

Members:
Vickie Mullins, Chairman
George Turner, Vice-Chair
George Turner
Alfonso Ferguson Sr.
Winton McHenry



Alternates:
Robert E Davis
Nathan Galbreath
Stacy Michael Long
Alberta Ortiz
Gregory Parks

CUMBERLAND COUNTY BOARD OF ADJUSTMENT

130 Gillespie Street
Fayetteville North Carolina 28301
(910) 678-7602

MINUTES
May 17, 2018
7:00 PM

Members Present

George Turner
Alfonso Ferguson Sr.
Winton McHenry
Stacy Long

Absent Members

Vickie Mullins
George Lott

Staff/Others Present

Hope Ward Page
Patricia Speicher
Dena Smith
Robert Hasty, Jr. (Assistant
County Attorney)

Chairman Turner called the meeting to order at 7:00 p.m. in Public Hearing Room #3 of the Historic Courthouse. Chairman Turner stated the procedural matters are to turn off all cell phones and other electronic devices, other than the camera, are fine and if asked to speak at the podium to please speak clearly into the microphone as the meeting is being recorded. Although there are no set time limits for any speaker addressing the board, the board asks speakers to not repeat what has been previously stated. If there is no new evidence to offer please make the board aware of your agreement with the previous speakers. If any board member wishes to speak or ask any questions please ask to be recognized by the Chairman before speaking.

1. INVOCATION

Chairman Turner.

PLEDGE OF ALLEGIANCE

Recited by all.

2. ROLL CALL

Mrs. Page called the roll and stated a quorum was present. For the audience Mrs. Page introduced, Mr. Robert Hasty, Assistant County Attorney.

3. VOTE FOR ACTING CHAIR

Mr. Ferguson made a motion to appoint Mr. Turner as acting Chairman for the May 17, 2018 Board of Adjustment meeting, seconded by Mr. McHenry. The motion passed unanimously.

IN FAVOR

FERGUSON	YES
MCHENRY	YES
LONG	YES

4. SWEAR IN STAFF

Chair Turner swore in staff.

5. ADJUSTMENTS TO THE AGENDA

There were none from staff.

6. APPROVAL OF THE FEBRUARY 15, 2018 MINUTES

CHAIR TURNER: The motion has been made, motion of a second has been made, all those in favor of approval?

Mr. Ferguson made a motion to approve the minutes from the February 15, 2018 meeting, seconded by Mr. McHenry. The motion passed unanimously.

IN FAVOR	
TURNER	YES
FERGUSON	YES
MCHENRY	YES
LONG	YES

7. ABSTENTIONS BY BOARD MEMBERS/BOARD MEMBER DISCLOSURES (SITE VISITS AND/OR PERSONAL AFFILIATIONS)

There were none.

8. PUBLIC HEARING DEFERRALS/WITHDRAWALS

There were none.

9. POLICY STATEMENT REGARDING APPEAL PROCESS

Mrs. Page read the policy statement.

10. PUBLIC HEARING(S)

P18-02-C: CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW A BORROW SOURCE IN AN A1 AGRICULTURAL & CD CONSERVANCY DISTRICT ON 103.90+/- ACRES, LOCATED SOUTHEAST OF I-95, WEST OF SR 2215 (FIELDS ROAD), SUBMITTED BY DEBORAH BROWNING ON BEHALF OF WINTER PARK APARTMENTS INC (OWNER) AND MICHAEL BLAKLEY ON BEHALF OF DRAFTING AND DESIGN SERVICES INC (AGENT).

Mr. Ferguson read the case heading for Case No. P18-02-C.

Mrs. Page reviewed the zoning, sketch map, and land use of the area surrounding subject property. She briefly reviewed board packet material. Mrs. Page asked if the section of the zoning ordinance Section 904 regarding borrowed source operation which are referencing on page 84. Speakers are signed up to speak.

Public Hearing Open. Chair Turner swore in the first speaker Brian Raynor.

CHAIR TURNER: You're Mr. Brian Raynor.

MR. RAYNOR: Yes sir.

