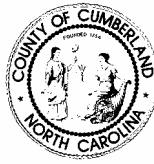


Clifton McNeill, Jr.
Chair
Cumberland County

Charles C. Morris, Vice-Chair
Town of Linden
David Averette,
John M. Gillis, Jr.
Dr. Marion Gillis-Olion
Cumberland County



COUNTY of CUMBERLAND

Joint Planning Board

Nancy Roy, AICP
Director
Planning & Inspections

Joe W. Mullinax,
Town of Spring Lake
Donovan McLaurin,
Wade, Falcon & Godwin
Frank Underwood,
Town of Stedman

MINUTES
January 20, 2004
Historic Courthouse

Members Present

Mr. Clifton McNeill, Chair
Mr. David Averette
Mr. John M. Gillis
Mr. Donovan McLaurin
Mr. Joe W. Mullinax
Dr. Marion Gillis-Olion
Mr. Frank Underwood

Members Absent

Mr. Charles Morris, Vice-Chair

Others Present

Ms. Nancy Roy, Director
Mr. Thomas J. Lloyd,
Deputy Director
Ms. Donna McFayden
Ms. Barbara Swilley
Mr. Grainger Barrett,
County Attorney

I. INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Mullinax delivered the invocation, and Chair McNeill led those present in the Pledge of Allegiance.

II. APPROVAL OF AGENDA/ADDITIONAL ITEMS

Mr. Lloyd asked that Case P04-03 be deferred until the February 3, 2004 meeting in order to request a different zoning district. Chair McNeill asked that Case P03-77 be placed as an item under Discussion. Mr. Lloyd said that there was opposition to Case P04-07, so it would need to be moved from Consent to Public Hearings. A motion was made by Mr. Mullinax and seconded by Mr. Gillis to approve the Agenda with the above changes. The motion passed unanimously.

III. PUBLIC HEARING DEFERRALS

- A. P04-05: REZONING OF .56 ACRES FROM RR TO R15 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 2643 LAKEVIEW DRIVE, OWNED BY ROSINA NEWTON.

A motion was made by Mr. Gillis and seconded by Mr. Underwood to defer Case P03-05 until February 17, 2004. Chair McNeill asked if anyone was present to speak regarding the case. No one was present. The motion passed unanimously.

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's policy regarding public hearing time limits.

VI. CONSENT ITEMS

A. APPROVAL OF THE MINUTES OF JANUARY 6, 2004

Mr. Mullinax asked that his name be placed on the Minutes as having attended the meeting. A motion was made by Mr. Mullinax and seconded by Dr. Olion to approve the Minutes of January 6 with the above change. The motion passed unanimously.

AMENDMENT

- A. P04-01: REVISION AND AMENDMENT TO THE TOWN OF STEDMAN ZONING ORDINANCE TEXT, ARTICLE III, SECTION 3.1, TABLE 1-D PERMITTED USES BY ADDING "PUBLIC OR PRIVATE OWNED AND OPERATED MUSEUMS", AND DELETING IN TABLE 1-A PERMITTED USES, PUBLIC AGENCY OWNED AND OPERATED "MUSEUMS".

The Planning staff recommended approval of the Amendment to the Town of Stedman Zoning Ordinance based on this being a request from the Town of Stedman.

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

A motion was made by Mr. Gillis and seconded by Mr. Underwood to approve the amendment to the Stedman Zoning Ordinance. The motion passed unanimously.

REZONING CASES

- A. P04-02: REZONING OF .28 ACRES FROM R6A TO C3 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 4429 CUMBERLAND ROAD, OWNED BY CURTIS B. HATCHER.

The Planning staff recommended approval of the C3 Heavy Commercial District based on the following:

1. The uses allowed in the C3 District are consistent with the character of the neighborhood; and
2. The C3 District is consistent with existing zoning in the area.

The Planning staff found that the subject property is also suitable for all of the intervening districts except the HS(P) Planned Highway District.

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

A motion was made by Mr. Gillis and seconded by Mr. McLaurin to follow the staff recommendations and approve the C3 Heavy Commercial District. The motion passed unanimously.

- B. P04-04: REZONING OF .40 ACRES FROM R6 TO R6A OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3221 NATAL STREET, OWNED BY BILLIE J. AND WILLIAM D. DAVIS.

