

**FAYETTEVILLE CITY COUNCIL
AGENDA BRIEFING MINUTES
LAFAYETTE ROOM
OCTOBER 6, 2010
4:00 P.M.**

Present: Mayor Anthony G. Chavonne (departed at 5:29 p.m.)

Council Members Keith A. Bates, Sr. (District 1); Kady-Ann Davy (District 2) (arrived at 4:10 p.m.); Darrell J. Haire (District 4) (departed at 4:50 p.m. and returned at 6:32 p.m.); Bobby Hurst (District 5) (departed at 5:15 p.m.); William J. L. Crisp (District 6); Valencia A. Applewhite (District 7); Wesley A. Meredith (District 9) (departed at 5:15 p.m.)

Absent: Council Members Robert A. Massey, Jr. (District 3); Theodore W. Mohn (District 8)

Others Present:

Dale Iman, City Manager

Kristoff Bauer, Assistant City Manager

Janet Smith, Assistant City Attorney

Bradley Whited, Airport Director

Rob Anderson, Chief Development Officer

Karen Hilton, Planning & Zoning Division Manager

Craig Harmon, Planner II

David Nash, Planner II

Rita Perry, City Clerk

Press

City staff presented the following items scheduled for the Fayetteville City Council's October 11, 2010, agenda:

CONSENT ITEMS:

Airport land acquisition along Doc Bennett Road, Budget Ordinance Amendment 2011-3 and Capital Project Ordinance 2011-7.

Mr. Bradley Whited, Airport Director, presented this item and provided an overview. He stated the Airport Commission recommended the purchase of 35.1 acres along Doc Bennett Road.

Case No. P10-30F. The rezoning of 82.87 acres between Santa Fe Drive, Bragg Boulevard, All American Freeway, and Fort Bragg Military Reserve (the Military Business Park) from R6 Residential and C1P and C3 Commercial Districts to M2 Industrial District. Waverly Broadwell Family LLC and Broadwell Brothers LLC, owners.

Mr. Rob Anderson, Chief Development Officer, presented this item. Mr. Anderson showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He clarified that the purpose for rezoning was to consolidate zoning districts to accommodate a business park aimed at military contractors and support facilities. He stated the Zoning Commission and staff recommended approval of the rezoning to M2 based on the following: (1) the 2010 Land Use Plan called for heavy commercial and industrial for the property (M2 would allow for both commercial and industrial uses), and (2) the property was currently zoned mainly M2.

Council Member Bates inquired whether there would be access to Bragg Boulevard. Mr. Dale Iman, City Manager, responded in the affirmative and illustrated the location of the proposed access to Bragg Boulevard.

Case No. P10-32F. The rezoning of 0.43 acres located at 120 N. Cool Spring Street from R5 Residential District to P4 Neighborhood Professional District. Frank Crawford, owner.

Mr. Rob Anderson, Chief Development Officer, presented this item and provided a brief summary.

Case No. P10-34F. The rezoning of 3.93 acres located at 2515 Downing Road from C1P Commercial District to M2 Industrial District. Richard and Howard King, owners.

Mr. Rob Anderson, Chief Development Officer, presented this item and provided a brief summary.

Ordinance authorizing the demolition of 1301 Hillsboro Street.

Mr. Rob Anderson, Chief Development Officer, presented this item and informed Council that the building was condemned on July 28, 2010, as a dangerous or vacant/abandoned structure. He stated a hearing was held via telephone with the owner and an order issued to repair or demolish the structure within 60 days. He stated there was no progress to date and no repair or demolition permits have been issued.

A discussion period ensued regarding a property lien, the demolition contractor's responsibilities, and the funding sources.

Ordinance authorizing the demolition of the structure at 811 Bedrock Drive.

