

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



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

October 15, 2013

Members Present

Mr. Patricia Hall, Vice-Chair
Mr. Donovan McLaurin
Dr. Vikki Andrews
Mr. Carl Manning
Mr. Harvey Cain, Jr.
Mr. Garland Hostetter

Members Absent

Mr. Walter Clark
Mr. Benny Pearce
Mrs. Diane Wheatley
Mr. Charles Morris

Others Present

Mr. Thomas Lloyd
Ms. Patricia Speicher
Mrs. Laverne Howard
Mr. William Linville
Mr. Rick Moorefield
County Attorney
Mr. Will Denning
Mrs. Denise Sykes
Ms. Pier Varner
Mrs. Deloma West

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.

Mr. Manning made a motion, seconded by Mr. Hostetter to approve the agenda as submitted. Unanimous approval.

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 OCTOBER 1, 2013

Mr. McLaurin made a motion to accept the minutes as submitted, seconded by Mr. Hostetter. Unanimous approval.

VII. JOINT PLANNING BOARD DEADLINE/MEETING SCHEDULE

Mr. Manning made a motion to approve the 2014 Planning Board Deadline/Meeting Schedule, seconded by Ms. Andrews. Unanimous approval.

VIII. PUBLIC HEARING CONSENT ITEMS

REZONING CASE

- A. **P13-44.** REZONING OF 2.56+/- ACRES FROM C(P)/CU PLANNED COMMERCIAL/ CONDITIONAL USE OVERLAY TO ALLOW A MANUFACTURED HOME PARK TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 104 THROUGH 116 TENNESSEE DRIVE, SUBMITTED BY JOSEPH T. STRICKLAND (OWNER).

The Planning and Inspections Staff recommends approval of the C(P) Planned Commercial district for this request based on the following:

1. The district requested is consistent with the 2030 Growth Vision Plan, which calls for "urban fringe" at this location, as well as meeting all but one of the location criteria for "heavy commercial" development as listed in the Land Use Policies Plan – no public sewer available. However, this segment of Gillespie Street (I-95 Business/ US HWY 301) is designated as a Primary Business Street in the Land Use Policies Plan. (note: This parcel is located within the Fayetteville MIA thus sewer availability is forthcoming);
2. The C(P) Planned Commercial district is consistent with the zoning for adjacent property and the request will remove the conditional use overlay district allowing for a manufactured home park that is in the latter stages of shutting down;
3. The location and character of the district is reasonable and will be in harmony with the immediate surrounding area; and
4. Public water is available to the subject property.

The C1(P) and C2(P) districts could also be considered suitable for this request.

Mr. McLaurin made a motion to recommend the adoption and approval of the consistency and reasonableness statements and to approve C(P) Planned Commercial district, seconded by Mr. Cain. The motion passed with a unanimous vote.

IX. PUBLIC HEARING ITEM

B. SOUTHWEST CUMBERLAND DETAILED LAND USE PLAN

THIS DRAFT PLAN PROVIDES THE LOCATION OF FUTURE LAND USES IN THE AREA AND WILL SERVE AS A GUIDE BY THE PLANNING BOARD, THE BOARD OF COUNTY COMMISSIONERS, AND THE HOPE MILLS TOWN BOARD FOR MAKING FUTURE LAND USE DECISIONS. THE PLAN COVERS AN AREA BOUNDED ON THE SOUTH BY ROBESON COUNTY, ON THE WEST BY HOKE COUNTY AND THE CITY OF FAYETTEVILLE, ON THE NORTH BY THE CITY OF FAYETTEVILLE AND ROCKFISH CREEK, ON THE EAST BY U.S. 301 SOUTH AND INTERSTATE 95, AND INCLUDES THE TOWN OF HOPE MILLS.

Mr. Will Denning, Planning Manager of Comprehensive Planning for the Planning & Inspections Department, introduced staff and members of the Citizens Planning Committee and presented the plan to the Board. Mr. Denning gave an overview of the recommendations and explained the process of the development of the plan.

Mr. Douglas Moddy spoke in favor. Mr. Moddy stated that he helped develop the plan with the other citizens; they reviewed the information from the citizen surveys for what the citizens of the Town wanted and compiled the information to help come up with the plan. Mr. Moddy said that he fully endorses this plan.

Ms. Jackie Warner, Mayor of the Town of Hope Mills. Ms. Warner stated that she was one of the citizens on the citizen committee when the plan started; she attended two of the meetings, as an elected official she dropped off of the citizen meetings so that it would truly be a citizen effort. Mayor Warner said she felt that this was a good plan, it gives them something to plan from, she also said that she was happy with the plan and fully endorses it.

Josh Sturtz spoke in favor. Mr. Sturtz stated that he was a real estate agent with Caldwell Banker, and was for the plan if it will bring more commercial and retail to the area.

Public hearing closed.

Mr. Manning stated that he was pleased with the work that was done on this plan, it gave the community a chance to come out and learn about planning and opportunities for the future.

Ms. Hall stated that she was also pleased with the plan, and feels that the citizens showed their interest in their community, and appreciates all of the effort from the citizens and staff.

