

FAYETTEVILLE CITY COUNCIL
AGENDA BRIEFING MINUTES
LAFAYETTE ROOM
JANUARY 23, 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

Brian Meyer, Assistant City Attorney

Karen Hilton, Planning and Zoning Division Manager

Craig Harmon, Planner II

Pamela Megill, City Clerk

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 January 28, 2013, agenda:

PUBLIC HEARINGS

Case No. P12-55F. Request for Special Use Permit to construct a Child Daycare Facility in an SF-10 district on property located on the northwest side of Lakewood Drive across from Meadowmont Lane. Containing a portion of a 48.6 acre tract and being the property of Hairr Family LLC.

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 case had been tabled at the Council's December 10, 2012, meeting as concern was raised as to the site plan not indicating whether a fence would be installed around the detention pond. He further stated the concern was that no fence could be a hazard to children attending the daycare. He explained that since this was a Special Use Permit (SUP), the Council could condition the project to have a fence around the pond, which could affect other standards. He further explained the project would be required to meet state child care design standards which would address issues like fencing of outdoor play areas, design of drop-off areas, and other safety concerns. He provided information on the site plan not being a requirement for a SUP and the options available to treat the storm water runoff on the property. In summary, he stated staff was confident that child safety would be covered by both City and State site design requirements and if Council felt uncomfortable with the particular situation, the following language could be considered: In the event that a detention pond was used by the project developer to meet stormwater management requirements, it shall be fully surrounded by a four-foot tall fence placed in a location to allow pond maintenance, and any gates on said fence shall be secured at all times during which the pond was not being actively maintained or monitored. He advised the Zoning Commission and staff recommended approval based on (1) the property being a proper size and in a proper location for a day care center, (2) Lakewood Drive being a minor thoroughfare, (3) the property being located across the street from a new commercial center, and (4) meeting the City's use specific requirement for a child care center. He further advised that the Zoning Commission and staff recommended 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;
- 2.The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands;

- 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.

Case No. P12-57F. Request for a Special Use Permit to construct monitored electrified fencing on property zoned CC - Community Commercial and located at 432 Rankin Street. Containing 1.26 acres more or less and being the property of ASC Equipment Co.

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 provided background on the development code amendment to allow electrified fencing. He explained the property was an existing building and business with a standard six foot chain link fence already in place. He further explained the application was not meeting the new standards for monitored electrified fencing. He stated the applicant asserted that this type of security fencing was needed where the business was located to protect the large equipment that was stored outside for rent. He noted there had been 65 calls for police service within a 500 foot radius in 2012, 29 calls were on Rankin Street and 2 from the address of the applicant. He advised the Zoning Commission and staff recommended approval based on (1) the property being surrounded by heavy commercial zoning and the uses bordering on light industrial, (2) the criminal activity in the area and monitored electric fencing being appropriate to protect the property, and (3) the design of the fencing following the regulations established in the City's design code. 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. 30-4.C.5.b.2 (Heavy Equipment Sales, Rental or Storage);
 - 2.The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands;
 - 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.
- Council Member Applewhite requested details regarding the appearance of the warning signs be provided.

Council Member Crisp inquired whether the City could face any liability for approving the fence if someone was injured. Mr. Brian Meyer, Assistant City Attorney, responded that the City should not be liable for acts on private property and had been offered a hold harmless agreement from the manufacturer of the fence.

Council Member Crisp stated he would bring that topic up again at the public hearing.

Case No. P12-59F. Request for a Special Use Permit for warehousing on property zoned Community Commercial and located at 430 Chicago Drive. Containing 0.98 acres more or less and being the property of Lacast Commercial LLC.

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 explained the request was for a Special Use Permit (SUP) for the use of warehousing in the CC - Community Commercial district. He further explained that Chicago Drive was a heavy commercial, almost industrial area. He stated staff considered the property a proper location for low-intensity warehousing because the property was surrounded by heavy commercial and industrial zoning and uses. He further stated the building was approved prior to the adoption of the Unified Development Ordinance (UDO), and the owner was upgrading the proposed landscaping to more closely match that required by the UDO. He advised the Zoning Commission and staff recommended approval based on (1) the property being currently surrounded by heavy commercial and industrial zoning, (2) the City's Land Use Plan calling for heavy commercial on the property, and (3) the Land Use Plan calling for heavy commercial and industrial to surround the property. He further advised 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. 30-4.C.5.d.2);
- 2.The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands;
- 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.

Ms. Karen Hilton, Planning and Zoning Division Manager, reviewed upcoming text amendments to Article 30 that would be presented at the February 11, 2013, Council meeting regarding nonconforming sites, lots, and fence heights and downtown district adjustments.

Mr. Harmon presented information regarding Fort Bragg's wish to change the procedure for notification of zoning changes such that RLAC would be presented with the changes and would review rather than the notification being sent by certified mail to the Base Commander.

Council Member Applewhite raised concerns over the status of the street lighting ordinance and the progress toward forcing compliance with the ordinance by power companies outside PWC.

Mr. Ted Voorhees, City Manager, stated that this would be addressed at the next work session.

Council Member Haire informed Council that he would be pulling Items 5.2 and 5.3 from the consent agenda concerning property acquisition for the Murchison Road Corridor Redevelopment Plan.

There being no further business, the meeting adjourned.