

**FAYETTEVILLE CITY COUNCIL
AGENDA BRIEFING MINUTES
LAFAYETTE ROOM
NOVEMBER 14, 2012
4:00 P.M.**

Present: Mayor Anthony G. Chavonne

Council Members Kady-Ann Davy (District 2); Robert A. Massey, Jr. (District 3); Bobby Hurst (District 5); Wade Fowler (District 8); James W. Arp, Jr. (District 9) (arrived at 4:25 p.m.)

Absent: Council Members Keith Bates, Sr. (District 1); D. J. Haire (District 4); William J. L. Crisp (District 6);

Valencia A. Applewhite (District 7)

Others Present:

Ted Voorhees, City Manager (arrived at 4:25 p.m.)

Kristoff Bauer, Assistant City Manager

Karen McDonald, City Attorney

Scott Shuford, Development Services Director

Bart Swanson, Housing and Code Enforcement Division Manager

Frank Lewis, Senior Code Enforcement Administrator

Karen Hilton, Planning and Zoning Division Manager

Craig Harmon, 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 November 26, 2012, agenda:

OTHER ITEMS OF BUSINESS

Uninhabitable Structures Demolition Recommendations

Mr. Bart Swanson, Housing and Code Enforcement Division Manager, presented this item and stated staff recommended adoption of the ordinances authorizing demolition of the structures.

He reviewed the following demolition recommendations:

834 Brewer Street

Mr. Swanson stated the structure was a vacant residential home that was inspected and condemned as a blighted structure. He further stated the executor for the owner's estate attended the hearing and a subsequent hearing was held in which an order was issued to repair or demolish the structure within 90 days. He noted to date there were no repairs to the structure and the utilities were disconnected in December 2009. He further noted within the past 24 months there had been no 23 calls for 911 service and 1 code violation with no pending assessments. He advised the low bid for demolition of the structure was \$1,500.00.

1203 West Drive

Mr. Swanson stated the structure was a vacant residential home that was inspected and condemned as a blighted structure. He further stated the owner had not appeared at the hearing and therefore an order to repair or demolish the structure within 60 days was issued. He noted to date there were no repairs to the structure and the utilities were disconnected in November 2007. He further noted within the past 24 months there had been 7 calls for 911 service and 5 code violations with a pending assessment of \$288.92 for a lot cleaning. He advised the low bid for demolition of the structure was \$1,500.00.

721 Wilma Street

Mr. Swanson stated the structure was a vacant residential home that was inspected and condemned as a blighted structure. He further stated the executor for the owner's estate attended the hearing and a subsequent hearing was held in which an order was issued to repair or demolish the structure within 90 days. He noted to date there were no repairs to the structure and the utilities were disconnected in September 2009. He further noted within the past 24 months there had been no 27 calls for 911 service and 1 code violation with a pending assessment of \$157.99 for a lot cleaning. He advised the low bid for demolition of the structure

was \$1,500.00.

CONSENT ITEMS

Case No. P12-51F. Request for rezoning from SF-10 Single Family Residential to NC Neighborhood Commercial or to a more restrictive district on property located at 2016 Hope Mills Road. Containing 0.28 acres more or less and being the property of Alternative Investment Holdings, Inc.

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 located on an area of Hope Mills Road designated for Office and Institutional (OI) uses in both the City's Land Use Plan and the Hope Mills Corridor Study. He advised the Zoning Commission and staff recommended approval of a more restrictive OI zoning district based on (1) the property having office uses to the north, south, and east and (2) both the City's Land Use Plan and Hope Mills Road Corridor Study calling for OI development on the property.

Case No. P12-52F. Request for rezoning from AR Agricultural Residential to CC Community Commercial or to a more restrictive district on property located at 2254 Gillis Hill Road. Containing 10.46 acres more or less and being the property of Barker Partners.

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 located on Gillis Hill and Raeford Roads and just off of Highway 401. He stated the City's Land Use Plan called for heavy commercial to be placed on the property and commercial development had already occurred to both the north and south. He further stated the property was in a newly forming major commercial node for the City. He advised the Zoning Commission and staff recommend approval of the CC zoning district based on (1) the property to the north, south, and some to the west already having been zoned to CC; (2) the properties to the north and south already developed as commercial properties; and (3) the City's Land Use Plan calling for the property to be used as heavy commercial.

PUBLIC HEARING

Case No. P12-53F. Request for Special Use Permit to construct a Cellular Communication Tower on property located at 1363 Hoke Loop Road. Containing 0.25 acres more or less of 37 acres and being the property of James, Hazel and Harlee Evans.

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 the owners of the property requested the approval of a Special Use Permit (SUP) to construct a cellular communication tower on property at 1363 Hoke Loop Road. He advised the Zoning Commission and staff recommended approval based on (1) the site plan and (2) the preliminary findings indicating the new structure would not create new impacts or compatibility issues and with the following conditions:

- 1.The proposed tower shall be capable of accommodating one additional collocation of either cellular/PCS/broadband service;
- 2.The facility shall comply with City codes regarding screening and buffering;
- 3.The tower will comply with the City setback requirements or be certified by a North Carolina Registered Professional Engineer that the tower will meet the specific breakpoint technology setback requirements;
- 4.The applicant shall provide documentation that the facility will comply with all FCC rules regarding interference to other radio services;
- 5.The applicant will request and obtain the required electrical permitting from the City needed for service;
- 6.The facility shall be constructed so that access is only attainable by qualified personnel;
- 7.The property shall not be used for storage or an employment center for any worker;

8.All support structure penetration ports are to be sealed in a manner to prevent wildlife access and or internal nesting; and

9.The applicant shall submit to the City upon completion of construction a certification from North Carolina Registered Professional Engineer that the structure as built and to include planned future installations has been constructed under the EIA/TIA-222 G standards (as amended) for Cumberland County, North Carolina.

Mr. Harmon further advised the Special Use Permit shall be approved only upon a finding that all of the following are met:

- 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.
- There being no further business, the meeting adjourned at 4:25 p.m.