The Planning staff recommended approval of the R6A Residential District based on the following:

1. The 2010 Land Use Plan calls for medium-density residential development at this location;
2. The uses allowed in the R6A District are consistent with the character of the neighborhood; and
3. The R6A District is consistent with the existing zoning in the area.

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

A motion was made by Mr. Gillis and seconded by Mr. McLaurin to follow the staff recommendations and approve the R6A Residential District. The motion passed unanimously.

CONDITIONAL USE CASES

- A. P03-97: CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW USED CAR SALES, CAR REPAIRS AND AN OFFICE IN AN R10 DISTRICT, ON .46 ACRES, AT 5843 PERMASTONE LAKE ROAD OWNED BY RONALD AND WANDA WALKER.

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.

In addition, the Planning staff recommended that the following conditions be placed on the Conditional Use Overlay Permit:

1. No more than three vehicles used in conjunction with car sales and service are to be allowed on the site at one time;
2. Auto repair is to be made to only the vehicles currently being sold;
3. No unlicensed vehicles are allowed on the site;
4. All lighting is to be directed inward away from adjoining properties;
5. Buffering is to be in accordance with the application and site plan submitted by the applicant;
6. Two parking spaces are allowed for customers; and
7. Applicant is required to either obtain Zero Lot Line Subdivision approval or go before the Cumberland County Board of Adjustment for approval of a setback variance and then obtain a No Approval Required Subdivision

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

A motion was made by Dr. Olion and seconded by Mr. Gillis to follow the staff recommendations and approve the Conditional Use Overlay District because the application is reasonable, neither arbitrary nor unduly discriminatory and in the public interest. The motion passed unanimously.

A motion was made by Dr. Olion and seconded by Mr. Averette to approve the Conditional Use Overlay Permit after finding that when completed, 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 land use plan, thoroughfare plan or other plan officially adopted by the Board of Commissioners. In addition, the following conditions are added to the Conditional Use Permit:

- 1. No more than three vehicles used in conjunction with car sales and service are to be allowed on the site at one time;**
- 2. Auto repair is to be made to only the vehicles currently being sold;**
- 3. No unlicensed vehicles are allowed on the site;**
- 4. All lighting is to be directed inward away from adjoining properties;**
- 5. Buffering is to be in accordance with the application and site plan submitted by the applicant;**
- 6. Two parking spaces are allowed for customers; and**
- 7. Applicant is required to either obtain Zero Lot Line Subdivision approval or go before the Cumberland County Board of Adjustment for approval of a setback variance and then obtain a No Approval Required Subdivision**

The motion passed unanimously.

- B. P04-11: A CONDITIONAL USE DISTRICT AND PERMIT TO ALLOW MINI-STORAGE UNITS AND RV/BOAT STORAGE IN A R6 DISTRICT CONTAINING 18.61 ACRES, OWNED BY BONE CREEK INVESTMENTS, LLC.**

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 that the following conditions be placed on the Conditional Use Overlay Permit:

1. The natural buffer surrounding the tract is to remain;
2. A vegetative buffer is to be placed along the entire southern boundary; and
3. Landscaping is to be in place as proposed on the conceptual plan submitted by the applicant.

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

A motion was made by Dr. Olion and seconded by Mr. Averette to follow the staff recommendations and approve the Conditional Use Overlay District because the application is reasonable, neither arbitrary nor unduly discriminatory and in the public interest. The motion passed unanimously.

A motion was made by Dr. Olion and seconded by Mr. Averette to approve the Conditional Use Overlay Permit after finding that when completed, 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 land use plan, thoroughfare plan or other plan officially adopted by the Board of Commissioners. In addition, the following conditions are added to the Conditional Use Permit:

- 1. The natural buffer surrounding the tract is to remain;**
- 2. A vegetative buffer is to be placed along the entire southern boundary; and**
- 3. Landscaping is to be in place as proposed on the conceptual plan submitted by the applicant.**

The motion passed unanimously.

VII. PUBLIC HEARING ITEMS

- A. P03-85: A CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW A TRUCKING BUSINESS AND STORAGE OF EQUIPMENT ON 1.14 ACRES, IN AN A1 DISTRICT, AT 5694 MATT HAIR ROAD, OWNED BY JOHN R. LEBLANC.

