

Walter Clark,
Chair
Cumberland County

Patricia Hall,
Vice-Chair
Town of Hope Mills

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Charles C. Morris,
Town of Linden



CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

Planning & Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Vikki Andrews,
Diane Wheatley,
Carl Manning,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon & Godwin

MINUTES

March 18, 2014

Members Present

Mr. Walter Clark, Chair
Ms. Patricia Hall, Vice-Chair
Mr. Charles Morris
Mr. Benny Pearce
Mrs. Diane Wheatley
Mr. Carl Manning
Mr. Donovan McLaurin
Dr. Vikki Andrews

Members Absent

Mr. Harvey Cain, Jr.
Mr. Garland Hostetter

Others Present

Mr. Thomas Lloyd
Ms. Patricia Speicher
Ms. Donna McFayden
Mrs. Laverne Howard
Mr. Rick Moorefield
County Attorney

I. INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. McLaurin delivered the invocation and led those present in the Pledge of Allegiance.

II. APPROVAL OF / ADJUSTMENTS TO AGENDA.

There were none.

III. PUBLIC HEARING DEFERRAL /WITHDRAWAL

There were none.

IV. ABSTENTIONS BY BOARD MEMBERS

There were none.

V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS

Mr. Lloyd read the policy statement.

VI. APPROVAL OF THE MINUTES OF FEBRUARY 18, 2014

Ms. Hall made a motion to accept the minutes as submitted, seconded by Mrs. Wheatley. Unanimous approval.

VII. PUBLIC HEARING CONSENT ITEMS

TEXT AMENDMENT

- A. **P14-11. REVISION AND AMENDMENT TO THE TOWN OF STEDMAN SUBDIVISION ORDINANCE, ARTICLE IV, IMPROVEMENTS REQUIRED, SECTION 4.3 OTHER REQUIREMENTS; AMENDING SUB-SECTION G. SIDEWALKS, BY EXCLUDING THE APPLICABILITY OF THIS SUB-SECTION TO PROPERTIES ZONED M2 HEAVY INDUSTRIAL. (STEDMAN)**

The Planning and Inspections Staff recommends approval of the proposed sidewalk text amendment to the Subdivision Ordinance for the Town of Stedman based on the following:

1. If approved, the amendment will remove the requirement of installing sidewalks for any development on property zoned M2 Heavy Industrial within the Town or the Town's Municipal Influence Area, with the exception of properties abutting Clinton Road; and
2. The amendment was requested by the Town Board of Commissioners.

Mr. Pearce made a motion, to recommend the approval and adoption of the Text Amendment as submitted by the Planning & Inspections staff, seconded by Mr. McLaurin. The motion passed with a unanimous vote.

REZONING CASE

- B. **P14-10.** REZONING OF 32.93+/- ACRES FROM A1 AGRICULTURAL TO R20A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED AT 6631 SANDY CREEK ROAD AND ON THE NORTH SIDE OF SR 1847 (SANDY CREEK ROAD), EAST OF SR 2084 (JEREMIAH STREET); SUBMITTED BY PHILLIP T. AND DEBORAH F. DAVIS (OWNERS) AND MICHAEL J. ADAMS.

CONSISTENCY WITH LAND USE PLAN STATEMENT

The district requested is consistent with the 2030 Growth Vision Plan, which calls for "rural" at this location, as well as meeting the location criteria for "suburban density residential" development as listed in the Land Use Policies Plan.

REASONABLENESS & IN THE PUBLIC INTEREST

The location and character of the district requested is reasonable and in the public interest, because it will be in harmony with the surrounding area, allowing lot sizes and uses comparable to those existing in the area.

The Planning and Inspections Staff recommends approval of the R20A Residential district because of the foregoing and based on the following:

- Public Water (ESD) is available to the subject properties.

The R40, R30 and R20 Residential districts could also be considered suitable for this request.

Mr. Pearce made motions to recommend the approval and adoption of the consistency and reasonableness statements; and to approve R20A Residential district, seconded by Mr. McLaurin. The motions passed with a unanimous vote.