Mr. Manning made a motion to approve the Southwest Cumberland Detailed Land Use Plan as submitted and move forward to the Board of Commissioners' for their approval, seconded by Mr. McLaurin. The motion passed with a unanimous vote.

X. PUBLIC HEARING CONTESTED ITEMS

CONDITIONAL ZONING DISTRICT

- C. **P13-34.** REZONING OF 4.93+/- ACRES FROM C3 HEAVY COMMERCIAL TO M(P) PLANNED INDUSTRIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON THE SOUTH SIDE OF SR 2333 (CORPORATION DRIVE), NORTHEAST OF SR 2252 (CHICKEN FOOT ROAD); SUBMITTED BY CAROLYN R. GRANT (OWNER) AND JOSH STURTZ.

Mr. Lloyd presented the case information and stated that on September 11, 2013 the property owner/applicant amended the original application and is now requesting your consideration of a favorable recommendation for a M(P) Planned Industrial/CZ Conditional Zoning district [M(P)/CZ] for an asphalt plant. The Planning & Inspections Staff recommends denial of the requested rezoning to M(P) Planned Industrial/CZ Conditional Zoning district for an asphalt plant based on the following:

1. Although the request is generally consistent with the 2030 Growth Vision Plan and location criteria of the Land Use Policies Plan, it is not consistent with the proposed Southwest Detailed Land Use Plan that is currently scheduled for the final public hearing process – the Southwest Area Plan calls for commercial at this location;
2. As evidenced by the request to vary the minimum zoning ordinance standards, specifically the required setbacks, the subject property is not suitable to accommodate the proposed use; and
3. The request for an asphalt plant specifically, and M(P) generally, is not reasonable considering the current endeavor by the Town of Hope Mills, Hope Mills Chamber and the area property owners, all of which are working in concert to ensure the properties in this immediate area are commercially developed in a coordinated manner to best serve the community as well as attracting interstate traffic.

There are no other zoning districts suitable as related to this request.

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

Lori Epler with Larry King & Associates spoke in favor. Mrs. Epler presented documents to be given to the Board. Mrs. Epler stated that Larry King & Associates did the site plan for this project; the only piece of equipment on the property that exceeds the thirty-five foot limitation is right in the center at the very front of the property, it's the silos where the asphalt actually is loaded into the trucks and the conveyers go up, it's right behind the setback line. The setbacks deviate from the requirements of the ordinance because of the nature of the operation and the safety of the traffic on site. The buffers shown are more than what is required by the ordinance, and fencing will be preferred by the developer in addition to the landscaping.

David Johnson spoke in favor. Mr. Johnson is Vice President of Johnson Brothers Utility and Paving Co. Mr. Johnson stated that they currently have facilities in Lillington, NC, they produce and install asphalt paving for various businesses and have been in business for fifty years. They feel as though they are partners in the communities providing jobs, quality work, fair pricing for local businesses and also recycling capabilities which help to relieve limited county landfill space. They are looking to expand into Cumberland County and provide the same benefits. All asphalt plants follow stringent regulations by the Department of Air Quality (DAQ) to ensure public health and safety. Every asphalt plant has to apply for air quality permits and DAQ conducts inspections to ensure that companies are complying with strict guidelines. There are penalties for non-compliance; Johnson Brothers has never been fined for non-compliance of the regulations. Mr. Johnson stated that they want to be an asset to the community, not a liability. Their records can be viewed at the regional offices of DAQ which are located in Fayetteville.

Ron Clark spoke in favor. Mr. Clark stated that he represents Gencor Industries in Orlando, FL. They are the manufacturers of the post equipment for this site. The mixed equipment with patented technology for this site is the cleanest most environmentally friendly equipment available for the manufacturing of mixed asphalt. The equipment is also capable of recycling reclaimed asphalt materials and reclaimed asphalt shingles at high ratios which will save natural resources. Mr. Clark went on to explain what the asphalt is made of to prevent ground contamination. Mr. Clark went on to explain the processes in place to control emissions.

Josh Sturtz spoke in favor. Mr. Sturtz stated that he was a realtor for Coldwell Banker. Mr. Sturtz said that Johnson Brothers has been in Lillington, NC for over forty years and over one hundred and twenty businesses, municipalities, hospitals have moved in and around Johnson Brother's while they have been in operation. The growth has not stopped; businesses come where Johnson Brother's is located.

Steve Grant spoke in favor. Mr. Grant stated that he was the owner/operator of Grant's Truck & Tire Service and he and his wife want to sell the land next to them to Johnson Brothers, which will help him and his wife in their retirement.

Donnie Mock spoke in favor. Mr. Mock stated that he is in favor of this request because they represent small business; Mr. Mock is a small business owner. Johnson Brothers is bringing jobs to the community which will be beneficial to everyone. Mr. Mock is sure there are concerns with environmental impacts, but Johnson Brothers follows all of the mandates. Mr. Mock feels this is a good thing for everyone.