The public hearing was opened. Maps were displayed indicating the zoning and land use in the area. Mr. Lloyd reported that 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 recommends denial of the Conditional Use Overlay Permit based on the findings that the proposal:

1. Will materially endanger the public health and safety;
2. Will not be in harmony with the area in which it is to be located; and
3. Will not be in conformity with the 2010 Land Use and Thoroughfare Plans.

Note: The Department of Transportation has stated, "...the roads herein listed are inadequate to carry and would be injuriously affected by trucks or buses using the said roads and carrying the statutory road limits, unless restricted. The said highways are hereby designated as light traffic roads."

Mr. Lee Zuravel, attorney for the applicant, appeared before the Board. Mr. Barrett said that the case has been presented, and Mr. Zuravel should address the changes that were made to the site plan. Mr. Zuravel said that the area to park

vehicles has been moved as far from Ms. LeBlanc's property to the south as possible, and a buffer is to be placed between Ms. LeBlanc's property and the subject property. He said that access is to be off of a dirt road from Matt Hair Road, and there shouldn't be any problems with utility easements.

Ms. Lillie Council appeared before the Board and said that she lives closer to the subject property than Ms. LeBlanc, and she has had no problems with noise from the trucks.

Mr. Brandon Barbier appeared before the Board and said he recently moved to the area, and Mr. LeBlanc is a good neighbor who will do anything to help the neighbors.

Ms. Jana Berg appeared before the Board representing Ms. Carolyn LeBlanc, who opposes the request. She asked if she would be allowed to question an earlier speaker. Mr. Barrett said that she could by having the witness step forward and question him/her. Ms. Berg said that the nature of the applicant's business requires space, and her client is sandwiched between two trucking operations that are not appropriate for the area. She asked that the Board also consider the noise generated by the refrigeration trucks and the additional traffic created from their operation. In addition, Ms. Berg pointed out that many children catch the school buses on the road where the trucks are driven, and this causes a safety hazard. She said that Ms. LeBlanc will address her experiences with the noise, and Ms. Ann Pratt, a realtor, will speak about the effect that the operation has had on property values in the area.

Ms. Berg questioned the applicant and his attorney regarding the power easements on the property where the applicant intends to park his trucks. She asked the following questions and received the answers indicated:

1. Are you aware of Progress Energy's Energy Use Guidelines? Mr. LeBlanc said that he was.
2. What steps have been taken to ensure that the use is within the guidelines? Mr. LeBlanc said that a representative of CP&L said it was okay for him to park under the power lines.
3. Did you receive written approval from Progress Energy to use the easement? Ms. Berg was told that they could obtain written approval.
4. Who did you speak to at Progress Energy? Mr. LeBlanc said the person he spoke to was from CP&L, and he didn't know his name. Mr. Zuravel said he could find out the gentleman's name.
5. Are you aware that you cannot park within 15 feet of a conductor? Mr. Zuravel said he didn't think that there was a conductor on the property.
6. Are you aware that you cannot have anything under an easement that is taller than 11 feet? Mr. Zuravel said that the gentleman from PWC said as long as the tractors can be moved for access, it would be okay to park them there.

Mr. Barrett asked the relevance of PWC. Mr. Zuravel said that there was none. [He meant to say CP&L (a subsidiary of Progress Energy).]

Ms. Carolyn LeBlanc appeared before the Board and said that there are 96 feet between her home and Mr. LeBlanc's property line. She said that it sounds like the

trucks are in her room when they are started in the morning. She read statements from neighbors who signed a petition. Most of the statements were about the noise and safety issues. The statements agreed that the roads were too narrow, curves too sharp and drivers drive too fast. All wanted a quiet neighborhood. Ms. LeBlanc said that one of the trailers on Mr. LeBlanc's property has Louisiana tags. She asked if he could park anyone's truck on the property. She said that the only reason she and her husband listed their property for sale is the noise created by Mr. LeBlanc's trucking operation.

Ms. Ann Pratt appeared before the Board and submitted an Affidavit from her real estate company (attached). She said that when she went to list the property, she was disturbed to see the trucking businesses on both sides of Ms. LeBlanc's property. She said that the property has been on the market since June, and she has shown it but had no offers. She added that the price has been reduced and still not sold. She said her professional opinion was that the uses are bringing Ms. LeBlanc's property value down.

Mr. Zuravel appeared before the Board in rebuttal and said that Ms. LeBlanc is asking \$125,000 for the house, and the tax value is \$92,000. He said that the trucking business has existed for many years, and the real issues involve family problems and not an objection to the business. He added that Mr. LeBlanc has done everything to satisfy Ms. LeBlanc's objections, including moving the trucks and willingness to buffer the site.

