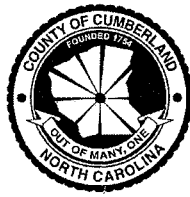


JIMMY KEEFE
Chairman

JEANNETTE M. COUNCIL
Vice Chairman

MARSHALL FAIRCLOTH
KENNETH S. EDGE
CHARLES E. EVANS
BILLY R. KING
EDWARD G. MELVIN



CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

BOARD OF COMMISSIONERS

CANDICE WHITE
Clerk to the Board

KELLIE BEAM
Deputy Clerk

MEMORANDUM

TO: Policy Committee Members (Commissioners Evans, Faircloth, and Edge)

FROM: Kellie Beam, Deputy Clerk to the Board *KB*

DATE: November 26, 2013

SUBJECT: Policy Committee Meeting – December 5, 2013

There will be a regular meeting of the Policy Committee on Thursday, December 5, 2013 at 10:30 AM in Room 564 of the Cumberland County Courthouse.

AGENDA

1. Approval of Minutes – November 7, 2013 Meeting (**Pg. 2**)
2. Consideration of Coliseum and Tourism Overlay District and Billboards (**Pg. 6**)
3. Other Items of Business (**NO MATERIALS**)

cc: Board of Commissioners
Administration
Legal
Communications Manager
County Department Head(s)
Sunshine List

CUMBERLAND COUNTY POLICY COMMITTEE
NEW COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564
NOVEMBER 7, 2013 – 10:30 A.M.
MINUTES

MEMBERS PRESENT: Commissioner Charles Evans , Chairman
Commissioner Marshall Faircloth
Commissioner Kenneth Edge

OTHERS PRESENT: James Martin, County Manager
Amy Cannon, Deputy County Manager
James Lawson, Assistant County Manager
Rick Moorefield, County Attorney
Sally Shutt, Chief Public Information Officer
Melissa Cardinali, Finance Director
Buck Wilson, Public Health Director
Rod Jenkins, Deputy Public Health Director
Russ Rogerson, The Economic Development Alliance of
Fayetteville & Cumberland County Executive Vice
President
Hanah Ehrenreich, Fayetteville Regional Chamber
Candice White, Clerk to the Board
Kellie Beam, Deputy Clerk to the Board
Press

Commissioner Evans called the meeting to order.

1. APPROVAL OF MINUTES – SEPTEMBER 5, 2013 MEETING

MOTION: Commissioner Faircloth moved to approve the minutes.

SECOND: Commissioner Edge

VOTE: UNANIMOUS (3-0)

2. REPORT ON FEDERAL ADVOCACY PROGRAM

Sally Shutt, Chief Public Information Officer, stated the City of Fayetteville, Cumberland County and the Fayetteville Regional Chamber have a federal advocacy partnership that works collaboratively to pursue federal legislative advocacy and funding assistance for strategic focus areas identified in an annual, collectively established federal agenda. Ms. Shutt stated the Federal Advocacy Program is an investment aimed at achieving policy gains which provide solutions to community issues and federal dollars to support priority projects and programs.

DRAFT

Ms. Shutt stated the goal of the City of Fayetteville, Cumberland County and the Fayetteville Regional Chamber is to advocate for federal legislation, programs and funding that support the mission and priorities of the City of Fayetteville, Cumberland County and the Fayetteville Regional Chamber.

Ms. Shutt stated federal funding and policy decisions are critical to the growth and strength of our community. Ms. Shutt stated the combined advocacy efforts protect and preserve essential community assets and resources, allowing Fort Bragg and its surrounding metropolitan and unincorporated areas to thrive.

Ms. Shutt stated the Federal Advocacy Program will work to ensure that policymakers are informed and engaged. Ms. Shutt stated it will deepen strategic alliances and public awareness and find opportunities to bolster public support and engagement. Ms. Shutt stated community groups are encouraged to collaborate on common policy and project priorities.

