

**FAYETTEVILLE CITY COUNCIL
AGENDA BRIEFING MINUTES
LAFAYETTE ROOM
JULY 21, 2010
4:00 P.M.**

Present: Mayor Anthony G. Chavonne

Council Members Keith A. Bates, Sr. (District 1); Kady-Ann Davy (District 2); Bobby Hurst (District 5); Valencia A. Applewhite (District 7); Wesley A. Meredith (District 9) (via telephone)

Absent: Council Members Robert A. Massey, Jr. (District 3); Darrell J. Haire (District 4); William J. L. Crisp (District 6); Theodore W. Mohn (District 8)

Others Present: Dale Iman, City Manager
Kristoff Bauer, Assistant City Manager
Doug Hewett, Assistant City Manager
Karen M. McDonald, City Attorney
Janet Smith, Assistant City Attorney
Patricia Bradley, Assistant City Attorney
Rob Anderson, Development Services Director
Rusty Thompson, City Traffic Engineer
Karen Hilton, Planning Division Manager
Kecia Parker, Senior Paralegal
Press

City staff presented the following items scheduled for the Fayetteville City Council's July 26, 2010, agenda:

CONSENT ITEMS:

Case No. P10-21F. The rezoning of 0.13 acres more or less at 2212 Murchison Road from R5A Residential District to C1 Commercial District or to a more restrictive zoning classification (C1A recommended). Adrienne D Thorpe, owner.

Ms. Karen Hilton, Planning Division Manager, presented this item. Ms. Hilton showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. She explained the site was small with very narrow limited parking and the building was small in scale and more a part of the neighborhood area with access to pedestrian-oriented uses. She stated a more appropriate zoning code should be explored based on the proposed use of a beauty shop and office space. She stated the property was located in the Murchison Road Corridor and would provide area residents with needed service and the proposed widening of Murchison Road would not impact the property. She stated the Zoning Commission and staff recommended approval of the rezoning to C1A (not C1), which would be acceptable to the applicant, based on the following: (1) the 2010 Land Use Plan called for commercial for the property, C1A was one of the City's Neighborhood Commercial Districts; (2) the public utilities would be available to the development; (3) Murchison Road was a major thoroughfare which would be appropriate for reasonable access; and (4) the Murchison Road Corridor Plan designated property to be zoned mixed. She stated staff had noted the use would continue to be conforming in the NC Neighborhood Commercial District under the Unified Development Ordinance and would continue to allow the mix of residential as well as a limited number of small scale business uses serving the adjacent neighborhoods.

Case No. P10-22F. The rezoning of 3.62 acres at 719 Murchison Road from R5 Residential District to P2 Professional District. United Gospel Fellowship Covenant Ministries, owner.

Ms. Karen Hilton, Planning Division Manager, presented this item. Ms. Hilton showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. She explained the property was formerly an assisted living facility and United Gospel Fellowship Covenant Ministries

currently owned it. She stated the Ministry would like to use the property for a community resource center, leased office space, fitness center, professional office space, education, assembly, and a café. She stated the Zoning Commission and staff would recommend approval of the rezoning to P2 based on the following: (1) the 2010 Land Use Plan called for downtown uses for the property and P2 allowed for a mix of uses similar to what was looked for in the Downtown District; (2) the property was currently institutional and vacant; and (3) the P2 Zoning District would allow for either office or residential uses, which would serve as a buffer between the commercial districts and university to the north.

Case No. P10-24F. The rezoning of 0.44 acres at 8118 Cliffdale Road from C1P Commercial District to C1 Commercial District. Norris Asset Management Trust, owner.

Ms. Karen Hilton, Planning Division Manager, presented this item. Ms. Hilton showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. She explained the purpose for rezoning was to reduce the side yard setback requirements. She stated the C1P District required a minimum 30-foot side yard setback and the C1 District allowed building to the property line with a firewall or a 3-foot setback without one. She stated that because of the width (approximately 100 feet) of the lot, C1P would limit what could be built on it. She stated the Zoning Commission and staff would recommend approval of the rezoning to C1 based on the following: (1) the 2010 Land Use Plan called for heavy commercial for the property; (2) the property was currently zoned commercial; and (3) the C1 zoning district was less restrictive than the C1P in its setback standards.

Case No. P10-25F. The initial zoning of 0.97 acres of recently annexed property at 1500 Jossie Street to R6 Residential District. Eureka Chapel Missionary Baptist Church, owner.

Ms. Karen Hilton, Planning Division Manager, presented this item. Ms. Hilton showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. She explained the City received a petition requesting voluntary contiguous annexation and the property was annexed into the City in May of 2010. She stated there was currently a church and single-family home on the property. She stated the Zoning Commission and staff would recommend approval of the R6 zoning district based on the City's policy for initial zonings of annexed areas. She stated the recommended zoning would be consistent with the adopted Land Use Plan and the recommendation would follow the City's policy of zoning to the closest zone the City has to what the property was zoned by the County. She stated in this case the City's R6 Residential was the equivalent of the County's R6A district.