CHAIR TURNER: What do you do?

MR. RAYNOR: Yes. Good evening board, my name is Brian Raynor and I am a partner in Highland Paving Company, a local asphalt company and highway construction company here in Fayetteville, we are looking to put this site in to supply construction jobs on and around the Cumberland County area. We have discussed with the adjoining property owner in the rear at the time does not have a deeded easement to their property but we have agreed to deed them an easement to the rear, the adjoining property to the rear of this property which will be a 60' deeded easement that we are going to deed to the adjoining property owner and we have discussed that with the property owner.

CHAIR TURNER: You're gifting them that?

MR. RAYNOR: Yes sir.

CHAIR TURNER: Anything else?

MR. RAYNOR: No sir that's it.

MR. TURNER: Any questions from anyone?

MRS. PAGE: Excuse me Chair Turner, if you would please ask Mr. Brian if he could state his address for the record?

CHAIR TURNER: What's your address Mr. Raynor?

MR. RAYNOR: 2204 Bayview Dr., Fayetteville.

CHAIR TURNER: Good enough:

MRS. PAGE: Yes sir.

MR. RAYNOR: And I have an engineer of record here if there's any technical questions

CHAIR TURNER: Okay Anything else?

MR. RAYNOR: That's it.

CHAIR TURNER: We may call you back. Anybody have any questions? Out next speaker's Franklin Johnson

MR. LONG: Can you define the rear of the property? Where this house is located?

MR. RAYNOR: Do you have the pin number? Where it says A1? (Pulled up and shown on projection)

MRS. PAGE: It is right there do you see where my cursor is? My apologies its is down here (showing property on sketch map)

CHAIR TURNER: Yes. You're Mr. Franklin Johnson. Do you swear to tell the truth the whole truth and nothing but the truth so help you God?

MR. JOHNSON: I do.

CHAIR TURNER: And you are Franklin Johnson and where do you live?

MR. JOHNSON: Yes Good evening I'm Franklin Johnson, I reside at 370 Valley Road, Fayetteville, NC. I'm the commercial real estate broker that represents the sale of this piece of property, she couldn't be here tonight she's rather old. One thing for the record, I want to state, in the previous years, a long time ago, there have been many other borrowed source operations on Fields Road located on the Evans property where the cell tower is, just east of there. Also I have one other neighbor, the Evans family, who owns a lot of property at the far end of Fields Road called me up, had some concern, I told them that we were going to do, they were rather relieved they had rather see this operation than it be developed. I am here to answer any questions you may have. I also talked to the Catlett's who own the property about the buffering that was required per the plan and the 60' easement.

CHAIR TURNER: Anybody have any questions?

MR. MCHENRY: I have a question. This is essentially a pit, right?

MR. JOHNSON: Right.

MR. MCHENRY: So where is the water table at? Is the water table going to be where it will make a pond?

MR. JOHNSON: I'm going to let the engineer address that question. I don't believe I'm qualified to answer that.

CHAIR TURNER: Okay do you have anything else?

MR. JOHNSON: That's it.

CHAIR TURNER: Okay, we may call you back. Michael Blakeley. Do you swear or affirm the testimony you will give our Board will be the truth the whole truth and nothing but the truth so help you God?

MR. BLAKELY: I do.

CHAIR TURNER: And you are Michael Blakely and you are an engineer?

MR. BLAKELY: Yes.

CHAIR TURNER: Okay and what is your address?

MR. BLAKELY: Michael Blakely, Drafting Design Services, 346 Willow Road, Sanford, NC 27330

CHAIR TURNER: Did you hear his (Mr. McHenry) question?

MR. BLAKELY: I did. The water table is like 5 to 6 feet, so at the time of reclamation, it will be an issue during the actual removal because most the time you are doing it as a wet removal but it is anticipated a 5 to 6 foot pond below existing grade and a prime example is in the area she had up you can see the previous borrowed pit that's up under the subject party property is full of water and this pit will look very similar to that. Now the state also requires as part of the permit that we have to put 3 to 1 slopes from the base of the berm that's going to be around the outside of the pit which will also have a fence around the outside at reclamation that indicates that there is a pit beyond this point and basically to get in the pit you're going to have to climb through a fence, over a berm, to get into the water but in case you do get that far there would be a 3 to 1 slope most like you would in a farm pond in case somebody falls in it they can get back out. It won't just be a straight slope or straight wall into the pond. And that's required as part of the reclamation plan.

