

**FAYETTEVILLE CITY COUNCIL
AGENDA BRIEFING MINUTES
LAFAYETTE ROOM
MARCH, 19, 2014
4:00 P.M.**

Present: Mayor Nat Robertson

Council Members Kathy Jensen (District 1) (arrived at 4:15 p.m.); Kady-Ann Davy (District 2); H. Mitchell Colvin, Jr. (District 3) (arrived at 4:30 p.m.); Chalmers McDougald (District 4); Robert T. Hurst, Jr. (District 5); William J. L. Crisp (District 6); Lawrence O. Wright, Sr. (District 7); Theodore Mohn (District 8); Jim Arp (District 9) (arrived at 4:25 p.m.)

Others Present:

Ted Voorhees, City Manager
Kristoff Bauer, Deputy City Manager
Rochelle Small-Toney, Deputy City Manager
Jay Reinstein, Assistant City Manager
Brian Meyer, Assistant City Attorney
Scott Shuford, Development Services Director
Victor Sharpe, Community Development Director
Karen Hilton, Planning and Zoning Division Manager
Mark Brown, PWC Senior Programs Customer Officer
Pamela Megill, City Clerk
Members of the Press

Mayor Robertson called the meeting to order at 4:00 p.m.

City staff presented the following items scheduled for the Fayetteville City Council's February 24, 2014 agenda:

CONSENT

P14-01F. The rezoning of property from SF-6 - Single Family Residential and CC - Community Commercial to CC – Community Commercial or to a more restrictive district, located at the intersection of Gillespie Street, Ferndale Lane and West Jenkins Street, and being the property of Fadhi Alhobishi.

Ms. Karen Hilton, Planning and Zoning Manager, presented this item with the aid of a PowerPoint presentation and stated, this property is located at the intersection of Gillespie, Ferndale and West Jenkins Streets. Currently these properties are zoned for both commercial and residential uses. A series of dilapidated commercial and residential structures have recently been razed on these properties. The City's Land Use Plan calls for heavy commercial on all of these properties, with the exception of a very small piece fronting Ferndale Lane. The owner wishes to rezone the portion of these properties that is east of Ferndale Street to all commercial for unspecified future commercial use. On March 11, 2014, the Zoning Commission held a public hearing regarding this case. There was one person signed up to speak in favor and one in opposition. However, the person in opposition was no longer opposed upon hearing the details of this case. The Zoning Commission voted 5-0 in favor of recommending approval of this case. The Zoning Commission and City staff recommend approval of the proposed rezoning based on:

- 1.The City's Land Use Plan calls for heavy commercial.
- 2.There is commercial zoning and uses on two sides of this property.
- 3.Most of these properties have a history of commercial uses.
- 4.Rezoning this property would have a minimal impact on the adjacent residential properties.
- 5.Rezoning these properties from Gillespie to Ferndale Lane, to commercial will increase the viability of these properties to sustain commercial development.

P14-02F. The rezoning of property from SF-10 - Single Family Residential to OI - Office and Institutional or to a more restrictive district, located at the 817 South McPherson Church Road, and being the property of Carolina College of Biblical Studies.

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Ferndale and West Jenkins Streets. Currently these properties are zoned for both commercial and residential uses. A series of dilapidated commercial and residential structures have recently been razed on these properties. The City's Land Use Plan calls for heavy commercial on all of these properties, with the exception of a very small piece fronting Ferndale Lane. The owner wishes to rezone the portion of these properties that is east of Ferndale Street to all commercial for unspecified future commercial use. On March 11, 2014, the Zoning Commission held a public hearing regarding this case. There was one person signed up to speak in favor and one in opposition. However, the person in opposition was no longer opposed upon hearing the details of this case. The Zoning Commission voted 5-0 in favor of recommending approval of this case.

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1. The City's Land Use Plan calls for heavy commercial.
2. There is commercial zoning and uses on two sides of this property.
3. Most of these properties have a history of commercial uses.
4. Rezoning this property would have a minimal impact on the adjacent residential properties.
5. Rezoning these properties from Gillespie to Ferndale Lane, to commercial will increase the viability of these properties to sustain commercial development.

P14-03F. The rezoning of property from SF-10 and SF-6 - Single Family Residential and MR-5 Mixed Residential to CC/CZ - Community Commercial Conditional Zoning District or to a more restrictive district, located at the 600 Cordial Loop, and being the property of Don Wellons.

