



Board of Adjustment

MINUTES
April 18, 2024
6:00 PM

Members Present

Gregory Parks-Chair
Linda Amos, Vice-Chair
Marva Lucas-Moore
Brenee Orozco-Alt
Donald Brooks-Alt

Absent Members

Robert Davis
Vickie Mullins
Jovan Bowser-Alt
Kenneth Turner-Alt
Gary Silverman- Alt

Staff/Others Present

David Moon - Deputy Director
Timothy Doersam - Planner
Amanda Ozanich – Clerk

Robert Hasty (Asst County Attorney)

Scott Flowers (subbing for Mr. Hasty on
a case BOA-24-0005)

Chair Parks called the meeting to order at 6:00 p.m. in Public Hearing Room #3 of the Historic Courthouse.

1. INVOCATION

Donald Brooks said an invocation.

PLEDGE OF ALLEGIANCE

Recited by all.

Chair Parks: Before we begin tonight's meeting, I'd like to get some procedural matters out of the way. Please turn off all cell phones and any other electronic devices. If asked to speak at the podium, please speak clear into the microphone, as this meeting is being recorded. For any speaker addressing the board, we do ask that speakers not repeat what has previously been stated. If someone says what you intended to state and you have no new evidence to offer, please only make the board aware that you agree with the previous speakers. If any board member wishes to speak or ask a question, please ask to be recognized by the Chair before speaking. Now we may begin with the roll call.

2. ROLL CALL

Mr. Moon called the roll and made note of the absence of Robert Davis, Vickie Mullins, Jovan Bowser, Kenneth Turner, and Gary Silverman. Mr. Moon stated we do have a quorum.

SWEAR IN OF STAFF

Chair Park swore in staff David Moon and Timothy Doersam.

3. ADJUSTMENTS TO THE AGENDA

There were none.

4. APPROVAL OF THE MARCH 21, 2024, MINUTES



Board of Adjustment

Mr. Brooks made a request to edit 2 words. Mr. Brooks made a motion to approve the minutes with the edits for the March 21, 2024, meeting as written, seconded by Mrs. Amos and all are in favor.

Brooks: Motioned to approve minutes.

Amos: Second

Board Members: ALL ARE IN FAVOR

5. ABSTENTIONS BY BOARD MEMBERS/BOARD MEMBER DISCLOSURES (SITE VISITS AND/OR PERSONAL AFFILIATIONS)

Mrs. Orozco recused herself from case BOA-2024-0005 because of work related conflict.

6. PUBLIC HEARING DEFERRALS/WITHDRAWALS

There were none.

7. POLICY STATEMENT REGARDING APPEAL PROCESS:

Mr. Moon read the policy statement.

8. PUBLIC HEARING(S)

BOA-2024-0004: Consideration of a Special Use Permit to allow a telecommunication monopole in an A1 Agricultural District on 3.67 +/- acres, located at 7131 Cedar Creek Road; submitted by Max Casey (Agent) on behalf of the State of North Carolina (Owner).

BOA-2024-0005: Consideration of a Special Use Permit to allow a convenience container and recycling center in a RR Rural Residential District on 24.16 acres, located 140 feet south of the intersection of Parkton Road and Brisson Road; submitted by Smith Gardner, Inc. (Agent) on behalf of NC Department of Transportation (Owner).

David Moon: 00:09:03

We will commence with the public hearings. The first case this evening is BOA-2024-0004. The intent to this request is to replace an existing 250-foot telecommunications tower with a new 380-foot telecommunications tower. This tower will only serve communications for emergency response dealing with State and local emergencies and public service. The site contains approximately 3.67 acres.

The board is familiar with special uses. Special use are those uses for which a permit is required for the proposed activities, which are essentially compatible with other uses or activities permitted in a zoning district, but which present unique challenges for possess unique characteristics or qualities that require comprehensive review. At a public hearing by the Cumberland County, Board of Adjustments and which may be allowed only after the findings of facts and imposition of reasonable conditions.

There are 4 criteria that the application for a special use criterion must meet, so the board will base its decision on the four criteria and the facts that are presented to you this evening. There is a written response by the applicant. Provided in Exhibit J of the staff report, in addition to what they may report this evening.