Ms. Shutt stated after issuing a request for proposals for federal legislative consulting services, the Fayetteville Regional Chamber received two responses. Ms. Shutt stated FaegreBD quoted \$7,500 per month (or \$90,000 for a 12-month contract period). Ms. Shutt stated FaegreBD would seek reimbursement for travel, meals, extraordinary copying and mailing costs. Ms. Shutt stated the Ferguson Group quoted \$144,000 per year for professional services and \$8,000 for business-related reimbursable expenses, the same fee it has been charging the partnership since 2008.

Ms. Shutt stated the Partnership's Coordinating Committee members are Rebecca Rogers-Carter, Russ Rogerson and Sally Shutt. Ms. Shutt stated the Partnership's Coordinating Committee is seeking direction on how to proceed with the Federal Advocacy Program and has the following recommendations:

- Adopt the framework for the Federal Advocacy Program based on the partnership's Memorandum of Agreement.
- Tie the federal agenda to the fiscal year and hold the next federal agenda-setting workshop on or about February 18, 2014.
- Contract with FaegreBD for six months starting in January or February 2014 to develop the partnership's federal agenda and strategy to achieve goals.

MOTION: Commissioner Faircloth moved to recommend to the full board consideration of request to approve the Partnership's Coordinating Committee's recommendations.

SECOND: Commissioner Edge

VOTE: PASSED (2-1) (Commissioners Faircloth and Edge voted in favor; Commissioner Evans voted in opposition)

3. CONSIDERATION OF APPROVAL OF PHASE II OF COUNTY SMOKE FREE INITIATIVE

DRAFT

Buck Wilson, Public Health Director, stated on May 6, 2013, the Board of County Commissioners approved the revised smoking ordinance to establish smoke free grounds for all health departments, library facilities and departments of social services.

Mr. Wilson stated according to *The New York Time*, researchers at Ohio State University found a smoker costs an employer in the United States an extra \$5,816 per year compared with a nonsmoker. Mr. Wilson stated the article estimated the largest cost, at \$3,077 annually, came from taking smoking breaks. Mr. Wilson stated the second largest cost, \$2,056, was related to excess health care expenses. Mr. Wilson stated the third cost came from increased absenteeism. Mr. Wilson stated the researchers found smokers missed about 2.5 extra workdays each year and lost productivity at work because of nicotine's withdrawal effects.

Mr. Wilson stated following the approval on May 6, 2013, county management requested a recommendation for Phase II to begin. Mr. Wilson stated on October 15, 2013, the Board of Health approved Phase II of the county smoke free initiative which includes the addition of the facilities listed below:

- Courthouse, 117 Dick Street, Fayetteville, NC 28301
- Law Enforcement Center, 131 Dick Street, Fayetteville, NC 28306
- Detention Center, 204 Gillespie Street, Fayetteville, NC 28301
- Animal Control, 4707 Corporation Drive, Fayetteville, NC 28306

Mr. Wilson requested the Policy Committee approve Phase II of the County Smoke Free Initiative.

MOTION: Commissioner Edge moved to recommend to the full board consideration of a request to approve Phase II of the County Smoke Free Initiative as recommended by the health director.

SECOND: Commissioner Faircloth

VOTE: UNANIMOUS (3-0)

4. CONSIDERATION OF ORDINANCE PROHIBITING CERTAIN ACTIVITY ON OR WITHIN 500 FEET OF A SCHOOL

Mr. Moorefield stated Sheriff Butler requested that the Board of Commissioners consider the adoption of the proposed ordinance entitled, "Prohibited Activity On or Within 500 Feet of a School". Mr. Moorefield stated the Sheriff reported that this action was requested by Superintendent Till for the Cumberland County Board of Education and that this ordinance will also be considered by the governing bodies of the municipalities in the county. Mr. Moorefield stated the ordinance was drafted by Ronnie Mitchell, Counsel for the Sheriff.

DRAFT

MOTION: Commissioner Faircloth moved to recommend to the full board consideration of a request to approve the adoption of the ordinance as recommended by the county attorney.

SECOND: Commissioner Edge

VOTE: UNANIMOUS (3-0)

5. OTHER MATTERS OF BUSINESS

There were no other matters of business.

