

**FAYETTEVILLE CITY COUNCIL
AGENDA BRIEFING MINUTES
LAFAYETTE ROOM
JUNE 23, 2010
4:00 P.M.**

Present: Mayor Anthony G. Chavonne (departed at 4:50 p.m.)
Council Members Keith A. Bates, Sr. (District 1); Kady-Ann Davy (District 2) (arrived at 4:20 p.m.); Darrell J. Haire (District 4) (departed at 4:55 p.m.); Bobby Hurst (District 5) (arrived at 4:15 p.m.); William J. L. Crisp (District 6)

Absent: Council Members Robert A. Massey, Jr. (District 3); Valencia A. Applewhite (District 7); Theodore W. Mohn (District 8); Wesley A. Meredith (District 9)

Others Present: Dale Iman, City Manager
Kristoff Bauer, Assistant City Manager
Doug Hewett, Assistant City Manager
Karen M. McDonald, City Attorney
Janet Smith, Assistant City Attorney
Rob Anderson, Development Services Director
Karen Hilton, Planning Division Manager
Craig Harmon, Planner II
Charles Lewis, Senior Code Enforcement Administrator
Press

City staff presented the following items scheduled for the Fayetteville City Council's June 28, 2010, agenda:

CONSENT ITEMS:

Case No. P10-16F. The rezoning of property located at 9271 Cliffdale Road from AR and R15 Residential Districts to R10 Residential District. Virginia Newton Barefoot, owner. 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. He stated the property was surrounded by R15, AR Residential, and R10 zoning. He stated the existing subdivisions zoned R15 were built prior to the extension of public water and sewer to the area. He stated the Zoning Commission and Planning staff would recommend approval of the rezoning based on the following: (1) the 2010 Land Use Plan called for low-density residential for the property and R10 was one of the City's low-density districts; (2) the public utilities would be available to the development; and (3) Cliffdale Road was a major thoroughfare which would be appropriate for reasonable access.

Case No. P10-17F. The rezoning of the property located at 4456 Carula Lane from AR Residential District to R10 Residential District. Richard V. West, owner. 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. He stated the R10 property to the east of the rezoning had an approved subdivision (Summer Grove) with 60 new lots planned. He stated an additional 14 acres adjacent to the rezoning had recently been rezoned to R10 for single-family housing. He stated that since this was not a conditional rezoning, access to the site would still be in question. He stated the Zoning Commission and Planning staff would recommend approval of the rezoning based on the following: (1) the 2010 Land Use Plan called for low-density residential and R10 was one of the City's low-density districts; (2) the property abutted an already approved subdivision zoned R10; and (3) the 2030 Growth Vision Plan stated that development should occur at densities appropriate for the site. He stated the recommended zoning would be appropriate for the level of service and compatible with the proposed/existing homes in the area.

Case No. P10-19F. The rezoning of the property located at 1140 Mintz Mill Road from R10 Residential District to C1P Commercial District. J. B. Rouse, III, and wife, Virginia,

owners.

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. He stated the property was located on a major thoroughfare with commercial zoning on two sides and multi-family in the rear. He stated the area was annexed into the City in 1988 and at that time the two adjacent properties were already zoned commercial by the County. He stated the two zoning districts were converted to the City equivalent district when the area was annexed. He stated the Zoning Commission and Planning staff would recommend approval of the rezoning based on the following: (1) although the 2010 Land Use Plan called for low-density residential, the property was between two commercially zoned properties; (2) the property was located along a major thoroughfare, but with commercial on both sides was not well positioned for stable residential development; and (3) the nearest single-family residential district was across Pamalee Drive, a five-lane thoroughfare.

Case No. P10-20F. The rezoning of the property located at 6452 Raeford Road from R10 Residential and PND Planned Neighborhood Development Districts to R6/CZ Residential Conditional Zoning District. Wayne S. West, Vincent J. West, Joseph P. Riddle, III, Carolyn R. Armstrong, and Sharlene R. Williams, owners.

