

**FAYETTEVILLE CITY COUNCIL**  
**AGENDA BRIEFING MINUTES**  
**LAFAYETTE ROOM**  
**MAY 21, 2014**  
**4:00 P.M.**

Present: Mayor Nat Robertson

Council Members Kady-Ann Davy (District 2) (arrived at 4:22 p.m.); H. Mitchell Colvin, Jr. (District 3); Chalmers McDougald (District 4); Robert T. Hurst, Jr. (District 5); William J. L. Crisp (District 6); Lawrence O. Wright, Sr. (District 7) (arrived at 4:20 p.m.); Theodore Mohn (District 8); Jim Arp (District 9)

Absent: Council Member Kathy Jensen (District 1)

Others Present:

Theodore L. Voorhees, City Manager  
Kristoff Bauer, Deputy City Manager  
Rochelle Small-Toney, Deputy City Manager  
Jay Reinstein, Assistant City Manager  
Brian Myer, Assistant City Attorney  
Rusty Thompson, Engineering and Infrastructure Director  
Scott Shuford, Development Services Director  
Tracie Davis, Corporate Communications Director  
Karen Hilton, Planning and Zoning Division Manager  
Craig Harmon, Senior Planner II  
David Nash, Planner  
Mark Brown, PWC Customer Service Director  
Pamela Megill, City Clerk  
Members of the Press

Mayor Robertson called the meeting to order at 4:07 p.m.

City staff presented the following items scheduled for the Fayetteville City Council's May 27, 2014 agenda:

**CONSENT**

**P13-34F. The initial zoning of property to CC - Community Commercial district, located at 2808 Gillespie Street, 175 Maple Street and Ash Street, and being the property of Susan Surles Sherrill (Jim Price, WRS Realty - authorized agent).**

Mr. Craig Harmon, Senior Planner II, presented this item with the aid of a PowerPoint presentation and stated this property is an undeveloped, wooded lot. Previously there was a mobile home sales lot on a portion of this property. The property is located at the northwest corner of the intersection of Highway 301 (Gillespie Street), Airport Road and Black and Decker Road. Currently this property is split zoned R6A - Residential, R10 - Residential and HS(P) - Hospital, all in the County's jurisdiction. The requested action is to initially zone this property to CC - Community Commercial. The developers of this property have indicated that they are interested in building a large retail center with out-parcels. While the Land Use Plan calls for medium density residential, it is staff's opinion that heavy commercial, which the plan proposes for the adjacent properties along Gillespie Street, is appropriate for this property as well. This property is mainly surrounded by heavy commercial and heavy industrial zoning districts. The only exception is a mobile home park to the north. A public hearing was held on October 8, 2013 regarding this case, by the Zoning Commission. There was one speaker in favor of this rezoning and none in opposition. The Commission voted 5-0 to recommend approval. This case has been on hold since the Zoning Commission meeting, in order for the applicant to close certain rights of way on this property.

The Zoning Commission and City staff recommends approval of the proposed initial zoning based on:

1.This commercial development would be an upgrade to the gateway into the airport facility and toward downtown Fayetteville.

2.This property is mainly surrounded by heavy commercial and industrial zoning districts and uses.

3.The volume of traffic at this intersection makes it appropriate for higher density commercial development.

This action would result in an increase in City services that will be offset by the revenue the City will collect in property taxes.

The Zoning Commission and staff recommend the City Council move to approve of the initial zoning to CC - Community Commercial as presented by staff.

**P14-08F. The rezoning of property from MR-5 Mixed to LC - Limited Commercial Zoning District or to a more restrictive district, located at the 1401 Hope Mills Road, and being the property of Anna Dees.**

Mr. Craig Harmon, Senior Planner II, presented this item with the aid of a PowerPoint presentation and stated this property is an undeveloped, wooded lot. This property is located along Hope Mills Road near its intersection with South Sumac Circle. Three of the four sides to this property are zoned either for office or commercial use. The remaining side is zoned Mixed Residential. The City's Land Use Plan was updated a few years ago along Hope Mills Road, when a new plan, exclusive to that area, was adopted. The Hope Mills Road Land Use Plan calls for light commercial development on the western side of Hope Mills Road in the vicinity of this property. On April 8<sup>th</sup> the Zoning Commission held a public hearing regarding this case.

