

Members:
Vickie Mullins, Chairman
George Lott, 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

February 16, 2017
7:00 PM

Members Present

Vickie Mullins
George Lott
Alfonso Ferguson Sr.
Winton McHenry
George Turner
Gregory Parks, Alternate, Non-Voting
Robert Davis, Alternate, Non-Voting
Stacy Long, Alternate, Non-Voting
Nathan Galbreath, Alternate, Non-Voting

Absent Members

None

Staff/Others Present

Betty Lynd
Hope Ward Page
Robert Hasty, Jr. (Assistant
(County Attorney)
Rick Moorefield County Attorney)

Chair Mullins called the meeting to order at 7:00 p.m. in Public Hearing Room #3 of the Historic Courthouse. Chair Mullins stated the procedural matters are to turn off all cell phones and other electronic devices and if asked to speak at the podium to please speak clearly into the microphone as the meeting is being recorded. If any board member wishes to speak or ask any questions please ask to be recognized by the Chair before speaking. Chair Mullins asked Mr. Lott to do the invocation.

1. INVOCATION

Mr. Lott

PLEDGE OF ALLEGIANCE

Recited by all

2. ROLL CALL

Mrs. Lynd called the roll and stated a quorum was present. For the audience Mrs. Lynd introduced the alternates, Mr. Galbreath, Mr. Davis, Mr. Parks, Mr. Long, Assistant County Attorney Mr. Hasty and County Attorney Mr. Moorefield.

3. OATHS OF OFFICE

There were none.

4. SWEAR IN STAFF

Chair Mullins swore in Mrs. Lynd.

5. ADJUSTMENTS TO THE AGENDA

There were none.

6. APPROVAL OF THE OCTOBER 20, 2016 MINUTES

Mrs. Lynd stated before a motion is made Mr. Turner alerted us of a few errors in the minutes. Mr. Turner's name was placed in the place of voting for a few of the motions when it was actually Mr. Parks. Hope has taken care of that for the final copy. Motion should be made subject to the corrections that needed to be made.

MR. TURNER: Madam Chair.

CHAIR MULLINS: Yes sir?

MR. TURNER: Can we point out; this was actually the October 20th minutes and not the August 18th minutes?

CHAIR MULLINS: Okay.

MRS. LYND: Yes that's correct.

Mr. Ferguson made a motion to approve October 20, 2016 minutes with the changes to be made seconded by Mr. Lott. The motion passed unanimously.

	IN FAVOR	OPPOSED
MULLINS	YES	NONE
MCHENRY	YES	
LOTT	YES	
FERGUSON	YES	
TURNER	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. Lynd read the policy statement.

10. PUBLIC HEARING(S)

- A. **P17-01-C**: CONSIDERATION OF A SPECIAL USE PERMIT TO ALLOW A NURSING HOME (ASSISTED LIVING) IN AN RR RURAL RESIDENTIAL DISTRICT ON 7.00+/- ACRES, LOCATED ON THE SOUTH SIDE OF ROCKFISH RD, WEST OF WIPPERWILL DR; SUBMITTED BY BARBARA M. JOHNSON (OWNER) AND SMITH-PACKETT MED-COM, LLC (AGENT).

Chair Mullins read the case heading for Case No. P17-01-C

Mrs. Lynd reviewed the zoning, sketch map, and land use of the area surrounding subject property. She briefly reviewed board packet material.

Mrs. Lynd asked the board to include the Cumberland County Zoning Ordinance Section 917; located on Page 92, to be included in to the record it is pertinent to the nursing home standards.

**SECTION 917
NURSING HOME/CONVALESCENT HOME/HOSPITAL/
SANITARIUM/RETIREMENT HOME, ETC.**

- A. The facility shall not cover more than 50 percent of the tract.
- B. Must meet all requirements for licensing by the State of North Carolina.
- C. In addition to basic requirements for site plans as required in Article XIV, the plan shall include proposed points of access, ingress and egress, the pattern of internal circulation, and the layout of parking spaces.
- D. All facilities shall be solely for the use of residents and their guests.
- E. Facilities for administrative services and limited medical services for the exclusive use of the residents may be located on the site.

MR. HASTY: You will need to just tell her that you accept that as part of the record.

CHAIR MULLINS: We'll just accept that as part of the record.

Mrs. Lynd continued to review the case information. Mrs. Lynd stated all documentation required by the ordinance is attached to the application and the property owners have agreed to all the conditions listed in the packet. Mrs. Lynd directed the board that if they want to make a motion, we ask that you use the findings of fact behind the special use tab in your binder and also make the motion subject to all ordinance related conditions placed upon the property.

