

FAYETTEVILLE CITY COUNCIL
AGENDA BRIEFING MINUTES
LAFAYETTE ROOM
APRIL 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 4:25 p.m.); Robert A. Massey, Jr. (District 3); D. J. Haire (District 4) (arrived at 4:30 p.m.); Bobby Hurst (District 5); William J. L. Crisp (District 6) (via telephone); Valencia A. Applewhite (District 7); Wade Fowler (District 8); James W. Arp, Jr. (District 9) (arrived at 5:05 p.m.)

Others Present:

Kristoff Bauer, Interim City Manager

Karen McDonald, City Attorney

Scott Shuford, Development Services Director

Frank Lewis, Senior Code Enforcement Administrator

Bart Swanson, Housing and Code Enforcement Division Manager

Karen Hilton, Planning and Zoning Division Manager

David Nash, Planner II

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 April 23, 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:

7131 Ashwood Circle

Mr. Swanson stated the structure was a vacant residential home that was inspected and condemned as a dangerous structure due to severe structural damage from a tornado in April 2011. 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 April 2011. He further noted within the past 24 months there had been 29 calls for 911 service and no code violations with no pending assessments. He advised the low bid for demolition of the structure was \$1,779.00.

7526 Bethesda Court

Mr. Swanson stated the structure was a vacant residential home that was inspected and condemned as a dangerous structure due to severe structural damage from a tornado in April 2011. 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 April 2011. He further noted within the past 24 months there had been five calls for 911 service and one code violation with a pending assessment of \$199.50. He advised the low bid for demolition of the structure was \$1,779.00.

1018 Ellis Street

Mr. Swanson stated the structure was a legal nonconforming store with an attached house in a C-1 commercial zone that was condemned as a dangerous/abandoned structure due to extensive structural damage from a fire. He also stated the fire damage exceeded 50 percent of the assessed value of the structure which left the remaining structure a nonconforming building. He stated the owner's attorney attended the hearing via telephone and a subsequent hearing was held in which an order was issued to repair or demolish the structure within 60 days. He stated the owner demolished the store portion of the building and in order to repair the

remaining house to its original condition, the owner was required to obtain a re-zone of the property to R-5 residential and obtain a subsequent variance. He noted the property owner obtained the re-zone of the property from C-1 to R-5 and the required variance. He also noted the property owner obtained a building permit. He explained the exterior siding and the interior finish had been removed and the low bid for demolition of the structure was \$500.00.

908 Marsh Street

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 90 days was issued. He noted to date there were no repairs to the structure and the utilities were disconnected in November 2005. He further noted within the past 24 months there had been three calls for 911 service and three code violations with no pending assessments. He advised the low bid for demolition of the structure was \$1,400.00.

525 Mechanic Street

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 April 2007. He further noted within the past 24 months there had been eight calls for 911 service and five code violations with no pending assessments. He advised the low bid for demolition of the structure was \$1,400.00.

2325 Rosehill Road

Mr. Swanson stated the structure was a residential home that was inspected and condemned as a dangerous structure due to fire damage. He further stated the owner had not appeared at the hearing and therefore an order to repair or demolish the structure within 90 days was issued. He noted to date there were no repairs to the structure and the utilities were disconnected in January 2011. He further noted within the past 24 months there had been 41 calls for 911 service and no code violations with no pending assessments. He advised the low bid for demolition of the structure was \$1,900.00.

CONSENT ITEMS

Substantive and housekeeping amendments to the Development Services Fee Schedule.

Mr. Scott Shuford, Development Services Director, presented this item and explained the fees for amendments to the Unified Development Ordinance. He specifically discussed the fees related to text amendments.

Case No. P12-11F. Rezoning from HI Heavy Industrial District to CC Community Commercial District, or a more restrictive district, on property located at 2133 Owen Drive. Containing 0.59 acres more or less and being the property of Dal H. Ahn and Myoung S Ahn.

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 a rezoning to Community Commercial in order to reopen a commercial business on the property. He further explained the property had always been a commercial use in the past, however, the UDO remapping translation to HI only allowed the property to have strictly industrial uses. He advised the Zoning Commission and staff recommended approval of the CC district based on (1) the property always being used commercially, (2) the property adjoining CC on two sides, and (3) the previous M2 zone allowing both commercial and industrial uses.

PUBLIC HEARINGS

Case No. P12-16F. Initial zoning from C3 Commercial District (County) to HI Heavy Industrial District, or a more restrictive district, on property located at 4433 Claude Lee Road. Containing 1.62 acres more or less and being the property of Alfred Young and Linda Young.

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 being petitioned for annexation into the City so that the owner could remain on the City's rotation for wrecker services. He explained the owner currently had a towing business located at Southern Avenue and W. Mountain Drive and Southern Avenue was about to be widened in the location and the owner would have to relocate. He further explained the property currently had a body shop and salvage yard on it and the salvage yard started on the property in question and extended to the property behind it. He advised the Zoning Commission and staff recommended that the property not be zoned into the City. He further advised that staff recommended that if the property were annexed, it should become an HI district based on the UDO requirement that all salvage yards be located in the HI district.

Case No. P12-17F. Initial zoning from R10 Residential District (County) to SF-10 Single Family District, or a more restrictive district, on property located south of Snow Hill Road west of Claude Lee Road. Containing 28 acres more or less and being the property of Lakeside at Snow Hill 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 being petitioned for annexation into the City as the owner wished to develop the property into a single-family subdivision and also extend public utilities into the new development. He explained the property was in the airport flight zone and even though this was Phase II of an existing development, the Airport was against any further residential development in its flight path. He further explained the property was within the Airport Overlay District which regulated height of structures around the airport. He advised that the Zoning Commission and staff recommended approval of the initial zoning to SF-10 if the property were annexed.

Public hearing to consider a petition requesting annexation for a Noncontiguous area known as "Lakeside at Snow Hill, Phase 2".

Mr. David Nash, Planner II, presented this item. He provided background information on the petition and updated Council on the next phase of the residential development which was in the MIA. He explained the owner was now preparing to build Phase 2. He briefly reviewed departmental concerns regarding police service, fire protection, and the distance vehicles would need to travel in order to get to the area. He further reviewed the zoning issues; the issue of whether the property would be developed according to City development standards as required by the new annexation petition policy, as the petition was submitted before the policy was changed; and airport compatibility issues. He advised staff recommended adoption of the proposed ordinance annexing the property and establish the initial zoning as SF-10 Single Family Residential with an effective date of April 23, 2012.

Amend City Code Chapter 30, Articles 4 and 9, to create, classify, and set special standards for transitional housing, and establish conditions to allow modification of the separation standards for certain group living facilities in business zoning districts through the special use permit process.

Mr. Scott Shuford, Development Services Director, presented this item and provided background information regarding a request to establish a halfway house on Ramsey Street in a commercial location. He discussed the text amendments related to transitional housing. He advised staff recommended the adoption of the amendment as proposed.

Council members expressed concerns related to the proposed text amendment.

Staff explained the text amendment related to transitional housing facilities.

MOTION: Council Member Bates moved to go into closed session for consultation with the City Attorney regarding an attorney-client privileged matter and litigation in the matter of *Gates Four v. City of Fayetteville*.

SECOND: Mayor Pro Tem Arp

VOTE: UNANIMOUS (10-0)

The regular session recessed at 5:20 p.m. The regular session reconvened at 6:25 p.m.

MOTION: Mayor Pro Tem Arp moved to go into open session.

SECOND: Council Member Bates

VOTE: UNANIMOUS (10-0)

There being no further business, the meeting adjourned at 6:30 p.m.