William Davis spoke in opposition. Mr. Davis stated that even though his property didn't directly abut the subject property, he did feel that his property would be affected. This application does not conform with the Land Use Plan that was previously approved, that plan calls for commercial in this area, not manufacturing. Mr. Davis stated that property owners, PWC, Hope Mills, and the County have worked cooperatively to develop this plan. A few years ago all of these entities invested a large sum of money in this property in order to get water and sewer out there, and did this under the idea that there would be commercial development out there. The idea behind commercial development is it has a positive impact on property values. Mr. Davis asked the Board to deny the application.

Kathy Barker spoke in opposition. Mrs. Barker stated she was not opposed to the asphalt plant, she just doesn't agree with the location of the asphalt plant, this is the entranceway to Hope Mills and this is not something we would like to see there. Property owners in the area have been waiting for appropriate growth, and not sure if this is the direction the town wants to go in.

Mr. McLaurin asked Mrs. Barker if she owned the property about a mile away from the subject property.

Mrs. Barker said that her husband owned the property.

Mr. McLaurin asked Mrs. Baker if in December 2011 there was an attempt to rezone approximately 611 acres of that property to this same zoning district that is being requested now and some property

owners had not been notified, but they found out anyway and organized and protested and the Commissioners' put off the vote.

Mrs. Barker said that was not correct, the company, Caterpillar, decided to go to Georgia.

Mr. McLaurin said that she was trying to make an attempt to have the property zoned the same as what was being requested now.

Mrs. Barker said that was correct, and the County was very much in favor of that because of the jobs it would bring.

Chuck Maxwell spoke in opposition. Mr. Maxwell said that his property adjoins the subject property on two sides. Mr. Maxwell said he is opposed because this doesn't fit with the planned development for the area. Mr. Maxwell said that the fumes, vapors, and dust from this facility would be offensive to him and his wife and other neighbors. Mr. Maxwell feels if an asphalt plant is allowed it will stifle the growth for Hope Mills and feels that it should be in the Industrial Park.

Mr. McLaurin said to Mr. Maxwell that he visited an asphalt plant on Shaw Road and didn't smell anything and didn't see any dust. There are also subdivisions around that plant and had never heard of any complaints.

Mayor Jackie Warner spoke in opposition. Mayor Warner stated that she is the mayor for Hope Mills and was present representing the Hope Mills Board. Mayor Warner presented a letter to the Board from the Hope Mills Board of Commissioners'. Mayor Warner stated that they are not opposed to the asphalt plant, just the location. Mayor Warner said they feel this would have an economic impact on the town and the board doesn't feel this plant would be in the best interest of the growth for the Town of Hope Mills.

Joe Callis spoke in opposition. Mr. Callis stated that present as a representative of the Hope Mills Board and the Economic Development Committee and also presented a letter from the chamber president asking for denial of the request due to the fact that it's not in conjunction with the current plan, and there was a lot of time and effort put into the development of this plan to drive the growth of the town, and the requested site is not appropriate for an asphalt plant.

Mr. McLaurin asked Mr. Callis if there was another site that would be appropriate for an asphalt plant in the industrial areas.

Mr. Callis said that the committee felt that something like this would be well suited on Tom Starling Road.

Mr. Lloyd showed a slide that shows other industrial areas, but not all were vacant.

Drew McLean spoke in opposition. Mr. McLean said that he was worried about the effects of the asphalt plant on his well water.

Clay McLean spoke in opposition. Mr. McLean said that he had mixed feelings about this request; he has concerns about the safety of asphalt plants.

Mr. Josh Sturtz spoke in rebuttal. Mr. Sturtz said on economic impact property values come from sales of property; he provided thirty listings that have sold in Harnett County around the plant in Lillington. Property values in Lillington are doing well and there have been no complaints from surrounding properties. The location of this plant is a half mile from the industrial park and less than a mile from Chicken Foot Road and Bojangles is right at the Industrial Park. It fits what the traffic pattern is. Mr. Sturtz said this is needed for the community.

Public hearing closed.

Mr. McLaurin said he thought this would be a benefit to the town and be good for the County.

Ms. Hall stated that homeowners and the Town of Hope Mills have invested greatly in this area, it is a gateway into Hope Mills, and there is a plan to make this gateway welcoming. The whole goal has been for commercial development, this is not commercial development. It is a mile or so from the industrial park, if it is not suitable for that she can see why homeowners would not want them as a neighbor and doesn't understand why it couldn't be in the industrial park except for covenants. There is a lot of open land in the County that would be much more suitable. The Planning staff is recommending denial. Ms. Hall said she could not support the request.

Ms. Andrews said that her concern was right now it's far from the interchange, but in time it might not be that far. Ms. Andrews said that she could not support the request.

Ms. Andrews made a motion to deny the adoption and approval of the consistency and reasonableness statements and to deny M(P) Planned Industrial/CZ Conditional Zoning district for an asphalt plant , seconded by Mr. Hostetter. The motion passed with Mr. McLaurin voting in opposition.

XI. DISCUSSION

DIRECTOR'S UPDATE

There was none.

XII. ADJOURMENT

There being no further business, the meeting adjourned at 8:59 p.m.