MEETING ADJOURNED AT 11:03 AM

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



ITEM NO. 2

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

CUMBERLAND
★ **COUNTY** ★
NORTH CAROLINA

Planning & Inspections Department

**MEMO FOR THE AGENDA OF THE DECEMBER 5, 2013
MEETING OF THE POLICY COMMITTEE**

TO: POLICY COMMITTEE MEMBERS
FROM: TOM LLOYD, PLANNING & INSPECTIONS DIRECTOR
THROUGH: JAMES MARTIN, COUNTY MANAGER
DATE: NOVEMBER 25, 2013
SUBJECT: COLISEUM-TOURISM OVERLAY DISTRICT & BILLBOARDS - US HWY 301

Requested by: Chairman Jimmy Keefe, Board of Commissioners
Presenter(s): Tom Lloyd, Planning & Inspections Director
Estimate of Committee Time Needed: 30 minutes

BACKGROUND: Chairman Keefe requested drafting and consideration of the establishment of an overlay district with the primary purpose of ensuring new and re-development within the district boundary is compatible with the objective of promoting the Crown Coliseum Complex and establishing the image as a contemporary, vibrant retail area that is harmonious with the complex events. He has emphasized that this area is a checkerboard of city/county property and the district should be approved by both governing boards. It would be appropriate to see if there is support from the county board prior to requesting the city's approval.

In addition, supplementing the proposed coliseum amendment, the staff is proposing to restrict new billboards along US Highway 301. This amendment would enhance the future development possibilities of the gateway corridor and allow the county ordinance to be more consistent with the city's billboard standards.

RECOMMENDATION/PROPOSED ACTION: Direct the staff to coordinate with the city staff, scheduling the proposed amendments with their respective Planning Board/Commission, forwarding to the governing bodies for final public hearings and adoption.

Attachments:

1. Draft Coliseum-Tourism Overlay District Text Amendment, dated November 8, 2013
2. Coliseum-Tourism Overlay District Sketch Map, dated November 22, 2013
3. Proposed Supplemental Amendment to Coliseum-Tourism Overlay District – Billboards, dated November 22, 2013

**ARTICLE II
INTERPRETATIONS, CALCULATIONS, AND DEFINITIONS**

Hotel: An establishment which provides compensated lodging on a short-term basis with access to units from interior lobbies or hallways, and provides numerous amenities intended to increase guests' lodging satisfaction.

Motel: An establishment that provides short-term and long-term lodging for compensation, usually with less guest amenities than a hotel, has independent exterior entrances/exits to each unit from the off-street parking area and is typically one or two stories.

**ARTICLE III
ZONING DISTRICTS**

SECTION 308.1. OVERLAY DISTRICTS

B. Coliseum-Tourism Overlay District (CTOD). The primary purpose of this district is to ensure development within the district boundary is compatible with the objective of promoting the Crown Coliseum Complex and establishing the image as a contemporary, vibrant retail area that is harmonious with the complex events. Ensuring that new construction and re-development is oriented to serving the users of the coliseum complex, particularly the traveling public, the economic well being of the county will be maximized.

**ARTICLE VIII.I
OVERLAY DISTRICTS**

SECTION 8.102. COLISEUM-TOURISM OVERLAY DISTRICT (CTOD)

A. Applicability. The provisions of this section shall apply to the proposed development and any re-development of properties within the Coliseum-Tourism Overlay District, including any addition, remodeling, relocation or construction requiring a zoning or building permit. In the event there is a conflict between the requirements of provisions of this ordinance and this overlay district, the overlay provisions shall prevail.

B. Coliseum-Tourism Overlay District Map. The boundary of the CTOD is established as a layer on the *Official Zoning Map, Cumberland County North Carolina* in digital format and is hereby adopted and made a part of the provisions of this section as if the map itself were contained herein – see Appendix 3 for informational sketch maps.