There was one speaker in favor and none in opposition to this issue. The Commission voted 5-0 to recommend approval.

The Zoning Commission and City staff recommend Approval of the proposed rezoning based on:

- 1.The City's Land Use Plan calls for light Commercial on this property.
- 2.The property to the south and east are already zoned LC.
- 3.Currently this property has a single family residential use in between mixed residential, limited commercial and office uses and zoning.
- 4.The 2030 Growth Management Plan calls for new development and infill development to be especially encouraged in locations where a full range of urban services and infrastructure are already in place.

This action would result in an increase in City services that will be offset by the revenue the City will collect in property taxes.

The Zoning Commission and staff recommend the City Council move to approve the rezoning to LC - Limited Commercial, as presented by staff.

**P14-09F. The initial zoning of property from C(P) Commercial County Zoning to CC - Community Commercial Zoning District or to a more restrictive district, located at the 2830 Gillespie Street, and being the property of Susan Sherrill.**

Mr. Craig Harmon, Senior Planner II, presented this item with the aid of a PowerPoint presentation and stated This property is located along Gillespie Street, near Black and Decker Road. The property to the south, also owned by Ms. Sherrill, is part of the proposed Walmart site on Hwy 301. The Zoning Commission recommended approval of an initial zoning to CC - Community Commercial on that property back on October 8th of last year. Since this property was once part of that larger parcel, it must be annexed at the same time. To the north and west is an auto repair business and auto storage area. The City's Land Use Plan calls for Heavy Commercial on this property.

On April 8, 2014 the Zoning Commission held a public hearing regarding this case. There was one speaker in favor of this issue and none in opposition. The Commission voted 5-0 to approve this case.

The Zoning Commission and City staff recommend Approval of the proposed initial zoning based on:

- 1.The City's Land Use Plan calls for Heavy Commercial on this property.
- 2.All of the property around this site is already zoned for some type of commercial use.

3. The 2030 Growth Management Plan calls for new development and infill development to be especially encouraged in locations where a full range of urban services and infrastructure are already in place.

This action would result in an increase in City services that will be offset by the revenue the City will collect in property taxes.

The Zoning Commission and staff recommends the City Council move to approve of the initial zoning to CC - Community Commercial, as presented by staff.

### **OTHER ITEMS OF BUSINESS**

#### **Consideration of exemption from annexation per Policy 150.2 relative to PWC water services to the Bullard Circle area**

Mr. Scott Shuford, Development Services Director, presented this item and stated there are several residences within the three subdivisions on Bullard Circle have unsafe levels of arsenic in their wells. To receive PWC water services, under Policy 150.2 the properties must be annexed or exempted by City Council.

This area is within the City's MIA, expected to become part of the more urbanized area. The City limits are currently just north of the multifamily development above McCloskey Road. The recent surge in new restaurant and shopping services on Ramsey is likely to continue as I-295 opens. The new Carver Creek State Park immediately north and west of Bullard Circle precludes development in that area but could accelerate recreation/visitor-oriented development in the area in coming years. There are five undeveloped parcels between the neighborhood and the park that could be developed. While the neighborhood and these parcels are in the direct path of growth, without public services the immediate area may not continue to build out because of concerns about health of the area and its low-lying character (at least three streams or drainage areas converge beside this neighborhood).

