

**FAYETTEVILLE CITY COUNCIL  
AGENDA BRIEFING MINUTES  
LAFAYETTE ROOM  
FEBRUARY 17, 2010  
5:00 P.M.**

Present: Mayor Anthony G. Chavonne

Council Members Keith A. Bates, Sr. (District 1); Kady-Ann Davy (District 2); Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); Bobby Hurst (District 5); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Theodore W. Mohn (District 8); Wesley A. Meredith (District 9)

Others Present: Dale E. Iman, City Manager  
Karen M. McDonald, City Attorney  
Doug Hewett, Assistant City Manager  
Kristoff Bauer, Assistant City Manager  
Craig Harmon, Planner II  
Marsha Bryant, Planner  
Karen Hilton, Planner Division Manager

Mr. Craig Harmon, Planner II, presented the following items scheduled for the Fayetteville City Council's February 22, 2010, agenda:

**CONSENT ITEM**

**Case No. P10-04F: The rezoning from PND Planned Neighborhood Development District to C1A Area Commercial District or to a more restrictive zoning classification for property located at the SW corner of Bingham Drive and Bailey Lake Road. Containing 7.1 acres more or less and being the property of Rivers of Living Water Church of God, Inc., and Diane and Donald Johnson.**

Mr. Craig Harmon, Planner II, presented this item. 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 explained the property had been zoned and approved through Cumberland County as a PND Planned Neighborhood Development District which would allow for a mix of use when a PND Plan was submitted and approved. He explained that if a PND plan was not submitted or not approved, then the property could be developed under the standards for a R10 Residential District. He stated no PND Plan was ever submitted to the County for the property. He stated the Zoning Commission and Planning staff recommended approval of the rezoning to C1A based on the 2010 Land Use Plan calling for high-density commercial on the property, the property having access to both major and minor thoroughfares, and the 2030 Growth Vision Plan calling for smaller scale commercial development to be clustered in locations convenient to surrounding residential areas.

**PUBLIC HEARING ITEMS**

**Case No. P09-41F: Appeal of Zoning Commission denial of request to rezone property located at 1802 Conover Drive from R10 Residential District to P2 Professional District. KAAVU LLC, owner.**

Mr. Craig Harmon, Planner II, presented this item. 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 informed Council that the redesign of the Hospital facilities changed the character of the area along Village Drive and caused an increase in rezoning requests. He stated the **Zoning Commission and Planning Staff recommended denial of the rezoning based on** (1) a straight map change could facilitate a more coordinated redevelopment of both this and the corner lot, but it would also allow individual use of this single lot for office use, thus facilitating inappropriate nonresidential encroachment into the neighborhood; (2) while hospital activity and the noise of the emergency entrance drive suggested that offices were appropriate long-term uses in the immediate area, the lots along Village and Conover Drives were not big enough individually to be re-used for offices without

having negative impacts on both the neighborhood behind them and the function and appearance of the corridor; (3) appropriate re-use or redevelopment in the immediate area would include a substantial buffer establishing a protective edge for the neighborhood, a landscaped streetscape, coordinated access, and an urban building pattern; and (4) individual rezoning should not occur in this one to two block area unless either a small area plan was completed and an overlay was in place to achieve at least the objectives in number 3 above, or the application included a conditional zoning and the site plans achieved the objectives in number 3 above. He stated that either approach would help assure that adequate and appropriate parking, landscaping/buffering, access, and building size/height were achievable.

**Case No. P09-50F: Appeal of a Zoning Commission denial of a request to rezone from R10 Residential District to P2 Professional District or to a more restrictive zoning classification for property located at 3405, 3409, 3413 Village Drive. Billy R. and wife, Catherine W., Parker, owner.**

Mr. Craig Harmon, Planner II, presented this item. 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 informed Council that the redesign of the Hospital facilities changed the character of the area along Village Drive and caused an increase in rezoning requests. He stated the **Zoning Commission and Planning Staff recommended denial of the rezoning based on** (1) a straight map change could facilitate a more coordinated redevelopment of both this and the corner lot, but it would also allow individual use of the single lot for office use, thus facilitating inappropriate nonresidential encroachment into the neighborhood; (2) while hospital activity and the noise of the emergency entrance drive suggested that offices were appropriate long-term uses in the immediate area, the lots along Village and Conover Drives were not big enough individually to be re-used for offices without having negative impacts on both the neighborhood behind them and the function and appearance of the corridor; (3) appropriate re-use or redevelopment in the immediate area would include a substantial buffer establishing a protective edge for the neighborhood, a landscaped streetscape, coordinated access, and an urban building pattern; and (4) individual rezoning should not occur in this one to two block area unless either a small area plan was completed and an overlay was in place to achieve at least the objectives in number 3 above or the application included a conditional zoning and the site plans achieved the objectives in number 3 above. He stated either approach would help assure that adequate and appropriate parking, landscaping/buffering, access, and building size/height were achievable.