Mr. Barrett asked Ms. Pratt if the asking price was \$125,000, and she said that it was. He asked if she was aware that the tax value was \$92,000, and she said that the property was recently appraised for \$100,000.

The public hearing was closed.

A motion was made by Mr. McLaurin and seconded by Mr. Underwood to follow the staff recommendations and approve the Conditional Use Overlay District because the application is reasonable, neither arbitrary nor unduly discriminatory and in the public interest.

Mr. Gillis asked the staff if they had obtained any information on the power line easement and restrictions. Mr. Lloyd said that the staff discussed the easement and didn't feel that the restrictions would be a zoning issue or enforceable by the inspectors. Mr. Barrett said that research had not been done on the issue. Mr. Gillis said that he wanted to know the legal restrictions related to the site plan. Mr. Barrett said that research would be needed before he could give him an answer. He added that the easement probably doesn't do much more than refer to a use guideline, which is usually written very strictly and interpreted more loosely. Mr. Averette said that the easement could be addressed in the Permit.

Upon a vote on the motion, it passed unanimously.

A motion was made by Mr. McLaurin to approve the Conditional Use Overlay Permit after finding that when completed, the proposed: 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 land use plan, thorough-fare plan or other plan officially adopted by the Board of Commissioners. In addition, the following conditions are added to the Conditional Use Permit:

1. Only one tractor and two trailers allowed to be parked on site at any one time. Parking to be allowed behind Mr. LeBlanc's dwelling only. No parking allowed on the south side of Mr. LeBlanc's property;
2. A buffer is to be placed along the property lines adjoining Ms. Carolyn LeBlanc's property line starting 80 feet from the centerline of Matt Hair Road and extending approximately 337 feet;
3. The buffer is to include a shadow box style fence with a dog-eared top. The fence is to be constructed of treated yellow pine, composite wood or plastic and is to be a minimum height of seven feet and a maximum distance from the ground of one foot. The fence boards should be five and one-half inches wide and have a maximum spacing of two and one-half inches. The fence is to have a 12-foot wide gate on the southern end of the Progress Energy line and should be in the center of the easement. The gate should be constructed so as to be a continuation of the fence appearance. No gate is required under the South River line. The fence is to be well maintained. Any leaning of the fence or broken boards are to be repaired.
4. Pressure washing and draining of fluids are to be done in a manner that complies with DENR Water Quality Regulations. All gases are to be handled in a manner that complies with DENR Air Quality Regulations;
5. All lighting is to be directed inward, away from Ms. Carolyn LeBlanc's property; and
6. All instructions from DOT regarding paving of roads are to be followed (i.e. road paving and strengthening).

Mr. Averette asked for clarification on the fencing condition. Mr. McLaurin explained that the fence would be 80 feet from the centerline of Matt Hair Road and extend north along the western line for about 300 feet. Mr. Averette said that a second gate wouldn't be needed if the fence stopped at 300 feet. Mr. McLaurin agreed and changed his condition to require only one gate to be located on the southern line.

The motion was seconded by Mr. Averette.

Dr. Olion asked if there would be fencing on the northwest corner where the trucks are to be parked. Chair McNeill said there would not.

Mr. Gillis asked for the staff's input on Mr. McLaurin's conditions. Mr. Lloyd said that they were basically the same as discussed at the earlier meeting. Mr. Gillis said that because of the power lines, there was no greenery requirement. Mr. Lloyd said the staff generally says the more restrictive, the better.

Mr. Barrett suggested asking if the property owner would accept the conditions. Chair McNeill asked Mr. LeBlanc if he would accept the conditions stated, and Mr. Zuravel said that he would gladly accept them. Chair McNeill asked about strengthening the road, and Mr. LeBlanc said he would most definitely be willing to

strengthen the road as stated in Mr. Burgoyne's case previously. Mr. McLaurin pointed out that the road strengthening is also listed in the conditions.

Mr. Gillis said that he felt obligated to ask the opponents their opinion. Chair McNeill asked Ms. Berg. Ms. LeBlanc said that she would like for the hours of operation to be limited. She said 24/7 is too much.

