

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

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

OTHER COMMISSIONERS  
PRESENT:

                                  Commissioner Jimmy Keefe  
                                  Commissioner Billy King  
                                  Commissioner Ed Melvin

OTHERS PRESENT:

                                  James Martin, County Manager  
                                  James Lawson, Assistant County Manager  
                                  Rick Moorefield, County Attorney  
                                  Sally Shutt, Chief Public Information Officer  
                                  Melissa Cardinali, Finance Director  
                                  Jeffery Brown, Engineering and Infrastructure Director  
                                  Tom Lloyd, Planning and Inspections Director  
                                  Patti Speicher, Planning Manager  
                                  George Turner, Chairman Civic Center Commission  
                                  Kellie Beam, Deputy Clerk to the Board  
                                  Press

Commissioner Evans called the meeting to order.

1.       APPROVAL OF MINUTES – NOVEMBER 7, 2013 MEETING

MOTION:       Commissioner Edge moved to approve the minutes.  
SECOND:       Commissioner Faircloth  
VOTE:         UNANIMOUS (3-0)

2.       CONSIDERATION OF COLISEUM AND TOURISM OVERLAY DISTRICT  
          AND BILLBOARDS

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.

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Tom Lloyd, Planning and Inspections Director, reviewed the background information and recommendation as recorded above. The proposed draft "Coliseum-Tourism Overlay District Text Amendment" follows:

**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 re-construction 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 this 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 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. *Storm water Utility Structures.* Any storm water 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 storm water 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.

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The proposed “Supplemental Amendment to Coliseum-Tourism Overlay District – Billboards” follows:

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 right-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;
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;
5. All Federal, State, and other local regulations shall be complied with and
6. Billboards are exempt from the landscaping and buffering provisions of this ordinance.

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Mr. Lloyd reviewed the proposed draft provisions of the Coliseum-Tourism Overlay District (CTOD) and the supplemental billboard amendment as recorded above. Mr. Lloyd stated the goal of the proposed CTOD is to promote tourism around the Crown Coliseum by bringing businesses that attract tourism. Mr. Lloyd explained the proposed CTOD would not allow uses that could be detrimental to tourism. Mr. Lloyd stated the CTOD would have to be presented to and approved by the Planning Board, Board of Commissioners and Fayetteville City Council. Mr. Lloyd stated he and Patti Speicher, Planning Manager, reviewed the proposed CTOD with the City of Fayetteville staff. Commissioner Evans verified with Mr. Lloyd that a public hearing would be required before the Board of Commissioners before the CTOD could be approved.

Mr. Lloyd stated the supplemental billboard amendment proposes the area one thousand feet of each side of the right of way from Owen Drive to Southern Mountain Drive be billboard free. Commissioner Edge asked about signage for businesses and questioned whether a standardized sign could be written in the proposal such as the signs in Hilton Head, South Carolina. Commissioner Edge stated in Hilton Head all business signs are standardized and at a reasonable height which makes the signs more attractive. Commissioner Faircloth agreed with Commissioner Edge and stated Cary, North Carolina may be another example for Mr. Lloyd to research. Mr. Lloyd stated he would research the signs in Hilton Head and Cary to compare sign regulations for the overlay district.

Mr. Lloyd stated the proposed draft provisions of the CTOD states if a legal non-conforming business closes for more than ninety (90) days for any reason the business must come back as conforming. Commissioner Keefe stated during this time of economic uncertainty he feels ninety (90) days is not enough time. Commissioner Evans agreed with Commissioner Keefe by stating he feels ninety (90) days is not long enough. Commissioner Edge stated he feels that ninety (90) days may be too short for businesses

to establish themselves but if you leave a business there much longer than ninety (90) days the business may start to deteriorate which would have a negative impact on tourism. George Turner, Civic Center Commissioner Chairman, stated ninety (90) days is not realistic from a real estate perspective and suggested one hundred and eighty (180) days would be more reasonable. The consensus of the Policy Committee was for the provision that would prohibit resumption of a use not allowed within the district if the use ceased for a period of ninety (90) days to be changed to one hundred and eighty (180) days.

Mr. Lloyd stated the proposed draft provisions of the CTOD states if a building in the district is damaged more than 30% of the tax value it would have to be rebuilt as a conforming use in order to be permitted. Commissioner Keefe stated he feels 30% is too strong. Commissioner Faircloth stated since 30% seems too strong the proposal should be for 40%. The consensus of the Policy Committee was for the proposed CTOD to state if a building in the district is damaged more than 40% of the tax value it would have to be brought up to conforming use standards to be permitted.

The consensus of the Policy Committee was for Mr. Lloyd to incorporate the changes mentioned above and bring the revisions back to the March 6, 2014 Policy Committee meeting for consideration to take to the full board.

### 3. OTHER ITEMS OF BUSINESS

There were no other matters of business.

MEETING ADJOURNED AT 11:15 AM