

**FAYETTEVILLE CITY COUNCIL  
AGENDA BRIEFING MINUTES  
AUGUST 20, 2008  
4:00 P.M.  
LAFAYETTE ROOM**

Present: Mayor Anthony G. Chavonne  
Council Members Bobby Hurst (District 5); William J. L. Crisp (District 6);  
Valencia A. Applewhite (District 7); Theodore W. Mohn (District 8); Wesley A. Meredith (District 9)

Absent: Council Members Keith A. Bates, Sr. (District 1); Charles E. Evans (District 2);  
Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4);

Others Present: Doug Hewett, Assistant City Manager  
Karen M. McDonald, City Attorney  
Jimmy Teal, Planning Director  
Karen Hilton, Assistant Planning Director

Jimmy Teal, Planning Director, provided an overview of the following items scheduled for the August 25, 2008 City Council meeting:

**Approve the rezoning from R10 residential district to C3 commercial district for property located at 660 South Reilly Road. Containing .48 acres more or less and being the property of Boomerang Holdings, LLC. Case Number P08-40F**

Mr. Teal showed a vicinity map and gave an overview of the current land use, current zoning, surrounding land use and zoning, and 2010 Land Use Plan. Mr. Teal stated the applicant owns a small parcel that is surrounded by commercial property and requests commercial zoning for his property. Mr. Teal further stated the Zoning Commission and planning staff concur with the applicant's request.

**Approve the rezoning from PND Planned Neighborhood Development to C1P commercial district for property located at 402 McArthur Road. Containing .67 acres more or less and being the property of Dr. Frank Stout. Case Number P08-41F**

Mr. Teal showed a vicinity map and gave an overview of the current land use, current zoning, surrounding land use and zoning, and 2010 Land Use Plan. Mr. Teal stated the applicant owns a larger parcel next to this parcel that is zoned C1P and he wishes to zone this smaller parcel to C1P. Mr. Teal further stated the Zoning Commission and the planning staff concur with the applicant's request.

**Consider an application by C. Patrick Moore III for a special use permit for a mini-storage facility in a C1P commercial district for property located at 3650 Ramsey Street. Containing 5.35 acres more or less and being the property of Curtis and Jacqueline Dail. Case Number P08-42F**

Mr. Teal showed a vicinity map and gave an overview of the current land use, current zoning, surrounding land use and zoning, and 2010 Land Use Plan. Mr. Teal stated the applicant wishes to use the building that once housed the Kroger grocery store at the corner of Ramsey Street and Law Road for interior storage. Mr. Teal clarified the rear of the property would be used for storage and access would be from Law Road. Mr. Teal stated the Zoning Commission recommends approval with conditions.

**Consider an application by Sonya Brown for a special use permit for a daycare center in an R10 residential district for property located at 2756 Rosehill Road. Containing 3.0 acres more or less and being the property of Haymount Presbyterian Church. Case Number P098-43F**

Mr. Teal showed a vicinity map and gave an overview of the current land use, current zoning, surrounding land use and zoning, and 2010 Land Use Plan. Mr. Teal stated the applicant wishes to lease the former church daycare site to open a daycare business at that location. Mr. Teal further stated the Zoning Commission recommends approval with conditions.

**Consider an application by Vernice Morris for a special use permit for a daycare center in an R10 residential district for property located at 811 Rock Spring Road.**

**Containing .39 acres more or less and being the property of Vernice Morris. Case Number P08-44F**

Mr. Teal showed a vicinity map and gave an overview of the current land use, current zoning, surrounding land use and zoning, and 2010 Land Use Plan. Mr. Teal stated the applicant wishes to convert her house from a residence to a daycare. Mr. Teal further stated the Zoning Commission recommends approval with conditions.

Council Member Meredith requested clarification regarding inconsistencies in the minutes and the recommendation. City Attorney, Karen M. McDonald, clarified minutes of the Zoning Commission meetings would need to be corrected by the Zoning Commission; similarly, Council's decision would be based on the application and testimony provided during the public hearing.

**Consider an amendment to the Fayetteville Code of Ordinances, Section 30, Zoning, to add regulations for the use, location and duration of temporary storage containers in residential zoning districts.**

Mr. Teal stated in 2008 City Council requested an ordinance regulating the location and duration of temporary storage containers (PODS) in residential districts. Mr. Teal further stated the Planning Commission developed an ordinance for Council's consideration with a recommendation for approval.

Council Members sought clarification on enforcement and, if a notice of violation was issued, how long a citizen would have to remove a POD before a penalty was issued.

**Consider an amendment to the Fayetteville Code of Ordinances, Section 30, Zoning, to regulate the material and color of fences.**

Mr. Teal stated in 2008 City Council requested an ordinance regulating fence materials and the color of fencing. Mr. Teal reviewed highlights of the ordinance developed by the Planning Commission and stated nonconforming fences would be given one year to become conforming. Mr. Teal stated the Planning Commission's recommendation was for approval.

**Consider an amendment to the Fayetteville Code of Ordinances, Section 16, Solid Waste, requiring an outdoor litter receptacle for any business operating a grocery store, a convenience store or an establishment selling food or beverages for consumption off the premise.**

Mr. Teal stated in 2008 City Council requested an ordinance requiring a litter receptacle outside of each exit for establishments selling food or beverages. M. Teal reviewed highlights of the ordinance and stated staff recommendation was for approval.

**Other Business:**

Mayor Chavonne queried Council's interest in meeting on September 4, 2008 to discuss Council Member concerns related to attendance. Mayor Chavonne also announced a closed session would be held on Monday, August 25, 2008 during Dinner and Discussion of Agenda Items at 6:00 p.m. for consultation with the attorney.

There being no further business, the meeting adjourned at 4:40 p.m.