

**FAYETTEVILLE CITY COUNCIL
AGENDA BRIEFING MINUTES
LAFAYETTE ROOM
JULY 18, 2012
4:00 P.M.**

Present: Council Members Keith Bates, Sr. (District 1) (departed at 4:35 p.m.); Kady-Ann Davy (District 2) (arrived at 4:20 p.m.); D. J. Haire (District 4) (arrived at 4:25 p.m.); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Wade Fowler (District 8)

Absent: Mayor Anthony G. Chavonne and Council Members Robert A. Massey, Jr. (District 3) and James W. Arp, Jr. (District 9)

Others Present:

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

The meeting was called to order at 4:00 p.m.

City staff presented the following items scheduled for the Fayetteville City Council's July 23, 2012, agenda:

CONSENT ITEMS

Case No. P12-29F. Rezoning from AR Agricultural Residential to OI Office and Institutional District for property located at US 401 South – South Raeford Road. Containing 34.8 acres more or less and being the property of William J. Gillis.

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 the proposed site of the new Veterans Administration Medical Center. He further explained the owner was requesting to rezone 34.8 acres of 203 total acres which would allow for a medical center. He stated it was staff's opinion that an OI district would serve as an appropriate buffer between the existing uses and the industrially zoned properties to the west. He further stated with industrial zoning on much of the property, residential development would no longer seem viable. He advised the Zoning Commission and staff recommended approval of the rezoning to an OI district based on (1) OI being a transitional district according to the UDO, (2) OI being an appropriate use at the intersection of two major roads, and (3) OI being a range of uses reasonably consistent with the Land Use plan which recommends industrial for much of the area.

Case No. P12-30F. Rezoning from SF-10 Single Family District to OI Office and Institutional District on property located at 1804 Fargo Drive. Containing .46 acres more or less and being the property of Tochari Investments, LLC.

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 owner was requesting to rezone to OI, Office and Institutional. He noted in 2009 the owner had his property at 1800 Fargo Drive rezoned to P2/CZ and constructed a 14,000 square foot medical facility and recently purchased 1804 Fargo Drive in order to use the property for additional parking. He also noted the owner applied for a Special Use Permit (SUP) to allow for office use within 100 feet of residential development. He stated there would be the opportunity to attach conditions to the project through the SUP approval process if necessary. He advised the Zoning Commission and staff recommended approval of the rezoning to OI based on (1) OI fitting with the Hospital Area Plan and (2) a SUP being required for any OI type development.

Case No. P12-32F. Rezoning from R6 Residential District to HI/CZ Heavy Industrial Conditional Zoning District on property located at 714 Dunn Road. Containing 30 acres more or less and being the property of Bishop Leasing 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 subject to the City's amortization requirements for salvage yards. He further explained if the applicant was not successful in getting the property rezoned, they would be forced to end their operations on the property. He stated salvage yards were not allowed in either the SF-10 or SF-6 zones. He stated the amortization process started three years ago and required nonconforming salvage yards to cease business by January 1, 2012. He stated if the applicant was granted the rezoning, then the salvage yard would be able to continue. He stated currently the owner was asking for 30 plus or minus acres to be rezoned with conditions for use as a salvage yard. He stated while the City's Land Use Plan called for medium-density residential and heavy commercial, there was industrial zoning adjacent to the property as well as Community Commercial. He stated the property had been in use as a salvage yard for 40 plus years. He stated the following conditions were offered or accepted by the owner:

1. All required screening of stored vehicles and parts shall be met within 60 days of conditional zoning approval.
2. All required buffers shall be delineated and installed within 60 days of conditional zoning approval.
3. No vehicles or parts shall be stored in the area zoned Conservation District or within 60 feet of the top of bank of the stream on the east side of the property, whichever is greater, nor shall any buildings be constructed in this area; any vehicles and parts stored in this area shall be removed within 60 days of conditional zoning approval.
4. Any general standard for salvage yards shall be met within 60 days of conditional zoning approval, including:
 - a. No motor vehicle, motor vehicle part, or junk shall be stacked higher than the screening required pursuant to this Code or in any event no higher than 7 feet high.
 - b. There shall only be one car per 162 square feet of storage area.

He advised the Zoning Commission and staff recommended approval of the rezoning to HI/CZ based on (1) although the Land Use Plan called for medium-density residential and commercial, the property had been used as a salvage yard for 40 plus years; (2) conditions being placed by the owner to come into compliance with City regulations; and (3) conditions being placed by the owner to lessen the environmental impacts on the property.

Council members inquired on the status of salvage yards that were subject to amortization. Mr. Scott Shuford, Development Services Director, advised staff would provide a report.