CHAIR TURNER: So when it's all said and done there will be a pond there?

MR. BLAKELY: Yes sir exactly.

MR. LONG: I have a question; this has size of property depth 3,820 inches or feet?

MR. BLAKELY: Where's that?

MR. LONG: Here on the site profile on the right hand side of the page.

MR. BLAKELY: That's the length of the property line.

MR. LONG: How deep will the pit be?

MR. BLAKELY: Potentially they are 35 feet, maximum 35 feet.

CHAIR TURNER: Any other questions? Yes, no. Want to add anything?

MR. BLAKELY: I know that speaking with Hope and Patti, one of the questions was about contacting DOT on the relocation of Grants Borrow, which is basically a dirt path now; in their preliminary review they've approved the location. We did not file for the driveway permit tangent on this meeting; we talked about it being a condition, that's something we are going to do anyway. It would be a condition of our approval.

CHAIR TURNER: Any further questions, we may call you back.

MR. BLAKELY: Okay. Thank you.

CHAIR TURNER: Russ Patterson?

MR. BLAKELY: He's a geologist and was only going to speak if needed.

CHAIR TURNER: Ok – we may call you back sir. Marie Catlett. Do you swear or affirm the testimony you will give our Board will be the truth the whole truth and nothing but the truth so help you God?

MRS. CATLETT: Yes. My name is Marie Catlett, I live at 344 Courtyard Lane, Fayetteville, NC. My husband and I, we own the property that A1 and CD, I'm curious what the CD stands for?

CHAIR TURNER: It is Conservancy District.

MRS. CATLETT: I am concerned about the dust that this will produce I'm just wondering how much we will notice for people who live along Fields Road or for myself we have just started a business on our property, we are renting it out for event venues like there is a wedding this Saturday I'm just curious and I would appreciate the honesty of how much dust this would produce, am I going to need to be out there wiping things down every day.

CHAIR TURNER: So you're holding events on your property which I'm assuming is at the back, on the river? You are just wondering about the dust.

MRS. CATLETT: Yes we are on the river. Yes the dust and the gravel along Fields Road, and wondering what problems that can cause driving up and down. If gravel is spilled. I am also wondering when a business like this is made what it does to the property values around and I'm curious how many years they'll be digging out there.

CHAIR TURNER: Anything else?

MRS. CATLETT: We spoke with Mr. Johnson earlier about closing on Fridays at 5 pm and he thought that would be ok.

CHAIR TURNER: Anybody have any questions for her?

MR. MCHENRY: What is the name of your business?

MRS. CATLETT: The Catlett Farm on the Cape Fear.

MR. MCHENRY: The Catlett Farm.

MRS. CATLETT: Yes, The Catlett Farm on the Cape Fear.

CHAIR TURNER: Mr. Johnson who would you like to address those questions?

MR. JOHNSON: If I can, tell me what you are asking me to address? The property values? I will address the property values. In my opinion, I don't see it affecting the property values. A lake, most of that property, over the years, I'm talking 50 or 75 years, it's all been borrowed at some time, had a borrowed source there, most people would rather see that, that I've talked to then have more homes or mobile home parks or whatever out there. They would rather see this operation so I don't see much negative effect to it.

CHAIR TURNER: That would be your professional opinion?

MR. JOHNSON: That would be my professional opinion.

MR. RAYNOR: The dust level, we would follow all OSHA regulations, as far as dust, we will keep the dust down for safety for our employees also for the neighbors. As far as the gravel on the road we will be following all DOT regulations, we won't have any spillage, trucks will be tarped, just as we haul through town daily so that there will not be any spillage. In the event that there is any spillage, we would clean it up immediately.

