

MINUTES
February 19, 2002
7:00 p.m.

Members

John M. Gillis, Chair (P)
Clifton McNeill, Vice-Chair (P)
David Averette (P)
Dallas Byrd (P)
Charles Morris (P)
Joe W. Mullinax (A)
Marion Gillis-Olion (P)
Jerry Olsen (P)

Others Present

Barry Warren, Director
Thomas J. Lloyd
Donna McFayden
Barbara Swilley
Kenneth Edge,
County Commissioner
Grainger Barrett,
County Attorney

I. INVOCATION AND PLEDGE OF ALLEGIANCE

Chair Gillis delivered the invocation and led those present in the Pledge of Allegiance.

II. APPROVAL OF AGENDA/ADDITIONAL ITEMS

Case No. P02-13 was moved from Consent to Public Hearing. Case P02-09 was moved from Public Hearing to Consent. Mr. Averette asked that a discussion regarding planning be added to the Agenda. A motion was made by Mr. Olsen and seconded by Dr. Olion to approve the Agenda with the above changes. The motion passed unanimously. Mr. Morris was not present for the vote.

III. PUBLIC HEARING DEFERRALS

There were no public hearing deferrals.

IV. ABSTENTIONS BY BOARD MEMBERS

There were no abstentions by Board members.

V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS

Mr. Lloyd read the Board policy regarding public hearing time limits.

VI. CONSENT ITEMS

A. APPROVAL OF THE MINUTES OF FEBRUARY 5, 2002

A motion was made by Vice-Chair McNeill and seconded by Mr. Olsen to approve the Minutes of February 5, 2002 with one correction. The motion passed unanimously. Mr. Morris was not present for the vote.

B. P02-09: A CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW AUTO REPAIR, SALVAGE AND STORAGE OF VEHICLES ON 3.15 ACRES IN AN RR DISTRICT AT 5886 MACK SIMMON ROAD, OWNED BY LEE F. FISHER.

The Packet material was introduced into the record.

The Planning staff recommended approval of the Conditional Use Overlay District based on the findings that the request is reasonable, not arbitrary or unduly discriminatory and in the public interest.

The Planning staff recommended approval of the Conditional Use Overlay Permit based on the findings that the proposal:

1. Will not materially endanger the public health and safety;
2. Will not substantially injure the value of adjoining or abutting property;
3. Will be in harmony with the area in which it is to be located; and
4. Will be in conformity with the 2010 Land Use and Thoroughfare Plans.

The Planning staff recommended the following conditions be placed on the Conditional Use Overlay Permit:

1. All paint cans, tires and debris be removed from the area;
2. A solid buffer be installed around the open storage area to meet the requirements of Section 7.27 of the County Zoning Ordinance;
3. All fluids be drained and disposed of according to approved environmental procedures and EPA regulations;
4. All State regulations regarding waste removal and hazardous materials be complied with; and
5. A time limit of 90 days be set for this site to be in compliance.

No one appeared in favor of or in opposition to the request.

A motion was made by Mr. Olsen and seconded by Dr. Olion to follow the staff recommendation and approve the Conditional Use Overlay District based on the findings that the request is reasonable, not arbitrary or unduly discriminatory and in the public interest. The motion passed unanimously. Mr. Morris was not present for the vote.

A motion was made by Mr. Olsen and seconded by Dr. Olion to approve the Conditional Use Overlay Permit based on the findings that the proposal:

- 1. Will not materially endanger the public health and safety;**
- 2. Will not substantially injure the value of adjoining or abutting property;**
- 3. Will be in harmony with the area in which it is to be located; and**
- 4. Will be in conformity with the 2010 Land Use and Thoroughfare Plans.**

The motion included the following conditions to be placed on the Conditional Use Overlay Permit:

- 1. All paint cans, tires and debris be removed from the area;**
- 2. A solid buffer be installed around the open storage area to meet the requirements of Section 7.27 of the County Zoning Ordinance;**
- 3. All fluids be drained and disposed of according to approved environmental procedures and the EPA regulations;**

4. **All State regulations regarding waste removal and hazardous materials be complied with; and**
5. **A time limit of 90 days be set for this site to be in compliance.**

The motion passed unanimously. Mr. Morris was not present for the vote.