MRS. LYND: I am available for any questions.

CHAIR MULLINS: Do we have speakers?

MRS. LYND: Yes ma'am. There are some speakers listed.

CHAIR MULLINS: Aubury Holmes.

MS. HOLMES: Good evening.

CHAIR MULLINS: Good evening.

MR. MOOREFIELD: They all gotta be sworn.

CHAIR MULLINS: Do you wish to swear or be affirmed?

MS. HOLMES: Swear.

CHAIR MULLINS: Swear, okay. Raise your right hand and place your left hand on the Bible. Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?

MS. HOLMES: Yes.

CHAIR MULLINS: Please state your name and address for the record.

MS. HOLMES: Aubury Holmes, 34 Broad Street, Charleston, SC. I'm with Smith-Packett, the applicant and, we; I just want to give you a quick, really brief background on who we are. We have been in business, we're a private company, development company in business for about thirty-five years and we have a sister company who's been operating for about nine years or so called, *Harmony Senior Services* and we're excited to be developing this building for our sister company *Harmony*. It'll be about fifty-six assisted living units and thirty-two memory care. We'll have a dedicated wing all for memory care with a dedicated courtyard and then we'll have the assisted living and they'll also have their own courtyard. We'll have a central kitchen that will serve both of them; assisted living will have their own dining room. We have amenities like a bistro, library, beauty barber, exercise room, physical therapy; all those amenities for assisted living and memory care folks. Memory care, we have some dedicated activity spaces like art therapy and that sort of thing focuses solely for memory care folks will have life stations and that sort of thing for them. I think that's a pretty brief overview of our building and some of the amenities that we're offering for folks. We also have van transportation and that sort

of thing. Especially memory care folks will not be driving. Some assisted living folks like to bring their cars and leave them but we provide van transportation for folks to go to the doctor, grocery store, be out, be part of the community. We're really excited to be here and if I can give any background let me know.

CHAIR MULLINS: Anybody any questions?

MR. LOTT: Do you have any here in town?

MS. HOLMES: We do not have any here. I worked on one for another operator close by but not for our specific sister company. We have one in North Carolina though, our latest one was in Asheville and that was an independent living, assisted living and memory care.

MR. LOTT: Okay. Thank you.

MS. HOLMES: The majority of them are in Virginia that are open and operating at the moment. Our company is headquarters in Roanoke, Virginia. So we've kind of started with what was close to home and branching out. But we've been building for third party operators in North Carolina for probably thirty years at least so.

MR. LOTT: Thank you.

MS. HOLMES: Thank you.

CHAIR MULLINS: Thank you. Lori Epler. Okay you want to be sworn in or affirm?

MRS. EPLER: Sworn.

CHAIR MULLINS: Okay. Raise your right hand and place your left hand on the Bible. Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?

MRS. EPLER: I do.

CHAIR MULLINS: Okay. Please state your name and address.

MRS. EPLER: I am Lori Epler. My business address is: 1333 Morganton Rd., Fayetteville, NC. I'm with Larry King and Associates; we're the surveyors and engineers, civil engineers on this site. I want to talk to you a little bit about the findings that you have to find in order to approve this special use permit. As to whether or not the use will be of any danger to the public health or safety if located according to the plan. This facility is planned for, it's planned on current farm land and it's surrounded by the parent tract almost completely except for the right-of-way of Rockfish Road and up on the Northeast corner there's one residential single family lot there and this, the structure on the site has been set as far as we can away from that lot to ensure them of their privacy. There won't be any undesirable activities that'll take place on this project. The facility will be overseen twenty-four seven, night and day with on-site personnel. The building and grounds are going to be maintained on a daily basis. Any impact that they'll have on traffic, the North Carolina Department of Transportation is

definitely watching out for you in that area. They've pulled their entrance off of an access drive that'll be pulled off of Rockfish Road. That is of significant size, sufficient size to supply the parent tract with some access for any future development they might try to do. As to whether or not it meets all the required conditions and specifications first of all I'd like to say this use itself does meet all the qualifications of the ordinance in that it is an allowed special use in this zoning. So the commissioners have already established that for us. Our proposed the site meets all the county development standards with regards to use, dimensional requirements, sign requirements, site plan, landscaping buffers, ingress, egress and you can see our site plan, you know what the product is. I'm not at retirement age yet and I hope when I do get that age my children will be able to take care of me if I can't, but we need more things like this in Cumberland County because right now, I know my mother is eighty-nine years old and we are probably soon gonna be faced with a decision that's gonna be hard to make because we don't have very much to choose from where we can put our family and our loved ones and know that they're being taken care of and that they can still live as independent people. So obviously we ask you tonight to grant the special use permit. I'll answer any questions I can with regards to the site, the site plan, also I have our engineer here Jeff Nobles if you have any questions for him he'll be glad to help us too. Thank you.