Chair McNeill asked why 24/7 was necessary. Mr. LeBlanc said it covered the refrigeration time. He said that the trucks are gone 99 percent of the time and only in the yard when the plant is full. Chair McNeill reminded Mr. LeBlanc that he was only allowed two trailers and one tractor. He then asked if any trucks were entering or leaving at night, and Mr. LeBlanc said that was subject to change, but the drivers take the trucks home.

Upon a vote on the motion, it passed 4 to 3 with Chair McNeill and Messrs. Averette, McLaurin and Underwood voting in favor and Dr. Olion and Messrs. Gillis and Mullinax voting in opposition.

B. P04-03: REZONING OF 23.8 ACRES FROM A1, RR AND C1/CUO TO C1 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 4793 SOUTH NC HWY 87, OWNED BY J. FRANKLIN JOHNSON III.

This case was deferred until the February 3, 2004 meeting.

C. P04-06: REZONING OF 106.6 ACRES FROM A1 TO R40 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT THE SOUTHWEST QUADRANT OF BUTLER NURSERY AND MARSH ROADS, OWNED BY CUMBERLAND GROUP, LLC.

The public hearing was opened. Maps and slides were displayed indicating the zoning and land use in the area. Mr. Lloyd reported that the Planning staff recommended denial of the R40 Residential District based on the following:

1. The 2010 Land Use Plan calls for farmland in this area; and
2. The Planning Board policy in the past has been to deny rezoning to R40 and R40A of farmland tracts greater than 10 acres.

Mr. Harry Hutaff, Jr. appeared before the Board and said that he lives in Fayetteville and was representing himself and Franklin Johnson who were requesting R40 in order to develop one-acre lots in the Grays Creek area for the following reasons: 1) the area is growing quickly with many subdivision with smaller lots along Chickenfoot Road; 2) completion of Highway 87 South makes travel time to Fayetteville 13 minutes; 3) three new schools have been built in the area; and 4) a new grocery store is being brought to the area. He said that he talked with a soil scientist, and the area perks, so it is suitable for septic systems. He said that wells should also do well on the tract. He said that they want to build homes on one-acre lots that will cost about \$165,000 and up, and they want to enhance the area. He said he spoke with some of the neighbors along Butler-Nursery Road, and they didn't object.

The Board was given a copy of the soil report.

Mr. James MacRae appeared before the Board and said that he lives in the area and opposes the rezoning because: 1) this is the last rural area left on the west side of the Cape Fear River; 2) The area contains wild turkey, deer, pastures, farms, etc.; 3) the development will create a density problem; 4) there is not sufficient infrastructure to support the development—no water or sewer, and schools are already crowded; and 5) the development will add to the traffic problems in the area. Mr. MacRae asked for members of the audience to stand who were opposed to the rezoning. About 20 people stood.

Mr. Edwin Waters appeared before the Board in opposition and said he has children in the schools, and they are both in huts even though the schools are new. He said that the reason so many subdivisions are new in the area is because Chickenfoot Road has water, sewer and natural gas. Mr. Waters pointed out on the map where his home is located.

Ms. Marion Cain appeared before the Board in opposition and said that she lives on Marsh Road, and the 100 new homes would be above the floodplain from her, and she uses well water.

Mr. Robert Nunnery appeared before the Board in opposition and said that he lives on Marsh Road. He said that the entrance to the development would be off of Butler-Nursery Road between two very sharp curves and could be dangerous and cause accidents with the school buses that travel the road.

Mr. Van Dickens appeared before the Board in opposition and said that he owns 30 acres, and the houses would be on the hill right behind his home. He said his would be the first well affected by the development.

Ms. Kathleen Baker Story appeared before the Board and said that she owns land to the west between the subject property and Highway 87. She said that the area has been agricultural for years, but the number of trailer parks is growing. She said this development will bring in another group, and there are already too many people in the area.

Mr. Boyd Cain appeared before the Board and said that he owns land on the southern and eastern sides of the property. He said that there are already too many houses in the area. He said one house every $\frac{1}{2}$ acre would allow 200 homes. Chair McNeill said that the R40 allows only one home per acre. Mr. Cain said that there would be added crime and sanitation problems if this rezoning is approved. He said that the current zoning allows 50 homes, and that's enough.

In rebuttal, Mr. Hutaf explained that representatives of DOT said that the entrance would not be a problem with access only off of Butler Nursery Road. He said all the wetlands on the tract would allow a maximum of 70 to 75 homes to be built.

