

**FAYETTEVILLE CITY COUNCIL
AGENDA BRIEFING MINUTES
LAFAYETTE ROOM
JANUARY 22, 2014
3:00 P.M.**

Present: Mayor Nat Robertson

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

Absent: Council Member Theodore Mohn (District 8)

Others Present:

Theodore Voorhees, City Manager
Kristoff Bauer, Deputy City Manager
Rochelle Small-Toney, Deputy City Manager
Scott Shuford, Development Services Director
Craig Harmon, Planner II
Brian Meyer, Assistant City Attorney
Jerry Dietzen, Environmental Services Director
Brad Whited, Airport Director
Randy Hume, Transit Director
Pamela Megill, City Clerk
Members of the Press

Mayor Robertson called the meeting to order at 3:00 p.m.

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

CONSENT ITEMS

Case No. 13-44F Rezoning of property from OA- office and Institutional to LC – Limited Commercial

Mr. Craig Harmon, Planner II, presented this item with the aid of a PowerPoint 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 this property is located at the intersection of Raeford Road and Revere Street, across Raeford Road from the main Time Warner Cable office. Currently this property is zoned for office use, with half of the building being used for office and the other half being vacant. The City's Land Use Plan calls for heavy commercial along this stretch of Raeford Road. Most of the current uses are commercial as well. The property in question is separated from the adjacent residential properties by Lunar Drive.

The Zoning Commission held a public hearing on this case on December 10, 2013. The Commission voted 5-0 to recommend approval. There were two speakers in favor and none in opposition.

The Zoning Commission and City staff recommends 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 three sides of this property.
- 3.This property is located at a signalized intersection with entrances in front, on the side and to the rear of the building (The rear entrance is gated with controlled access).
- 4.Rezoning this property would have a minimal impact on the adjacent residential properties.

PUBLIC HEARINGS

Case No. P13-45F. Request for a Special Use Permit to P13-45F. The issuing of a Special Use Permit for a Communications Tower on property zoned SF-10 - Single Family Residential, located at 1715 Johnson Street and being the property of Hubert M. Barkley.

Mr. Craig Harmon, Planner II, presented this item with the aid of a PowerPoint presentation. Mr. Harmon showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land use and zonings, and 2010 Land Use Plan. Mr. Harmon stated this property is located at the end of Johnston Street and is currently undeveloped. Almost all of the surrounding properties are zoned SF-10 and are also undeveloped. A portion of the properties to the southwest of this lot are developed as a single family neighborhood. The proposed, 175 foot, communications tower meets the entire City's current development standards.

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 complies with all applicable standards in Section 30-4.C, Use-Specific Standards; *[Yes, see the attached "Summary of Compliance with Ordinance Requirements (Kornbow ATC #281228)-c".]*
- 2.The special use is compatible with the character of surrounding lands and the uses permitted in the zoning districts(s) of surrounding lands; *[Yes, most of the surrounding land is undeveloped]*
- 3.The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration; *[Yes, the tower meets the City's requirements.]*
- 4.The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands; *[Yes the proposed tower in on a large undeveloped lot.]*
- 5.The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources; *[Yes, the tower meets the City's requirements.]*
- 6.The special use maintains safe ingress and egress onto the site and safe road conditions around the site; *[Yes, the tower meets the City's requirements.]*
- 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 *[Yes, as documented in the submitted application packet.]*
- 8.The Special use complies with all other relevant City, State, and Federal laws and regulations. *[Yes, as documented in the submitted application packet.]*

Case No. P13-46F. The issuing of a Special Use Permit for a Communications Tower on property zoned BP/CZ - Business Park/Conditional Zoning District, located at 3204 Jupiter Drive and being the property of Waverly Broadwell 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. Mr. Harmon stated this property is located in the Military Business Park, near Bragg Boulevard and adjacent to Interstate 295. The City's Technical Review Committee has requested that the developer make this, 125 foot tower, a stealth monopole with a flag tower because of its visibility along I-295. The owners have agreed to this condition. There is also a Duke Energy power line easement adjacent to the proposed tower compound. The proposed tower compound is located outside of the Duke easement. 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 complies with all applicable standards in Section 30-4.C, Use-Specific Standards; *[Yes, see the attached "Summary of Compliance with Ordinance Requirements (Jupiter 295 ATC #281632)-c".]*
- 2.The special use is compatible with the character of surrounding lands and the uses permitted in the zoning districts(s) of surrounding lands; *[Yes, most of the surrounding land is undeveloped]*
- 3.The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration; *[Yes, the tower meets the City's requirements.]*
- 4.The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands; *[Yes the proposed tower in on a large undeveloped lot.]*