- C. P02-15: REZONING OF 36.5 ACRES FROM A1 TO R20, OR A MORE RESTRICTIVE ZONING DISTRICT, ON RAMSEY STREET, NORTH OF LINDEN ROAD, OWNED BY JAMES D. AND ELIZABETH S. DEVANE.

The Planning staff recommended approval of the R20 Residential District based on the following:

1. The subject property has direct access to a major thoroughfare; and
2. The subject property has access to public water.

The Planning staff found that the subject property is also suitable for the R40, R40A, R30 and R30A Residential Districts.

No one appeared in favor of or in opposition to the request.

A motion was made by Mr. Olsen and seconded by Vice-Chair McNeill to follow the staff recommendations and approve the R20 Residential District. The motion passed unanimously. Mr. Morris was not present for the vote.

PLATS AND PLANS

- A. 02-013. WILLIAM EARL AND ALICE RETHA FAIRCLOTH SUBDIVISION/ RECOMBINATION REVIEW IN AN A1 AGRICULTURAL DISTRICT FOR A VARIANCE FROM, SECTION 7.12, "STREET ACCESS," CUMBERLAND COUNTY ZONING ORDINANCE, ON THE SOUTHEAST SIDE OF NC HWY 242, SOUTH OF NC HWY 201 SOUTH.

A motion was made by Mr. Olsen and seconded by Vice-Chair McNeill to follow the staff recommendations and approve the variance. The motion passed unanimously.

VII. PUBLIC HEARING ITEMS

- A. REVISIONS AND AMENDMENTS TO THE CUMBERLAND COUNTY CODE OF ORDINANCES, APPENDIX B, SECTIONS 4.2, "PRIVATE STREETS," AND 3.21, "GROUP DEVELOPMENTS."

Mr. Lloyd explained the Private Street amendment. He said that the Land Use Codes Committee has been studying the issue for two months and met on two occasions with private developers during the process.

Mr. Lloyd outlined the classes of streets: Class A Streets have more than seven lots and must be paved to meet NCDOT standards; Class B Streets consist of five to seven lots and must have crusher run or gravel; and Class C Streets contain one to four lots and may have a dirt surface. Group developments within the Class B and C Streets are limited to two units per lot—no matter the lot size.

Mr. Lloyd said that the Subdivision Ordinance doesn't address group developments for condominiums or apartments, and they are exempt from the above standards.

No one appeared in favor of or in opposition to the amendment.

Vice-Chair McNeill pointed out a few changes to the proposal.

A committee motion was presented by Mr. Olsen and seconded by Mr. Morris to approve the amendment with the noted changes. The motion passed unanimously.

B. P02-08: REZONING OF 1.0 ACRE FROM A1 TO C3, OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 6898 AND 6904 GOLDSBORO ROAD, OWNED BY FAUSTINO ESPINO.

Maps were displayed outlining the zoning and land use in the area. Slides of the subject property were shown, and Mr. Lloyd said that if the site can perk, it will be in front of the additional structure. He added that C3 is the most intensive commercial district.

Mr. Lloyd reported that the staff recommended denial of the C3 Commercial District based on the following:

1. The 2010 Land Use Plan recommends farmland protection at this location; and
2. The uses allowed in the C3 District are not compatible with the character and development of the area.

Mr. James Wrench appeared before the Board speaking for the owner. He said that the store was built in 1951 and operated until the owners died. He said that the last owners of the property spent \$10,000 for a 250-gallon per day septic tank for the house so that they could sell the property. He said that they can't do anything with the property and would like to sell auto parts and use the house for an office.

Mr. Devon McLaurin appeared before the Board in opposition representing his mother, who owns land in the area. He said that residents of the area want the land to remain A1.

Mr. Clifton Tyndall appeared before the Board in opposition and said that he wants the land to remain A1 for the benefit of the County and surrounding community. He said that he owns property in the area.

Mr. Wrench appeared in rebuttal and said that there isn't much agricultural use that can be done on one acre. He said that there is C3 zoning on several nearby lots, and one more C3 won't affect the community. He said that the current owner has fixed it up, and it looks better now than it has in many years.

Vice-Chair McNeill noted that the second structure can't be used because there is no septic tank. He asked if C3 was the zoning needed for his proposal. Mr. Lloyd said that it is the only zoning that will allow what the owner wants to do. Vice-Chair McNeill said that he sympathized with the owner, but the land is mainly A1, and C3 is the heaviest commercial zone available and would be in the middle of all agricultural land. He said that the Board should protect the area.