CHAIR TURNER: So the question then, if you did have a spill y'all take responsibility and take care of it? Were you aware of her operation when you started this?

MR. RAYNOR: Absolutely we will take care of the spill. We found out after we contacted them to discuss the easement issue. And that is the property that we are gifting the deed easement to

CHAIR TURNER: I guess the direct question would be – you answered it well – would there be any issue of dust – I mean you're going to follow the guidelines but will she notice dust if you're following the guidelines?

MR. RAYNOR: No sir and also the permit requires us to follow that on a state level.

MR. LONG: How long will you be digging?

MR. RAYNOR: That's a loaded question, depending on the market, we could be there 3 years, we could be there 10 years, I don't know it just depends on how much business we do, but a minimum of 3.

MR. LONG: So this isn't for a specific highway project or just selling sand?

MR. RAYNOR: No sir – we are using it for our own projects.

CHAIR TURNER: So the answer would be a minimum of 3 years probably not more than 15. No other speakers I will close that public hearing and open it up for discussion.

MR. LONG: Mr. Chair, did she get all her questions answered?

CHAIR TURNER: You good? Okay. Anything else you want?

MRS. CATLETT: Yes. As long as they are building that barrier, between the property and their site, and I know they have to, so that's great.

CHAIR TURNER: So effectively you are satisfied.

MR. FERGUSON: So factors relevant to The Board of Adjustment has discretionary review in deciding whether to grant or deny a Special Use Permit for land uses that cannot be adequately controlled by the general zoning regulations. The Board may authorize and set forth conditions, when deemed necessary, on the Special Use Permit if in its judgment the public convenience and welfare will be substantially served and the appropriate use of neighboring property will not be substantially or permanently injured.

Special uses, because of special site or design requirements, operating characteristics or potential adverse effects on surrounding property and the neighborhood, shall be permitted only upon approval by the Board in accordance with the four (4) standards and conditions as set forth in the Zoning Ordinance of Cumberland County, Article XVI, Section 1606, as follows:

1. The use will not materially endanger the public health or safety of located according to the plan submitted and recommended. (discuss case facts)

CHAIR TURNER: Based on everyone who spoke in favor of it their following all regulations, all laws, doing everything they can and they've added additional information to satisfy the neighbors. Want to add anything?

MR. FERGUSON: 2. The use meets all required conditions and specifications. (case facts)

CHAIR TURNER: I think basically we just went through that. Understand is there some conditions you said in the packet that we're suppose to include? I didn't find those.

MS. SPEICHER: Yes chair they're about half way into your packet. You have 41 conditions of approval. Some of which they can't meet until after they get their initial zoning permit, it's a process. If it's your wish, their approval will be subject to all 41 conditions.

MR. FERGUSON: What we should do is initiate each one of these conditions upon approval of the facts that we need in here, right?

CHAIR TURNER: This special use permit would be contingent on them accepting all 41 of these and agreeing to abide by them?

MRS. PAGE: Yes and the owner has accepted and agreed to all the conditions.

CHAIR TURNER: I'm assuming y'all have seen all that? No problem? Ok

MR. FERGUSON: 3. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity; and (case facts) we know it's not a necessity but for the company and it wouldn't enhance the value of the property.

CHAIR TURNER: It wouldn't devalue the property and they're providing access in the back and satisfy the neighbor's questions. Based on the expert opinion of the real estate broker it will not diminish the value.

MR. FERGUSON: Okay. 4. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and is in general conformity with Cumberland County's most recent Land Use Plan. And that's where we come in with this 41.

CHAIR TURNER: There were other borrowed pits out there so this basically complies with they're doing what others have already done. And they're in agreement with the 41 items.