C. Land Uses.

1. Principal Uses. All new uses of property and any change in an existing use shall first require approval of a Conditional Zoning application subject to the provisions of Article V prior to commencement of the proposed or change in use. To ensure the primary objective of the district is

attained and not including officially sanctioned government events, land uses within the district are limited to the following:

- a. Alcoholic Beverage Control Sales;
- b. Apparel and Accessory Sales;
- c. Assemblies, Community, Assembly Hall, Armory, Stadium, Coliseum, Community Center, Fairgrounds, and similar uses;
- d. Banks, Savings and Loan Company and Other Financial Activities;
- e. Books & Printed Matter Sales, not including those regulated by Section 924;
- f. Convenience Retail with Gasoline Sales, including drive through motor vehicle washing;
- g. Dry Cleaning/Laundry, self service;
- h. Farmers' Market;
- i. Flower Shop;
- j. Hotel, except as regulated by Section 924;
- k. Motor Vehicle Rentals;
- l. Office Use – with no on-premises stock or goods for sale to the general public and the operations and services of which are customarily conducted and concluded by means of written, verbal or mechanically reproduced communications material;
- m. Public/Community Utility Stations/Sub-stations;
- n. Recreation/Amusement Indoor (Section 920) conducted inside building for profit, not otherwise listed and not regulated by Section 924;
- o. Recreation or Amusement Public/Private (Section 920) not operated as a business for profit including playgrounds, neighborhood center buildings, parks, museums, swimming pools, and similar uses, and not regulated by Section 924;
- p. Restaurant, operated as commercial enterprise, not including those regulated by Section 924;
- q. Swimming Pools, incidental to a principal use (Section 1002.C);
- r. Veterinarian.

2. *Accessory, Ancillary and Incidental Uses.* In conjunction with the above allowed principal uses as listed in sub-section 1,

a. Permanent outdoor sales and displays shall be permitted only within a physically defined area that is delineated on the site plan as approved by the Board of Commissioners, and all physical improvements defining the sales/display area shall be constructed of materials comparable to the primary building(s) on site – this provision shall not apply to a farmers’ market, see Section 907.1 for specific regulations pertaining to farmers’ markets;

b. Outdoor storage shall be prohibited within this district;

c. Temporary or promotional events conducted outside must have the prior approval of the Planning & Inspections Director, or the director’s designee;

3. *Nonconformities.* To ensure the primary objective of the district is attained, strict implementation of the below provisions regulating nonconformities within the district is paramount. For purposes of this section, permissible repair is defined as those repairs, not replacement, that are limited to routine or ordinary maintenance and which would not result in the extension of the normal life of the structure. Impermissible replacement is defined as maintenance, construction or reconstruction of a nonconforming structure or part thereof or structure housing a nonconforming use within the district that is damaged by fire, storm or other causes including natural deterioration to an extent exceeding 30 percent of the structure’s building tax assessed value or its bulk (including foundations)

a. All nonconforming uses not carried on within a structure, except those which are specifically allowed as an accessory, ancillary or incidental to an allowed use subject to the provisions of this section, shall be discontinued within one calendar year from the effective date of this ordinance, regardless whether or not the nonconforming use status applies to structure(s) and premises in combination with the nonconforming outdoor use – any subsequent use of the land and structures placed thereon shall conform to the provisions of this section.

b. A nonconforming use may not be changed or expanded, or resumed if the nonconforming use has ceased for a period of ninety calendar days within the district.

c. Any structure that is nonconforming due to noncompliance with dimensional requirements, but which houses an allowed use within the district may continue provided that its nonconformity is not increased, except where specifically approved by the County Board of Commissioners, and provided that prior to any upgrades to any nonconforming structure housing an allowed use beyond permissible repairs, the minimum landscaping and pedestrian improvements are implemented on the site.

d. Owners of properties within the district shall not allow for the impermissible replacement of any nonconforming structure located inside the district unless specifically approved by the County Board of Commissioners.

D. Site Design/Site Layout.

1. *Yard Setbacks.* The lot and yard setback provisions of Article XI as applied to the C2(P) district shall apply to properties fronting on Gillespie Street (US HWY 301/I-95 Bus) and Owen Drive (SR 1007), except that for proposed buildings with a height of greater than 25 feet, the front yard setback shall be a minimum distance equaling twice the building height. For developments along all other streets, regardless whether public or private and including new or proposed streets, the yard setbacks shall be as follows:

a. Minimum of 35 feet from each street right-of-way/property line for the front yard setbacks, except that for structures more than 25 feet in height, the front yard setback shall be a minimum distance equaling twice the height of the building;

b. Minimum of 15 feet from a side or rear property line where the adjacent property is also within the district or zoned for non-residential use; and

c. Minimum of 30 feet from a side or rear property line where the adjacent property is zoned residential.

