

**FAYETTEVILLE CITY COUNCIL**  
**AGENDA BRIEFING MINUTES**  
**LAFAYETTE ROOM**  
**MAY 22, 2013**  
**4:00 P.M.**

Present: Mayor Anthony G. Chavonne

Council Members Keith Bates, Sr. (District 1); Bobby Hurst (District 5); Wade Fowler (District 8)

Absent: Council Members Kady-Ann Davy (District 2); Robert A. Massey, Jr. (District 3); D. J. Haire (District 4);

William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); James W. Arp, Jr. (District 9)

Others Present:

Theodore Voorhees, City Manager

Kristoff Bauer, Deputy City Manager

Rochelle Small-Toney, Deputy City Manager

Karen McDonald, City Attorney

Scott Shuford, Development Services Director

Karen Hilton, Planning and Zoning Manager

Craig Harmon, Planner II

Pamela Megill, City Clerk

Members of the Press

Council Member Massey called the meeting to order at 4:00 p.m.

City staff presented the following items scheduled for the Fayetteville City Council's May 28, 2013, agenda:

**CONSENT ITEMS**

**Case No. P13-13F. City-initiated rezoning from LI Light Industrial to CC Community Commercial or to a more restrictive district for property located at 4311 Bragg Boulevard. Containing 2.01 acres more or less and being the property of Bill Claydons Tattoo World Inc.**

Mr. Craig Harmon, Planner II, presented this item with the aid of a power point presentation. 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 during the remapping portion of the Unified Development Ordinance (UDO) adoption, the property was zoned to LI Limited Commercial. He explained this was done to accommodate an adult oriented business located on the property. He stated while the LI district would allow for adult business, it would not allow for the general retail that was conducted in the other commercial buildings on the site. He stated the applicant was now requesting that the property be rezoned to CC Community Commercial to match its surrounding zoning and make all of the commercial uses on the property conforming except for the adult oriented one. He stated the adult oriented use would now become grandfathered and would be allowed to stay in business.

**Case No. P13-16F. Initial zoning to LC Limited Commercial or to a more restrictive district for property located on W. Mountain Drive. Containing .77 acres more or less and being the property of Charles Horne.**

Mr. Craig Harmon, Planner II, presented this item with the aid of a power point presentation. 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 in September of 2012 the City annexed the front portion of the property and zoned it to LC Limited Commercial. He explained that as the developer began to move forward with his plans for the property, he realized that he needed an additional area to be annexed to accommodate the required storm water retention facilities. He stated the owner was now petitioning for the new section to be annexed and for the zoning to match that of the previously annexed property which was LC. He advised the Zoning Commission recommended approval of the initial zoning. He further advised the Zoning Commission and staff recommended approval of the rezoning to the Limited

Commercial based on (1) the property to the east being already within the City limits and zoned both LC and CC, and (2) LC zoning matching the previously annexed portion of the property and allowing the developer to move forward with his approved plans.

## **PUBLIC HEARINGS**

**Case No. P13-17F. Initial zoning to SF-6 Single Family Residential or to a more restrictive district for property located on Tammy and Holland Streets. Containing 3.2 acres more or less and being the property of Shaw Area Church of God and Cumberland County.**

Mr. Craig Harmon, Planner II, presented this item with the aid of a power point presentation. 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 Shaw Area Church of God petitioned for annexation so that it could hook in to the PWC's utilities (water service).

He stated once the petition was received, staff noticed that the church property was part of a previous residential subdivision involving four adjacent lots now owned by the County. He stated staff contacted the County to see if they were interested in having their properties annexed at the same time. He reported that the County's properties were currently vacant and if developed in the future, would need to be annexed as well to hook in to PWC utilities. He stated the County agreed to have their properties annexed at the same time as the church. He stated the City's most comparable district would be the SF-6 Single Family District. He advised the Zoning Commission recommended approval to initially zone the properties to SF-6. He stated there was one speaker in opposition to the request who filed an appeal to the Zoning Commission's recommendation. He advised the Zoning Commission and staff recommended approval of the rezoning to the SF-6 Single Family Residential based on (1) SF-6 being the closest equivalent zoning district in the City and (2) R6 County zoning surrounding the properties.

