

M I N U T E S  
January 15, 2002  
7:00 p.m.

**Members Present**

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

**Others Present**

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

I. INVOCATION AND PLEDGE OF ALLEGIANCE

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

II. APPROVAL OF AGENDA/ADDITIONAL ITEMS

Cases P02-03 and P02-04 received opposition and were pulled from the Consent items and placed under Public Hearing items. A motion was made by Vice-Chair McNeill and seconded by Mr. Mullinax to approve the Agenda with the above change. The motion passed unanimously.

III. PUBLIC HEARING DEFERRALS

There were no public hearing deferrals. Mr. Lloyd reported that Case P02-02 was withdrawn by the applicant.

IV. ABSTENTIONS BY BOARD MEMBERS

Mr. McNeill said that he owns property near the site of Case P02-04. He said that he feels he has no conflict; however, he wanted those present to be aware that he owns property in the area. Mr. Barrett said if a member can fairly evaluate and act upon evidence without bias, the law entitles and requires that the member act. Mr. McNeill said that he would do that.

V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS

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

VI. CONSENT ITEMS

A. APPROVAL OF THE MINUTES OF DECEMBER 18, 2001

A motion was made by Mr. Mullinax and seconded by Dr. Olion to approve the Minutes of December 18, 2001 as written. The motion passed unanimously.

- B. P02-01: CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW INSIDE STORAGE OF OUTDOOR PARTY SUPPLIES ON 4.5 ACRES IN AN RR DISTRICT AT 491 IVAN DRIVE, OWNED BY WILLIAM D. AND DEBORAH L. SAAM.

Packet materials were 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, excluding the proposed building, 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 added to the Conditional Use Overlay Permit:

1. A solid buffer of fence and vegetation be placed along the eastern property line;
2. All lighting is to be directed inward away from residential properties;
3. Signage is to be no more than 10 square feet, as allowed in the RR District; and
4. No outside storage is allowed.

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 recommendations 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.

**A motion was made by Mr. Olsen and seconded by Mr. Mullinax to follow the staff recommendations and approve the Conditional Use Overlay Permit, excluding the proposed building, 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 be placed on the Conditional Use Overlay Permit: 1) A solid buffer of fence and vegetation be placed along the eastern property line; 2) All lighting is to be directed inward away from residential properties; 3) Signage is to be no more than 10 square feet, as allowed in the RR District; and 4) No outside storage is allowed. The motion passed unanimously.**

- B. P02-07: REZONING OF 1.96 ACRES FROM R15 TO R15A, OR A MORE RESTRICTIVE ZONING DISTRICT, AT 6151 BROOKS STREET, OWNED BY CLIFTON L. TURPIN, JR.

The Planning recommended approval of the R15A Residential District based on the following:

**1. The uses allowed in the R15A Residential District are consistent with the land use and development in the area.**

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

A motion was made by Mr. Mullinax and seconded by Mr. McNeill to follow the staff recommendations and approve the R15A Residential District. The motion passed unanimously.

VII. PUBLIC HEARING ITEMS

A. CUMBERLAND COUNTY WATER SUPPLY/WATERSHED MANAGEMENT AND PROTECTION, APPENDIX C, CHAPTER 31A

Mr. Lloyd explained that the Watershed Ordinance has been corrected following instructions from the State, and after Board and Commissioner approval, it can be forwarded to the State for final approval.

In response to an issue raised by Mr. Averette at the last meeting, Mr. Warren read a letter from Steve Zoufaly, Head of the State Water Supply Watershed Protection. (See Attachment 1).

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

The public hearing was closed.

Mr. Averette said that plats are cumbersome with all of the stamps. He said that law does not require a Watershed stamp, and somewhere all the stamps must stop. He said he was opposed to including the stamp on plats.

Mr. McNeill said that he agreed with Mr. Averette that there should be a stopping point, but the letter states that the State would prefer that the stamp be used.

Mr. Averette said that the problem could be solved with the Plat Review Officer and Watershed Officer putting a letter in the file, and the Plat Review Officer not signing off on plats until the Watershed person has confirmed the information.

Mr. McNeill asked who else is protected by the stamp. Mr. Warren said that the letter from the State says it is for protection of future owners. Mr. Averette said that the information could be on the deed. Mr. Barrett said that it is not required on the deed, and the County does not have the authority to require it be placed on the deed.

Mr. Morris asked how the Ordinance could be reworded to address Mr. Averette's concerns. He was told that the section would be omitted.

A motion was made by Mr. Morris and seconded by Mr. Averette to approve the Water Supply Watershed Protection Ordinance with the elimination of Section D and renumbering the subsequent sections. The motion passed unanimously.

- B. P02-02: CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW A DRY CLEANING PICK-UP STATION ON .68 ACRES IN AN A1 DISTRICT AT 5530 HIGHWAY 87 SOUTH, OWNED BY DEWANDA E. AND EUGENE BRYANT.

This case was withdrawn by the applicant.

- C. P02-03: REZONING OF .15 ACRES FROM R6A TO C3, OR A MORE RESTRICTIVE ZONING DISTRICT, ON STANLEY STREET, EAST OF TODD STREET, OWNED BY EDNA N. CUMMINGS.

Maps were displayed outlining the zoning and land use in the area. A video and slides of the site were shown. Mr. Lloyd said that the staff recommended approval of the C3 Heavy Commercial District based on the following:

1. The subject property joins other C3 property; and
2. The uses allowed in the C3 District are consistent with the land use and development of the area.

The Planning staff found that the subject property is also suitable for the O&I Office and Institutional District.

Mr. Lloyd pointed out that O&I and C3 Districts were both approved in the area within the last year.

