

**FAYETTEVILLE CITY COUNCIL**  
**AGENDA BRIEFING MINUTES**  
**LAFAYETTE ROOM**  
**APRIL 23, 2014**  
**4:00 P.M.**

Present: Mayor Nat Robertson

Council Members Kathy Jensen (District 1) (arrived at 4:20 p.m.); Kady-Ann Davy (District 2); H. Mitchell Colvin, Jr. (District 3) (arrived at 4:15 p.m.); Chalmers McDougald (District 4); Robert T. Hurst, Jr. (District 5); Lawrence O. Wright, Sr.(District 7); Theodore Mohn (District 8);

Absent: William J. L. Crisp (District 6); Jim Arp (District 9)

Others Present:

Theodore L. Voorhees, City Manager  
Kristoff Bauer, Deputy City Manager  
Rochelle Small-Toney, Deputy City Manager  
Jay Reinstein, Assistant City Manager  
Karen McDonald, City Attorney  
Scott Shuford, Development Services Director  
Karen Hilton, Planning and Zoning Division Manager  
Craig Harmon, Senior Planner II  
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 April 28, 2014 agenda:

**CONSENT**

**P14-05F. The rezoning of property from SF-6 - Single Family Residential and NC - Neighborhood Commercial to MR-5/CZ Mixed Residential Zoning District or to a more restrictive district, located at 8363 Cliffdale Road, and being the property of Ethel Pate.**

Mr. Craig Harmon, Senior Planner II, presented this item with the aid of a PowerPoint presentation and stated this property is located off of Cliffdale Road at the intersection of Identity Lane and Branchwood Circle. This property currently has one abandoned single family home on it. This property is located to the south of a convenience store/gas station and between an apartment complex and a mobile home park. The conditional rezoning requests that a maximum of 96 units be allowed on this property. The standard MR-5 zoning could allow up to 111 units. The proposed development would be accessed from Identity Lane and Branchwood Circle.

Conditions of approval as offered by the property owner:

- 1.The development will be limited to no more than 96 units.
- 2.The building locations and public ROW illustrated on the attached plan are 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 Unified Development Ordinance (UDO).
- 3.The site will be developed solely for multi-family development.
- 4.Access to the site will be provided from Identity Lane and Branchwood Circle, subject to the approval of the City of Fayetteville and North Carolina Department of Transportation (NCDOT).
- 5 Buffers and landscaping requirements will be provided per Article 30-5 of the UDO, and as generally shown on the attached site plan.
- 6.Stormwater facilities will be provided per the City of Fayetteville and North Carolina Department of Water Quality (NCDWQ) Standards.

Additional conditions suggested by staff.

- 1.Project must meet all standards of Section 30-5 of the UDO.

The Zoning Commission held a public hearing on March 11th. There were two speakers in favor of this project and none in opposition. The Commission voted unanimously to recommend

approval of this rezoning request. The Zoning Commission and City staff recommend Approval of the proposed rezoning based on:

- 1.The Land Use Plan calls for medium density residential on this property.
- 2.The property is mainly surrounded by other multi-family development and commercial 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 .

### **PUBLIC HEARINGS**

**P14-07F. The issuing of a Special Use Permit on property zoned LI - Light Industrial District for industrial use within 500ft of residential zoning, located at 914 North Street, and being the property of DRA LLC.**

Mr. Craig Harmon, Senior Planner II, presented this item with the aid of a PowerPoint presentation and stated this property is located at 914 North Street, where the street ends at the intersection with the rail road. The owner wishes to build a cement distribution center at this location. According to the owner, this type of operation requires a rail yard where material may be loaded and unloaded. Under the City's development code, industrial uses cannot be built within 500 feet of residentially zoned property. While this property does touch a residential zoning district, it is separated from any actual housing by approximately 250 feet. This separation is mainly due to the rail road right-of-way. The property in question is mainly surrounded by industrial zoning and uses. However, the main concern from this type of operation is the dry cement that can be easily carried by the wind. On March 11th the Zoning Commission held a public hearing regarding this case. There were two speakers in favor and one in opposition (Virelee Stewart). She was concerned with the possibility of increased traffic and contaminated air from the concrete blowing. It was explained that this process takes place in a completely sealed environment that releases no hazards into the air. It was also explained that this operation would occur only on the south side of the rail road tracks, away from Ms. Stewart's home. Ms. Stewart appeared satisfied with both of these answers. The Commission voted unanimously to recommend approval.

Conditions of approval:

- 1.The attached equipment plan for an enclosed system preventing the release of concrete/cement dust.

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

- 1.The Land Use Plan calls for downtown uses on this property.
- 2.The property is mainly surrounded by industrial zoning and uses.
- 3.The 2030 Growth Management Plan sites that the expansion of existing business is critical to the City's economic development.
- 4.The attached equipment plan for an enclosed system preventing the release of concrete/cement dust.

A Special Use Permit shall be approved only upon a finding that all of the following standards are met:

- 1.The special use complies 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
- P14-04F. The rezoning of property from AR – Agricultural Residential to MR-5/CZ Mixed Residential Conditional Zoning District or to a more restrictive district, located at the 2454 Gillis Hill Road, and being the property of Janet and Jesse Kimball**

Mr. Craig Harmon, Senior Planner II, presented this item with the aid of PowerPoint presentation and stated this property is located on Gillis Hill Road, to the south of the Wal-Mart on Highway 401 (Raeford Rd). This property currently has one single family home and a garage on it. Three sides of this property are either zoned or used for commercial purposes. The developer of this project is proposing a 56 unit apartment complex; with a single access point on Gillis Hill Road (a preliminary site plan is attached). On this property, 108 units could be built in a MR-5 Zoning District without Conditional Zoning. This proposal would allow a density of approximately 9 units per acre, which fits the medium density for residential development, as allowed by the City's development code. There is a cell tower located on one of the properties to the east of this proposed site. Typically a development of this size would not meet thresholds for a Traffic Impact Analysis (TIA) . As a part of the rezoning comments (below), NCDOT made the recommendation to install turn lanes on Gillis Hill Road. NCDOT will not finalize their recommendations until a site plan has been submitted and a driveway permit application is completed.