MR. FERGUSON: Having heard all the evidence and argument presented at the hearing, the Board finds that the application is complete, that the application complies with all of the applicable requirements of the

Cumberland County Zoning Ordinance for the development proposed, and that therefore the application to make use of the property described within this case for the purpose indicated is hereby approved, subject to all applicable provisions of the Zoning Ordinance and the following conditions:

1. The applicant shall complete the development strictly in accordance with the application and site plan submitted to and approved by this Board, a copy of which is filed in the Cumberland County Planning & Inspections Office.
2. The applicant/property owner is the responsible-party for the information contained within the site plan, including but not limited to the property boundaries, easement locations, and right- of-way boundaries.
3. The applicant/property owner is the responsible party to ensure compliance with all other related Federal, State, and local regulations, including but not limited to the NC Building Code.
4. The applicant/property owner is responsible for meeting all ordinance related conditions set forth by the planning staff.

MR. LONG: Is this where we put that they agree to close by 5 PM on Fridays?

MR. FERGUSON: Do we need to add that in here?

MS. SPEICHER: It's in the record I mean you could add it.

CHAIR TURNER: Do you have any problem closing by 5PM on Fridays?

MR. RAYNOR: No sir. I will add that we will communicate with the owner and not operate when they have events at the venue.

CHAIR TURNER: I understand, you will be a good neighbor. All those are set forth in it and we'll consider that a motion, is there a second.

MR. LONG: I'll second it

Mr. Ferguson made a motion to approve the consideration for a special use permit to allow a borrow source, seconded by Mr. Long. The motion passed unanimously.

IN FAVOR	
TURNER	YES
FERGUSON	YES
MCHENRY	YES
LONG	YES

P18-03-C: CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW A DAYCARE FACILITY IN A R10 RESIDENTIAL DISTRICT ON 5.90+/- ACRES, LOCATED AT 1620 LILLINGTON HWY, SUBMITTED BY WANDA CHAVIS ON BEHALF OF UNITED PENTECOSTAL CHURCH OF SPRING LAKE (OWNER).

Mrs. Page reviewed the zoning, sketch map, and land use of the area surrounding subject property. She briefly reviewed board packet material. Cumberland County zoning reference page 86 section 906 for daycare facility. The applicant is requesting before and after school daycare. Owner has agreed to all the ordinance related conditions. The private school was approved on this site by site plan on April 24th, 2018. Staff has asked that when you make your motion if you were to please subject to the conditions that are in your packet. I am available for any questions.

CHAIR TURNER: This is going to be new construction?

MRS. PAGE: No sir the private school was already there, the building was already there, it was approved for that use on April 24th, 2018 by site plan review. Staff permitted it for that use.

CHAIR TURNER: It's a little confusing, how does this relate to the next case? It looks like we are giving them something and taking it away.

MRS. PAGE: The next case is a revocation. On September 17, 2009, they applied for a special use permit which was granted and they were planning to use the sanctuary as the daycare. The daycare is not being operated in that facility, it is being operated in this facility. So for administrative paperwork we are cleaning up the files, having that special use that was granted in September revoked and here to apply for the new special use in the building for which they plan on using it in.

CHAIR TURNER: So basically just a change in the building?

MRS. PAGE: Yes sir

CHAIR TURNER: That's awful complicated. There's bound to be a simpler way. I understand.

MRS. PAGE: I have to do my technical explanation.

CHAIR TURNER: I understand. Anything else?

MRS. PAGE: No I am done, if you have anything else for me I am available.

Public Hearing Open. Chair Turner swore in the first speaker Christy Brown.

CHAIR TURNER: I'll open the public hearing, our first speaker is Christy Brown. You swear and affirm the testimony you will give our board will be the truth, the whole truth and nothing but the truth so help you God?

MS. BROWN: Yes I do.

CHAIR TURNER: You're Christy Brown and where do you live?

MS. BROWN: At 34 Coswell Court, Cameron, North Carolina 28326. Basically, I am just here to address this and present it as noted by the application the property is now being used by the church. We use it as an educational building for Sunday School and it's what we'll use for private school as well as our fellowship area. Proposing to use the facility for primetime before and after school daycare for the private school students as stated our hours of operation would be from 7 AM to 8 AM Monday through Friday and 3 PM to 6 PM on those same days. We expect to have 10 employees, with ample parking for the employees and adequate loading and unloading parking. We will have clear signage designating the entrance to the daycare area. We are located directly across the street from Waterford Apartments and Cliffs at Waterford less than an eighth of a mile from the Heritage Luxury apartments. We feel that the facility will serve the immediate community as well as any Spring Lake residents who work at Ft Bragg or Fayetteville. Other than signage there will not be a lot of difference in the appearance of our present facility, not adding on to the building the only addition would be the fence play area as noted on the plot plan.