The board has the authority to approve, deny or approve with conditions the special use permit, the special use conditions and the special use site plan.



Board of Adjustment

Ultimately, the burden of proof is placed on the landowner and the landowner has to consent to any conditions. I'll turn the microphone over to Tim. He's a planner in our office, Tim Doersam. And he will present the information on the application and on the case.

Timothy Doersam: Good evening, ladies, and gentlemen. My name is Timothy Doersam. I'm a planner with some of the county planning and inspection. So, here I am pointing to section is 403 of the county zoning ordinances. The tower located in A1 zoning district does require a special use permit to be approved by the county Board of Adjustments.

Here is the subject property, hashed out in red to the West. Immediate South are single family residential dwellings to the northeast and further South and further West we have wooded lands and other vacant areas. This is an aerial closet of the subject property with the current existing tower and fenced in area located in the center of the parcel. This is the zoning around the parcel. It is A1 predominantly with some portions of RR and RR/CU to the far southwest. There are hydric soils currently located on the site. This is a close-up of the site plan showing the tower location. The only access point will be that farthest North driveway from Cedar Creek Rd. and that'll be the only access point for the site.

Here we see in the dotted circle is the proposed fall down radius for the tower if it were to collapse. The triangle is the tower location itself and it currently has a square radius of 450 feet within that triangle for the fenced in square location that houses the tower and any other on-site buildings or equipment. That's an area that is in an approximately 4225 square feet within the parcel. Here is sheet C2 from the site plan that shows that the tower itself is 380 feet tall. There is an additional 20 feet of antenna at the very top of the tower to total 400 feet in height. (14:06).

These are the key special use conditions for the towers Special Use Permits. The site must be constructed consistent with these specialty site plan. The tower must be designed to collapse internal to the fall radius as certified by a structural engineer. Removal of the pre-existing communications tower must occur within six months from the date that the new tower becomes operational.

The tower does serve as communication purposes for law enforcement and emergency response agencies only. Any additional antennae or equipment requires an amendment to the specialties permits the driveway that will access the site must be maintained to allow for emergency vehicle entry and any existing trees along the perimeter of the site shall remain and be undisturbed. Provide buffering and only trees in the area denoted on the specialty site plan may be removed.1504

This is a photo of the subject site looking across the Creek Rd. into the driveway that will access the site. This is an onsite photo showing the fenced in area with the current building and the Tower. This is a complete photo showing more of the tower with guide wires. The proposed tower that the specialties use permit is for, will not have guidewires. And this photo shows the total height of the current existing tower and the facility, as it exists. This is the South view of Cedar Creek Rd. with the subject parcel on the left side. This is the Westview looking from across Cedar Creek Road to the other side. This is the North view looking down Cedar Creek Rd. with these other parcels on the right-hand side.

Again, the board of Adjustments will consider the application site plan and any evidence presented in accordance with this article, to grant or deny the special use permit requested and in granting the special use permit, the board will find all four criteria listed here have been satisfied.



David Moon: Go back to the Site plan.

Timothy Doersam: That concludes my presentation.

David Moon: What you see on the screen now represents the special use site plan that is presented to you this evening. Staff has reviewed it and found it be consistent with the county zoning code. As we move forward now with the Board discussion, we ask if there are no questions of staff or further Board discussion, then to open up the meeting for a public hearing.

Chair Parks: We are opening it up. Mr. Moon, do we have any speakers?

David Moon: Yes sir, the first speaker is James Eric Dickerson.

Chair Parks: All right. Mr. Dixon, please stand up to the podium. Raise your right hand please. Do you swear to tell the truth, the whole truth, and nothing but the truth so help you God?

Mr. Dickerson: Yes, sir I do.

Chair Parks: State your name and Address.

Mr. Dickerson: James Eric Dickson, 230 Leonard Rd. Louisburg, North Carolina.

Chair Parks: Do you want to say anything?

Mr. Dickerson: I was going to say you might want to hear from the site owner. I am an Engineer in case you have questions for me. This is basically aging infrastructure we're trying to replace to modernize the towers approaching 30 years old and the typical life cycle replacements around 30 to 40 years. So that's the purpose for it.

