

**FAYETTEVILLE CITY COUNCIL
AGENDA BRIEFING MINUTES
LAFAYETTE ROOM
JUNE 20, 2012
4:00 P.M.**

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2); Robert A. Massey, Jr. (District 3); Bobby Hurst (District 5); Valencia A. Applewhite (District 7); Wade Fowler (District 8); James W. Arp, Jr. (District 9)

Absent: Council Members D. J. Haire (District 4); William J. L. Crisp (District 6)

Others Present:

Kristoff Bauer, Interim City Manager

Brad Whited, Interim Assistant 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

Members of the Press

Mayor Chavonne called the meeting to order at 4:05 p.m.

City staff presented the following items scheduled for the Fayetteville City Council's June 25, 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:

603 Carthage Drive

Mr. Swanson stated the structure was a 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 there was no record of utilities. He further noted within the past 24 months there had been 0 calls for 911 service and one code violations with no pending assessments. He advised the low bid for demolition of the structure was \$2,400.00.

1607 Coley Drive

Mr. Swanson stated the structure was a 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 March 2012. He further noted within the past 24 months there had been 5 calls for 911 service and four code violations with pending assessments of \$899.75. He advised the low bid for demolition of the structure was \$1,700.00.

912 Weiss Avenue

Mr. Swanson stated the structure was a 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 July 2002. He further noted within the past 24 months there had been 3 calls for 911 service and 7r code violations with no pending assessments. He advised the low bid for demolition of the structure was \$1,700.00.

CONSENT ITEMS

Case No. P12-37F. Rezoning from CC Community Commercial to DT Downtown District located at 301 Bragg Boulevard. Containing 5.2 acres more or less and being the

property of City of Fayetteville.

Ms. Karen Hilton, Planning and Zoning Division Manager, presented this item. Ms. Hilton showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. She stated the City began efforts to acquire the property in 2004 initially as the site for the State Veteran's Park. She also stated during initial design work on the Veterans' Park, several opportunities emerged that led to a larger plan, the NW Gateway Master Plan. She further stated in that context, the Veteran's Park site was moved to the east side of Bragg Boulevard behind the Airborne and Special Operations Museum as Phase 1 of a larger community park. She stated on the west side of Bragg Boulevard, the City property was envisioned for redevelopment with primarily residential uses, with the Freedom trail along the boulevard as one of the other components dramatically changing this corner of the downtown. She stated the subject property along with the museum and the new veterans' park were seen as part of downtown, although the site was currently zoned CC Community Commercial. She stated the CC district would allow residential development but encouraged a more suburban form in its other standards. She advised the Zoning Commission and staff recommended approval of the proposed downtown zoning for the following reasons:

- 1.The property was treated as part of downtown in previous plans, including the 2010 Land Use Plan and the Renaissance Plan.
- 2.The property was adjacent to DT zoning as well as CC zoning.
- 3.The lower-density residential development (Haymount) was separated by the severe topographic change.
- 4.The characteristics of the roadway, surrounding cultural facilities, and site configuration encouraged a range of uses and the dense, more urban form allowed and encouraged by the DT standards.

Ms. Hilton further advised the Zoning Commission and staff recommended approval of the rezoning of the property to DT as presented by staff.

PUBLIC HEARING ITEMS

Text amendment request by Dr. Alfred J. Bost, Jr., representing Koala Daycare Center, to amend City Code Section 30-4.C.3(a)(1), Child Care Centers (nonresidential), to delete the separation requirement for child care centers [from bars, nightclubs, or cocktail lounges].

Ms. Karen Hilton, Planning and Zoning Division Manager, presented this item. She stated the applicant was requesting the text amendment in an effort to reopen a daycare center that, after being closed over a year, could not reopen because it was within 500 feet of an existing bar.

She stated the current use-specific standards reflected amendments adopted in late 2007 and in 2009. She stated both amendments were requested by City Council because of concerns regarding use compatibility associated with the proximity of child care centers and bars, nightclubs, and certain other places of entertainment as well as growing concentrations in residential areas. She stated the applicant's specific request was for "a modification/amendment to the separation requirements for child care centers regardless of location". She stated this could be broadly interpreted to include no separation from adult entertainment as well as bars or cocktail lounges, but even applying the request only to separation from bars, nightclubs, or cocktail lounges, the least change needed to meet the needs of the applicant, would have a much more sweeping, City-wide impact than a similar change in the Downtown zoning district. She stated the text amendments were to be evaluated based on the seven criteria shown on the staff report. She stated the staff and Commission agreed that the request failed to meet the following criteria as numbered in the report:

- 4) Whether and the extent to which the proposed amendment addresses a demonstrated community need;
- 5) Whether and the extent to which the proposed amendment is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and would ensure efficient development within the City; and

6) Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern.

Ms. Hilton advised the staff and Planning Commission recommended denial of the requested text amendment.

Text amendment request by American Towers LLC to amend City Code Section 30-4.C.3(i)(4), Freestanding Towers, to allow required separation and setback standards to be considered during the special use permit process and waived or reduced by City Council upon finding good cause.

Ms. Karen Hilton, Planning and Zoning Division Manager, presented this item. She stated American Towers was a frequent provider of towers or monopoles for various cellular service providers. She further stated American Towers and other providers were finding it increasingly difficult to meet both capacity needs and tower location standards. She explained the tower location was subject to use-specific standards in Article 30-4.C. She then reviewed the separation distance and American Towers' proposal. She then reviewed staff's and the Planning Commission's proposal.

There being no further business, the meeting adjourned at 5:00 p.m.