

FAYETTEVILLE CITY COUNCIL
AGENDA BRIEFING MINUTES
LAFAYETTE ROOM
JULY 22, 2009
4:00 P.M.

Present: Council Members Keith A. Bates, Sr. (District 1); Bobby Hurst (District 5);
Valencia A. Applewhite (District 7)

Absent: Mayor Anthony G. Chavonne and Council Members Charles E. Evans (District
2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); William J. L. Crisp (District
6); Theodore W. Mohn (District 8); Wesley A. Meredith (District 9)

Others Present: Dale E. Iman, City Manager

Doug Hewett, Assistant City Manager

Karen M. McDonald, City Attorney

Rob Anderson, Chief Development Officer

Jimmy Teal, Planning Director

Karen Hilton, Assistant Planning Director

Craig Harmon, Planner II

Members of Press

Mr. Craig Harmon, Planner II, provided overviews of the following items scheduled for
the July 27, 2009, City Council meeting:

**Approve the rezoning from C1P Commercial District and C3 Commercial District to
MU/CZ Mixed-Use Conditional Zoning District for property located between Bragg
Boulevard and Legend Avenue. Containing 12.41 acres more or less and being the
property of TSM Property Ventures. Case No. P09-16F.**

Mr. Harmon showed a vicinity map and gave an overview of the current land use, current
zoning, surrounding land use and zoning, and 2010 Land Use Plan. He stated the applicant
wished to redevelop the property with a mix of residential, office, retail, parking and storage. He
stated the site included 302 apartment units and townhouses, 23,000 square feet of office and
retail use, 18,000 square feet of storage and two parking decks and there were four buildings
ranging in height from three stories to five stories. He stated the Zoning Commission and the
Planning staff concurred with the applicant's request for mixed use conditional zoning in
accordance with the site plan.

Council members asked for clarification on the fire service, wetlands, and traffic
congestion. Mr. Rob Anderson, Chief Development Officer, advised this was a rezoning and
that all of those concerns would be addressed in the approval process.

**Approve the rezoning from R5 Residential District and C3 Commercial District to C3/CZ
Commercial District/Conditional Zoning District for property located at 705 Robeson
Street. Containing 0.36 acres more or less and being the property of Reas
Williams. Case No. P09-20F.**

Mr. Harmon showed a vicinity map and gave an overview of the current land use, current
zoning, surrounding land use and zoning, and 2010 Land Use Plan. He stated the applicant
wished to rezone a vacant parcel next to his auto repair shop currently zoned R5 and rezone his
auto repair shop currently zoned C3 to C3 Conditional zoning allowing the use of the vacant
parcel to house the vehicles at the shop. He stated in exchange for changing the vacant parcel
from residential to commercial the applicant would fence the vacant property using opaque
fencing, plant landscaping to conceal the fenced area, paint the existing auto repair shop
building a neutral color, and place the cars within the fenced area. He stated the Zoning
Commission and the Planning staff concurred with the applicant's request and site plan.

Council members requested clarification on staff's recommendation for approval. Staff
explained the conditional rezoning would allow the business to expand with the noted
improvements. Staff stated to deny the rezoning would make the business nonconforming and
would allow the owner to continue the business for auto repair as a nonconforming use.

Approve the rezoning from R5A Residential District to C1 Commercial District or to a more restrictive zoning classification for property located at 1828 Murchison Road. Containing 0.18 acres more or less and being the property of R. Peyton Gibson, Trustee. Case No. P09-21F.

Mr. Harmon showed a vicinity map and gave an overview of the current land use, current zoning, surrounding land use and zoning, and 2010 Land Use Plan. He stated the applicant wished to rezone an existing nonconforming use to C1 Commercial District in order to use the business for retail uses. He stated the Zoning Commission concurred with the applicant's request. He stated that although the Murchison Road Land Use Map recommended residential uses for this property, staff believed that P2 Professional zoning would be a better fit. He stated with commercial activity next to and in front of this property, residential would not be a viable use and as such, the Planning staff recommended P2 Professional District for the site.

Consider an application by Pegasus Tower Company for a Special Use Permit to allow a 195 foot telecommunications tower in a R15 Residential District for property located adjacent to 3085 Strickland Bridge Road. Containing 40.12 acres more or less and being the property of Joseph Gillis. Case No. P09-18F.

Mr. Harmon showed a vicinity map and gave an overview of the current land use, current zoning, surrounding land use and zoning, and 2010 Land Use Plan. He state the applicant wished to construct a telecommunication tower at this location standing 195 feet. He stated the Zoning Commission and Appearance Commission recommended approval of the request with conditions.

Council Member Bates inquired whether this would require RULAC approval. Mr. Harmon also stated this was required to go before the Appearance Commission.

Consider the rezoning from R6 Residential District to C1 Commercial District or to a more restrictive zoning classification for property located at 2215 Murchison Road. Containing 0.16 acres more or less and being the property of John and Mable Council. Case No. P09-19F.

Mr. Harmon showed a vicinity map and gave an overview of the current land use, current zoning, surrounding land use and zoning, and 2010 Land Use Plan. He stated the applicant wished to use the property for nonresidential uses. He stated that although the Murchison Road Land Use Map recommended residential uses for this property, it was the Zoning Commission and staff's opinion that P2 Professional was a better fit. He stated the P2 zoning would allow residential uses and that was consistent with the Murchison Road Study, but with commercial on two sides and in front of this property it was highly unlikely anyone would develop the property residentially. He stated for these reasons, the Planning staff recommended P2 Professional District. He stated the applicant concurred with the Planning staff's recommendation for P2 Professional zoning.

There being no further business, the meeting adjourned at 4:40 p.m.