This property is located on Cordial Loop with entrances on both Skibo and Cliffdale Roads. Currently Leisure Living Estates, a mobile home park, is located on this site. The park has been located at this site since the late 1960's. The owner is proposing a new commercial development to take the place of the park. Please see the attached site plan and list of conditions offered by the owner below. The proposed commercial development would include a connector street, with stop lights, between Cliffdale and Skibo Roads.

Conditions of approval as offered by the property owner:

1. All internal roads and structures on site will be abandoned and removed.
2. Development of the site will be controlled by the standards illustrated on this sheet (attached site plan RZ-2) and by the City of

Fayetteville UDO. The building locations and public ROW illustrated on this plan is intended to reflect the general arrangement, but the

exact arrangement, configuration and size of individual elements may be altered or modified within the limits prescribed in the UDO.

3. The site will be developed for any use allowed in the CC District as allowed by the UDO except for the following uses:

- 3.1. Agriculture
- 3.2. Agriculture Support and Services
- 3.3 Household Living categories: Dwelling, Single Family & two to four family, Manufactured home, Class A (2) or (Class A or B homes)
- 3.4. Group Living
- 3.5. Community Services
- 3.6. Day Care category: Adult day care center
- 3.7. Educational Facility Categories: Elementary, middle or High Schools
- 3.8. Government Facilities
- 3.9. All Institutional facilities, except that Assisted Living Facilities would be permissible.
- 3.10. All Park and Open Space Areas, except that park, public or private and public square or plazas would be permissible.
- 3.11. Public Safety
- 3.12. Transportation/Communication
- 3.13. Adult Entertainment

- 3.14. Animal Care categories: Animal shelter & kennel, outdoor
- 3.15. Recreation/Entertainment, Outdoor
- 3.16. Retail Sales and Service categories: Crematory, Funeral home, Laundromat, tattoo parlor/body piercing establishments, Repair establishment.
- 3.17. Self-Service Storage
- 3.18. Vehicle Sales and Services, Heavy
- 3.19. Vehicle Sales and Services, Light
- 3.20. Extractive Industry
- 3.21. Industrial Services
- 3.22. Manufacturing and Production
- 3.23. Warehouse and Freight Movement
- 3.24. Waste-Related Services

4. Access to the site will be provided by a new public road connecting Skibo Road and Cliffdale Road with a traffic light proposed at each proposed intersection subject to the approval of the City of Fayetteville and NCDOT. The petitioner will construct this new public road and dedicate the Right of Way (ROW) to the City of Fayetteville. Until the road is constructed, access will be provided via the existing entrances for construction purposes.

5. Access to individual parcels will be located off of the new public road subject to review by the City of Fayetteville and NCDOT.

6. Buffers and landscaping requirements will be provided per Article 30-5 of the UDO.

7. Stormwater facilities will be provided per the City of Fayetteville and NCDWQ Standards.

8. Stream buffers will be sized based on the site drainage areas and in accordance with local and state regulations.

On March 11, 2014, the Zoning Commission held a public hearing regarding this case. There were three people that spoke in favor and none in opposition. The Zoning Commission voted 5-0 in favor of recommending approval of this case. The Zoning Commission and City staff recommends approval of the proposed rezoning based on:

- 1.The appropriate redevelopment of property in this location.
- 2.The land use plan calls for commercial uses on this property.
- 3.The 2030 Growth Management Plan calls for infill and new development to occur in areas where the public infrastructure already exists.
- 4.The conditions as proposed above and based on final approval of the City's TRC.

Uninhabitable Structures Demolition Recommendations

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:

222 Nimocks Avenue

Mr. Shuford stated the structure is avacantresidential home that was inspectedand condemned as a blighted structure on September 16, 2013. A hearing on the condition of the structure was conducted on October 2, 2013 in which one of the owners attended. A notice of the hearing was published in the Fayetteville Observer newspaper. A subsequent Hearing Order to repair or demolish the structure within 90 days was issued and mailed to the owners on October 3, 2013. The structure was also the subject of a fire on March 3, 2014 resulting in extensive interior damage. To date there have been no repairs to the structure. The utilities to this structure have been disconnected since October 2006. In the past 24 months there have been 10 calls for 911 services to the property. There have been 8 code violation cases with a pending assessment of \$126.44. The low bid for demolition is \$4,550.00.

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