

FAYETTEVILLE CITY COUNCIL
AGENDA BRIEFING MINUTES
LAFAYETTE ROOM
MARCH 20, 2013
4:00 P.M.

Present: Mayor Anthony G. Chavonne
Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2); D. J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Wade Fowler (District 8); James W. Arp, Jr. (District 9)

Absent: Council Member Robert A. Massey, Jr. (District 3)

Others Present: Ted Voorhees, City Manager

Rochelle Small-Toney, Deputy City Manager

Karen McDonald, City Attorney

Scott Shuford, Development Services Director

Karen Hilton, Planning and Zoning Division Manager

Craig Harmon, Planner II

Tracie Davis, Corporate Communications Director

Rebecca Rogers-Carter, Management Services Manager

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 March 25, 2013, agenda:

CONSENT ITEMS

Case No. P13-07F. Request to rezone property from HI Heavy Industrial to CC Community Commercial or to a more restrictive district, located at 3112 Murchison Road. Containing 0.85 acres more or less and being the property of Lara Plaza LLC.

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 explained that under the City's previous ordinance the property was zoned M2 for industrial uses and the old ordinance was structured so that uses of a less intensive nature were also allowed in the M2 district. He further explained with the adoption of the Unified Development Ordinance, the M2 districts became HI or Heavy Industrial and the HI districts were no longer allowing commercial uses in them. He stated the owners of the property were concerned they would lose their investment if the current structure was destroyed since they would not be able to build back commercially under the HI district. He noted that while the Murchison Road Corridor Study was calling for mixed use development in the area, it was staff's opinion that the property was not suited at this time for the City's MU Mixed Use zoning district. He further noted that large scale redevelopment would have to take place to warrant the MU zoning district. He advised the Zoning Commission and staff recommended approval of the rezoning to the Community Commercial zoning district based on (1) the land use plan calling for Heavy Commercial, (2) the property currently surrounded by industrial and heavy commercial zoning districts, (3) the property having commercial uses on three sides, and (4) commercial activity being allowed previously on the property under the City's old M2 Industrial district.

Case No. P13-08F. Request to rezone property to the MHO Manufactured Home Overlay District on properties currently zoned SF-6 and located at 6141, 6135, and 6123 Smith Street. Containing 0.94 acres more or less and being the property of Sherman C. Davis.

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 explained in 2007 the City had rezoned a large number of properties surrounding the subject properties to the MHO Manufactured Home Overlay district. He further explained the subject properties were left out of the rezoning request because they were not owned by the applicant. He stated prior to 2007

and through today, the lots in question had been used for mobile homes and would retain their base zoning of SF-6. He advised the Zoning Commission and staff recommended approval of the rezoning to the MHO zoning district based on (1) the land use plan calling for low-density residential and (2) the properties currently being surrounded by MHO districts.

PUBLIC HEARINGS

Case No. P13-06F. Request for a Special Use Permit to allow Zero Lot Line development in a SF-10 Zoning District on Lots 27 and 28 of the property located at 308 West Park Drive. Containing 0.77 acres more or less and being the property of Kay M. Edwards.

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 applicant owned Lots No. 27 and No. 28 of the Highlandale Subdivision located on West Park Drive and provided a brief history of the property. He explained the owner would like to take down the existing home and replace it with two homes, one on each lot. He stated in order to have more flexibility in re-building, the applicant would like the ability to use the City's Zero Lot Line standards and explained approval of a Zero Lot Line development would allow for a reduction in setbacks. He stated the applicant's main argument was that Zero Lot Line approval was needed to allow for a viable building envelope for each of the two lots, primarily because of the site topography. He explained the lot size requirements single-family developments. He advised the Zoning Commission and staff recommended approval of the Special Use Permit based on the side yard setback from the common property line being no less than five feet for each property. He further advised that the Zoning Commission and staff recommended approval as presented by staff and based on the request being able to meet the following findings:

- 1.The special use will comply with all applicable standards in Section 30-4.C, Use-Specific Standards (specifically, Sec. 30-3.B.2. Zero Lot Line Applicability);
- 2.The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands (The homes on West Park Drive are built on two lots each. The visual appearance of West Park is also much different than that of East Park.);
- 3.The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;
- 4.The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands;
- 5.The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;
- 6.The special use maintains safe ingress and egress onto the site and safe road conditions around the site;
- 7.The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; and
- 8.The special use complies with all other relevant City, State, and Federal laws and regulations.

Reauthorization of the Downtown Municipal Services District to July 1, 2018.

Ms. Karen Hilton, Planning and Zoning Division Manager, reviewed the reauthorization of the Downtown Municipal Services District and advised of recent award.

OTHER ITEMS

Council Member Crisp inquired about the Sales Tax Agreement and whether there was an agreement. Mr. Ted Voorhees, City Manager, explained a meeting had occurred earlier that day. He advised the County's response to the proposal was "no" and a suggestion was amortization of the tax. He advised the new proposal would be presented during Council's meeting on Monday.

Ms. Rebecca Rogers-Carter, Management Services Manager, distributed the strategic planning retreat meeting summary and other documents. She advised the consultants would return on April 7, 2013.

There being no further business, the meeting adjourned at 4:45 p.m.