CHAIR TURNER: Any questions here? Add anything? We may call you back. Tom Brooks. Sir do you swear and affirm the testimony you will give our board will be the truth, the whole truth and nothing but the truth so help you God?

MR. BROOKS: I do.

CHAIR TURNER: You're Tom Brooks and where do you live sir?

MR. BROOKS: I live at 8195 McCormick Bridge Road, I'm the managing partner of McCormick Farms, we own that large track labeled R10 that's immediately below the writing subject property. I came down here tonight not because I oppose or even in favor of them doing what they've been doing. My concern is a little broader. Our farm, we have a very large long leaf pine plantation and following North Carolina State best mandate practices for forestry we conduct controlled burns every 3 to 5 years on any particular track of land that we have overtime as development encroaches on our property, it limits our ability to do the things that we

need to do to maintain our long leaf pine forest. That's an issue because those long leaf pine forest, I mean we've followed all the rules for agriculture and using our property for farm land, we got it in the agriculture program, we've got it registered as special use, present use value, but as property develops around ours then its basically causing us to relook at how long we can keep our property in farm land. As encroachment occurs it becomes more and more difficult to keep trespassers out, poachers, vandals, thieves, whole nine yards. In this particular case by having a school immediately adjacent to our property it cuts in half the number of opportunities we have to burn in the woods. I'm not recommending that you disapprove that because it's bigger than this school that these guys have there. It's a much broader issue but it's one that presumably y'all will address over time. I don't have a solution, I'm not smart enough to do that, but I thought I would at least bring to your attention that if you want McCormick Farms to continue to be an agricultural property and you want us to continue to buffer the rest of suburbia from Ft Bragg then we will need your help to be able to sustain that position.

CHAIR TURNER: I am not really sure that this Board would be the one that would help with that. Let me ask you about something you said. You used the term encroached, these folks aren't actually and no one else is actually encroaching on you, their just getting right next to you

MR. BROOKS: I'm using it the way Ft Bragg does.

CHAIR TURNER: Sure. I understand.

MR. BROOKS: This is wrong but that's the way they use it and I have a bad habit of using it the same way they do.

CHAIR TURNER: And you used the term that limited and halved the number of burns that you could have would that be something that would be regulated by somebody?

MR. BROOKS: North Carolina State smoke management guidelines say that if you're less than 1/2 mile from a smoke sensitive area you must be down wind of that area if you're going to burn and so if we're immediately adjacent to it then half of the time the wind is going to be blowing from them the other half towards them so roughly speaking it would cut down our opportunity to burn because of that close proximity to the school.

CHAIR TURNER: Are there definitions for smoke sensitive areas?

MR. BROOKS: Yeah generally there are but generally they are hospitals, nursing, daycare facilities like these guys, nursing homes, schools those are the kind of things that fit into that category. I don't have a complete list.

CHAIR TURNER: That was kind of new to me, I was asking for myself I guess. What would you suggest we would do here?

MR. BROOKS: Like I said, I'm not smart enough to know, y'all are.

CHAIR TURNER: We may not be.

MR. BROOKS: Well you may not be but I'm not gonna presume that.

CHAIR TURNER: I see your problem. I'm just not sure how to resolve it here.

MR. BROOKS: And that's the thing even if we knew what the solution was I don't know that it would be appropriate to try to do that with these folks now, I mean they already have a daycare there.

CHAIR TURNER: They're basically moving from one building to another with what they do so I understand your problem, I just don't know how to address it. I don't know that we are in a positon to address it. And I don't even know – who would address it?

MR. MCHENRY: Maybe the Planning Board?