PUBLIC HEARING ITEMS:

Case No. P10-16F. The rezoning of property located at 9271 Cliffdale Road from AR and R15 to R10. Virginia Newton Barefoot, owner.

Ms. Karen Hilton, Planning Division Manager, presented this item. Ms. Hilton showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. She explained the existing subdivisions zoned R15 were built prior to the extension of public water and sewer to the area. She stated the Zoning Commission and staff would recommend approval of the rezoning based on the following: (1) the 2010 Land Use Plan called for low-density residential for the property with R10 being one of the City's low-density districts; (2) the public utilities would be available to the development; and (3) Cliffdale Road was a major thoroughfare which would be appropriate for reasonable access.

Case No. P10-23F. Appeal of a Zoning Commission denial. The rezoning of 2.04 acres of property at 6016 Cliffdale Road to C1P/CZ Commercial Conditional Zoning District. Phyllis K. Hemingway, owner.

Ms. Karen Hilton, Planning Division Manager, presented this item. Ms. Hilton showed vicinity maps and gave overviews of the current land uses, current zonings, surrounding land uses and zonings, and 2010 Land Use Plan. She explained the area surrounding the

property was almost completely residential and a P2 Professional District touched one corner of the property with a separate P2 district and a C1P Commercial District to the east of the property. She stated that both P2 districts were houses that were converted to office space and the C1P was the site of the Old de Lafayette restaurant. She stated all of the other surrounding uses were either single-family or multi-family residential. She stated the following conditions of approval were offered by the applicant: (1) hours of operation for the operation office would be 7:00 a.m. to 8:00 p.m.; (2) the district would be conditioned down to only a hotel; (3) the hotel would be limited to 50 rooms; (4) conditioned to the features and locations as shown on the site plan; (5) shielded lighting to prevent light trespass; and (6) increased buffering in areas adjacent to residential development. She stated the Zoning Commission and staff would recommend denial of the rezoning based on the following: (1) the 2010 Land Use Plan called for low-density residential and the 2030 Vision Plan supported retaining the residential character; (2) the property and most of its surrounding properties were already zoned and developed for low- to moderate-density residential uses; (3) the few properties not zoned for low-density residential were residential in form and used residentially or for small business use within the residential structure; (4) although the C1P Commercial District was being conditioned down to a singular use, it was staff's opinion that a hotel was not an appropriate use for this part of Cliffdale Road; it would introduce an entirely different pattern of development with negative impacts on the neighborhood immediately behind it.

OTHER ITEMS OF BUSINESS:

Consider adoption of resolution authorizing condemnation to acquire right-of-way for the Ramsey Street Project.

Mr. Doug Hewett, Assistant City Manager, presented this item and provided a brief history of the project. Mr. Hewett stated Council had adopted a resolution on May 14, 2007, endorsing the design and construction for safety improvements for Ramsey Street and had approved a municipal agreement on July 27, 2009, which made the City responsible for right-of-way acquisitions and utility adjustments necessary to construct the project. He stated the project also included the construction of traffic signals at the intersections of Ramsey Street and Shawcroft Road. He stated City staff was having difficulty acquiring the needed right-of-way for the project. He stated the North Carolina Department of Transportation had bid the project and sent the Notification of Award letter to Highland Paving Company (a local contractor) on June 28, 2010. He stated the project would be delayed if the necessary right-of-way was not acquired. He stated staff would recommend adoption of the resolution authorizing acquisition of the necessary right-of-way for the project through condemnation in order to prevent construction delays.

Ms. Karen McDonald, City Attorney, explained the condemnation process and responded to questions about the process.

Mr. Hewett responded to questions regarding the project and the right-of-way that was needed.

Resolution authorizing the execution and delivery of a financing agreement and deed of trust and related documents in connection with the financing of a new parking deck and related improvements for the City of Fayetteville, North Carolina.

Mr. Dale Iman, City Manager, presented this item and provided a brief history. He stated the financing application was submitted to the Local Government Commission on July 2, 2010, and the parking deck's probable cost would be provided by the consultant on July 23, 2010. He provided the current funding details for the parking deck and the funding for the debt service for the loan. He advised the financing agreement must be executed by August 13, 2010, to use the City's ARRA economic development bond allocation. He stated consistent with past practice, the financing agreement and other documents referenced in the resolution would be available in the City Clerk's office for Council's review. He stated if Council wished to proceed with financing for the parking deck, staff would recommend adoption of the resolution.

Closed session for consultation with the attorney regarding an attorney-client privilege matter.

MOTION: Council Member Hurst moved to go into closed session for consultation with the attorney regarding an attorney-client privilege matter.

SECOND: Council Member Bates

VOTE: UNANIMOUS (6-0)

The regular session recessed at 5:17 p.m. The regular session reconvened at 5:55 p.m.

MOTION: Council Member Bates moved to go into open session.

SECOND: Council Member Hurst

VOTE: UNANIMOUS (6-0)

There being no further business, the meeting adjourned at 5:55 p.m.