A motion was made by Vice-Chair McNeill and seconded by Mr. Olsen to follow the staff recommendation and deny the C3 District. The motion passed unanimously.

- C. P02-10: REZONING OF 5.96 ACRES FROM A1 TO RR, OR A MORE RESTRICTIVE ZONING DISTRICT, AT 8027 CARLOS ROAD, OWNED BY MR. AND MRS. JAMES M. HAIR.

Maps were displayed outlining the zoning and land use in the area. Slides of the subject property were shown, and Mr. Lloyd said that the only RR in the area was initially zoned RR due to an existing subdivision.

Mr. Lloyd reported that the staff recommended denial of the RR Rural Residential District and approval of the R40A Residential District based on the following:

1. The Planning Board has a policy that smaller tracts within the Farmland Protection Area are suitable for the R40 and R40A Residential Districts.

The Planning staff found that the subject property is also suitable for the R40 Residential District.

No one signed up to appear in favor of this case.

Ms. Kim Capehart appeared before the Board and said that she opposes the rezoning because it will: 1) bring additional noise to the area; 2) decrease property values of the surrounding residents; 3) create additional traffic; and 4) bring in a different caliber of persons (renters versus landowners).

Mr. Robert Capehart appeared before the Board in opposition and said that he moved to the area to get out of congestion. He said that more traffic will make the road even worse than it is now. He added that there is no crime in the area, and he doesn't want any brought in.

Mr. David Raynor appeared before the Board and said that he doesn't have any problem with a trailer park, but the area is mostly farmland with some nice homes.

A motion was made by Mr. Olsen and seconded by Mr. Byrd to follow the staff recommendation and deny the RR Rural Residential District.

Mr. Averette asked if the motion was to deny RR and approve R40 as staff recommended. Mr. Olsen said that it was not.

Mr. Lloyd suggested that the Board review the policy regarding R40 and R40A being allowed in farmland areas. He said that an earlier Board created the policy, and this Board may want to handle cases differently.

Vice-Chair McNeill asked Mr. Lloyd if the petitioner would agree to R40 or R40A. Mr. Lloyd said that he had not spoken with the petitioner since the staff meeting.

Chair Gillis noted that the owner was in the audience and asked the Board if they would allow him to speak. The Board agreed.

Mr. James Hair appeared before the Board and said that he would prefer the RR zoning. He said that the problem that the neighbors have expressed appeared to be with NCDOT regarding the road.

Mr. Lloyd explained that the R40A would allow six or seven mobile homes on individual lots. Mr. Hair said that he plans to put in a 60-foot right-of-way so that his heirs would have options with what they might want to do with the property in the future.

Mr. Barrett said that the R40 does not allow mobile homes.

Mr. Olsen said that Mr. Hair should meet with the staff before the Commissioners' meeting to decide what he wants to do because if the Commissioners deny the RR, he'll have to wait one year before he can apply for rezoning.

The Board recessed to allow Mr. Hair time to speak with staff.

After the recess, Mr. Lloyd said that he explained the options to Mr. Hair.

Mr. Hair said that he wants one-acre lots to be sold off at a later date. He said that he understood the easement needed, and he just wants to divide the property into one-acre lots with one mobile home per acre.

Chair Gillis asked the status of Carlos Road, and Mr. Lloyd said that it is state maintained.

Chair Gillis asked if the petitioner would have access to five or six lots, and Mr. Lloyd said that he could use a Class C dirt street; however, if adopted the new standards will allow only four units before he'd have to put gravel or crush or run on the road. Mr. Hair said that he was going to gravel the roadway. He had Mr. Lloyd again show pictures of the property and said that woods are located to the left, and the neighbor to the right does not object to the rezoning.

A substitute motion was offered by Mr. Averette and seconded by Mr. Byrd to follow the staff recommendations and deny the RR and approve R40A for the property.

Mr. Morris said that the motion was changed, and two people in opposition had left the meeting and would not be aware of the change. He added that the R40A will allow five or six lots with one trailer on each.

Ms. Capehart said that the noise level with the two existing mobile homes is high. She said that she goes to bed early, and the music and noise is loud through the woods.

Mr. Capehart said that he doesn't live in the area. He asked who would take care of any problems and if the neighbors would have to keep calling the police.