Case No. P12-35F. Rezoning from MR-5 Mixed Residential District to CC Community Commercial District on property located at 4938 Bragg Boulevard. Containing 1.3 acres more or less and being the property of Katty Moore Jones.

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 owner requested to rezone all of the property to CC. He further explained rezoning the MR-5 portion of the property to commercial would square the zoning district off in the block and allow the property's commercial zoning to extend south to the limits of its neighboring properties. He stated the proposed rezoning was discussed during the hearing for the Bragg Boulevard Corridor Plan and seemed consistent with the emerging recommendations. He advised the Zoning Commission and staff recommended approval of the rezoning to CC based on (1) three sides of the property were zoned CC, (2) rezoning would square off the block of properties to be all commercial, and (3) the residentially zoned property to the south was undeveloped.

Case No. P12-36F. Rezoning from MR-5 Mixed Residential District to OI Office and Institutional District on property located at Fisher Street and Holt Williamson Street. Containing 2.10 acres more or less and being the property of Fayetteville Metropolitan Housing Authority – Early Childhood Education Center.

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 recently owned by the City of Fayetteville and the Cumberland County Board of Education and the new owner (Fayetteville Metropolitan Housing Authority) was requesting a rezoning to OI to accommodate a new early childhood education center. He stated the center would be adjacent to Walker Spivey Elementary School and the Hope VI redevelopment project. He advised the Zoning Commission and staff recommended approval of the rezoning to OI based on (1) two sides of the property being zoned OI, (2) the rezoning matching that of the school; (3) the use being appropriate for the Land Use Plan's Downtown District.

PUBLIC HEARINGS

Case No. P12-31F. Request for a Special Use Permit for office use within 100 feet of residential development in the Hospital Overlay on property located at 1804 Fargo Drive. Containing 0.46 acres more or less and being the property of Tochari Investments, LLC; contingent on rezoning to OI.

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 owner of the property had requested a Special Use Permit to allow for office use within 100 feet of residential development in the Hospital Area Overlay. He noted in 2009 the owner had his property at 1800 Fargo Drive rezoned to P2/CZ and constructed a 14,000 square foot medical facility and recently purchased 1804 Fargo Drive in order to use the property for additional parking. He also noted the owner applied for a Special Use Permit (SUP) to allow for office use within 100 feet of residential development. He advised the Zoning Commission and staff recommended issuance of the SUP based on (1) OI fitting with the Hospital Area Plan and (2) conditions being added to the SUP approval if needed. He further advised the Zoning Commission and staff recommended approval of the SUP based on the submitted site plan and upon a finding that all of the following standards were 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.

Case No. P12-33F. Request for a Special Use Permit for a utility substation in a SF-10 district located at 5311 Redwood Drive, property of City of Fayetteville.

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 Public Works Commission (PWC) wished to expand an existing power substation on Redwood Drive. He stated the expansion would occur completely within the boundaries of the existing facility. He stated since the substation was at the back of a

neighborhood, staff would not recommend additional conditions such as a paved entrance, like was required on the last Special Use Permit case heard for a substation. He advised the Zoning Commission and staff recommended approval of the SUP based on (1) it not expanding the physical size of the project, only increase the internal components; and (2) conditions being added to the SUP approval if needed. He further advised that a Special Use Permit would only be approved upon a finding that all of the following standards were 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.

Case No. P12-34F. Rezoning from LC Limited Commercial District and OI Office and Institutional District to all LC Limited Commercial District for property located at 1907 Murchison Road. Containing 1.14 acres more or less and being the property of Spurgeon D. Watson.

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 property was split zoned and the owner was requesting all of the property be zoned to LC. He advised the Zoning Commission recommended approval of the rezoning to LC based on (1) the size of the area currently zoned LC would limit commercial development and (2) redevelopment of an existing commercial property. He further advised that staff recommended denial of the rezoning to LC based on (1) the Land Use Plan calling for Medium-Density Residential on the portion to be rezoned, (2) Murchison Road Corridor Plan calling for Single-Family Residential, and (3) rezoning to LC would extend commercial zoning to the adjacent residential neighborhood. He stated additional considerations included the extension toward the neighborhood would encourage similar change from OI to commercial for the other properties along the back of the block fronting Murchison; there was limited development (parking) currently on the property and only smaller scale, scattered residential and non-residential uses beside and across Murchison from the property; and there was a significant amount of undeveloped or underdeveloped commercial property along Murchison Road, which led to the emphasis in the Corridor Plan on not expanding strip commercial but rather concentrating on strengthening and redeveloping the nodes (the area a little north of this site and especially across the street, around Jasper, is recommended as one such neighborhood scale commercial node).

Council Member Haire inquired about the Murchison Road Corridor Plan.

There being no further business, the meeting adjourned at 4:55 p.m.