**Case No. P10-02F: The rezoning from R6 Residential District to P2 Professional District or to a more restrictive zoning classification for property located at 129 North Plymouth Street. Containing 0.56 acres more or less and being the property of Tina Dicke and Bruce Morrison.**

Mr. Craig Harmon, Planner II, presented this item. 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 while the 2010 Land Use Plan calls for high-density commercial across Plymouth Street from the property, the County now looks to the 2030 Growth Vision Plan for guidance in approving rezoning. He stated that County staff had indicated that they would be unlikely to recommend a commercial rezoning on the property across the street unless it was part of a major development/concept plan. He stated rezoning a single small area in the middle of the block, contrary to the Land Use Plan and without other compelling reasons, was often viewed as spot zoning which was considered contrary to professional planning practices. He stated the Zoning Commission and Planning staff recommended denial of the rezoning based on (1) the 2010 Land Use Plan calling for medium-density residential, (2) the 2030 Growth Vision Plan calling for caution in rezoning residential area to commercial uses just because they were on or near a highway, (3) currently single-family residential (including owner occupied) and agricultural uses surrounded the property, and (4) spot zoning.

**Case No. P10-03F: The rezoning from AR Residential District to R10 Residential District or to a more restrictive zoning classification for property located at 4584 Carula**

**Lane. Containing 14.91 acres more or less and being the property of Pamela Autry and Martha West.**

Mr. Craig Harmon, Planner II, presented this item. 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 Zoning Commission and Planning staff recommended approval of the rezoning based on (1) the 2010 Land Use Plan calling for low-density residential (R10 being one of the City's low-density districts), (2) the property abutting an already approved subdivision zoned R10, and (3) the 2030 Growth Vision Plan stating 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. P10-05F: The rezoning from R6 and R10 Residential Districts to M2 Industrial District or to a more restrictive zoning classification for property located at 624, 628, 708, and 714 Dunn Road and David J Road, and being all of Bishop Salvage Yard. Containing 26.38 acres more or less and being the property of David and Jill Soles and Gerald Bishop and Bishop Leasing.**

Mr. Craig Harmon, Planner II, presented this item. 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 currently there was a salvage yard in operation on the properties and it was a nonconforming use on residentially zoned property and a significant portion of the property was also within the floodplain property. He informed Council that the rezoning request was in response to an ordinance adopted by City Council in November 2008 that established a three-year amortization process to close and remove all vehicles/junk from any non-conforming salvage yard by January 1, 2012. He stated the applicant had been cited for being in violation of the first year's requirements. He stated staff was continuing to research operational aspects and stated review/inspection procedures in the case and updates would be provided where relevant. He stated the Zoning Commission recommended approval of the rezoning based on (1) the history of compatibility with surrounding properties, (2) the sufficient area and separation possible for this type of operation, (3) the loss of jobs if the salvage yard was shut down, and (4) that the applicant would have to submit an application for a Special Use Permit as well, where specific conditions could help mitigate concerns. He stated the Planning staff recommended denial of the rezoning based on (1) the 2010 Land Use Plan recommending medium-density residential and open space or conservation uses for the properties, (2) the existing land use was a nonconforming salvage yard (rezoning to M2 would be contrary to the objectives of the recently adopted ordinance requiring the closing and removal of all vehicles from such salvage yards), (3) the M2 industrial was the least restrictive (most permissive) zoning district in the City (it would allow a variety of commercial and heavy industrial uses that would be inappropriate for the area based on the property being within the floodway or the 100-year floodplain), and (4) the applicant's intent was to receive M2 zoning in order to request a Special Use Permit to change the salvage yard from a nonconforming business to a conforming business. He stated this change would allow the salvage yard to continue operating beyond January 1, 2012, and the use was inconsistent with state law adopted in 2000 prohibiting salvage yards within 100-year floodplain areas.

There being no further business, the meeting adjourned at 6:30 p.m.