Mr. Olsen cautioned the Board that they were getting very close to contract zoning.

A substitute motion was offered by Mr. Olsen and seconded by Mr. Morris to refer the case back to staff to resolve any concerns with the applicant and hear the case at the Board's March 5, 2002 meeting. The motion passed unanimously.

D. P02-11: REZONING OF 11.3 ACRES FROM A1 TO R6A, OR A MORE RESTRICTIVE ZONING DISTRICT, ON DUCK POND ROAD, EAST OF REEVES BRIDGE ROAD, OWNED BY MR. AND MRS. LEON F. HAIR.

Maps were displayed outlining the zoning and land use in the area. Slides of the subject property were shown. Mr. Lloyd explained that this case was recently initially zoned, and there are no community utilities serving the site. He said that the applicant failed to sign up, but he wanted to speak. Mr. Lloyd reported that the Planning staff recommended denial of the R6A Residential District based on the following:

1. The 2010 Land Use Plan calls for farmland protection at this location; and
2. The subject property does not meet the criteria for medium-density development (water and sewer).

Note: The only other R6A zoning in the area is an approved mobile home park.

Mr. Leon Hair appeared before the Board and said that he has 14 lots on the property and owns the land behind and to the right of the site and has a 60-foot right-of-way on the left to the rear of his property. He said that he would like to finish his mobile home subdivision. He said that the Health Department said he could serve 14 mobile homes off of one well.

Mr. Lloyd said that all mobile home parks are required to have paved internal streets. Mr. Hair said that his site is considered a subdivision. Mr. Lloyd agreed and said that two mobile homes are allowed on each lot.

Mr. Morris said that he had spoken with the applicant prior to the initial zoning. He noted that this has been Mr. Hair's intention for a number of years.

Mr. Averette asked if there are currently 14 trailers using one well. Mr. Hair said that there are about nine trailers now, and he can add more. Mr. Averette asked about septic tanks, and Mr. Hair said that there is one per unit. He added that phase 1 allowed 14 mobile homes on one well, and phase 2 will require another well for the additional trailers.

Vice-Chair McNeill asked why the property was zoned A1 if the use was in place at the time of zoning. He said that the citizens of the area were assured that the zoning would not affect what they were doing with their land at the time, and it appears that this will not allow Mr. Hair to continue to do what he planned to do with his land.

There was discussion, and Mr. Lloyd said that R30 would handle the density proposed. Vice-Chair McNeill asked if the R30 would accommodate the additional units. He was told that it would.

The public hearing was closed.

Mr. Averette said that the site was being treated as a mobile home park with one well and nine units. He said that the property could not be subdivided with one well. He said that he was inclined to agree with the R6A.

Mr. Lloyd said that the R6A would make it a mobile home park, and the RR would accommodate the proposal and more. He said that approving medium-density for this site would not be wise with no water or sewer.

Mr. Morris said that the Board should show latitude in this case.

A motion was made by Mr. Morris and seconded by Mr. Averette to approve the R6A District.

Vice-Chair McNeill asked if the development would be considered a mobile home park if the R6A is approved. Mr. Lloyd said it would not, but the applicant would be allowed to develop at higher density. Mr. Barrett explained that the R6A would allow 60 to 70 units in a subdivision. Mr. Lloyd said that the R6A would allow eight mobile homes per acre if developed as a mobile home park.

Mr. Averette said that the problem is that it is developed as a mobile home park now, and Mr. Hair would need a master well for more units.

Mr. Olsen said that the applicant is not promised tomorrow, and if the land is rezoned, it will stay that way. He said that the Board is rezoning the property, and it may be a future owner who determines what will be on the property at medium-density in the middle of agricultural land.

Mr. Morris said that this has been Mr. Hair's intention for years, and the Board should give him latitude.

Chair Gillis asked the staff's recommendation. Messrs. Warren and Lloyd said that they would recommend the RR. Chair Gillis asked if Mr. Hair could accomplish his wishes with RR, and he was assured that he could. Mr. Warren said when the staff looked at the land prior to zoning, it appeared to be mobile homes on one acre lots. He said that it is a subdivision, not a mobile home park, and RR would allow 22 units with a group development on Class C streets. Further, Mr. Warren said that the R6A allows 6,000 square foot lots, and the staff felt that this is too dense for the area with no utilities.