In the event development is proposed for a property without direct frontage on a public or approved private street, the yard setbacks as requested by the developer must afford public safety and be delineated on the site plan. In addition, the plan for ingress/egress must clearly be shown on the site plan, addressed in the application and the requisite easements provided to the Code Enforcement Manager at the time of permit application.

2. *Off-Street Parking, Loading and Drives.* Off-street parking and loading shall be provided as required by Article XII; however, all required parking shall be surfaced with asphalt, concrete or pervious material and shall be maintained in proper repair. Interconnectivity between parcels within the district is mandatory and shall be included on the site plan indicating the location and width of the proposed interconnecting drive areas along with all driveways to the street right-of-way.

3. *Signs.* Signage shall be allowed in the district consistent with the provisions for the C1(P) zoning district, to include all related regulations of Article XIII.

4. *Buffers.* The provisions of Section 1102.G shall apply along the periphery of every developed lot within the district that is also adjacent to a residentially-zoned property.

5. *Dumpster and Utility Screening.* All dumpster and utility areas shall be located on concrete pads and screened on a minimum of three sides with a solid fence between the dumpster or utility and complimented with vegetative plantings.

6. *Fencing.* Any fencing proposed must be specifically identified as to type and location on the site plan; if not included on the plan, the permit for said fence shall be denied – this provision includes open fences as well as solid.

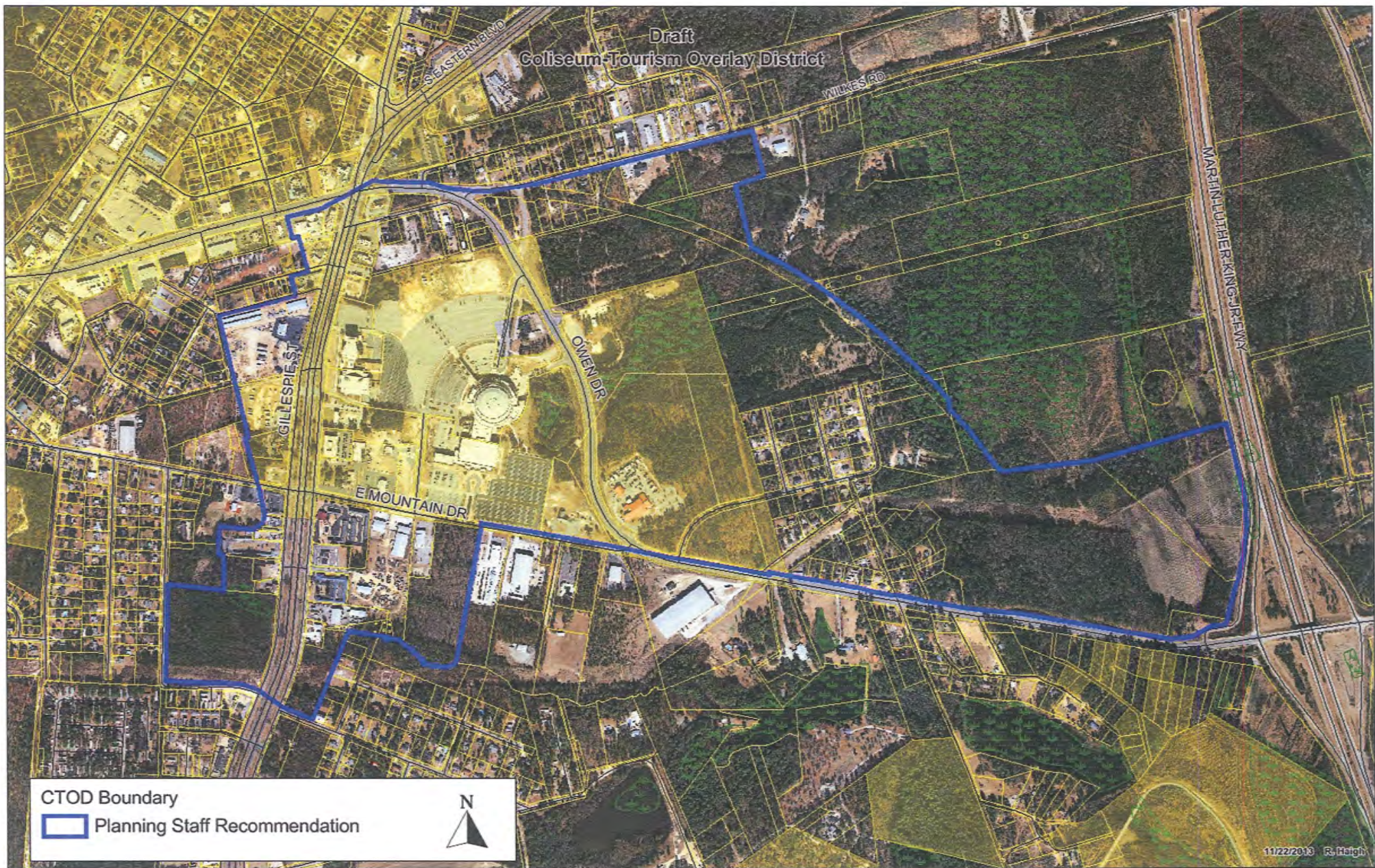
7. *Landscaping.* Landscaping shall be provided in accordance with the provisions of Section 1102.N, except that for the streetscape landscaping a minimum of four small ornamental trees per 50 linear feet of street frontage shall be required. Healthy existing large shade trees may be utilized for calculation of landscaping compliance in lieu of the ornamental streetscape trees only if they are in the appropriate area on the subject lot and a minimum of eight inch caliper. The developer is strongly encouraged to retain as many existing trees of significant stature as possible.