The public hearing was closed.

A motion was made by Mr. McLaurin and seconded by Dr. Olion to follow the staff recommendations and deny the request.

Mr. Gillis asked what type homes would be allowed under the current zoning that would not be allowed under the R40 District. Mr. Lloyd said that mobile homes are currently allowed and not allowed in the R40 District. Mr. Gillis said under the current zoning, 40 to 50 mobile homes could be placed on the tract.

Chair McNeill asked about a portion of the tract not included on the soil report. Mr. Johnson said that the portion was all wetlands. Chair McNeill said that he was concerned about the amount of wetlands on the property. He said that he was dubious of what "B" meant on the report because it appeared that even the "B" areas would need specialized septic systems that might require more than an acre to accommodate.

Upon a vote on the motion, it passed seven to one with Mr. Gillis voting in opposition.

D. P04-07: REZONING OF .31 ACRES FROM R6A TO C(P) OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 5000 CUMBERLAND ROAD, OWNED BY MANN AND BYRD, LLC.

The public hearing was opened. Maps were displayed indicating the zoning and land use in the area. Mr. Lloyd said that several lots in the area have recently been approved for commercial use. He reported that the Planning staff recommended approval of the C(P) Planned Commercial District based on the following:

1. The uses allowed in the C(P) District are consistent with the character of the neighborhood; and
2. The C(P) District is consistent with the existing zoning in the area.

The Planning staff found that the subject property is suitable for all intervening districts except the HS(P) Planned Highway and PND Planned Neighborhood Districts.

Mr. Julian Mann appeared before the Board and said that he is the petitioner and owns the property and the adjoining C(P) tract and the O&I tract across the street. He said that the State is taking 20 feet off of the front of the property, and the site won't be suitable for residential use.

Mr. Robert Higgins appeared before the Board in opposition. He said that he owns the property to the south, and traffic has become unbearable in the area. He said that a turn lane eased it somewhat, but it is very backed up in the morning. Mr. Higgins said that it would not be beneficial to add another commercial tract on a two-lane highway. He said that there are convenience stores within walking distance of the site. He added that commercial use will detract from the property values and quality of life and add to the traffic problems.

Mr. Lloyd summarized recent commercial district rezonings in the area

Chair McNeill asked if there are plans to widen the road. Mr. Higgins said that he had heard conflicting opinions. Mr. Lloyd said that there is a widening project scheduled for next year. Mr. Higgins said he thought that the widening stopped before it reaches the subject property.

In rebuttal, Mr. Mann said that the road is to be widened to five lanes next year. He added that there is commercially zoned property throughout the area.

The public hearing was closed.

A motion was made by Mr. Underwood and seconded by Mr. Averette to follow the staff recommendations and approve the C(P) Planned Commercial District. The motion passed unanimously.

VIII. DISCUSSION

A. REPORT FROM LAND USE CODES COMMITTEE—JOHN GILLIS

Mr. Gillis reported that the Land Use Codes Committee met prior to the meeting and began the process of revising the Zoning Ordinance. He said that the process will probably continue through July or August. He said that the Committee reviewed the proposed Table of Contents and Definitions, and the staff will rework some of the definitions prior to the next meeting. Mr. Gillis said that the next meeting will be February 10, 2004 at 6:00 p.m.

Chair McNeill said that he gave the members an opportunity not to serve on the Committee because he had added too many people, and the Committee was really too large. He said Mr. Mullinax got off of the Committee, but is willing to serve on a Manufactured Housing Subcommittee to consist of Mr. Mullinax, Mr. Underwood and Mr. McLaurin, who will chair the subcommittee.

B. CASE P03-77—CHAIR McNEILL

Chair McNeill explained that Case P03-77 was heard by the Board in September, and the applicant intended to enlarge the structure at a later date. He said that the applicant now wishes to build the structure larger in order not to have to do the later expansion. He said site plan limits the applicant to the size structure he originally wanted, and approval of a new site plan is needed before the applicant can build the larger structure. He asked the Board to initiate the case because otherwise the applicant has to wait until September of 2004 to bring the case back before the Board.

A motion was made by Mr. Mullinax and seconded by Mr. McLaurin to reinstate Case P03-77 with the regular fee to be heard on February 3, 2004. The motion passed unanimously.

IX. ADJOURNMENT

There being no further business, the meeting adjourned at 9:20 p.m.