

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**

January 21, 2014

**Members Present**

Mr. Walter Clark, Chair  
Dr. Vikki Andrews  
Mr. Carl Manning  
Mr. Benny Pearce  
Mrs. Diane Wheatley  
Mr. Harvey Cain, Jr.  
Mr. Donovan McLaurin

**Members Absent**

Mr. Charles Morris  
Mr. Garland Hostetter  
Ms. Patricia Hall

**Others Present**

Ms. Patricia Speicher  
Mrs. Laverne Howard  
Ms. Annie Melvin  
Mrs. Betty Lynd  
Mr. Robert Hasty  
Assistant 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

**Mr. Pearce made a motion, seconded by Mr. McLaurin to accept 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

Ms. Speicher read the policy statement.

VI. APPROVAL OF THE MINUTES OF DECEMBER 17, 2013

**Ms. Wheatley made a motion to accept the minutes as submitted, seconded by Dr. Andrews. Unanimous approval.**

VII. PUBLIC HEARING CONSENT ITEMS

REZONING CASES

- A. **P14-01.** REZONING OF 2.29+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3235 JOHN MCMILLAN ROAD, SUBMITTED BY JAMES R. SEALS (OWNER) AND TIMOTHY EVANS.

The Planning and Inspections Staff recommends approval of the R40 Residential district based on the following:

1. 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 “rural density residential” development as listed in the Land Use Policies Plan; and
2. The location and character of the district requested is reasonable and will be in harmony with the surrounding area.

There are no other districts considered suitable for this request.

**Mr. Pearce made a motion to recommend the adoption and approval of the consistency and reasonableness statements and to approve R40 Residential district, seconded by Mr. McLaurin. The motion passed with a unanimous vote.**

- B. **P14-02.** REZONING OF 27.97+/- ACRES FROM A1 AGRICULTURAL TO R40 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT; LOCATED ON BOTH SIDES OF SR 1835 (ROCK HILL ROAD), SOUTHWEST OF SR 1889 (REEDY BRANCH ROAD); SUBMITTED BY BARBARA ALLEN HOLMES (OWNER). (EASTOVER)

The Planning and Inspections Staff recommends approval of the R40 Residential district based on the following:

1. The district requested is consistent with the Eastover Area Detailed Land Use Plan, which calls for “one acre residential lots”; also consistent with the 2030 Growth Vision Plan, which calls for “community growth area” at this location, as well as meeting the location criteria for “rural density residential” development as listed in the Land Use Policies Plan;
2. The location and character of the district requested is reasonable and will be in harmony with the surrounding area; and
3. Public water (ESD) is available to the subject property.

There are no other districts considered suitable for this request.

**Mr. Pearce made a motion to recommend the adoption and approval of the consistency and reasonableness statements and to approve R40 Residential district, seconded by Mr. McLaurin. The motion passed with a unanimous vote.**

## VIII.PUBLIC HEARING CONTESTED ITEMS

### CONDITIONAL ZONING DISTRICT

- C. **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).

Ms. Speicher presented the case information and stated that on December 17, 2013 the property owner/applicant requested to amend 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 ammunition remanufacturing, assembly and distribution. The Planning & Inspections Staff recommends denial of the requested rezoning to M(P) Planned Industrial/CZ Conditional Zoning district for ammunition remanufacturing, assembly and distribution based on the following:

1. The district requested is inconsistent with the location criteria for “heavy industrial” as listed in the Land Use Policies Plan of the 2030 Growth Vision Plan primarily due to the tract not being of

sufficient size to accommodate the M(P) setbacks and does not provide adequate area for buffering, screening, and landscaping in addition to any proposed buildings;

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 uses; and
3. The proposed uses of ammunition remanufacturing, assembly and distribution are not logical given the subject property's close proximity (4,972 feet) to Fayetteville Regional Airport's primary instrument runway (on approach).

There are no other districts to be considered suitable for this request.

There were people signed up to speak.

Mr. Huxley Jones spoke in favor. Mr. Huxley presented copies of his PowerPoint presentation to the Board and explained a little bit about himself and his background. Mr. Huxley proceeded on with his presentation. Mr. Huxley's presentation covered the Land Use Plan for the proposed site, the tax revenue that the County stands to receive from his proposed project and that they plan on bringing 25 jobs to the County. Mr. Huxley also addressed the concerns that the Planning staff had that resulted in their recommendation of denial of the request.

Mr. Brad Whitted spoke in opposition. Mr. Whitted is the Director of the Fayetteville Regional Airport and he stated that he put together a presentation based on their concerns; the FAA has traditionally considered height regulations in the past as what they are concerned about when it comes to zoning around airports. They are starting an effort to create some new guidelines to advise local planning organizations on appropriate zoning uses around airports. Mr. Whitted's presentation indicated the concerns with the proximity of the subject property to the approach of the airport and the potential for harm.

Mr. Craig Harmon, Senior Planner with City Planning spoke in opposition. Mr. Harmon stated the City's concerns with the request: the small size of the property and multiple frontages limits the approaches site for non-residential uses, heavy industrial uses should not be encouraged without public water and sewer, and there is not enough area for adequate buffering.

Mr. Jones spoke in rebuttal. Mr. Jones stated that aircraft could hit the building but there would be less harm done than if it hit Southeastern Freight or a propane tank, a plane could crash anywhere, there won't be any passenger exposure, the smokeless powder will not explode, unless in a pressurized capsule or chamber. ATF prohibits storing smokeless powder like that. Mr. Jones requested that the Board approve the request to go back to M(P) zoning.

Public Hearing closed.

Mrs. Wheatley asked if the lot was divided after the last rezoning.

Ms. Speicher stated that it was not. The lot was the same then as it is today.

Mrs. Wheatley stated that she was wondering what was different now than when it was rezoned R20, what changed.

Ms. Speicher stated that from the staff's perspective a residential building permit was pulled for the structure complying with the residential setbacks after the property was rezoned to residential.

Mrs. Wheatley said and the structure wasn't there.

Ms. Speicher responded "exactly".

Mrs. Wheatley said that she understood the applicant's struggle, but there are specific guidelines that staff has followed and it's up to the Board to uphold, but wishes there was something that they could do to be helpful.

**Dr. Andrews made a motion, seconded by Mrs. Wheatley to follow the staff recommendation and deny the request for M(P) Planned Industrial/CZ Conditional Zoning district [M(P)/CZ] for ammunition remanufacturing, assembly and distribution. The motion passed with a unanimous vote.**

#### IX. DISCUSSION

There was none.

#### X. ADJOURMENT

There being no further business, the meeting adjourned at 7:55 p.m.