Chair Parks: Thank you very much.

David Moon: Next speaker is Max Casey.

Chair Parks: Hi, Mr. Casey. Right hand, please. Do you swear to tell the truth and nothing, but the truth so help you God.

Mr. Casey: Yes, sir.

Chair Parks: Your Name and address, please, Sir.

Mr. Casey: Yeah, sure. Max Lee, Casey, 188 Burton. Dr. Clayton, NC. I work for the North Carolina Highway Patrol, Viper communications as the statewide interoperable communication system for North Carolina. We have 180,000 users at the current time from Murphy to Mannam. This structure is an important piece of what we do with the communications as it connects sites away, It's not just this site. All our sites are connected via microwave communications, so this is definitely an important piece. It is aging and it does need to be replaced. Unfortunately, we can't just tear it down and build a new one exactly where it is, because we have to keep those communications online.

Chair Parks: And now you got to go up another several 100 feet to get the right waves you need?



Mr. Casey: Unfortunately, when the original tower was built, they were using low band radios and those waves can reach out further at a lower height. Currently with what we have with the FCC and P25, 7-8 hundred megahertz, we do need to go a little higher to get the radius that we would like to get out of this tower. Yes, Sir.

Chair Parks: any questions. Mr. Brooks any questions?

David Moon: Mr. Casey, does the applicant accept the conditions in the proposed special use permit?

Mr. Casey: Yes, sir.

David Moon: Thank you.

Chair Parks: Do you want to make a motion?

David Moon: Mr. Chair, would you like to close the public hearing, as we have no other speakers on this?

Chair Parks: That will be fine. We will close the public hearing.

Mr. Hasty: Mr. Chairman, I'm sorry, but just looking at Exhibit J, I think we may want the engineer too.

Chair Parks: Section. Yeah. OK. You want to specifically talk about section J?

Mr. Hasty: If I could ask one questions.

Chair Parks: on behalf of the board. Sure, sure.

Mr. Hasty: I'm looking at the required criteria that the board needs to find and one of those is that the use to meets all required condition with specification needs and the response to I believe this is a yes but let me just ask you this. The site planned, does it comply with all buffers and setbacks and required specifications.

Mr. Dickson: Yes

Mr. Hasty: Thank you, sir.

Mr. Parks: All right. Do we have a motion?

Mrs. Amos: I make a motion to approve with the special use permit and the special use site plan based on a finding that the special use criteria has been satisfied by the applicant's response provided in exhibit J and the information presented by the staff.

Chair Parks: Do I have a second?

Mrs. Lucas-Moore: I'll second.



Chair Parks: All in Favor?

Members Vote	In Favor
Gregory Parks-Chair	YES
Linda Amos, Vice-Chair	YES
Marva Lucas-Moore	YES
Brenee Orozco-Alt	YES
Donald Brooks-Alt	YES

(NOTE: Mr. Flowers took over for Mr. Hasty)(Mrs. Orozco recused herself from this case)

David Moon: Our next case is BOA-2024-0005 is the consideration of a special use permit to allow a convenience container and recycling center in an RR new residential district on approximately 24 acres located 140 feet south of the intersection of Parkton Road and Brisson Road. This shows you the general area of the proposed site of the convenience center on the South side of Parking Rd. On the West side of the county. The applicant is the Cumberland County Solid Waste Department, and the owner of the property is the NC DOT, State of North Carolina. The agent is Stacy Smith, and the request is for a special use permit with the intent to have a convenient center and recycling facility. Typically, the hours of operations for this facility are Monday to Saturday, 7:30 AM to 6:00 PM. This is information, not a condition within the special use permit. The site contains approximately 24.1 acres.

A definition of a convenience container recycling center is a county owned lease or operated site generally but doesn't have to be two acres. It's serving the surrounding community for the temporary collection, storage and transfer of solid waste, yard waste and recyclables. As I already went through the special use procedures and terminology with the previous case, I will not repeat those this evening and move forward. These are the four criteria. Again, you have the authority to approve, deny, or approve with conditions. I will turn the mic over to Timothy Doersam and he'll provide the additional information. Thank you.

