

**FAYETTEVILLE CITY COUNCIL
AGENDA BRIEFING MINUTES
LAFAYETTE ROOM
AUGUST 17, 2011
4:00 P.M.**

Present: Mayor Anthony G. Chavonne (arrived at 4:20 p.m.)
Council Members Keith Bates, Sr. (District 1); Kady-Ann Davy (District 2) (arrived at 4:35 p.m.);
Darrell J. Haire (District 4); Bobby Hurst (District 5); 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); James W. Arp, Jr. (District 9)

Others Present:

Dale Iman, City Manager
Kristoff Bauer, Assistant City Manager
Doug Hewett, Assistant City Manager
Karen M. McDonald, City Attorney
Scott Shuford, Development Services Director
Karen Hilton, Planning and Zoning Division Manager
Craig Harmon, Planner II
Bart Swanson, Housing and Code Enforcement Division Manager
Frank Lewis, Senior Code Enforcement Administrator
Members of the Press

Mayor Pro Tem Haire called the meeting to order at 4:00 p.m.

City staff presented the following items scheduled for the Fayetteville City Council's August 22, 2011, special agenda:

OTHER ITEMS OF BUSINESS

Uninhabitable Structures Demolition Recommendations: 301 Cochran Avenue, 1504 Gillespie Street, and 6418 Ginger Circle

Mr. Bart Swanson, Housing and Code Enforcement Division Manager, presented this item and briefly reviewed the history and condition of each structure. He stated the recommendation was adoption of the ordinances authorizing demolition of the structures.

City staff then presented the following items scheduled for the Fayetteville City Council's August 22, 2011, regular agenda:

PUBLIC HEARINGS

Case No. P11-11F. Request for rezoning from SF-6 Residential District to LC Limited Commercial District on property located at 120 Lock Trail. Containing 0.39 acres more or less and being the property of Anna B. Singleton.

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 remodeling business at the corner of Cedar Creek and Clinton Roads wished to use the property as additional parking for its existing building and new warehouse. He stated the property currently had a rental house that would be removed if the rezoning were approved. He stated the Zoning Commission and staff recommended approval of the rezoning.

Case No. P11-12F. Request for a Special Use Permit (SUP) for a child care center in the OI Office/Institutional zoning in the Hospital Area Overlay District, on property located at 3401 Village Drive and 1802 Conover Drive. Containing 0.36 and 0.48 acres more or less and being the property of Kavv, LLC, Series 4, and Edward D. Lowry.

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 intended to use both the existing office building fronting Village Drive and the home behind it on Conover Drive for the Center. He stated the closest child care center was over 1,000 feet away and the requirement under the UDO was a

minimum 500-foot separation. He stated the Zoning Commission recommended approval of the SUP based upon the following findings of fact:

- 1.The special use complies with all applicable standards in Section 30-4.C, Use-Specific Standards;
- 2.The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands;
- 3.The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;
- 4.The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands;
- 5.The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;
- 6.The special use maintains safe ingress and egress onto the site and safe road conditions around the site;
- 7.The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; and
- 8.The special use complies with all other relevant City, State, and Federal laws and regulations.

Case No. P11-13F. Residential District/Conditional Zoning district to develop 78 duplex apartments on property located North of Fisher Road. Containing 8.29 acres more or less and being the property of Willie J. Sigler and wife, Gabrie.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon stated that staff was requesting that this rezoning be tabled. He stated it was a conditional zoning, a site plan was involved, and they wanted to make sure the site plan had the chance to go through the Technical Review Committee and meet all the requirements of the UDO before the project went forward.

Case No. P11-15F. Request for rezoning from HI Heavy Industrial District to MR-5 Mixed Residential District on property located along Grace Avenue (east side of Old Wilmington Road). Containing 1 acre more or less and being the property of the City of Fayetteville.

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 properties were owned by Habitat for Humanity and wanted to build new homes on the vacant lots. He stated MR-5 zoning would be consistent with all other residential districts in the area. He stated some of the existing lots in the request would be nonconforming in size in an SF-6 zoning district. He stated the Zoning Commission and staff recommended approval of the rezoning to Mixed Residential 5.

Case No. P11-18F. Request for rezoning from AR Agricultural Residential District to SF-6 Residential District on property located at Clifdale and Lowell Harris Roads. Containing 29.42 acres more or less and being the property of Retha H. Newton.

