

**FAYETTEVILLE CITY COUNCIL
SPECIAL AGENDA BRIEFING MINUTES
LAFAYETTE ROOM
DECEMBER 7, 2011
4:00 P.M.**

Present: Mayor Anthony G. Chavonne

Council Members Keith 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); Wade Fowler (District 8); James W. Arp, Jr. (District 9)

Others Present:

Dale E. Iman, City Manager
Doug Hewett, Assistant City Manager
Kristoff Bauer, Assistant City Manager
Karen M. McDonald, City Attorney
Brian Meyer, Assistant City Attorney
Tom Bergamine, Chief of Police
Patricia Bradley, Police Attorney
Lisa Smith, Chief Financial Officer
Rusty Thompson, City Engineer
Scott Shuford, Development Services Director
Craig Harmon, Planner II
John Kuhls, Human Resource Development Director
Bart Swanson, Housing and Code Enforcement Division Manager
Frank Lewis, Sr., Code Enforcement Administrator
Doug Maples, Building Plan Review and Inspection Division Manager
Rebecca Rogers-Carter, Management Services Manager
Jennifer Lowe, Public Information Officer
Nathan Walls, Public Information Specialist
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 December 12, 2011, agenda:

CONSENT ITEMS:

Case No. P11-58F. Rezoning from LC Limited Commercial District to CC/C Community Commercial Conditional District, or a more restrictive district, on property located at Legend Avenue and Sycamore Dairy Road. Containing 3.1 acres more or less and being the property of Legend Hospitality One, LLC.

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 applicant's plans were to build a six-story hotel, but explained hotels allowed in the current LC district were restricted to four stories. He stated the CC district with conditions would allow the applicant to build a six-story hotel. He stated the owner offered the following conditions: (1) restrict to visitor accommodations as allowed in the CC district and (2) retain remaining rights allowed under the LC district. He stated the Zoning Commission and staff recommended approval of the rezoning to CC/C district based on the proposal matching the City's Land Use Plan; with the conditions offered by the owner, the zoning request would only extend allowances of visitor accommodations in the CC district and all other uses would remain as LC; and compatibility with surrounding uses.

Case No. P11-59F. Rezoning from SF-6 Single Family Residential District to NC Neighborhood Commercial District, or a more restrictive district, on property located at 4820 Rosehill Road. Containing 1 acre more or less and being the property of Westarea Volunteer Fire Department, Inc. (OI Office and Institutional recommended).

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 applicant wished to rezone the property in order to sell it. He stated the Zoning Commission and staff recommended that the OI district would be a better fit since there was already OI zoning across from the property. He stated the property was currently nonconforming under the UDO and would remain so with a rezoning. He stated the Zoning Commission and staff recommended approval of a lesser OI district based on the previous use of the property, the existing building on the property, and the proximity to other OI districts. He stated the City would be required to provide an increase in public services that should be offset by the increase the development would bring to the City's tax base.

Case No. P11-60F. Rezoning from OI Office and Institutional District to LC/C Limited Commercial Conditional District, for a community gymnastics center, on property located at 417 Country Club Drive. Containing 2.4 acres more or less and being the property of New Century Bank.

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 applicant offered the following conditions: (1) LC uses would be restricted to only a gym; (2) retain all uses under the OI district; and (3) Type D, Opaque buffer where bordering residential districts, as listed in the UDO. He stated the Zoning Commission and staff recommended approval of the LC/C district based on the uses conditioned to only allow a gym under the LC zoning and all other uses and the proximity to other OI zoning.

Case No. P11-61F. Rezoning from CC Community Commercial District to MR-5 Mixed Residential District, or a more restrictive district, of a portion of property located at 4701 Raeford Road and Scotland Drive. Containing 10.51 acres more or less and being the property of Mitchell Properties of Florence, Inc.

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 Land Use Plan called for Heavy Commercial on the property, however, it was staff's opinion that Mixed Residential would also be appropriate since MR-5 was already on two sides of the property and should make a good redevelopment of a vacant property. He stated the Zoning Commission and staff recommended approval of the MR-5 district based on reuse of a previously developed site, the proximity to other MR-5 zoning, and the multiple access points since the proposal joins two different roads.

OTHER ITEMS OF BUSINESS:

Uninhabitable structures demolition recommendations:

Mr. Bart Swanson, Housing and Code Enforcement Division Manager, presented this item and stated staff was requesting demolition of four buildings determined to be dangerous or blight. He reviewed the following demolition recommendations:

1103 Bunce Road

Mr. Swanson stated the structure was a residential home that was inspected and condemned as a blighted/abandoned structure. He stated the owner had not appeared at the hearing and therefore an order to repair or demolish the structure within 60 days was issued. He stated to date there were no repairs to the structure and the utilities were disconnected on February 18, 2009. He stated within the past 24 months there had been three calls for 911 service and four code violations, one of which was abated by the City. He stated the low bid for demolition of the structure was \$3,000.00.

606 Mechanic Street

Mr. Swanson stated the structure was a residential home that was inspected and condemned as a blighted/abandoned structure. He stated the owners had not appeared at the hearing and therefore an order to repair or demolish the structure was issued. He stated to date there were no repairs made to the structure and the utilities were disconnected June 1, 2010. He stated within the past 24 months there were no calls for 911 service at the property and one code

violation case. He stated the low bid for demolition of the structure was \$1,400.00.

608 Mechanic Street

Mr. Swanson stated the structure was a residential home that was vacant and the subject of a fire and condemned as a dangerous/abandoned structure. He stated the owners had not appeared at the hearing and therefore an order to repair or demolish the structure within 60 days was issued. He stated to date there were no repairs made to the structure and the utilities were disconnected October 15, 2010. He stated within the past 24 months there had been 18 calls for 911 service and 3 code violation cases, one of which was abated by the City. He stated the low bid for demolition of the structure was \$1,400.00.

6526 Portsmouth Drive

Mr. Swanson stated the structure was a residential home that was the subject of a fire. He stated the owner attended the hearing and an order to repair or demolish within 120 days was issued. He stated to date there were no repairs to the structure and the utilities were disconnected December 28, 2011. He stated within the past 24 months there had been 21 calls for 911 service and 2 code violations, both of which were abated by the owner. He stated the low bid for demolition of the structure was \$1,800.00.

There being no further business, the meeting adjourned.