CHAIR TURNER: Maybe the Planning Board would be the place to start. I mean it seems like something you would want to address before you got so far down the line you couldn't address it.

MS. SPECIHER: I have noted it and will bring it up in our next staff meeting.

CHAIR TURNER: Your next Planning Board?

MS. SPECIHER: Planning staff meeting

CHAIR TURNER: Okay. Would that be something he could come and offer you information on or is that just a staff meeting?

MS. SPECIHER: It's just staff only but we could give him feedback and we would report to the Planning Board and of course Mr. Brooks he knows where to find us on Planning Board meeting.

CHAIR TURNER: Okay. Does that help at all sir?

MR. BROOKS: Yeah, I'm not dissatisfied

CHAIR TURNER: Y'all swap phone numbers before you leave. That way we can follow up.

MS. SPECIHER: We have it.

CHAIR TURNER: Want to add anything else? Any questions?

MR. BROOKS: Please give these guys every consideration, they are fine neighbors. Thank you. Appreciate the consideration.

CHAIR TURNER: There was no one else signed up to speak for or against, so I'll close the public hearing, open it up for discussion of a special use permit.

MR. MCHENRY: I have a question, what is this little green spot here on the site plan? That right there, see there's a line that come down through the area. Stop right there.

MS. SPEICHER: That's the creek.

MRS. PAGE: That's the creek, It's a creek.

MS. SPEICHER: It's a creek.

MR. MCHENRY: It's a creek?

MS. SPEICHER: Or a blue line stream is how we refer to it.

MRS. PAGE: It's right here, it's blue on your screen.

MR. MCHENRY: So it just goes there and terminates there?

MS. SPEICHER: It's a small pond at the end.

MR. MCHENRY: Oh ok. Just curious.

MR. FERGUSON: SPECIAL USE PERMIT Findings of Fact: The Board of Adjustment has discretionary review in deciding whether to grant or deny a Special Use Permit for land uses that cannot be adequately controlled by the general zoning regulations. The Board may authorize and set forth conditions, when deemed necessary, on the Special Use Permit if in its judgment the public convenience and welfare will be substantially served and the appropriate use of neighboring property will not be substantially or permanently injured.

Special uses, because of special site or design requirements, operating characteristics or potential adverse effects on surrounding property and the neighborhood, shall be permitted only upon approval by the Board in accordance with the four (4) standards and conditions as set forth in the Zoning Ordinance of Cumberland County, Article XVI, Section 1606, as follows: 1. The use will not materially endanger the public health or safety if located according to the plan submitted and recommended. (case facts)

CHAIR TURNER: Well I think on what's been stated they're doing the same operation, from one building to the next, we're not really changing anything there are 31 requirements attached to this. Have you seen those?

MS. BROWN: I have not, but I am speaking on behalf of Wanda Chavis and she has.

CHAIR TURNER: So we are assuming there's no issues with any of those.

MS. BROWN: No sir there are not

MRS. PAGE: The owner had agreed to all the conditions prior to

CHAIR TURNER: The owner agrees to all of it. Okay.

MR. FERGUSON: 2. The use meets all required conditions and specifications.(case facts) They are already doing all this and they've already been zoned for it anyway. That's good. According to those 31 items there.

3. The use will maintain or enhance the value of adjoining or abutting properties, or that the use is a public necessity; and (case facts)

CHAIR TURNER: There has been any evidence that they're doing now and moving to a new building to do would devalue property anywhere, basically moving from one building to the next.

MR. FERGUSON: 4. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and is in general conformity with Cumberland County's most recent Land Use Plan. (case facts) and that's with the 31 factors we have here that they accept. Having heard all the evidence and argument presented at the hearing, the Board finds that the application is complete, that the application complies with all of the applicable requirements of the Cumberland County Zoning Ordinance for the development proposed, and that therefore the application to make use of the property described within this case for the purpose indicated is hereby approved, subject to all applicable provisions of the Zoning Ordinance and the following conditions:

1. The applicant shall complete the development strictly in accordance with the application and site plan submitted to and approved by this Board, a copy of which is filed in the Cumberland County Planning & Inspections Office.