VIII.PUBLIC HEARING CONTESTED ITEMS

TEXT AMENDMENT

- C. **P14-17.** REVISIONS AND AMENDMENTS TO THE CUMBERLAND COUNTY ZONING ORDINANCE BY ADOPTION AND ESTABLISHMENT OF A COLISEUM TOURISM OVERLAY DISTRICT (CTOD) AMENDING THE COUNTY ZONING MAP, CREATING THE OVERLAY DISTRICT LAYER ON 327.98+/- ACRES GENERALLY BOUNDED BY US HWY 301 (GILLESPIE STREET), SR 2283 (EAST MOUNTAIN DRIVE), SR 1007 (OWEN DRIVE) AND NC HWY 87 (MARTIN LUTHER KING JR FREEWAY); AND AMENDING ARTICLE II INTERPRETATIONS, CALCULATIONS, AND DEFINITIONS SECTION 203 DEFINITION OF SPECIFIC TERMS AND WORDS, SPECIFICALLY DEFINING THE TERMS *HOTEL* AND *MOTEL*; AMENDING AND CREATING ARTICLE III ZONING DISTRICTS SECTION 308.1. OVERLAY DISTRICTS, SUB-SECTION B, TO BE ENTITLED *COLISEUM TOURISM OVERLAY DISTRICT (CTOD)*; ARTICLE VIII.I OVERLAY DISTRICTS, SECTION 8.102, ENTITLED *COLISEUM TOURISM OVERLAY DISTRICT (CTOD)*; AND AMENDING ARTICLE XIII SIGN REGULATIONS, SECTION 1307. BILLBOARDS (OFF-PREMISES SIGNS), SUB-SECTION A. GENERAL PROVISIONS, PARAGRAPH 1.

Mr. Lloyd presented the case information and stated that on March 6, 2013, the County Board of Commissioners' Policy Committee directed the Planning Staff to set the attached zoning ordinance text and map amendment establishing a Coliseum Tourism Overlay District and limiting billboards along US HWY 301 for public hearing.

Mr. Lloyd went over some of the highlights of the amendment, first he showed the boundaries, which is the County portion. Next Mr. Lloyd went over the uses and stated that all uses in the district will be conditional uses which will have to be reviewed by the Planning Board and Board of Commissioners, and outdoor storage will be prohibited.

Next Mr. Lloyd addressed Item III Non conformities – any use not listed in the amendment will be legal nonconforming, if destroyed more than forty percent it will have to come into compliance. Outside storage will have to be gone within one year of the effective date of the ordinance. Mr. Lloyd went on to explain the changes to nonconforming uses, the billboard portion of the amendment, and the definition for hotel and motel.

CONSISTENCY WITH LAND USE PLAN

The proposed amendment is consistent with the 2030 Growth Vision Plan and is an effort to ensure that *better, more quality-conscious development standards are applied consistently throughout the county, resulting in higher quality developments* (Vision Statement from 2030 Growth Vision Plan). The provisions contained in the proposed amendment are supported by many policies and actions of the Plan to include Policy Areas: 1, A More Diversified Local Economy; 2, Well-Managed Growth and Development; Infrastructure That Keeps Pace; 9, Compatible Commercial Development; 10, Community Appearance and Image; 11, A Healthy, Sustainable Environment; and 16, Intergovernmental Cooperation and Efficiency (this is a joint endeavor between the Cumberland County and the City of Fayetteville).

REASONABLENESS AND IN THE PUBLIC INTEREST

A favorable recommendation from the Planning Board would be reasonable and in the public interest by promoting the Crown Center complex and re-development of surrounding properties, the area within the proposed district will be established as a contemporary, vibrant retail area that is harmonious with the complex events and increased tourism.

In addition to the above statements:

1. Approval of the overlay district and billboard amendment should encourage new construction and re-development that is oriented to serving the users of the Crown Center complex, particularly the traveling public, and increasing the economic well being of the county.
2. The provisions prohibiting billboards within 1,000 feet on each side of US HWY 301 will not affect the 18 existing (and one proposed) billboards along this corridor; however, if approved the ordinance regulations will prevent any increase in the number of billboards in an area that is oversaturated with signage. Billboards are also not proposed as an allowed use within the overlay district.

There were people present to speak in favor and in opposition.