Mr. Brooks: can I ask a question?

David Moon: yes

Mr. Brooks: you used the word temporary. You say temporary location, temporary work?

Mr. Moon: The solid waste materials that are stored on the site, and the applicant can give more detailed information, but it's there only temporary.

Mr. Brooks: oh, ok the waste. I understand that.

Mr. Moon: Such as the recyclables eventually transferred to another site for final processing or to a landfill.



Board of Adjustment

Timothy Doersam: Good evening. According to Section 403 and the Accounting Zoning Ordinance, a means container recycling facility in the RR rural Residential Zoning district does require a special use permit to be approved by the board of adjustments.

Here we see the subject property hatched out in blue, predominantly around it in this wooded area and some farmland to the immediate South of it is a horse farm equestrian facility. Here we see the subject property is ruled identical with rural residential being predominant zoning district. There is some A1 to the northeast and immediately adjacent to its southern property border (26:02) is a portion of the adjacent properties zoned A1A/CZ. This conditional zoning was for kennel operations to house up to 20 dogs on the property for this facility. Here we see that there are hydric soils inside of the parcel. This slide is showing the sheet on the site plan that shows where wetlands are located on the site. The black shaded area is the location of the facility. This is a close up of the proposed facility. The green lines are a berm and vegetative buffer along with stockade fencing to act as screening for the site and the adjacent parcels.

We also see the containers on the facility in the middle of there, and we also have an employee area to the front of it. There are two connecting points to Parkton Rd. One in and one out. And we also see that the facility does not encroach on any of the wetlands on the parcel.

There is a Sheet from the site plan that does show the proposed vegetation for the buffer and the Woodstock gate fencing along with the booths that the employees will be working in.

(28:01) These are the key conditions for the Special use permit. Developing use of the site must occur consistent with the special use site plan.

Maximum height of any building accessory building storage containers for storage debris piles shall be 30 feet as measured from grade.

The location of the convenience containment center and recycling facility shall be limited to the area generally highlighted in black on Sheet #3 of the Special Use site plan and limited to no more than 5.6 acres.

Within the 5.6 +/- acre convenience container and recycling facility area, debris shall not be stored outside of appropriate waste containers, and all such containers shall be located on a solid impervious surface such as concrete pads.

Perimeter landscaping and screen fence required per the Special Use Site Plan.

The 5.6 +/- acre area of the site that occupies the convenience container and recycling facility is subject to the requirements of section 905.1 of the County Zoning Ordinance, which specifies Convenience Container and Recycling Facility.

This special use expires two years from the date the County Board of Adjustment approval the Special Permit No. BOA-2024-0005 if no activity proceeds in good faith to commence the special use.

Chair Parks: Thank you. (2901)

Timothy Doersam: We have a few pictures, the first being looking across Parkton Road to a subject property. This is the northwest view of across Parkton and road, looking away from the subject property. The north view with this subject property to the right and more of the South view.



Board of Adjustment

Once again, the BOA has the ability to look at the application, the site plan and the evidence presented to deny or grant special use permit requested so long as they find that the four criteria are satisfied.

David Moon: I am David Moon, deputy director of planning and inspections. The special use site plan presented to you this evening, staff has determined it's compliant with the county Zoning Ordinance, subject to the conditions that are proposed within the special use permit. Thank you.

Chair Parks: Do you have any speakers?

David Moon: We do. With that, you are closing staff and opening up the public hearing?

Chair Parks: Yes, we are.

David Moon: Our first speaker this evening and all our in favor is Rob Hasty.

Chair Parks: Raise your right hand. Do you swear to tell the truth, the whole truth and nothing but the truth so help you God?

Mr. Hasty: I do.

Chair Parks: State your name and address affiliation.

Mr. Hasty: Rob Hasty, assistant county attorney. 117 Dick Street. I am in a little bit of a different role tonight. I am with the Cumberland County according to this action specifically the department of solid waste and Mr. Scott Flowers is your board attorney tonight, for this hearing.

Scott Flowers: Thank you for having me.