MR. LOTT: Thank you.

CHAIR MULLINS: Okay. Thank you. Any questions?

MR. MCHENRY: My question would have to do with fire protection. Is it the City of Fayetteville Fire department or will it be Hope Mills?

MRS EPLER: No Sir. This piece of property will utilize public sewer. And as part of interlocal agreement they will have to petition for annexation into the town of Hope Mills. It will be Hope Mills Fire Department and because of our past experience in dealing with parcels that need to be in, that will be annexed into Hope Mills. Hope Mills will also receive plans regarding our fire place, our fire hydrant placement we've already been in touch with them. They will review our plans before the site is ever permitted.

MR. MCHENRY: Okay.

CHAIR MULLINS: Anybody else? Okay. Thank you Ms. Epler. Mr. Grant.

MR. GRANT: Sworn in.

CHAIR MULLINS: Okay. Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?

MR. GRANT: I do.

CHAIR MULLINS: Please state your name and address for the record please.

MR. GRANT: Neil Grant. I live at 1844 Morganton Road, Fayetteville, NC. My position here is I work with Grant-Murray Real Estate. I was one of the initial brokers involved in helping Smith-Packett locate property. You would think it's easy but it's not. I feel like we located the right site and the right place. Lori took a little bit of my thunder so I struck through some things. I'm a broker I don't have nearly the details that Lori or other folks would have other than it just seems like an excellent asset for that community. With the school, the grocery store, a shopping center and then to have an assisted living facility, you know, to me it's a great asset. Another thing that's important, there is a tremendous need. I'm not sure of all the details that Smith-Packett goes through, but before they can even move forward they actually have to get a certificate of need. Which is something that's sort of is already highlighted that there is a need. Just to give you an idea of the facility and I don't know if this includes all the details, but they're planning on spending sixteen million dollars to build the facility. So, I hope they know there's a need, which I know they do. The other thing I wrote with the eighty employees and the folks visiting their loved ones, you've got the grocery store with the restaurants and all that over there. I feel like, well I know the impact of eighty employees and the people visiting will have good impact on those restaurants over at the Harris Teeter and the Food Lion, try to build their revenues and keep that going well. See what else, the obvious thing the purposes of these families living out there to be able to have a place for a loved one that maybe was living in the home, can now live in an apartment or if need be, the memory care unit. It's a big plus instead of having to drive maybe deeper into town or out of town. My father ended up moving out of town. See if I put down anything, oh I did want to note that area out there is...it's an interesting area because you got the buildup of the commercial; of course Jack Britt is an extremely popular area. One thing about this facility I wanted to note, it is one story. So, even though you have it, you've got, you know it's a little rural but you've got major development this is a one story facility and I felt like the look of it, kept...you know kept in line with everything else out there. So, those are kind of my comments I hope you guys find a favorable decision.

CHAIR MULLINS: Okay. Any questions?

MR. GRANT: Any questions?

MR. MCHENRY: I have a question concerning, is there any room left over for any sort of expansion or is this more or less the size it's going to be from now in perpetuity?

MS. HOLMES: I can help answer that. With the certificate of need we are limited to a hundred beds. So the likelihood of having additional beds is very limited. If we do find the need, we some folks in like some two bedrooms and that sort of thing so we could actually increase our capacity within our current building footprint. I don't know based on storm water or anything, I do know Ms. Johnson still has some other property out there, so that might be the possibility if we wanted to expand to purchase more property from her. But our current plan is not to expand at this time.

MR. MCHENRY: Okay. Thank you.

CHAIR MULLINS: Okay. Thank you. The next speaker will be Chuck Maxwell. Swear or affirm? Swear. Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?

MR. MAXWELL: I do.

CHAIR MULLINS: Okay. Please state your name and address for the record.