Mr. Bradley Whited, Director of the Fayetteville Regional Airport, spoke in favor. Mr. Whited stated that he was in favor of the ordinance because it does incorporate a good portion of the airport gateway. His main concern was trying to improve the gateway. They have spent quite a bit of federal, state, and airport funds upgrading the facility over the years and looking at more upgrades in the future. Mr. Whited feels that this amendment will be a benefit to the community.

Ernest J. Darden, representative of the Cumberland County Wildlife Club, spoke in opposition. Mr. Darden stated that they own ten acres of land, and the ordinance the way it is proposed is too restrictive. Mr. Darden feels that property owners will not be able to make changes to their property. Mr.

Darden asked the Board to make this ordinance less restrictive so it is less of a burden on property and homeowners in the area.

Mr. Lloyd stated that improvements can be made it just can't make the use more nonconforming. Things like handicap parking or access would not be making the use more nonconforming. Building on to the structure and increasing the magnitude of the use would make it more nonconforming. But you will still be able to get permits and do improvements.

Richard Breeden spoke in opposition. Mr. Breeden stated that the neighborhood consists of military veterans, retirees, and people who have been there since the sixties. There is a tremendous amount of history there. The verbiage has taken many things out; historical hotels on I-95 and Business 95 have been left out of authorized buildings altogether. It doesn't affect homeowners, but it affects Cumberland County in general.

Mr. Bruce Tyson spoke in opposition. Mr. Tyson stated that he felt the amendment is unfair and doesn't feel homes should be involved in the amendment.

Mr. Lloyd stated that there were 74 dwelling units in the County portion of the proposed amendment.

Ms. Esther B. Lane spoke in opposition. Ms. Lane said that she owns a single wide mobile home, but her husband made it look like a house. Ms. Lane said that her neighborhood is a wonderful neighborhood; the neighbors look after since her husband died and they are like family. Ms. Lane said that the neighborhood should be left out of the proposed area.

Sanat Naik owner of the Coliseum Inn spoke in opposition. Mr. Naik stated that he and other friends own other motels and they are happy and excited about improving the area. They have been in business and lived in the area for years; this change will be detrimental to their survival. At this point we feel like we are no longer welcome in this corridor. Mr. Naik stated that if they were for some reason driven out they should be entitled to some kind of compensation.

Mr. Morris asked Mr. Naik if he and his group represented the five motels in the area and if they were encountering any criminal issues.

Mr. Naik said they don't have a good quality of clientele. He blamed City & County law enforcement for the problem.

Mr. Morris reminded Mr. Naik that if forty percent of his business were destroyed, by the guidelines of this amendment he would not be able to rebuild his business.

Mr. Thomas Barbour spoke in opposition. Mr. Barbour owns a plumbing company in the subject area; he stated that he had more questions than statements. Mr. Barbour said that they do have some outside storage; pipe racks and things to keep their material outside that do not need to be kept inside due to weather or theft. He stated that he was concerned about that type of product that is kept outside and if they will we be forced to pull it inside or even able to build on the land.

Mr. Lloyd said that Mr. Barbour's business is not a use listed in the proposed district. The purpose of this district is to promote tourism, so the uses that the Commissioners and/or City Council see as uses that aren't those that would promote tourism, would eventually be gone. Mr. Lloyd stated that the intent of this is not to put anybody out of business; the intent is that when you are through with your business it will matriculate out. Mr. Lloyd stated that the Planning Board might want to add screening of outside storage as opposed to one year rule.

Ms. Mary Packer spoke in opposition. Ms. Packer asked if property is damaged more than forty percent what happens to the property?

Mr. Lloyd said the property would remain vacant after being demolished.

Ms. Packer read a statement with statistics on the Crown Coliseum. Ms. Packer stated that the neighborhood had worked hard to build their homes and live in them. Ms. Packer asked that the neighborhood be left out of the district.

The board recognized Mr. Allen Phillips to come forward and speak in opposition. Mr. Phillips said his concerns were if they were going to be pushed out.

Public hearing closed.

Mr. Morris asked if there were any way to leave the neighborhood and mobile home park down the road out of the district.