#### **Issues:**

- (1) To receive PWC sewer and/or water, one of two things must happen: The property must be annexed OR the City Council must exempt the area from Policy 150.2.
- (2) Two basic approaches to the annexation (also see Options below):
  - (a) Voluntary petitions: Individual property owners could petition for voluntary annexation if they are contiguous to the City or, if not contiguous, if all the properties within that subdivision (there are 3 different subdivisions) also petition.
  - (b) Involuntary annexation: Under this approach, an area of 66 properties that includes the United Workers Lodge would meet standards.
- (3) Estimated Costs of Annexation for Owners of Single-Family Lots (details attached).
  - (a) If PWC water is extended and the area is not annexed, typical annual household water costs would be \$325; PWC-provided water would be \$115 less with annexation because of lower inside-City water rates.
  - (b) If PWC water is extended and the area is not annexed, total costs for a typical homeowner would be \$1,917, or \$290 less annually than if annexed.
- (4) Possible Development of Adjacent Property - West of the Bullard Circle area are five parcels in one ownership which might be developed as residential in the future. If this adjacent property uses PWC utilities, the property will need to be annexed (or exempted), pursuant to policy. It appears that access to this future development would be through the Bullard Circle area.

#### **Budget Impact:**

Analyzing the budget impact of annexation involves a comparison of projected costs and revenues. Four departments were asked to provide cost information. Revenue projections are based on an assumed effective date of August 31, 2014. The Service and Fiscal Projections report summarizes the services from each department and includes a table showing a negative budget impact of annexing the area (-\$106,010 over nearly five years). However, the negative projections are heavily affected by the Police Department's request for one new officer to serve the area (projected total cost of \$265,000 through FY 18-19 including new vehicle and equipment).

**Options:**

1. Exempt the property owners from the requirement for annexation prior to receiving PWC water services, pursuant to Policy 150.2.

- (a) Allows the County and PWC to expedite provision of water to this area;
- (b) City does not have to participate in paying for the costs of extending water;
- (c) City may still require annexation in the future if owners request sewer service;
- (d) Property owners will pay higher PWC water rates but no City taxes and fees.

2. Require annexation before PWC water services are provided, pursuant to Policy 150.2.

There are two methods of annexation: (1) voluntary-by petition (either as a contiguous area or as a satellite area); and (2) involuntary (which involves a referendum).

- (a) For voluntary annexation by petition, all property owners in the subdivision would have to request annexation, a situation that is not likely to happen.
- (b) For an involuntary annexation, the City would need to schedule and pay for a referendum which could not be held before November 2015. This could slow down the provision of water. The City could permit water provision in anticipation of a positive vote for annexation, but residents might vote against annexation when the referendum is held.

**Recommended Action:**

Staff recommends Option 1, that the City Council move to exempt the property owners from the requirement for annexation prior to receiving PWC water services, pursuant to Policy 150.2.

**Uninhabitable Structure Demolition Recommendation**

Mr. Scott Shuford, Development Services Director, presented this item with the aid of a PowerPoint presentation and multiple photographs of the property. He stated staff recommends adoption of the ordinance authorizing the demolition of the structure. He reviewed the following demolition recommendation:

**133-135 Person Street**

The structure is a vacant two story commercial structure located in the Downtown Historical District that was inspected and condemned as a dangerous structure on October 7, 2011. A hearing on the condition of the property was conducted October 19, 2011, in which the owner did not attend. The property owner's representative contacted the Code Enforcement Division on October 18, 2011, to discuss what repairs were needed to bring the structure into compliance. A subsequent Hearing Order to submit repair plans within 60 days, obtain all related permits within 10 days of plan approval, and to complete the repairs within 90 days of permit issuance was issued and mailed to the owner on October 31, 2011. The subject structure has structural defects in the roof system, flooring system, and the façade. The Development Services Department retained a structural engineer to inspect the façade due to concerns about the stability; the engineer's report stated the façade was unstable and could fall onto the sidewalk unexpectedly. In response to the engineer's report the City of Fayetteville blocked the sidewalk area in July 2012. The property owner filed a Certificate of Appropriateness Application with the Historic Resources Commission on January 22, 2013 requesting permission to demolish the structure. The Historic Resources Commission approved the request for demolition with the condition the demolition be delayed 365 days to provide the owner the option to sell or repair the structure. To date there have been no repairs. The utilities to the building have been disconnected since August 2008. In the past 24 months there have been no calls for 911 services to the property. There have been no code violation cases and there are no pending assessments. The low bid for demolition will be determined through a formal bidding process.

There being no further business, the meeting adjourned at 4:50 p.m.