MR. MAXWELL: My name is Chuck Maxwell. I live at 771 Chickenfoot Road. I am with Grant-Murray Real Estate also; I'm on the other side of Neil. Neil is with the buyer. I represent Barbara Johnson, that's why I'm here tonight. I just want to touch on a couple of things a little background on me. I was a dentist for thirty years in Hope Mills. I'm sorry I'm not use to talking so I'm a little nervous let me get over that. Barbara Johnson was a patient of mine for just about all that time, she and Steve. Pat Hall was a patient of mine, I've known Pat and her ex-husband was my high school football and wrestling coach at Terry Sanford, so I've known these people a long time. Talked to Barbara today she is totally in favor of this. She stays out of the lime-light but you know when you talk about Jack Britt, everybody knows about Jack Britt so pretty much you know, number one school district in the county you aren't supposed to talk about that but that's pretty much that's the way it is. That was her land. That was a hundred acres of her land. She was involved with that when Food Lion came, they wanted to put a road in Waldo's Beach Road she was financially involved in that in a large way, helped kind of connect that area. You know when those roads split all of a sudden, if you didn't have Waldo's Beach, then you would go around and everybody would congest at the intersection which is now like unbelievable, y'all know that. So anyway she stays out of all that but she's been involved. Thing is she lives on the property, her son lives on the property, her daughter in law. Her son passed away recently, her daughter in law lives across the street. They are farmers. I mean I talked to her today, I did not realize all the stuff she did. Her husband died at an early age, I think he was forty-nine. She took over the farm, over a thousand acre farm, hundred acres of tobacco, all the people involved with that, y'all know what I'm talking about. Also, she worked at Fort Bragg where she was the contract person from everything from roads, to building buildings and everything and cost analysis accepting bids and all that then she went home and worked on her farm. So I mean it, I mean the lady is pretty impressive no doubt. But the thing is she thinks it's a really good idea and she thinks it will fit on the property. She's gonna stay on the property. She's in her eighties she might move to the property and also this on a personal note, my dad's ninety-nine, was a resident here forever, he was at *Heritage Place* got married to a lady twenty-two years younger, in his eighties, married a lady twenty-two years younger, both of them have developed dementia they were at *Heritage Place* and it turned out that she began to wander to the point that she walked out of *Heritage Place* at night and knocked on the front door at eleven o'clock at night and knocked on the front door wanting to get in. So we got twenty-four hour around care for them at ten – twenty thousand dollars a month and we couldn't do that but like for one month. And I said we have to find another place what Lori's talking about, I don't know about how many of you people have folks that great that he lived to ninety-nine but when you have to find a place you got to move'em quick or you're paying twenty thousand dollars a month for round care, for twenty-four hour care it's hard to find a place. It's hard to find memory care places, it's hard to find memory care place when you go in that you want to put them, okay. Very nice facility here, I would've loved to have something in Hope Mills. Luckily I found *Caroline* on Seventy-First School Road. Guess what they had one opening so I did it. I wrote them a check, wrote them a check for eight hundred dollars for them to hold it, 'til I could get my wife, daughter from Greenville, SC to take a look, because it won't going to be held for about ten days, because they had other people that were gonna come. She came she liked it, she got it, guess what, if she didn't like it you know where my dad was going, Greenville, SC. So y'all look around here we're not getting

younger, know a lot of us, y'all know that. We need places like this and we need more places like this. So I hope you look affirmative about this and one thing I'll say too is that yes this will increase the property values, sure it will. I've already had some people call me because this is going there, it's a nice facility it's a great transition from a totally residential to something like this and then you go right totally commercial. We've already had people call me because I've got all of her land listed behind there talking about doing stuff and yes it does increase values and I think that's great for Ms. Johnson who's been so influential in getting Jack Britt area like it is today. Thank you. Any questions?

CHAIR MULLINS: Board any questions? Mr. Turner? Mr. Lott?

MR. LOTT: No.

MR. MAXWELL: Okay. Thank you.

CHAIR MULLINS: Thank you. Pat Hall. Okay. You wanna swear right? Okay. Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?

MRS. HALL: I do.

CHAIR MULLINS: Okay. Please state your name and address for the record.

MRS. HALL: I'm Pat Hall. I live at 3511 Beachwood Street, in Hope Mills. I'm here to represent my sister Barbara Johnson, who's the owner of this property. We are really excited about this facility. We think it would be a really beautiful addition to that street. And as Chuck said it's a good transition from residential moving into the commercial aspect that is at the corner of where Jack Britt school is located. We've toured another facility that is very similar to the plans that you see here and it is a beautiful place. It's a place that you would not hesitate to put a loved one in if you needed to. We, Chuck stated that they are farmers. They were farmers. Her oldest son was the one who really farmed the land and he died recently during this Hurricane Matthew. They don't have any plans to farm anymore. They're going the way of all small farmers. We hope that you will find in favor of this because it is a beautiful facility it is certainly needed in that area, particularly. You have to go to Raeford on this side, on that side, on this side of town to find any such facility. And there is a dire need for such a thing as that. I thank you.