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 road frontage on the property was on both Clifdale and Lowell Harris Roads. He stated the Land Use Plan called for low-density residential bordered by medium-density residential. He stated the Zoning Commission and staff recommended approval of the rezoning to SF-6. Mr. Harmon noted that under the UDO, multifamily was allowed in the SF-6 District but only under a Special Use Permit. He explained if the rezoning were approved, the only way that multifamily could be put on the property would be to have it brought back through the Zoning Commission to the City Council and have a hearing for a Special Use Permit and conditions could be added.

Case No. P11-19F. Request for a Special Use Permit (SUP) for a Collision Center in the CC Community Commercial District on property located at 5510 Clifdale Road.

Containing 3.3 acres more or less and being the property of Harris Wholesale, 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 property was the former Harris Distribution Center

(Anheuser Bush) on Cliffdale Road near Skibo Road and the facility had been vacant for two years. He stated Hendrick Motors wanted to purchase the property and turn the former warehouse into an auto paint, body, and repair center. He stated the amount of renovations to the building would require it to come into compliance with the UDO standards. He stated no site plan was required at this time since all renovations would be to the interior of the building. He stated the Zoning Commission recommended approval of the SUP based upon the following findings of fact:

- 1.The special use complies with all applicable standards in Section 30-4.C, Use-Specific Standards;
- 2.The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands;
- 3.The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;
- 4.The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands;
- 5.The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;
- 6.The special use maintains safe ingress and egress onto the site and safe road conditions around the site;
- 7.The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; and
- 8.The special use complies with all other relevant City, State, and Federal laws and regulations.

Case No. P11-20F. Request for rezoning from LC Commercial District to MR-5 Residential District on property located at 4049 Rosehill Road. Containing 2.33 acres more or less and being the property of Carrie C. Andrews.

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 zoned commercial by the County some years ago and could be a good case for an illegal spot zoning. He stated the owners of the property were currently developing the land behind it with apartments and if rezoned would propose to make the property part of the development. He stated the applicant was waiting for rezoning approval to continue the development. He stated the 2010 Land Use Plan called for the area to be developed as medium-density residential. He stated the Zoning Commission and staff recommended approval of the rezoning to Mixed Residential-5.

CONSENT

Case No. P11-21F. Request for rezoning from R10 Residential District to OI Office and Institutional District in the Hospital Area Overlay District, on property located at 3410 Village Drive. Containing 0.50 acres more or less and being the property of Michael A. Leke.

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 village Drive in an area designated for Office and Institutional use by both the 2010 Land Use Plan and the Hospital Area Overlay Plan. He stated the applicant wished to build a new medical office on the property. He stated the property had just over the minimum lot size of 20,000 square feet required by the Hospital Overlay District. He stated the Zoning Commission and staff recommended approval of the rezoning.

Case No. P11-12F. Request for a Special Use Permit (SUP) for a child care center in the OI Office/Institutional zoning in the Hospital Area Overlay District, on property located at 3401 Village Drive and 1802 Conover Drive. Containing 0.36 and 0.48 acres more or less and being the property of Kavv, LLC Series 4 and Edward D. Lowry.

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 intended to use both the existing office building fronting Village Drive and the home behind it on Conover Drive for the Child Care Center. He stated the closest child care center was over 1,000 feet away and the requirement under the UDO was a minimum 500-foot separation. He stated the Zoning Commission recommended approval of the SUP based upon the following findings of fact:

- 1.The special use complies with all applicable standards in Section 30-4.C, Use-Specific Standards;
- 2.The special use is compatible with the character of surrounding lands and the uses permitted in the zoning district(s) of surrounding lands;
- 3.The special use avoids significant adverse impact on surrounding lands regarding service delivery, parking, loading, odors, noise, glare, and vibration;
- 4.The special use is configured to minimize adverse effects, including visual impacts of the proposed use on adjacent lands;
- 5.The special use avoids significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources;
- 6.The special use maintains safe ingress and egress onto the site and safe road conditions around the site;
- 7.The special use allows for the protection of property values and the ability of neighboring lands to develop the uses permitted in the zoning district; and
- 8.The special use complies with all other relevant City, State, and Federal laws and regulations.

Mayor Chavonne and Mr. Dale Iman, City Manager, explained after the 6:00 p.m. meeting items, the meeting would adjourn and the 7:00 p.m. meeting would be held for the zoning items.

Staff inquired about another agenda briefing for zoning items on August 29, 2011. Staff advised there would be a zoning meeting on August 18, 2011.

Mr. Scott Shuford explained the consent item regarding renovation fees.

There being no further business, the meeting adjourned at 4:50 p.m.