2. The applicant/property owner is the responsible-party for the information contained within the site plan, including but not limited to the property boundaries, easement locations, and right- of-way boundaries.

3. The applicant/property owner is the responsible party to ensure compliance with all other related Federal, State, and local regulations, including but not limited to the NC Building Code.

4. The applicant/property owner is responsible for meeting all ordinance related conditions set forth by the planning staff.

CHAIR TURNER: I'll consider that a motion, is there a second?

MR. LONG: Second.

Mr. Ferguson made a motion to approve the consideration for a special use permit to allow a daycare facility in R10 zoning, seconded by Mr. Long. The motion passed unanimously.

IN FAVOR

TURNER	YES
FERGUSON	YES
MCHENRY	YES
LONG	YES

P09-07-C: REVOCATION OF A SPECIAL USE PERMIT TO ALLOW A DAYCARE FACILITY LOCATED AT 1620 LILLINGTON HWY IN A R10 RESIDENTIAL DISTRICT ON 5.90+/- ACRES, UNITED PENTECOSTAL CHURCH OF SPRING LAKE (OWNER), STAFF SUBMITTAL.

MRS. PAGE: Chair if you would on the revocation it was the same sight, if the Board desires to make a motion on the revocation as well so we can have that on record for cleanup of our files. Case # P09-07-C

CHAIR TURNER: Are you saying there is no one to speak for or against?

MRS. PAGE: No it's just the same sight and its just administrative files cleanup, we would just need a motion on the revocation.

MR. FERGUSON: I make a recommendation(motion) that we proceed with the revocation for the Special Use Permit for the Daycare for that property.

MR. LONG: Second.

CHAIR TURNER: So there is a motion, properly seconded to approve revocation of the original Special Use Permit and let the record reflect there is no one to speak for or against so we had no public hearing

Mr. Ferguson made a motion to approve the revocation for a special use permit to allow a daycare facility, seconded by Mr. Long. The motion passed unanimously.

IN FAVOR	
TURNER	YES
FERGUSON	YES
MCHENRY	YES
LONG	YES

11. ELECT CHAIR AND VICE CHAIR FOR 2018/2019

MRS. PAGE: Next on our agenda is to elect a chair and vice chair for 2018/2019. If it's the Boards pleasure normally in the past practice the current vice chair would be elected as the chair, we have spoken with Mr. Lott and he would be okay with that but it's at the Boards discretion, whatever you decide.

CHAIR TURNER: I make a motion we elect George Lott as chair for that time.

MR. FERGUSON: Second that.

Mr. Turner made a motion to elect George Lott as chair for 2018/2019, seconded by Mr. Ferguson. The motion passed unanimously.

IN FAVOR	
TURNER	YES
FERGUSON	YES
MCHENRY	YES
LONG	YES

MRS. PAGE: Vice Chair?

MR. FERGUSON: I make a motion we elect Mr. Turner as the Vice Chair.

MR. LONG: I second that.

Mr. Ferguson made a motion to elect George Turner as vice chair for 2018/2019, seconded by Mr. Long. The motion passed unanimously.

IN FAVOR	
TURNER	YES
FERGUSON	YES
MCHENRY	YES
LONG	YES

12. DISCUSSION/UPDATE(S)

MRS. PAGE: We do have a case for June, so we will be reconvening June 21st. Mr. Hasty anything?

MR. HASTY: I don't have anything. Nothing to report.

CHAIR TURNER: We haven't done anything wrong lately? All is well.

MR. HASTY: All is well.


CHAIR TURNER: I was chairman of this board 20 years ago and I do like to try and have a little fun.

13. ADJOURNMENT

Mr. Ferguson made a motion to adjourn, seconded by Mr. Long. The motion passed unanimously.

Meeting adjourned at 8:05 pm.

	IN FAVOR
TURNER	YES
FERGUSON	YES
MCHENRY	YES
LONG	YES



Dena L. Smith, Clerk to the Board



George Turner, Chairman