CHAIR MULLINS: Thank you Mrs. Hall, questions?

MR. FERGUSON: One question I have, I worked in the mental unit. I want to ask a question on that. Do you have a lock unit on your memory unit for the Alzheimer patients or how do you handle that side? Because my biggest problem, my memory unit, my Alzheimer patient wandered all over the place and we instrumented a lock unit, we had a lot of protest from the community when we implemented that so what're you doing about that for your facility?

MS. HOLMES: The smaller square back here (referencing site plan) is a secured unit. So any resident who wants to leave will be...this area here. Any resident who leaves will be accompanied by staff. The courtyard also will have sensors. The nurse station will be notified if people go in and out of the courtyard. So anyone can walk around that square, wherever they want to within that square. They can go to the activities, the crafts, dining room, but they cannot leave that area without being accompanied by staff or a family member, of course. Does that help?

MR. FERGUSON: Yes.

CHAIR MULLINS: Okay. Is there anything else? Any other questions?

MR. LOTT: I have visited several of the places lately, visiting friends and family and in reference to the security, signing in and signing out. But also, the, I have noticed on all of my visits, several, that the security, I call it security. The people looking after the people inside, and there's virtually, most of them virtually you cannot leave by walking through a door that somebody's got to unlock it for you. There's a sign in and sign out at most of these places for visitors but I mean we're talking sixteen million dollar investment. I'm sure that with that kind of money invested in you're going to look after your investment and also the people that are in this facility. And I'm in complete agreement number one that the county needs the revenue and that's certainly going to provide quite a tax increase on our tax base.

CHAIR MULLINS: And plus job opportunities.

MR. LOTT: Yes the job opportunities. Any discussion?

CHAIR MULLINS: Any discussion?

MR. TURNER: Is that all the speakers?

CHAIR MULLINS: Yes it is.

MR. TURNER: There's no one in opposition?

MR. LOTT: No.

CHAIR MULLINS: No. No opposition.

MR. LOTT: Motion. I make a motion that we approve this application.

CHAIR MULLINS: All in favor.

MRS. LYND: Excuse me. If you'll just address all the findings of facts before you all make a motion.

MR. LOTT: Okay. Do I need to read the top part up here or just...?

MRS. LYND: You can read each fact out and then give the boards finding for each one, two, three, four.

MR. LOTT: Number one concern is the use will not materially endanger the public health or safety if located according the plan submitted and recommended. Case facts, I think case facts are the plan submitted. Would that be correct?

MR. FERGUSON: She said that 917 also, that has to be in there also, 917.

CHAIR MULLINS: Yes, we have to add that one.

MR. LOTT: A recombination plat also known as a no approval required or NAR must be submitted to the land use codes for review; nursing homes, convalescent home, hospital, and sanatorium, retirement homes etc. The facility shall not cover more than fifty percent of the tract.

MR. HASTY: I think on the ordinance you already made that part of your record and think the staff has reviewed that and they've met the ordinance requirements, correct?

MRS. LYND: Yes, their site plan and application as submitted meets all the required ordinance standards.

MR. HASTY: So you just need these under the special use permit those findings of fact to support the items that they usually do.

CHAIR MULLINS: Okay. You said this already.

MR. LOTT: Okay. Number two: that the use meets all required conditions and specifications also by the plans. Could that not suffice?

MR. TURNER: Could I offer something while you're right on that?

MR. LOTT: Sure.

CHAIR MULLINS: Yes.

MR. TURNER: That this submission, of the ordinance related conditions for what they're doing, that they be required to follow this specifically.

MR. LOTT: Certainly they are. They've already agreed to that. Special Use Permit Board of Adjustments the draft related and conditions.

MR. TURNER: I was just suggesting we include that as part of the special use permit that it be followed specifically. You kind of said it anyway.

MR. LOTT: Number three: that the use will maintain or enhance the value of the adjoining or abutting properties or that the use is a public necessary also is my understanding as submitted by the plans and approved by the board. Or by the staff and they've agreed to the conditions

CHAIR MULLINS: Also it meets all the requirements

MR. LOTT: It does meet all the requirements. Number four: the location and character of the use is developed according to the plans as submitted and recommended will be in harmony with the area in which it is to be located and is in general conformity with the Cumberland County most recent land use plan.