8. *Stormwater Utility Structures.* Any stormwater utility structure proposed within the front yard or within view from the public or private street shall be integrated into the proposed project design and aesthetically pleasing. The burden shall be on the developer to address the stormwater utility structure aesthetic design plans proposed within the application or on the site plan.

9. *Underground Utilities.* All utilities shall be located underground except where specifically prohibited by the utility provider.

10. *Other Regulations.* The developer/property owner shall ensure compliance with all applicable Federal, State and local regulations.

Draft
Coliseum-Tourism Overlay District



CTOD Boundary
Planning Staff Recommendation



PROPOSED SUPPLEMENTAL AMENDMENT TO COLISEUM-TOURISM OVERLAY DISTRICT

**ARTICLE XIII
SIGN REGULATIONS**

SECTION 1307 BILLBOARDS (OFF-PREMISES SIGNS)

In addition to other applicable standards contained within this article, the following provisions shall apply to all billboards:

A. General Provisions.

1. Billboards shall be allowed only along rights-of-way with full-control or limited control of access, such as freeways and major thoroughfares, except that billboards shall be prohibited within 1,000' of either side of the right-of-way of US Highway 301 (South Eastern Boulevard/Gillespie Street) from NC Highway 87 (Martin Luther King Jr Freeway) south to SR 2286 (Seven Mountain Drive);

2. Billboards shall not face or be oriented toward any adjoining or abutting residentially-zoned or residentially-used property and shall not be located within 200 feet of a residential zoning district boundary line;
(Amd. 02-19-08)

3. Billboards shall not exceed a sign height of 35 feet;

4. All billboards are considered as a principal use of property, not accessory, and shall be allowed in the C(P) Planned Commercial District, upon approval of a Special Use Permit (Section 1606), and M(P) Planned Industrial District, upon approval of the site plan (Article XIV) as a permitted use, provided that the dimensional criteria outlined below is complied with;
(Amd. 01-19-10)

5. All Federal, State, and other local regulations shall be complied with and
(Amd. 01-19-10)

6. Billboards are exempt from the landscaping and buffering provisions of this ordinance.
(Amd. 01-19-10)