Mr. Hasty: this is a convenience center and recycling facility. It's an allowed land use under the common county zoning ordinance and it's allowed to operate in a rural residential with a special use permit, which is obviously what we're applying for tonight. It will occupy our property approximately 5.6 acres of the more than 24-acre track. The applicant is the Cumberland County Department of solid Waste, and the owner is DOT and what I would like to do tonight is have present speakers they've signed up and if it's alright with the board, the order, I'd like for them to come up would be Amanda Bauder, Stacy Smith, and Rich Kirkland. And so, unless there's any specific questions for me, I'll read join you in a minute. But and before I forget, Mr. Chairman, if I can add to the record the appraisal report and impact study on this property and present that to the board, for the record. I've got several copies there.

Chair Parks: So accepted.

Mr. Hasty: On Conditions #4, if I could ask one item be slightly changed. The second sentence says material within this area shall not be stored outside of appropriate waste container. We'd like to substitute the words solid waste for material and the reason being is that some items cannot fit in containers, recyclables like tires, and of course again, as the staff reported, these items are only there temporarily. They're going to be hauled off soon after they arrived, but to be more accurate than were solid waste there.

Chair Parks: yes, sir.



Board of Adjustment

Mr. Hasty: at this time, I would like to call Amanda Bader. Each of these witnesses will give brief presentation in their particular area and then we can field any questions you have.

Chair Parks: Mr. Hasty, I think Mr. Brooks has a question.

Mr. Brooks: You, Sir. You said this type of facility, is going to operate in a rural community. I think you're saying for neighborhood. Can you explain that because when you, when you need because of the vacancy of lack of people or why in a rural community and not within the city.

Mr. Hasty: Well, it can operate in a lot of different areas, but this particular property is zoned rural residential. So I was simply saying that it is allowed in a rural residential with a special use permit.

Mr. Brooks: ok, alright.

Chair Parks: First speaker.

David Moon: the next speaker is Amanda Bader. She is the director of the solid waste department.

Chair Parks: Raise your right hand. Do you swear to tell the truth, the whole truth and nothing but the truth so help you God?

Amanda Bader: I do.

Chair Parks: State your name and address.

Amanda Bader: My name is Amanda Bader. I'm the director of solid waste. My office is at 698 Ann St. Fayetteville, NC My home address is 381 Monroe Lane Johnson North Carolina.

So, I'm here to talk a little bit about the need for the facility and why we are relocating the facility. So, we currently have a facility located at Camden Road and this facility is being impacted by the widening of Camden Rd. And so we are in negotiations now with DOT to look at this particular parcel that it would service the southwestern portion of Cumberland County.

Our container sites are our first line of defense against illegal dumping. That's where citizens in rural areas of the county that may not have city or town pick up, can bring their waste in their neighborhood to make it more convenient for our citizens. Our convenience centers typically provide containers for what we call municipal solid waste, which is your household garbage. We also provide collection for yard waste and recyclables. We do white goods, things like washing machines. We also do tires, and we do things like battery collection for car batteries and some other special wastes such as cooking oil and maybe some oil collection.

As mentioned earlier, these materials are just stored at the site for a little while where they are sent somewhere else for processing or ultimate disposal. None of this material will be disposed on the site. We are looking at something called storage areas. There is anticipation that we could use this site in the event of a disaster for a temporary staging area, particularly for green waste.

So with that, I think I've described what it is. We've talked about where it is and why we need it, and it is designed not to endanger public health. It's to protect public health and safety. We will be Fencing to prevent unauthorized site access outside of operating hours. It will be a manned site. A site attendant will be present to assist customers in



Board of Adjustment

proper disposal of waste and recycling item. Waste will be removed from the facility and disposed of at a permitted disposal location as required, to minimize the impacts of potential disease or environmental impact.

So, this is a needed service for residents in Cumberland County, particularly since the other side is being impacted by the Camden Rd construction. With that I'll call Stacy Smith, who is our consulting engineer.

Chair Parks: That me ask a question that probably has nothing to do with this, but it popped up. How do you dispose of a battery?

Amanda Bader: So, when we collect car batteries, you have different batteries, lead acid batteries are banned from landfills and so they cannot be disposed of in the landfill. We collect them and then we take them to a recycler where we do receive revenue to offset our operations.

