

**FAYETTEVILLE CITY COUNCIL
AGENDA BRIEFING MEETING
MINUTES
LAFAYETTE ROOM
APRIL 23, 2008
4:00 P.M.**

Present: Mayor Anthony G. Chavonne
Council Members Keith A. Bates, Sr. (District 1); Charles E. Evans (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7)(arrived at 4:50 p.m.); Theodore W. Mohn (District 8); Wesley A. Meredith (District 9)

Others Present: Karen M. McDonald, City Attorney
Jimmy Teal, Planning Director
Karen Hilton, Assistant Planning Director
Kyle Garner, Planner II

Planning staff gave an overview of the following items scheduled for the Fayetteville City Council's April 28, 2008 agenda:

Approve the rezoning from C1P commercial district to C1 commercial district for property located at 6182 Ramsey Street. Containing 1.00 acres more or less and being the property of Fred Kanos. Case No. P08-10F

Kyle Garner, Planner, 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. Garner stated the applicant requested C1 commercial district because of difficulty redeveloping the property under the C1P setback requirements. Mr. Garner explained C1 commercial and C1P have the same uses, but C1 commercial district setback requirements are less restrictive. Mr. Garner stated the Zoning Commission and planning staff concur with the applicant's request for C1 commercial zoning. Council Member Bates requested clarification on setbacks.

Approve the initial zoning to R10 residential district for property located on the east side of Dundle Road between Tall Pine Drive and Talus Road. Containing 55.09 acres more or less and being the property of March Riddle as evidenced by map and legal description furnished by the City of Fayetteville and annexed by the City of Fayetteville effective February 29, 2008. Case No. P08-14F

Mr. Garner 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. Garner stated City Council policy is to initially zone property the same or nearest zoning classification as it was zoned in the county. Mr. Garner explained the county zoning for the property was R10 and initially zoning the property to R10 was consistent with City Council policy 165.1 of initially zoning property to the same zoning classification.

Approve the initial zoning to AR agricultural\residential district for property located on the east side of Cedar Creek Road between Division Place and Sunnyside School Road. Containing 104 acres more or less and being the property of Kenneth Huggins and Paula Faircloth as evidenced by map and legal description furnished by the City of Fayetteville and annexed by the City of Fayetteville effective February 29, 2008. Case No.P08-19F

Mr. Garner 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. Garner stated City Council policy is to initially zone property the same or nearest zoning classification as it was zoned in the county. Mr. Garner explained the county zoning for the property was A1 agricultural district and initially zoning the property to AR agricultural\residential was consistent with City Council policy 165.1 of initially zoning property to the same zoning classification.

Consider an application by Humans United Giving Greater Services (HUGGS) for a Special Use Permit for a counseling\rehabilitation service in an R5 residential district for property located at 1083, 1087, 1091, 1095 & 1099 North Street Extension. Containing 1.00 acres more or less and being the property of HUGGS. Case No. P08-07

Mr. Garner 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. Garner stated HUGGS is a charitable organization involved with counseling and rehabilitation services and they wish to utilize five existing houses on North Street Extension for the purpose of operating a service for women trying to overcome substance abuse. Mr. Garner explained this use requires a special use permit in order to operate at this location. Mr. Garner stated the Zoning Commission vote was two in favor and two in opposition on this case. Mr. Garner clarified staff's recommendations for the conditions.

Consider the rezoning from R5 residential district to C1\CZ commercial district\conditional zoning to allow an event and banquet facility as well as all uses within the P2 professional district for property located on Lot 4 Sam Cameron Avenue. Containing 0.87 acres more or less and being the property of BHW Properties, LLC. Case No. P08-08F

Mr. Garner 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. Garner stated the applicant is requesting commercial conditional zoning and if approved, the conditional use would require property to be developed consistent with the site plan. Mr. Garner explained the site is located along the fringe of the Hope VI Redevelopment Area but not within the Hope VI area. Mr. Garner confirmed the public hearing was set by City Council at the March 25, 2008 meeting. Mr. Garner further stated the Zoning Commission recommends approval of the C1 commercial district\conditional zoning as requested.

Consider the rezoning from P2 professional district to C1P commercial district for property located at 5607 Ramsey Street. Containing 2.672 acres more or less and being the property of Charles Hardee. Case No. P08-11F

Mr. Garner 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. Garner stated the applicant wishes to use the property for commercial uses. Mr. Garner further stated the Zoning Commission recommends denial of the request. Mr. Garner clarified the case could also be spot zoning.

Consider an application by Joseph Flood for a special use permit for an after school child care center and tutoring center in an R6 residential district for property located at Strickland Bridge Road and Fagins Way. Containing 2.00 acres more or less and being the property of Roger and Letha Pierce. Case No. P08-12F

Mr. Garner 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. Garner advised the applicants previously requested rezoning but are now requesting a special use to open an after school and tutoring center at this location. Mrs. McDonald clarified the hearing would be quasi judicial and there should be no discussion, only questions to staff regarding information that may be needed to assist with a decision at the hearing. Mr. Garner stated the Zoning Commission recommends approval with conditions.

Consider the rezoning from R10 residential district to P2 professional district for property located at 1545 Cain Road. Containing .41 acres more or less and being the property of Lisardi Valdez. Case No. P08-13F

Mr. Garner 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. Garner stated the site is the current location of a home occupation and the applicant is seeking rezoning to allow professional uses at the location. Mr. Garner further stated the Zoning Commission recommends denial of the request.

Consider extending the corporate limits of the City of Fayetteville for a petition-initiated non-contiguous annexation by Gregg Floyd. (Floyd property located on the southern side of Clinton Road next to Cape Fear Crossing subdivision).

Mr. Teal stated the annexation petition is submitted in order to receive PWC water and sewer service as outlined in City Council policy #150.2. Mr. Teal further stated recommendation is to

adopt the annexation ordinance with effective date of April 28, 2008.

Consider extending the corporate limits of the City of Fayetteville for a petition-initiated contiguous annexation by Cumberland Christian Center. (Located on the southern side of Clinton Road between Eleanor Avenue and Draper Road).

Mr. Teal stated the annexation petition is submitted in order to receive PWC water and sewer service as outlined in City Council policy #150.2. Mr. Teal further stated recommendation is to adopt the annexation ordinance with effective date of April 28, 2008.

There being no further business, the meeting adjourned at 5:10 p.m.