**Public hearing to consider a petition requesting annexation of a noncontiguous area known as the property of the Shaw Area Church of God and Cumberland County (2 parcels are owned by the church and 4 parcels are owned by the County) (Located on the eastern side of Holland Street and the southern side of Tammy Street in the Shaw Heights Community).**

Mr. David Nash, Planner II, stated this request originated on November 16, 2012, when officials from the Shaw Area Church of God submitted an annexation petition for two parcels owned by the church in order to connect the sanctuary building to an existing PWC water line which was in the street adjacent to the building. He explained the church property was in the Fayetteville MIA and therefore the owner was required to submit an annexation petition. He stated the property was not contiguous to the City, but could be annexed as a satellite. He stated there was an existing satellite area located nearby that was annexed on October 24, 1977. He explained the church's two parcels were part of a six-parcel subdivision for residential development and the other four parcels were owned by Cumberland County. He stated in order for any of the parcels to be annexed as a satellite, all six parcels needed to be part of the proposed annexation area pursuant to state law. He stated on March 18, 2013, the Cumberland County Board of Commissioners adopted a resolution waiving any objection to the inclusion of the four County-owned parcels in the proposed annexation area which made it possible for the annexation petition to be processed by the City. He stated the impact of annexing the area would be minimal. He stated the Fire Department reported that the area was within the adopted baseline travel time established in the City's Fire/Emergency Management Standard of Cover document, the Environmental Services Department reported the two church buildings in the area were non-residential and therefore the City was not responsible for providing garbage pick-up services, and the Police Department reported that it would not have any increased costs for serving the area. He provided a review of the PWC services and reported PWC water was adjacent to the area. He stated the area was already served by PWC electrical service. He then provided a review of the zoning issues and reported the Zoning Commission approved the initial zoning of the area as SF-6 which was consistent with the previous County zoning of R6. He stated one person from the neighborhood spoke in opposition and filed an appeal, requesting that when the

initial zoning was processed at a City Council meeting, that a public hearing be held. He stated staff recommended adoption of the annexation ordinance with an effective date of May 28, 2013, and establish the initial zoning consistent with the prior action on the zoning case.

**Public hearing to consider a petition requesting annexation of a contiguous area known as the Charles Horne Stormwater Facility Property (Located on the northern side of West Mountain Drive).**

Mr. David Nash, Planner II, presented this item and stated this was a request to annex property along the northern side of West Mountain Drive. He stated the petitioner was planning to construct a building for the Orkin Pest Control Company. He stated as of mid-May 2013, grading had been done on the site for the Orkin building but no building permit had been issued. He stated the area annexed on September 24, 2012, had not included the adjacent land to the north where the petitioner was planning to construct a future stormwater facility. He stated in order for the City to be able to inspect the entire Orkin Pest Control Company development site, the entire development site would need to be inside the City. He stated the petitioner then requested annexation of the land for the stormwater facility. He stated staff received the petition on March 14, 2012, and the petition was updated on May 13, 2013, which showed different parcel numbers and clarified that one of the parcels in the area was owned by Carolina Sun Investments, LLC. He provided a review of the City services wherein the City operating departments reported that the impact would be minimal. He stated the Fire Department reported the area was within the adopted baseline travel time established in the City's Fire/Emergency Management Standard of Cover document. He provided a review of the PWC services and reported PWC water and sewer were available to the area and PWC electrical service was also available to the area. He stated in August 2012 a new law went into effect regarding the use of stormwater ponds, which stated development projects located within five miles from the farthest edge of an airport "air operations area" shall not be required to use stormwater retention ponds, stormwater detention ponds, or any other stormwater control measure that would promote standing water. He explained the purpose was to reduce the impacts and attraction of birds and other wildlife that would pose a hazard to aircraft. He stated staff had made the petitioner and engineer for the project aware of the law. He stated the City Engineer reported the developer would need to submit plans to the City before they develop. There being no further business, the meeting adjourned at 4:43 p.m.