commercial use. He stated under the City's new initial zoning policy the City could determine what land use was appropriate for a site coming into the City and it would not have to be in line with the district currently zoned by the County. He advised the Zoning Commission and staff recommended an initial zoning of LC based on (1) it being mainly zoned for commercial use currently, (2) the property being between commercial properties to both the east and west, (3) the residentially zoned property across West Mountain Drive being a church, and (4) the property being surrounded by nonresidential uses.

**Case No. P12-45F. Rezoning initiated by the City of Fayetteville from HI Heavy Industrial to CC Community Commercial or a more restrictive district on property located at 1122 Person Street. Containing 5.95 acres more or less and being the property of Mary Bright Rose.**

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He explained the City of Fayetteville was initiating a rezoning on the property to restore the allowed uses prior to the remapping project for the new development code. He further explained the property was formerly zoned M2 which allowed both commercial and industrial uses. He stated in the Remapping Project, properties were remapped to the closest new zoning district. He further stated that this property, while it was zoned for industrial,

in the past all of the uses on the property were commercial in nature and the City was thus requesting that the property be rezoned to commercial to match the uses on the property and the uses of the adjacent properties. He advised the Zoning Commission and staff recommended a rezoning to CC based on (1) all uses on the property being commercial, (2) the commercial zoning more closely fitting what was previously allowed on the property and what currently existed, (3) three sides of the property being zoned for commercial uses, and (4) the action being consistent with the zoning treatment that was given to similar properties during the remapping.

### **PUBLIC HEARING ITEMS**

**Case No. P12-42F. Request for a Special Use Permit for a Mini-Storage Warehouse on property zoned Community Commercial located at 1303 Clinton Road. Containing 5.55 acres more or less and being the property of Pyramid Rehearsal Studio, Inc. (Item tabled from the August 27, 2012, Council meeting.)**

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated this item had been tabled from the August 27, 2012, City Council meeting and since that time the owner provided staff with additional information indicating that the structure in question was in compliance with the City's Flood Damage Prevention Ordinance. He explained that based on the presented Elevation Certificate and Map, the owner was no longer restricted to renovating to only 50 percent of the building's value. He advised in light of the new information, staff was recommending approval of the proposed Special Use Permit (SUP) using the existing building and meeting all use specific standards for a mini-storage warehouse based on (1) the existing building meeting the current flood damage prevention rules, (2) the Land Use Plan calling for industrial use on a portion of the property, (3) the property being currently zoned for heavy commercial use, and (4) the SUP allowing for additional conditions to be placed on the property. He further advised staff recommended approval of the SUP for mini-storage warehouse, as presented by staff, based on the request being able to meet the following findings:

- 1.The special use complies with all applicable standards in Section 30-4.C, Use-Specific Standards;
- 2.The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands;
- 3.The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;
- 4.The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands;
- 5.The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;
- 6.The special use maintains safe ingress and egress onto the site and safe road conditions around the site;
- 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
- 8.The special use complies with all other relevant City, State, and Federal laws and regulations.

**Case No. P12-43F. Initial zoning from R6A Residential (County) to LC Limited Commercial or a more restrictive district, on property located at 1551 McArthur Road. Containing 0.92 acres more or less and being the property of Bryan Lee Mayville (OI Recommended).**

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He explained the property was currently vacant and several years ago had been used as a mobile home park which was shut down sometime prior to 2008. He stated when this item went before the Zoning Commission they had recommended that the property be rezoned to OI Office and Institutional although without a text amendment, personal services

establishments, which included martial arts studios, were limited to a maximum of 2,500 square feet. He stated the Zoning Commission also recommended that staff initiate a text amendment to allow uses such as a karate studio to be located in a building larger than 2,500 square feet.

He stated since that meeting, Council approved a text amendment and under the amended ordinance there was no size cap for such uses. He advised the Zoning Commission and staff recommended approval of a more restrictive OI district based on (1) the property having commercial districts on two sides, (2) the property's previous use being a mobile home park, and (3) although the Land Use Plan was calling for medium-density residential, OI was used as a transitional zone in the City's Development Code.

**Public hearing to consider a petition requesting annexation for a contiguous area known as the Horne Property (Located at 122 West Mountain Drive).**

Mr. David Nash, Planner II, presented this item. He provided background information on the petition and briefly reviewed the location of the property and surrounding area. He stated the property was currently vacant, but the owner was proposing to build a new facility for Orkin Pest Control and wanted to connect the new building to existing PWC water and sewer lines. He further stated the property was in the Fayetteville MIA and therefore the owner was required to submit an annexation petition. He advised staff recommended adoption of the ordinance with an effective date of September 24, 2012, and establishing the initial zoning consistent with the prior action on the zoning case.

**Public hearing to consider a petition requesting annexation for a noncontiguous area known as the Mayville Property (Located at 1551 McArthur Road).**

Mr. David Nash, Planner II, presented this item. He provided background information on the petition and briefly reviewed the location of the property and surrounding area. He stated there was a small storage building on the property and the owner was proposing to build a martial arts training building on the property and wanted to connect the new building to existing PWC water and sewer lines. He further stated the property was in the Fayetteville MIA and therefore the owner was required to submit an annexation petition. He advised staff recommended adoption of the ordinance with an effective date of September 24, 2012, and establishing the initial zoning consistent with the prior action on the zoning case.

Ms. Karen Hilton, Planning and Zoning Division Manager, reviewed the proposed code amendment regarding electric security fencing in nonresidential districts for October 8, 2012. There being no further business, the meeting adjourned at 5:05 p.m.