Vice-Chair McNeill said that the Board should accommodate the situation. Mr. Hair said that he would be content with RR if it will allow the additional units. Mr. Barrett said that it would. Mr. Warren added that R6A is not a reasonable zone without water and sewer.

Mr. Hair asked how many units he would be allowed on 10 acres, and Mr. Lloyd said he would be allowed between 20 and 22. Mr. Hair said that was sufficient.

Mr. Morris asked Mr. Hair if he would be satisfied with the RR, and Mr. Hair said that he would.

Mr. Morris amended his motion to approve the RR Rural Residential District. Mr. Averette agreed with the change.

Mr. Averette asked if Mr. Hair could have a mobile home park in the RR District. Mr. Lloyd said that he could not, and he would have to pave the roads if he had a mobile home park. He said that Mr. Hair's tract is a subdivision/group development that will essentially allow him to do the same as a mobile home park.

Upon a vote on the motion, it passed unanimously.

- E. P02-12: REZONING OF 1.97 ACRES FROM M2 TO A1, OR A MORE RESTRICTIVE ZONING DISTRICT, AT 9121 RAMSEY STREET, OWNED BY MR. AND MRS. BENNIE D. WILLIAMS.

Maps were displayed outlining the zoning and land use in the area. Mr. Lloyd said that this is another case from the area that was recently initially zoned. Slides were shown of the subject property and surrounding area. Mr. Lloyd explained that an error was made when the application was received for A1 because the property does not contain enough acreage (two acres) to qualify for the A1 zoning.

Mr. Lloyd said that the staff recommended denial of the A1 Agricultural District and approval of the R40 Residential District based on the following:

1. The subject property is not large enough to meet the requirements of the A1 District, and approval would create a non-conforming tract.

The Planning staff found that the subject property is also suitable for the R40A Residential District.

No one appeared in favor of or in opposition to the request.

Chair Gillis asked the reason that the rezoning was requested. Mr. Lloyd explained that there is a home on the property that would not be allowed to be rebuilt if it were destroyed because it is a nonconforming use in the M2 District.

A motion was made by Vice-Chair McNeill and seconded by Mr. Olsen to follow the staff recommendations and deny the A1 Agricultural District and approve the R40 Residential District. The motion passed unanimously.

- F. P02-13: REZONING OF 20.29 ACRES FROM A1 TO R20, OR A MORE RESTRICTIVE ZONING DISTRICT, ON THE NORTH AND SOUTH SIDES OF SAND HILL ROAD, WEST OF SOUTH FORTY DRIVE, OWNED BY CORRINA M. EDWARDS.

Maps were displayed outlining the zoning and land use in the area. Slides of the subject property were shown, and Mr. Lloyd reported that the staff recommended approval of the R20 Residential District based on the following:

1. The uses allowed in the R20 District are consistent with the character and development of the adjacent neighborhood.

The Planning staff found that the subject property is also suitable for the R30, R30A and R40 Residential Districts.

Mr. Olsen asked how the lots to the west of the subject property are zoned. Mr. Lloyd said that the zoning is A1; however, the lots are about ½ acre (R20 density) because they were subdivided prior to zoning.

Mr. Ken Bledsoe appeared before the Board and said that this land joins the South Forty Subdivision. He said that the last street in the subdivision will serve as the entrance to his development. He said that he intends to use similar covenants as those governing South

Forty; only his homes will be larger than allowed under South Forty covenants. He said that he will be improving the area. He added that there is a low spot on a sand ridge that he will work to correct. He said that he would not be allowed to allow water to drain into adjoining lots. Mr. Averette asked if public water is available to the site, and Mr. Bledsoe said that the site is served by city water. Mr. Bledsoe said that construction vehicles will enter the development off of Sand Hill Road.

Mr. Lloyd explained that the R20 allows Class A manufactured homes, and A1 allows any type mobile homes. Mr. Bledsoe said that custom-made homes will be built in the development.

Mr. Jack Melvin appeared before the Board and said that he lives on South Forty Road and has concerns about water drainage. He said that a heavy rain leaves standing water on his property, and he doesn't want it to get worse. He pointed out his property adjoining the proposed development.

Vice-Chair McNeill asked if the roads in South Forty have been taken over by NCDOT, and Mr. Melvin said that they have.

