

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

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2) (arrived at 4:15 p.m.); Robert A. Massey, Jr. (District 3) (arrived at 4:55 p.m.); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Wade Fowler (District 8); James W. Arp, Jr. (District 9)

Others Present:

Dale Iman, City Manager

Doug Hewett, Assistant City Manager

Karen M. McDonald, City Attorney

Scott Shuford, Development Services Director

Karen Hilton, Planning and Zoning Division Manager

Craig Harmon, Planner II

Bart Swanson, Housing and Code Enforcement Division Manager

Frank Lewis, Senior Code Enforcement Administrator

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 January 23, 2012, agenda:

CONSENT ITEMS:

P11-63F. Initial zoning from Planned Neighborhood Development and R10 Residential Districts in Cumberland County's jurisdiction to SF-10 Single-Family Residential District, or a more restrictive district, on property located on Meadowcroft Drive. Containing 28.25 acres more or less and being the property of The Methodist University, 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 stated the property was recently annexed by petition and explained the City's policy was to initially zone newly annexed property to the closest equivalent zoning in the County. He stated since no straight PND equivalent existed in the UDO, the Zoning Commission and staff recommended approval of the initial zoning to SF-10.

P11-64F. Initial zoning from Planned Neighborhood Development District in Cumberland County's jurisdiction to SF-10 Single-Family Residential District, or a more restrictive district, on property located at Longview Drive Extension. Containing 37.55 acres more or less and being the property of The Methodist University, 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 stated the property was recently annexed by petition and explained the City's policy was to initially zone newly annexed property to the closest equivalent zoning in the County. He stated since no straight PND equivalent existed in the UDO, the Zoning Commission and staff recommended approval of the initial zoning to SF-10.

P11-65F. Initial zoning from Rural Residential District in Cumberland County's jurisdiction to SF-15 Single-Family Residential District, or a more restrictive district, on property located on Baywood Road. Containing 16.7 acres more or less and being the property of Pierre Bellerice, Wanda Fernandez, Robert and Sarah Harris, Tiara Penebacker, Raymond and Wendy Morasse, Baywood Point LLC, and Savvy Homes 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 stated the property was recently annexed by petition and explained the City's policy was to initially zone newly annexed property to the closest equivalent zoning in

the County. He stated since no straight RR zero lot line equivalent existed in the UDO, the Zoning Commission and staff recommended approval of the initial zoning to SF-15.

P11-66F. Initial zoning from RR Rural Residential District in Cumberland County's jurisdiction to AR Agricultural Residential District, or a more restrictive district, on property located at 468 N. Plymouth Street. Containing 16.77 acres more or less and being the property of The Household of Faith World Outreach 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 stated the property was recently annexed by petition and explained the City's policy was to initially zone newly annexed property to the closest equivalent zoning in the County. He stated the County zoning was RR and the Zoning Commission and staff recommended approval of the initial zoning to AR which was the closest zoning district in the City.

P11-67F. Initial zoning from C(P) Commercial District in Cumberland County's jurisdiction to LC Limited Commercial District, or a more restrictive district, on property located at 2765 Gillespie Street. Containing 1.22 acres more or less and being the property of Manilal Patel and Manuben Patel.

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 property was recently annexed by petition and explained the City's policy was to initially zone newly annexed property to the closest equivalent zoning in the County. He stated the County zoning was C(P) and the Zoning Commission and staff recommended approval of the initial zoning to LC which was the closest zoning district in the City.

P11-68F. Initial zoning from M(P) Industrial District in Cumberland County's jurisdiction to CC Community Commercial District, or a more restrictive district, on property located at 3130 Gillespie Street. Containing 13.3 acres more or less and being the property of Freedom Christian Academy, 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 stated the property was recently annexed by petition and explained the City's policy was to initially zone newly annexed property to the closest equivalent zoning in the County. He stated the County zoning was M(R) and the Zoning Commission and staff recommended approval of the initial zoning to CC.

PUBLIC HEARINGS:

P11-69F. The issuing of a Special Use Permit for Office Use within 100 feet of a residence, on property located at 3410 Village Drive. Containing 0.47 acres more or less and being the property of Michael Leke.

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 a new office building was planned for the property and the proposed use and plans met all of the building, setback, and landscaping requirements of the Hospital Area Overlay (HAO). He stated the adjoining neighbor to the east spoke in opposition at the Zoning Commission public hearing. He stated a Special Use Permit would be approved only 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.

He stated the Zoning Commission and staff recommended approval based on the site plan; preliminary conditions of approval by the Technical Review Committee; and (1) the proposal meeting the building requirements of the HAO, (2) only one side of the property remaining a residential use; and (3) being consistent with both the Land Use Plan and the HAO plan.

P11-62F. Rezoning from SF-10 Single-Family District to Neighborhood Commercial District, or a more restrictive district, on property located at 669 Country Club Drive. Containing 0.96 acres more or less and being the property of Beulah Quick and Paula Quick Hall.

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 owner was requesting the rezoning to convert the property to commercial use. He stated while there was a Neighborhood Commercial district beside and across Country Club Drive from the property, the City's Land Use Plan was calling for the property to the west (the bank) to be the cutoff point for commercial development on the south side of Country Club Road. He stated traffic volume and turning moves on and off of Country Club would be chief concerns of City staff. He stated if Council rezoned the property, staff would suggest that an Office & Institutional (OI) district would be more appropriate than NC. He stated the Zoning Commission recommended approval to a more restrictive OI district based on (1) there being access to a major thoroughfare, (2) the location being relative to existing commercial and office uses, and (3) OI being a good buffer between commercial and residential uses. He stated staff recommended denial of NC district based on (1) the Land Use Plan calling for residential and identifying a commercial boundary to discourage the "stripping" of a portion of the corridor, (2) the amount of commercial already in the area, (3) the property being bordered on two sides by residential, and (4) traffic volume and turning movements.

Consideration of UDO Text Amendment Set #4 regarding parking, glazing (window area)/door standards and density in the DT district; a new alternative signage plan option; increased height for certain accessory structures; special standards for junk/salvage yards (reestablishing original standards); and other corrections and adjustments for internal consistency.

Ms. Karen Hilton, Planning and Zoning Division Manager, presented this item. She stated the fourth set of amendments would involve more substantive changes and provided an overview of the amendments. She stated the Planning Commission and staff recommended approval of all parts of the ordinance as recommended.

Uninhabitable structures demolition recommendations: 865 Amye Street, 1780 Cardinal Circle, 205 Deep Creek Road, 2683 Eldorado Road, 402 S. Plymouth Street, 1431 Rhone Street

Mr. Frank Lewis, Senior Code Enforcement Administrator, distributed pictures on each structure. Mr. Bart Swanson, Housing and Code Enforcement Division Manager, then reviewed the history and condition of each structure. He stated staff recommended adoption of the ordinances authorizing demolition of the structures.

MOTION: Council Member Bates moved to go into closed session for consultation with the attorney.

SECOND: Council Member Haire

VOTE: UNANIMOUS (10-0)

The regular session recessed at 5:05 p.m. The regular session reconvened at 5:30 p.m.

MOTION: Council Member Bates moved to go into open session.

SECOND: Council Member Fowler

VOTE: UNANIMOUS (10-0)

There being no further business, the meeting adjourned at 5:30 p.m.