CHAIR MULLINS: I would say.

MR. LOTT: Which also I refer back to the plan submitted and approved by the staff.

CHAIR MULLINS: It is in harmony and it's a nice facility, it has everything, it would be nice.

MR. LOTT: Not only do Cumberland County and this board have to approve it the State of North Carolina also I believe will be permitting this facility.

MR. MOORFIELD: Madam Chair just for the record.

CHAIR MULLINS: Yes.

MR. MOOREFIELD: Consistent with that, you did hear evidence that this was a good transition from residential to commercial down the road and that would make it harmonious with the neighborhood. You have evidence of that in the record.

MR. LOTT: We do.

CHAIR MULLINS: Yes. Okay. Is there anything else?

MR. LOTT: No.

CHAIR MULLINS: Make a motion.

MR. LOTT: I go back to my motion that the permit be permitted.

MRS. LYND: Subject to the ordinance related conditions. Just say the motion is subject to the ordinance related conditions as well.

MR. LOTT: Yes.

Mr. Lott made a motion to approve the permit subject to the ordinance related conditions, seconded by Mr. Turner. The motion passed unanimously.

	IN FAVOR	OPPOSED
MULLINS	YES	NONE
MCHENRY	YES	
LOTT	YES	
FERGUSON	YES	
TURNER	YES	

MRS. LYND: You can excuse them. Madam Chair they can leave before the next case if they desire.

MR. LOTT: Thank y'all and good luck.

CHAIR MULLINS: Have a good day. Okay the next case is P83-16-C.

Chair Mullins read the case heading for Case No. P83-16-C

B. P83-16-C: REVOCATION OF A SPECIAL USE PERMIT (NEÉ SPECIFIED CONDITIONAL USE PERMIT) FOR A DAY CARE IN A R6A RESIDENTIAL DISTRICT ON 0.70 +/- ACRE, LOCATED AT 6302 ROCKFISH ROAD, CHRISTIAN TABERNACLE OUTREACH MINISTRY (OWNER)/STAFF SUBMITTAL.

MRS. LYND: Yes Madam Chair the property owners recently came in and had a site plan review submitted and approved for a religious worship facility on this tract. There was a special use permit previously approved for a daycare. So staff and the church is asking for you all to revoke the special use permit for the daycare so that the church can operate on the lot without any administrative, we're just cleaning up administrative records, cleaning up our map. I have the presentation prepared if you'd like me to go through it. If not you all can discuss and but I can go through it if you want me to.

MR. TURNER: There's no one to speak against this?

MRS. LYND: No sir. I've had no phone calls. The applicant is not here, but he, because we were handling this on his behalf and he has his site plan review for the church we're just presenting it for you and he'll be sent the letter notifying that the special use permit was revoked once, if you revoke it.

MR. TURNER: Would it be proper just to simply say that based on staff recommendation we make a motion, I'll make a motion that we revoke the permit.

MR. LOTT: I'll second that motion.

Mr. Turner made a motion to approve the revocation of P83-16-C. Seconded by Mr. Lott. The motion passed unanimously.

	IN FAVOR	OPPOSED
MULLINS	YES	NONE
MCHENRY	YES	
LOTT	YES	
FERGUSON	YES	
TURNER	YES	

MRS. LYND: Thank you.

MR. LOTT: Thank you.

11. DISCUSSION/UPDATE(S)

CHAIR MULLINS: Any other discussions?

MRS. LYND: Staff has one. We have not had any cases submitted. So we will not have a meeting in March. I do have a couple leads on possible cases in April, so I may see you in Easter, we'll see.

CHAIR MULLINS: Okay.

MRS. LYND: Mr. Hasty I don't know if you have any updates.

MR. HASTY: I don't have anything. We have argued the Hampton case in the Court of Appeals in January. So we are waiting on the decision, could come as early as next Tuesday. We're just waiting on that.

CHAIR MULLINS: Anything else?

12. ADJOURNMENT:

CHAIR MULLINS: Okay. Adjourn?

Mr. Lott made motion to adjourn. Seconded by Mr. Ferguson. The motion passed unanimously. Meeting adjourned at 7:45pm.

	IN FAVOR	OPPOSED
MULLINS	YES	NONE
MCHENRY	YES	
LOTT	YES	
FERGUSON	YES	
TURNER	YES	