Mr. Nephi Brock appeared before the Board in opposition and said he spoke with Jim Kizer, a local engineer, who said that he would provide a letter stating that there is a corrective drainage problem, and density should be monitored. Mr. Brock added that more roads and houses will create more drainage problems. He said that his father-in-law lives next to Mr. Melvin and also has standing water.

Mr. Ray Wilson appeared before the Board in opposition and said he lives next to Mr. Melvin. He said that he does not object to the rezoning, just doesn't want to be flooded. Vice-Chair McNeill asked if discharge goes to his home from South Forty and from the subject property. Mr. Wilson said that water drains from both areas.

Mr. Robert Hales appeared before the Board in opposition and said that he lives on the other side of Mr. Melvin and is also bothered by drainage problems. He said that water from his yard drains on to Mr. Melvin's yard. He said that his yard doesn't have much slope; so increasing density could cause some serious drainage problems in his yard. Mr. Hales said that he preferred a zoning district that would not allow mobile homes. He also said that it made sense to enter the development off of Sand Hill Road.

Mr. Bledsoe appeared before the Board in rebuttal and said that he has to trust the expertise of the people who know what they're doing to make sure additional problems are not created. He said that the development should alleviate some of the drainage problems. He said that he would have the entrance to the development off of Sand Hill Road if that is what the community wants. Mr. Bledsoe said that he has lived in the area his entire life, and this is one of the higher areas in the County. He said that he would be willing to put in holding ponds to make sure that drainage is improved. He assured the people that he is working with a grading company to make sure that the concerns are addressed.

Mr. Averette asked how many lots are proposed for the site. Mr. Bledsoe said that there are 14 acres on the side of Sand Hill Road next to South Forth that he intends to develop with about 20 to 22 homes. Mr. Averette asked if they could be developed at R30 standards. Mr. Bledsoe said that it would cause a financial hardship to develop at R30 standards, and South Forty is developed at R20 standards.

Vice-Chair McNeill asked Mr. Bledsoe if he'd put an access off of Sand Hill Road if it would alleviate some of the drainage. Mr. Bledsoe said that he'd do whatever he's told by the professionals to do. He said the primary reason he didn't propose the access off of Sand Hill Road was to keep people from cutting through the neighborhood.

Mr. Barrett reminded the Board that they are considering rezoning, and the issues they're discussing are covered in a subdivision review. He said that nothing is binding at this stage of the process.

Mr. Bledsoe said that he intends to leave nearly six acres on the other side of Sand Hill Road for one or two dwelling units. He added that a road is being bulldozed on the other side of his property for a trailer park. He said he didn't have a problem with mobile homes. Mr. Barrett said that there are two issues that cannot be settled by the Board. The first is the streets, and DOT will determine this. The second is clearing the lots, and if more than one acre is disturbed, a Sedimentation and Erosion Permit is required. He said that these matters are controlled by the State and not to be considered by the Board.

A motion was made by Mr. Olsen and seconded by Mr. Morris to follow the staff recommendations and approve the R20 Residential District. The motion passed unanimously.

Moderator Gillis explained that the North Carolina Department of Natural Resources would be involved with erosion control issues while the site is being developed, and after the construction phase, any runoff must be accepted by adjoining properties. Mr. Barrett added that a "reasonable" amount of runoff is allowed.

Moderator Gillis asked if perk or soil tests have been performed, and Mr. Bledsoe said that they have not.

Upon a vote on the motion, it passed unanimously.

G. P02-14: REZONING OF 20.59 ACRES FROM A1 TO R40, OR A MORE RESTRICTIVE ZONING DISTRICT, AT 487 PALESTINE ROAD, OWNED BY MR. AND MRS. HUEY W. CHU.

Maps were displayed outlining the zoning and land use in the area. Mr. Lloyd said that he received a call earlier today stating that someone bought a large portion of the property. He said that this should be verified prior to voting on the case.

Mr. Lloyd reported that the Planning staff recommended denial of the R40 Residential District based on the following:

1. The density of the R40 Residential District is not consistent with the character and development of the area; and
2. The 2010 Land Use Plan calls for farmland at this location, and the tract is larger than those considered suitable for R40 under the Planning Board's policy.

Mr. Ernest Smith appeared before the Board and asked the size of tracts in the R40 and A1 districts. Mr. Lloyd explained the size of tracts and added that this large tract of land is usually preferred to be left in two-acre tracts as required in the A1 District. Mr. Smith said that he recently purchased about seven acres of this land.