Mr. Rob Anderson, Chief Development Officer, presented this item and informed Council that the building was condemned on May 4, 2010, as a dangerous or vacant/abandoned structure. He stated a hearing was held and the owner did not attend, but had contacted the hearing officer by telephone to discuss her plans for the structure. He stated the owner was also mailed an application for the Community Development Demolition Program to assist in the removal of the structure. He stated the owner failed to repair or demolish the structure.

A brief question and answer period ensued.

PUBLIC HEARINGS:

Case No. P10-31F. The rezoning of 2.2 acres located between Raintree Drive and Coinjock Circle on the west side of Strickland Bridge Road from R10 Residential District to C1P Commercial District. Elite Investments, Inc., owners.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and provided overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the purpose for rezoning was to create commercial properties for retail outlets. He stated the Zoning Commission recommended approval of the rezoning based on the following: (1) the rezoning would not be detrimental to the surrounding neighborhood and (2) would be close enough to other commercial properties to not be spot zoning. He stated the Planning staff recommended denial of the rezoning to C1P or any other commercial district based on the following: (1) the 2010 Land Use Plan called for low-density residential; (2) the property was currently surrounded by residential zoning and uses; (3) the 2030 Growth Vision Plan cautioned against rezoning residential properties just because they front major roads; and (4) the possible illegal spot zoning.

Ms. Janet Smith, Assistant City Attorney, provided an outline of what would define spot zoning.

Case No. P10-33F. Special Use Permit to allow a nursing home in an R6 Residential District on property located at 523 Country Club Drive containing 8.66 acres. Noah and Gail Duncan, owners.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and provided overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. He stated the purpose of the rezoning was for the expansion of an existing nursing home to create more private rooms. He stated the bed count, number of clients, and staff would remain the same. He stated the Zoning Commission recommended approval based on the following: (1) the use would fit the character of the neighborhood; (2) the use would not be detrimental to the surrounding area; and (3) be built to the specifications of the site plan.

Case No. P10-36F. Special Use Permit to allow the location of a wireless telecommunications tower on property located at 1624 Ireland Drive containing 2.0 acres. Cumberland County, owner.

Mr. Craig Harmon, Planner II, presented this item. Mr. Harmon showed vicinity maps and provided overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. Mr. Harmon stated the Zoning Commission recommended approval based on the following: (1) that all requirements of the Zoning Ordinance be met regarding the site of communication towers; (2) the use would fit the character of the neighborhood; (3) the use would not be detrimental to the surrounding area; and (4) be built to the specifications of the site plan. He stated staff recommended the following conditions for

approval in addition to the submitted site plan: (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 was not issued after two years from the date of approval of the request; and (3) that the specific details of the City Code [Section 30-107(17)] will be adhered to on the approval of the communication tower.

Mr. Dale Iman, City Manager, stated an addendum to the October 11, 2010, agenda packet was forthcoming which would include the Zoning Commission minutes and all backup materials.

OTHER ITEMS OF BUSINESS:

Request for waivers from the City standards (sidewalks, curb and gutter, and right-of-way width) for property within the City of Fayetteville MIA, Baywood Point, located on the southwest corner of Highway 24 and Baywood Road.

Ms. Karen Hilton, Planning & Zoning Division Manager, presented this item. Ms. Hilton stated the developer had submitted a plan to the County Planning Department for Baywood Point Subdivision and indicated that this would be the final phase of Baywood Point. She stated the developer would like to construct the final phase of the subdivision to the same standards as the existing subdivision. She stated the existing subdivision was platted prior to the MIA agreement and did not contain sidewalks or curbs and gutters.

Council Member Meredith stated he would be recusing himself from this case.

A discussion period ensued regarding adjacent property ownership and issues pertaining to sidewalks should annexation occur.

Hospital Plan Presentation

Mr. David Nash, Planner II, presented this item and provided a summary and outlined the proposed plan.

Mr. Dale Iman, City Manager, clarified that the proposed plan would allow new requests for rezoning districts and emphasized that existing uses would remain legal nonconformities.

A discussion period ensued regarding Special Use Permits, clear cut and replanting.

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