

FAYETTEVILLE CITY COUNCIL
AGENDA BRIEFING MINUTES
LAFAYETTE ROOM
AUGUST 22, 2012
4:00 P.M.

Present: Mayor Anthony G. Chavonne (departed at 4:30 p.m.)
Council Members Keith Bates, Sr. (District 1); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7) (arrived at 4:10 p.m.)
Absent: Council Members Kady-Ann Davy (District 2); Robert A. Massey, Jr. (District 3); D. J. Haire (District 4); Wade Fowler (District 8); James W. Arp, Jr. (District 9)

Others Present:

Theodore Voorhees, City Manager
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
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 August 27, 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:

202 Circle Court

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 December 2006. He further noted within the past 24 months there had been no calls for 911 service and six code violations with pending assessments of \$2,218.76 for lot cleanings. He advised the low bid for demolition of the structure was \$1,600.00.

303 Cochran Avenue

Mr. Swanson stated the structure was a vacant residential home that was inspected and condemned as a dangerous 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 two calls for 911 service and ten code violations with pending assessments of \$4,683.65 for lot cleanings and demolition. He advised the low bid for demolition of the structure was \$1,997.00.

1801 Torrey Drive

Mr. Swanson stated the structure was a vacant residential home that was inspected and condemned as a blighted structure. He stated the owner 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 February 2007. He further noted within the past 24 months there had been eight calls for 911 service and one code violation with no pending assessments. He advised the low bid for demolition of the structure was \$1,600.00.

PUBLIC HEARINGS

Case No. P12-38F. Request for a Special Use Permit for heavy auto repair on property zoned Community Commercial and Limited Commercial located at 4429 Murchison Road. Containing 6.5 acres more or less and being the property of Weaver Commercial Properties.

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 used as a light auto repair business; i.e., tires, oil and battery changes, lubes, and tune ups. He further explained the owner had requested a Special Use Permit (SUP) to expand their operations to include heavy auto repair. He stated there was no site plan as part of the SUP application since this was an existing business. He stated a condition of the SUP was that the property would meet the minimum requirements of the UDO, such as parking and landscaping. He advised the Zoning Commission and staff recommended approval based on (1) the front third of the property being currently zoned CC for heavy commercial, (2) the property's current use being auto repair, (3) a car lot and other commercial uses surrounding the property, and (4) the SUP allowing additional conditions being placed on the property if necessary. He further advised the Zoning Commission and staff recommended approval of the SUP as presented by staff based 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. P12-39F. Request for a Special Use Permit for heavy auto repair on property zoned Community Commercial located at 5130 Raeford Road. Containing 2.66 acres more or less and being the property of DPGP 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 general auto repair was allowed by right in CC, but heavy repairs, including body work, painting, engine and transmission repairs, would require a SUP. He stated during the Zoning Commission meeting there were concerns regarding access to the back of the property along Morris Drive, a private road. He further stated the main concern was the use of the road for wrecker access, especially on the weekends. He advised conditions of the SUP suggested by the Zoning Commission were (1) the property meeting the minimum requirements of the Development Code, such as parking and landscaping; (2) a Type D buffer along Morris Street; (3) 12-inch trees and 36-inch high shrubs with a 10-foot buffer; (4) the chain-link fence remaining; (5) joining the street maintenance association; (6) the hours of operation being 7:00 a.m. to 6:00 p.m. Monday through Friday and 7:00 a.m. to 3:00 p.m. Saturdays; and (7) bringing Moore Street up to City standards to the property entrance. He further advised the Zoning Commission and staff recommended approval of the SUP as presented by staff based 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. P12-40F. Request for a Special Use Permit for a Mini-Storage Warehouse in a Community Commercial district on property located at 372 N. Reilly Road. Containing 0.83 acres more or less and being the property of American Flag Reilly Road 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 building on the property was used for retail space currently and mini-storage warehousing would require an SUP in the CC district. He advised conditions of the SUP suggested by the Zoning Commission were (1) the property meeting the minimum requirements of the UDO, such as parking and landscaping; and (2) being consistent with reviewed site plan and Technical Review Committee conditions of approval. He further advised the Zoning Commission and staff recommended approval of the SUP as presented by staff based 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, conditioned upon site plan and meeting transitional standards;
- 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. P12-41F. Request for a Special Use Permit for a Mini-Storage Warehouse in a Community Commercial district on property located at the southeast corner of Santa Fe and Jacks Ford Drives. Containing 3.01 acres more or less and being the property of Storage Kings 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 mini-storage warehousing would require a SUP in the CC district and the City's Land Use Plan was calling for heavy commercial on the property. He advised conditions of the SUP suggested by the Zoning Commission were (1) the property meeting the minimum requirements of the UDO, such as parking and landscaping; and (2) being consistent with the site plan and TRC conditions of approval. He further advised the Zoning Commission and staff recommended approval of the SUP based on (1) the property currently

being zoned CC for heavy commercial; (2) a large mini-storage complex being to the southwest on Jacks Ford Drive; and (3) the SUP allowing for additional conditions to be placed on the property 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. P12-42F. 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.

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 building on the property appeared to be completely within the 100-year flood elevation which meant the building would only be renovated up to 50 percent of the existing building's value. He stated the current structure was built prior to the City enacting its flood damage prevention rules which call for all buildings to have a finished flood elevation 2 feet above that of the 100-year flood elevation. He explained mini-storage warehousing would require an SUP in the CC district. He advised conditions of the SUP included the property meeting the minimum requirements of the UDO, such as the mini-storage warehouse standards, parking and landscaping. He further advised the Zoning Commission and staff recommended denial of the proposed SUP using the existing building based on (1) the existing building not meeting the current flood damage prevention rules, (2) the Land Use Plan calling for conservation in the flood plain area, (3) the Hazard Mitigation Plan calling for the mitigation of existing buildings in the flood plain that do not meet the City's flood damage prevention rules, (4) the 2030 Plan calling for the preservation of flood prone areas as conservation areas, and (5) the SUP allowing for additional conditions to be placed on the property. He further advised the Zoning Commission and staff recommended denial of the SUP as presented by staff based upon a finding that all of the following standards could not be 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 4:40 p.m.