Mr. Warren explained if the land was divided into larger than 10-acre tracts, it doesn't have to follow the subdivision regulations—if less, the regulations must be followed.

Chair Gillis suggested that the case be tabled until March 19 in order for the staff to get clarification on ownership and work with the owner(s).

A motion was made by Mr. Morris and seconded by Dr. Olion to defer action on Case No. P02-14 until March 19, 2002.

Mr. John Streit appeared before the Board in opposition and said that he owns property north of the site. He said that Mr. Smith bought the western seven acres, and there is also a 60-foot easement through the eastern part of the property to his tract. He said if the dam blows, he would have no way to get out to the other side. He said that he is currently negotiating with a realtor to purchase some of the subject property. He added that the restrictive covenants do not allow multi-family and other things. Mr. Streit said that he would like the property to remain A1 until all the owners have input.

Mr. Lloyd said that he needs to meet with the owner(s). Chair Gillis said that a subdivision plan should also be submitted, and Mr. Barrett agreed.

Upon a vote on the motion, it passed unanimously.

VIII. DISCUSSION

A. PLANNING – DAVID AVERETTE

Mr. Averett said that Roger Stancil reported that until the Institute of Government submits their findings on joint planning, there can be no combining of planning organizations. He said that it would be wise to get together for many reasons (economic development overlay districts, mobile home standards, appearance, quality of life, etc.). He said that he wants to start planning and move out to get the process started. He said that some of the issues should be referred to a committee.

Mr. Warren said that he shared Mr. Averette's concern. He said that Mr. Stancil's comments could be interpreted that there isn't much planning going on. He said that there is a tremendous amount of planning going on. He said that in addition to all the time that the Planning Board committee members put into planning (Spring Lake Land Use Plan, Private Street amendment, Highway 24/Maxwell Road Study, North Area Study, etc.), the staff is also working on several projects. He suggested an update on the work program so that the Board would be aware of the various projects now being worked on by staff.

Mr. Olsen said that Fayetteville does their planning and zoning separately. He said that he was asked whether he'd rather serve on a planning or zoning board. He said that if you're on the zoning side, you have to know planning to be effective, and vice versa. He said that the County is very much involved in the planning process.

Mr. Morris said if this Board wants both boards back together, the only way that it will happen involves dollars. He said if there is a big money savings demonstrated to the City and County, then they might consider putting the boards back together.

Vice-Chair McNeill said that the door is open, and the City chooses not to come back. He said that he is offended that Mr. Stancil thinks that the County is not being productive because it's not the County that isn't productive. He said that the County is moving, and the City is the anchor who is not planning.

Mr. Olsen said that the City was paying 40 percent of the expenses and requiring 60 percent of the staff time when they were with the County.

Mr. Byrd said that the City's Planning Commission Chair made their position very clear at the last joint meeting.

Mr. Warren said that the City doesn't have enough staff to do zoning and planning, and they will have to hire consultants to do their plans.

Chair Gillis said that the City has their own issues, and they are mostly concerned about annexing and getting bigger.

Mr. Averette said that he is concerned about the County—not the City. He said that he wants input in ordinances and studies. He said that someone needs to be in the process that sees what is being planned from the public standpoint.

Mr. Olsen said that he recently attended a Wade citizen committee meeting, and the public is involved in that process. Dr. Olion said that she attended the citizen meeting for the North Area Study, and the citizens have a lot of opportunity for input. She said that the County staff reviewed the study line by line and explained planning to those in attendance. She said that she wanted to compliment the County staff for the effective job that they did.

The Board members suggested that Mr. Warren conduct short training sessions (Planning 101) at the joint meetings. Mr. Warren agreed.

IX. FOR YOUR INFORMATION

A. DIRECTOR'S UPDATE

Mr. Warren said that when Representative Hurley announced that he will not run for office again, he said that he would continue to push for a high speed rail system through Fayetteville. Mr. Warren urged the Board members to also make the high- speed rail system a priority when they speak with people throughout the County.

A. THANKS FROM VICE-CHAIR McNEILL

Mr. McNeill thanked the Board for their concern during his recent surgery. He said that their cards, wishes, gift and prayers were very much appreciated.

X. ADJOURNMENT

There being no further business, the meeting adjourned at 10:00 p.m.