Mr. Craig Harmon, Planner II, presented this item and stated the Planning staff requested this item be deferred to a future City Council meeting. He stated the meeting date would be contingent upon the completion, receipt, and review of the Traffic Impact Analysis.

PUBLIC HEARING ITEMS:

Case No. P10-15F. Appeal of a Zoning Commission recommendation to rezone the property located at 1506 Mazie Loop from R10 Residential District to P2 Professional District. Applicants Matthew and Catherine Levy requested C1P.

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. He stated the applicants' stated purpose for rezoning the property was for medical offices/facilities. He stated the property was surrounded by a mix of uses and there were commercial zoning districts adjacent to the property. He stated the C1P to the north was mainly developed as professional offices and the C3 was currently part of an apartment/condominium complex (tennis courts). He stated road access was a concern for the property as there was no clear public access, although the applicant stated that access would be provided through the adjoining commercial/professional development to the east. He stated there was no enforceable site plan that was part of the application, as this was not a conditional rezoning. He stated Mazie Loop was a dirt drive and was not appropriate for commercial/ professional access to the property. He stated a change in use as proposed would require a driveway permit from the City Traffic Engineer. He stated the Planning staff was recommending that no access be provided through the residential neighborhood for any nonresidential development. He stated currently the property has been cited for a violation of the City Code for property maintenance. He stated the Zoning Commission and Planning staff would recommend approval of the rezoning to a P2 District, not C1P as requested by the applicants, based on the following: (1) although the 2010 Land Use Plan called for low-density residential, the property should serve as a buffer between commercial and residential properties (P2 zoning would allow either office or residential uses); (2) C1P Commercial was usually not an appropriate district when abutting residential, especially with the parcel location, the property was mostly surrounded by established residential areas; (3) the 2030 Growth Vision Plan called for professional districts to be used as transition areas.

Case No. P10-18F. Special Use Permit to allow the location of a wireless telecommunications tower on property located at 4308 Rosehill Road containing 2.0 acres. Fayetteville Christian Church, Inc., owner.

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. He stated this would be a quasi-judicial hearing that would require the City Council to make its decision based on specific findings. He stated since this was a Special Use Permit, the City Council could require conditions necessary to meet the specific details and other findings necessary for approval. He stated the Planning staff recommended the following conditions for approval in addition to the site plan dated February 3, 2010:

1. Prior to issuing a building permit, there would be written confirmation that there was an agreement with one or more providers to use the tower once built.
2. The Special Use Permit would become null and void if a building permit were not issued after two years from the date of approval of the request.
3. See City Code Section 30-107(17) for specific details on the approval of communication towers.
4. An 11 x 17 inch hard copy of the site plan would be provided to the City Council for consideration and approval.

He stated the Zoning Commission and staff would recommend approval of the Special Use Permit based upon the finding that the request would fit with the character of the area in which it was to be located and that it would not be detrimental to the surrounding neighborhood based upon the submitted site plan and documentation and recommended conditions.

Ms. Janet Smith, Assistant city Attorney, explained the process for the Special Use Permit hearing.

Demolition Items

Mr. Charles Lewis, Sr., Code Enforcement Administrator, reviewed the following demolition cases:

- 134 Swain Street
- 5507 Hendrick Drive

OTHER ITEMS OF BUSINESS:

Mr. Dale Iman, City Manager, explained the following budget items:

Budget Ordinance Amendment 2010-8 (Transit) and Capital Project Ordinance 2010-24 (Transit Capital Improvements and Enhancements).

Fiscal Year 2010-2011 Budget Ordinance, Fee Schedule, Fiscal Year 2011-2015 Capital Improvement Plan, Capital Project Ordinance 2011-1, and Capital Project Amendments 2011-1 through 2011-7.

There being no further business, the meeting adjourned at 5:05 p.m.