Chair Parks: Do you know how they process that?

Amanda Bader: I do not know that. Stacy, you may be able to offer, but we also do other materials like lithium batteries. And we also do nickel cadmium batteries. They're collected at our HHW facility that we operate, so that's another point. No hazardous materials would be stored or collected at this facility.

Chair Parks: Thank you.

Mr. Brooks: Could an actual landfill be added to this area?

Amanda Bader: No sir. Absolutely not. Nothing will be buried or disposed of at this facility.

Mr. Moon: It is not allowed in the proposed special use permit.

Amanda Bader: We have one permitted MSW landfill of county and that is located at 698 Anne St. and that is where these materials that are to be landfilled will be brought. The recycling material, we do work with other vendors for things like textiles. We talked about batteries. We do process the yard waste at our permitted compost facility located at 771 Wilkes Rd.

Chair Parks: Thank you.

Raise your right hand. Do you swear to tell the truth, the whole truth and nothing but the truth so help you God?

Stacey Smith: Yes sir.

Chair Parks: State your name and address.

Stacy Smith: Stacy Smith, my address is 14 N Moreland Ave. Raleigh, NC, and I work for Smith, Gartner engineers.

Well, first, I guess maybe we'll talk about batteries at the end, but I agree with all of Amanda Bader comments and my firm was to develop the site plan. As you can see here, we comply with all the buffers and setbacks with the facility. We also engaged a wetland and streams specialist to further evaluate where the presence of hydric soils was and actually put some feet on the ground to get a true assessment of what was there. We took his assessments, and we avoided that in our layout. The same with the buffers and the Screening, although we don't necessarily have a



berm, we had vegetation and a solid wood fence that is in compliance with your ordinances. Phil was the consultant we used for the wetland stream to also did some, you know, other danger threatening species works on the environmental side and we did not see anything that was difficult for the development of at least this convenience location.

OK. We also laid it out working with the solid waste department. You know you can model that for a number of their other convenient sites and the progression that you have on very efficient movement and operations of the residents for you know all the different materials that she discussed. And that's what that represents layout. As well as a guard house now in our application, we have kind of a model of the actual guard house there. But again, being in a man's site. It has a view of the convenience center areas so they can continue to monitor for improper disposal etcetera.

We worked with my team and NC DOT and Mark McDonald and trying to work out the driveway locations. We had made some adjustments to the driveways basically for visual screening and or not visual sight distances for coming through the curve and what you see here is the combination of our big joint efforts with the DOT.

During the construction of this, there will be a requirement to get a PDS stormwater construction permit. We would do that with PC as well. It only be for the construction of it should not have any other stormwater impacts or issues once developed. And once again, I just wanted to repeat that this layout complies with all the buffers and setbacks within your ordinance. I think that's all I have now.

Chair Parks: Do you have any questions? Brooks, any questions? So, to the batteries?

Stacy Smith: OK. Well, you can imagine everything can be refurbished or it can be dismantled. I think there are sometimes that you can replace the liquids and because you know in the battery there's the anode and cathode that creates the energy. Sometimes those could be torn apart and replaced. Sometimes they just pull all those parts out. Reprocess it from the beginning and reuse those materials and create new.

Patterns, but usually when you're a battery recycler that is a very specific art and craft and what they do and so yeah, they recycle batteries. You know, that's why you're always getting charged the core charge because it helps that whole process and making sure they don't go into a landfill and everybody's diligent and catching those things because they are easily recyclable.

Chair Parks: Thank you very much. State your name and address.

Richard Kirkland: Richard Kirkland, 9408 Northfield Court, Raleigh, NC Kirkland appraisals.

Chair Parks: Raise your right hand. Do you swear to tell the truth, the whole truth and nothing but the truth so help you God?

Richard Kirkland: I do. I'm a state certified general appraiser. I've been appraising in North Carolina for about 28 years now. We do impact analysis. We were hired to look at this project to determine if there's any impact on adjoining properties. We've been doing that research for similar or a wide range of different uses for over 20 years. What we do is we looked at this project, we looked at other convenience centers in Cumberland County and some of the adjoining counties. We looked at 17 different convenience centers that are already in existence in Cumberland County. We look to see what was around them, how close homes are, what the mix of uses are. And we also were looking for sales of properties next to these convenience centers so that we could actually measure to see if there is any impact that we could find from those sales.



