

FAYETTEVILLE CITY COUNCIL
AGENDA BRIEFING MINUTES
LAFAYETTE ROOM
JULY 20, 2011
4:00 P.M.

Present: Mayor Pro Tem Darrell J. Haire (District 4)
Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2) (arrived at 4:40 p.m.);
Robert A. Massey, Jr. (District 3); Bobby Hurst (District 5); Valencia A. Applewhite (District 7)
Absent: Mayor Anthony G. Chavonne and Council Members William J. L. Crisp
(District 6);
Theodore W. Mohn (District 8); James W. Arp, Jr. (District 9)

Others Present:

Dale Iman, City Manager
Kristoff Bauer, Assistant City Manager
Karen M. McDonald, City Attorney
Brian Meyer, Assistant City Attorney
Scott Shuford, Development Services Director
Karen Hilton, Planning and Zoning Division Manager
Craig Harmon, Planner II
David Nash, Planner II
Bart Swanson, Housing and Code Enforcement Division Manager
Members of the Press

Mayor Chavonne called the meeting to order at 4:00 p.m.

City staff presented the following items scheduled for the Fayetteville City Council's July 25, 2011, agenda:

CONSENT

Community Street Banners for Fayetteville Technical Community College (FTCC) 50th Anniversary

Ms. Karen Hilton, Planning and Zoning Division Manager, presented this item and provided background information. She explained the banners would depict the College's 50th Anniversary logo and would be limited to 24 inches wide by 72 inches high. She stated the applicant requested to attach a total of 36 banners to utility poles on the FTCC campus and the Botanical Gardens and contacted PWC for approval to attach the banners to the utility poles. She stated the recommendation was that Council grant the special request for up to 36 community street banners for the FTCC 50th Anniversary from September 15, 2011, through March 12, 2012.

PUBLIC HEARINGS

Public Hearing (Quasi Judicial) – Request for a waiver to make payment in lieu of installation of 155 feet of sidewalk along Old Bunce Road, property that abuts a proposed 35-lot single-family residential subdivision.

Ms. Karen Hilton, Planning and Zoning Division Manager, presented this item and provided background information. She stated the developer had indicated that he would like to construct 177 feet of the sidewalk and make payment in lieu of constructing the remaining 155 feet. She stated the developer indicated that approximately 3,169 square feet of wetlands and 27 linear feet of a blue-line stream area would be impacted by the 155 feet of sidewalk. She stated the developer's engineer indicated that approval by the Army Corp of Engineers would be required and believed it would be difficult and expensive to obtain. She noted there were public activity centers, i.e., schools and recreation areas, not far from the site but on the other side of the wetlands area, and if it were possible the sidewalk should continue in some manner. She stated the Engineering staff was currently reviewing other possible approaches for a pedestrian pathway/sidewalk that would minimize wetlands/stream impact and would report on those approaches at the public hearing. She explained that due to the quasi-judicial nature of the request, all of the following findings of fact must be shown to approve the waiver request:

- 1.A waiver may be granted if the developer can show that the provision would cause unnecessary hardship if strictly adhered to.
- 2.A waiver may be granted due to topographical or other conditions peculiar to the site.
- 3.A waiver may be granted if the intent of the ordinance is not destroyed.

Ms. Hilton stated the Planning Commission and staff recommended approval of the requested sidewalk waiver based on the stated findings and allow the payment in lieu of construction of the 155 feet of sidewalk.

Mr. Dale Iman, City Manager, pointed out that Bunce Road was programmed for widening to four lanes but no timeline had been identified.

Public hearing to consider a petition requesting annexation by Baywood Point, LLC, and Savvy Homes, LLC, for 16.7+ acres on the western side of Baywood Road.

Mr. David Nash, Planner II, presented this item and provided background information. He stated the property was located within the City's MIA and because PWC water and sewer services were requested, a petition requesting annexation was required. He stated staff was working with the current owners to limit any sufficiency issues during Council consideration. He stated there were no identified problems extending services to the petitioned properties. He explained the effective date would be December 31, 2011, since they would not have time to preclear prior to election and staff recommended adoption of the annexation ordinance with an effective date of December 31, 2011.

Consideration of an ordinance amending the Unified Development Ordinance (UDO) to address errors or clarifications.

Mr. Scott Shuford, Development Services Director, presented this item and explained the UDO remapping process involved returning with the entire 75,000 plus properties, re-noticing ~5,000 property owners who live outside the immediate notice area, and re-running the one-half page advertisement. He stated the core principles in the remapping process were (1) being consistent in applying the guidelines such as a 1:1 match, avoidance of creating new nonconforming uses, and a conservative approach for close calls; (2) individual notices not being possible, and (3) the community's expectations being that they stay within the guidelines. He stated at the July 12, 2011, Zoning Commission meeting, they considered the remapping item, heard from Neil Yarborough (39 June protest petition properties), three property owners covered under the June protest petition (Riddle, Gillis, and Stout), and three other property owners. He stated the Zoning Commission recommended to approve the remapping with the above properties zoned as requested by the property owners. He stated at the July 19, 2011, Planning Commission meeting they considered two text amendments—urban agriculture and height limits in LC and CC. He stated the expectations for the July 25, 2011, meeting were that Council would hear from property owners who attended the Zoning Commission meeting, other previously-involved property owners (Kingdom Impact, Williams, Blanchard, etc.), property owners inspired by the Zoning Commission action, and persons still concerned about urban agriculture. He stated the recommendation was to approve the text amendments and remapping as presented by City staff.

Mr. Dale Iman, City Manager, distributed a memo regarding the Dangerous Animal Task Force National Response Team.

Council Member Applewhite requested information on how success would be defined in the agreement.

Mr. Iman advised of server issues for AOL account users and as a result some Council members may not have been receiving emails from City staff.

There being no further business, the meeting adjourned at 5:20 p.m.