Mr. Lloyd said that they could with some recommendations; he knew there were some problems with manufactured homes along Airport Road, quite frankly, and didn't hear anyone from that area, but we need to get that type of housing off of Owen Drive, because of the problems and pressure that is being put on the County right now by the City on Airport Road.

Mr. Morris said that existing businesses should have any outside storage properly screened and buffered instead of having to remove any outside storage within a year.

Mr. Morris made motion to recommend the adoption and approval of the consistency and reasonableness statements; and to approve the Text Amendment, seconded by Ms. Hall. The motion passed with a unanimous vote.

Mr. Morris made a motion to recommend the adoption and approval of the consistency and reasonableness statements; and to approve rezoning for creation of the CTOD district with the exception of Dogwood Acres Subdivision and rezoning of Dogwood Acres Subdivision from R6A Residential district to R6 Residential district, with the exception that outside storage be properly screened and buffered from adjacent property and public right of ways to be included in the Text Amendment, seconded by Mr. Manning. The motion passed with a unanimous vote.

Mr. Morris made a motion to recommend the adoption and approval of the consistency and reasonableness statements; and to approve the Text Amendment for CTOD, Billboard amendment, seconded by Mr. Pearce. The motion passed with a unanimous vote.

CONDITIONAL ZONING DISTRICT

- D. **P13-50.** REZONING OF 1.37+/- ACRES FROM R20 RESIDENTIAL TO M(P) PLANNED INDUSTRIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 725 AND 729 SNOW HILL ROAD, SUBMITTED BY HUXLEY A. AND AHUILDA J. JONES (OWNERS).

Mr. Lloyd presented the case information and stated on February 17, 2014 the Board of Commissioners sent this case back to staff to allow the property owner/applicant to amend their application and site plan. On February 21, 2014 the property owner/applicant amended their previously modified application (December 20, 2013) and revised their site plan. The property owner/applicant are now requesting your consideration of a favorable recommendation for a M(P) Planned Industrial/CZ Conditional Zoning district [M(P)/CZ] for ammunition remanufacturing, assembly and distribution.

CONSISTENCY WITH LAND USE PLAN STATEMENT

The district requested is consistent with the 2030 Growth Vision Plan, which calls for "urban" at this location, as well as meeting the location criteria for "heavy industrial" development as listed in the Land Use Policies Plan.

REASONABLENESS & IN THE PUBLIC INTEREST

The location and character of the district requested is reasonable and in the public interest, as it will be in harmony with the surrounding area.

The Planning and Inspections Staff recommends approval of the M(P) Planned Industrial/CZ Conditional Zoning district [M(P)/CZ] for ammunition remanufacturing, assembly and distribution because of the foregoing, subject to the ordinance related conditions and based on the following:

- On January 14, 2014 staff recommended denial of the aforementioned case because the subject property was not big enough to accommodate M(P) setbacks, provide adequate area for buffering, screening and landscaping. Staff also cited the Fayetteville Regional Airport's comments/concerns regarding ammunition remanufacturing in close proximity to the airport's primary runway. However, the revised plan reduces the number of buildings from 3 to 2 and the ordinance related conditions require a zero-lot-line agreement between the subject property and the adjacent property (PIN 0434-15-5205) that would satisfy the minimum zoning ordinance standards. Regarding the airport's concerns, the property owner/applicant spoke at the January 21, 2014 Planning Board meeting and addressed the fact that the propellant used in this type of operation is not explosive nor would it be stored in high quantities.

There are no other districts considered suitable for this request. The applicant/owner has verbally agreed all Ordinance Related Conditions.

There was one person present to speak in favor.

Mr. Huxley Jones spoke in favor. Mr. Jones explained the process of how they got to this point. He said that he went about everything the wrong way and if he had it to do over again, he would do things differently. Mr. Jones apologized for wasting the staff's time and the Board's time.

Mr. Morris made motions to recommend the approval and adoption of the consistency and reasonableness statements; and to approve M(P) Planned Industrial/CZ Conditional Zoning district [M(P)/CZ] for ammunition remanufacturing, assembly and distribution , seconded by Mr. Pearce. The motions passed with a unanimous vote.

VIII.DISCUSSION

There was none.

X. ADJOURNMENT

There being no further business, the meeting adjourned at 9:13 p.m.