NCDOT comments regarding West Fayetteville Place Apartments:

- Street and Driveway Access Permit will be required.
- Turn lanes will be required.
- Lateral access should be provided to adjacent properties (approximately mid route of stem road [as shown on preliminary site plan] but extended to property line on both sides).
- Pedestrian pathway connection to Wal-Mart property line could be a desire of TRC
- Sidewalk would be required along their property frontage

The Gillis Hill Road widening project ranked 122<sup>nd</sup> in the Division Needs section of the draft SPOT[CF5] priority rankings that were released last week by NCDOT. Based on the Division's allocation of approximately \$32 million/year, it is doubtful this project would be selected for funding soon.

Conditions of approval as offered by the property owner:

- 1.The development will be limited to no more than 56 units.
- 2.The building locations and public ROW illustrated on the attached plan are 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 solely for multi-family development.
- 4.Access to the site will be provided from Gillis Hill Road, subject to the approval of the City of Fayetteville and NCDOT.
- 5 Buffers and landscaping requirements will be provided per Article 30-5 of the UDO, and as generally shown on the attached site plan.
- 6.Stormwater facilities will be provided per the City of Fayetteville and NCDWQ Standards.

On March 11<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 application. The Commission voted unanimously to recommend approval.

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

- 1.The Land Use Plan calls for medium density residential on this property.
- 2.The property is mainly surrounded by commercial 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.

5.That the project meets all standards of the UDO for MR-5 Zoning Districts.

**Amendment to City Code Chapter 30 to allow outward facing sports sponsorship signs for youth team sports on fences around playing fields.**

Ms. Karen Hilton, Planning and Zoning Manager, presented this item and stated the UDO became effective August 1, 2011. Changes to the sign ordinance were very limited in the new code, and since adoption the only significant amendments have been to address the digital format of off-premise signs (billboards) and to create a new option for coordinated, creative sign packages for large developments. Recently staff was asked to consider allowing sponsors of youth sports programs and teams to advertise with their signs facing the public right of way or outside of the field rather than just facing the interior of the field as they currently can. Following a briefing to City Council at its Work Session on March 3, 2014, the Council asked the staff to prepare an ordinance for consideration by the Planning Commission and City Council. At the Planning Commission public hearing on March 18, there was one speaker in favor, representing the Kiwanis (see attached DRAFT minutes). Extensive discussion included both pros and cons and exploring options such as only seasonal display (both City enforcement and the Kiwanis representative indicated that was problematic/too labor-intensive). The Commission voted 6-1 with 1 abstention to recommend approval with three modifications, including prohibiting outward-facing signs within 500' of residentially zoned property. There are both potentially positive and negative impacts of the proposal to allow outward-facing signs for sponsors of youth team sports on fences around public or private recreational facilities.

**Pros:**

- 1.More frequent and lucrative sponsorships could be expected if the signs can provide the sponsoring individual, business or organization with greater exposure, as would happen with signs facing outward on fences readily visible from the public right of way. A Kiwanis representative estimated that at \$500 per sign an additional \$15,000 could be raised annually.
- 2.Public costs could be reduced in some cases where tax or fee support is replaced by support from sponsorships.

**Cons:**

- 1.Appearance problems could range from improperly maintained signage to sign clutter along arterial and collector streets and within neighborhoods although the proposed 500 foot separation from residentially zoned property reduces some of the impacts.
- 2.These signs can be construed as off-premise signage which is otherwise prohibited except for highly regulated billboards.
- 3.The amendment could create added administration and enforcement workloads for team volunteers, school/recreation program personnel, and City staff.

**OTHER ITEMS OF BUSINESS**

**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:

**341 Cross Creek Street**

The structure is a vacant residential home that was inspected and condemned as a blighted structure on September 16, 2013. A hearing on the condition of the structure was conducted on October 23, 2013, in which the owner did not attend. A notice of the hearing was published in the Fayetteville Observer newspaper. A subsequent Hearing Order to repair or demolish the structure within 60 days was issued and mailed to the owner on October 24, 2013. To date there have been no repairs to the structure. The utilities to this structure have been disconnected since January 2013. In the past 24 months there have been 31 calls for 911 services to the property. There have been 6 code violation cases with a pending assessment of \$149.88. The low bid for demolition is \$2,745.00.

**818 Teachers Drive**

The structure is a vacant residential home that was inspected and condemned as a blighted structure on August 4, 2013. A hearing on the condition of the structure was conducted on September 4, 2013 in which the owner 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 owner on September 6, 2013. To date there have been no repairs to the structure. The utilities to this structure are active. In the past 24 months there have been 11 calls for 911 service to the property. There have been 3 code violation cases with no pending assessments. The low bid for demolition is \$2,145.00

**259 N. Windsor Drive**

The structure is a vacant residential home that was inspected and condemned as a blighted structure on December 18, 2012. A hearing on the condition of the structure was conducted on January 16, 2013 in which the owner appeared. A subsequent Hearing Order to repair or demolish the structure within 90 days was issued and mailed to the owner on January 17, 2013. To date there have been no repairs to the structure. The utilities to this structure have been disconnected since February 2001. In the past 24 months there have been 5 calls for 911 services to the property. There has been 1 code violation case with no pending assessments. The low bid for demolition is \$3,345.00.

There being no further business, the meeting adjourned at 5:40 p.m.