Board of Adjustment

So that's the data, you've got the reports there. First of all, looking at these the closest home at this project as proposed is about 1300 feet away from active areas with convenience center. Over half of the projects to look at in Cumberland County have homes closer than 300 feet. So, this is a lot further setbacks at this location than most projects. In fact, most of the projects in Cumberland County have a lot more homes around them than the two homes identified here. So this is a similar mix of uses, but lower density of residential and the residential is a lot further away, so this is in terms of speaking towards harmony. This is a very harmonious location as it's got less homes around.

In terms of property values, the sales we looked at, we were finding no impact on the properties. We found sales in fact, in some circumstances we found a slight premium being paid in proximity to these. Again, that premium is less than 5%. And what we talked about a lot of time is call market imperfections. We don't really see a $\pm 5\%$ as being meaningful for a positive or a negative effect, so it's really not enhancement, it's really just market imperfection. When you have two homes that sale, they don't always sell for very perfect numbers, you can't compare them like you would to candy sold out at the supermarket. There's always slight differences and there's differences in what seller motivations are. So, we just attribute those differences to seller motivation. So, it's our, my profession. I keep saying our, I work with my son and the two do everything together. But it is our, but specifically my professional opinion that the property values here will be protected and maintained and enhanced. And it's also my professional opinion that this is a harmonious location.

I'd be happy to go into greater detail or answer any questions.

Mr. Brooks: Did you think about this type of service may deter additional homeowners in that area.

Richard Kirkland: Again, the adjoining land around it, we looked at land sales as well and we found that's where I was saying we did find that certain residential lots were showing a premium. We didn't really put a lot of weight towards that, but we do think that there is strong evidence that there be no impact, so if new homes were getting built in that area, we looked at adjoining homes that was closed at 120 feet off of the boundary, we would anticipate that anyone who built around it would be substantially further than that and would be protected.

Mr. Brooks: So, I guess you're saying that you don't think that the recycling plant would be a deterrence to someone who wanted to build a home or community around that area.

Richard Kirkland: Correct if someone wanted to develop that area, we looked at land sales. So raw land sales, those were tracts of land that were being sold that could be developed in that way. We didn't see any impact on those land sales next to convenience centers, but if someone was going to buy that land and develop it, they would like to ship their value their homes to keep it at the 200 to 300 feet or more distance from that and that protects from that. Thank you.

David Moon: Mr. Chair, there are two others listed as speakers. If they still are interested in speaking, a Spencer Holloman and a Greg Burus.

Mr. Hasty: Mr. chairman, I think we're satisfied with the presented unless they're anxious to explain.

Chair Parks: So, you all are anxious to get us a differentiation tonight that you've trained yourself all day for. All right? You hear that change? (laughter)



Board of Adjustment

Mr. Hasty: Board members, we believe we satisfied the criteria that you need to find in the exhibit J. I believe our speakers addressed each of those factors and so we would ask the board to issue a special use permit as supplied.

Mr. Moon: and chair there are no other speakers.

Brenee Orozco: I would like to take this opportunity to go on the record on abstaining from discussion today.

David Moon: At this time, are you closing the public hearing?

Chair Parks: I am closing the public hearing.

Marva Lucas-Moore: I'll make a motion to approve the Special Use Permit and the special use site plan based on a finding that the special use criteria has been satisfied by the applicant's response and the exhibit J with the correction of #4 as stated by attorney hasty and the information presented by the staff this evening.

Linda Amos: I'll second

Chair Parks: All in favor?

Members Vote	In Favor
Gregory Parks-Chair	YES
Linda Amos, Vice-Chair	YES
Marva Lucas-Moore	YES
Brenee Orozco-Alt	Recused Herself
Donald Brooks-Alt	YES

David Moon: no other items of discussion.

Chair Parks: I move to adjourn. (Adjourned at 6:50pm)