- 5.The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources; *[Yes, the tower meets the City's requirements.]*
- 6.The special use maintains safe ingress and egress onto the site and safe road conditions around the site; *[Yes, the tower meets the City's requirements.]*
- 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 *[Yes, as documented in the submitted application packet.]*
- 8.The Special use complies with all other relevant City, State, and Federal laws and regulations. *[Yes, as documented in the submitted application packet.]*

OTHER ITEMS

Code Amendment to Chapter 30 to modify Zero Lot Line standards

Mr. Scott Shuford, Development Services Director, presented this item with the aid of a PowerPoint presentation and stated the proposed changes to zero lot line standards reflect extensive discussion with the development community. ZLL standards are used in a relatively unique way in Fayetteville, to provide significant flexibility in setback and lot area standards and, in many instances, some increase in actual density as well as greater ease in achieving the maximum allowed density because of the increased options in lot layout. The flexibility in setback requirements is often used in (re)development of smaller sites in established areas - so called "infill development." Because of concerns about infill on small lots in established residential areas and the potential to be incompatible with the existing development pattern, the current standards require a special use permit for development sites of less than three acres. Because of the time and the uncertainty associated with the two hearings for the special use permit (SUP), representatives of the development community are seeking a reduction or elimination of the special use process for smaller ZLL developments. Under the code that preceded the UDO, a neighborhood meeting and one public hearing before the Planning Commission was required for infill projects. ZLL currently is allowed in the following base zoning districts: SF-15, SF-10, SF-6, MR-5, OI, NC, LC, and CC. The development community has asked for ZLL to be available in the AR - Agricultural District. Staff proposes to add the procedure for all base zoning districts. The Planning Commission heard two speakers in favor of the proposed amendment at its meeting on September 17, 2013. The Commission voted unanimously to recommend approval. The draft ordinance has changed somewhat since their consideration, becoming more restrictive. Staff will update the Commission on changes to the ordinance at its January 21 meeting and report any issues or concerns to Council. Subsequent discussions with representatives active in the initial zero lot line and neighborhood infill regulations and in the drafting of the new development code raised some scenarios not adequately addressed in the draft ordinance. Both these participants and development representatives agreed this item should be deferred at the October 28th and November 18th City Council meetings. At the November 18th meeting, City Council heard one speaker who recommended continuing the item; the hearing was closed and City Council tabled action to allow continued discussions with neighborhood and development interests, scheduling the item to return on January 13th. On January 13, 2014, City Council tabled the item to its January 27th meeting. The primary issue involves striking a balance between neighborhood compatibility and site design that maximizes density. Many ZLL projects previously built in the City fit well into the neighborhoods where they have been developed, but some have not. In the proposed ordinance, staff has attempted to quantify the site design characteristics that create issues with neighborhood compatibility and to require projects that are not reflective of the character of the surrounding neighborhood to undergo a new Neighborhood Compatibility Permit process.

Uninhabitable Structures

Mr. Scott Shuford, Development Services Director, presented this item with the aid of a PowerPoint presentation and multiple photographs of the properties. He stated staff recommends adoption of the ordinances authorizing the demolition of the structures. He reviewed the following demolition recommendations:

2524 Carriage Road

Mr. Shuford stated the structure is avacantresidential home that was inspected and condemned as a blighted structure on September 3, 2013. A hearing on the condition of the property was conducted on September 18, 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 September 20, 2013. To date there have been no repairs to the structure. The utilities to the structure have been disconnected since March 2008. In the past 24 months there have been 10 calls for 911 services to the property. There have been 13 code violation cases with a pending assessment of \$1,529.64 for lot cleaning. The low bid for demolition is \$3,248.00.

918 Ellis Street

Mr. Shuford stated the structure is avacantresidential home that was inspected and condemned as a blighted structure on June 24, 2013. A hearing on the condition of the property was conducted on July 10, 2013, in which the owners appeared. 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 July 11, 2013. To date there have been no repairs to the structure. There is no record of utilities to the structure. In the past 24 months there have been no calls for 911 services to the property. There have been 3 code violation cases with a pending assessment of \$363.44 for lot cleaning. The low bid for demolition is \$1,800.00.

710 State Avenue

Mr. Shuford stated the structure is avacantresidential home that was inspected and condemned as a dangerous structure on July 8, 2013. A hearing on the condition of the structure was conducted on July 24, 2013 in which the owner 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 owner on July 25, 2013. To date there have been no repairs to the structure. There is no record of utilities to the structure. In the past 24 months there have been no calls for 911 service to the property. There have been 3 code violation cases with no pending assessments. The low bid for demolition is \$3,100.00.

There being no further business, the meeting adjourned at 4:00 p.m.