Mr. Wayne Wilkes appeared before the Board and said that his property joins the subject property, and the subject property is used as a junkyard. He said that the owners cleared the property of the tree line, graveled it and brought cars in. He said that it has contained junk vehicles and rats for about two or three years, and there is no buffering. He said he didn't mind if the owner was working on the cars, but many have been sitting there for a long time.

Ms. Edna Cummings appeared before the Board and said that she owns the property, and the zoning inspector recommended the rezoning because it is currently zoned for residential use. She said that a lot of the cars are being worked on, and she could have the junk vehicles removed. She said that she also was told that she'd have to buffer the area, and she is willing to do that.

Chair Gillis asked for clarification on the buffering requirement. Mr. Lloyd said that the owner would have to follow the Ordinance and provide a visual screen.

Mr. Lloyd pointed out that junk vehicles are allowed as specified conditional uses in the C3 District and would require going before the Board of Adjustment for approval and to have conditions placed on the use.

Vice-Chair McNeill asked if buffering would be required along the northern boundary because residences are across the street. Mr. Lloyd said that it would not unless the use is outside storage.

Ms. Cummings said that she has owned the business for 15 years and cleared the lot three years ago.

Mr. Byrd asked why there are so many zoning districts in the area. Mr. Lloyd said that they were probably created during the initial zoning when the lots were zoned according to their use.

The public hearing was closed.

Vice-Chair McNeill asked Mr. Wilkes if he would oppose the rezoning if the area was screened. He said that he didn't have a problem with it before, but Mr. Cummings refused to screen it when he was asked.

Chair Gillis said that the buffering regulations must be complied with, and if the owners wish to keep junk vehicles on the property, they will have to receive a permit from the Board of Adjustment. Mr. Barrett said that the Specified Conditional Use Permit allows the Board to place conditions on the permit to protect against vermin, weeds, etc.

**A motion was made by Mr. Morris and seconded by Dr. Olion to follow the staff recommendation and approve the C3 Heavy Commercial District. The motion passed unanimously.**

D. P02-04: CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW A MIXED USE DEVELOPMENT AS FOLLOWS: ALL USES ALLOWED IN R10 ON 447 ACRES; ALL USES ALLOWED IN R6 ON 20.81 ACRES; ALL USES ALLOWED IN C(P) ON 36.09 ACRES; AND ALL USES ALLOWED IN O&I ON 21.92 ACRES, AT THE INTERSECTION OF SANDHILL AND CHICKENFOOT ROADS, CONTAINING 527 ACRES, OWNED BY PREWITT LAND COMPANY, LLC AND BIRCHWOOD FARMS, INC., ALL AS MORE PARTICULARLY SHOWN ON THE SITE PLAN DATED DECEMBER 5, 2001 AND LABELED AS CYPRESS LAKES AREA CONDITIONAL USE OVERLAY.

Maps were displayed outlining the zoning and land use in the area. A video and slides of the site were shown. Mr. Lloyd said that the 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 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 packet materials were entered into the record.

Mr. Jim Kizer, engineer, appeared before the Board and said that he worked on the master plan for nearly one year. He said that it is a vision for long-range development, an asset to the County and will have a village environment. He said as he researched the area, he became more and more enthralled with the value of the site—less than one mile from I-95, Walmart Distribution Center, the Cumberland County Industrial Park, schools and a golf course. He said that he and the developers met with the Planning Director and Land Use Chief Planner for input twice before the plan was finalized. He said that the goal is to create a community

village environment where residents can walk to schools, shopping, recreation, etc. He said that the plan includes residential, professional and commercial use, and nearly all are accessed internally. Mr. Kizer said that there are no individual driveways off of Chickenfoot Road, a landscaped island along Chickenfoot Road is proposed, and roundabout within the development to slow the traffic. He said that the plan includes berming the school.

Commissioner Edge asked why the developers were requesting a Conditional Use Overlay District rather than the individual zoning districts. Mr. Lloyd said that the staff advised the developers to use this approach because the County does not have the new mixed-use district in place. He said that zoning individually would appear to be spot zoning. Mr. Lloyd said one advantage of zoning the property with a Conditional Use District and Permit is that plan approval is required. Mr. Barrett added that individual zoning would create disjointed, unconnected uses and could not achieve the harmonious environment that the developer wants to create. Mr. Lloyd said that the CU also allows conditions to be placed on the project.

Mr. Warren said that when the Ordinance is redrafted, it will contain a multi-use district that will be used to create what the developer has in mind for this development.

Vice-Chair McNeill questioned a white, triangular area on the map and was told that it is school property proposed for a middle school.

Mr. Tom Pruitt appeared before the Board and said that he lives at Cypress Lakes, and his family intends to develop the area, and he was available for questions.

Mr. Tad Pruitt appeared before the Board and said that he has lived all over the country and has seen many long-range planning efforts such as this work in many areas. He said that this is a large tract of land, and this plan appears to be the most optimum proposal for the site.

Mr. Alan Freeman appeared before the Board in opposition. He said that he lives in Cypress Lakes on the road that will be extended into the development (Ham Road). He said that he was speaking for many of the residents (about 20 people in the audience stood). He said that this site contains over 500 acres, and over 400 acres will be used for R10 zoning that backs up to the current R15 in the area. He noted that many residents in the area did not receive notice of the meeting. He said if this has been in planning for one year, he wondered why the residents were notified only last week. He said that they weren't given much time to react. He said that the residents would like to meet with the developers to have some questions answered, and Tom Pruitt agreed. He asked that the Board defer action until after the meeting. Mr. Freeman said that the residents are not against development, but they are against being stonewalled. He asked that the residents be allowed to work with the Pruitts to make the proposal more consistent with the current zoning. He said that 2,000 additional homes will be allowed under the proposal, and he questioned if the area could survive the traffic congestion, and whether the Fire Department, medical facilities, Sheriff's Department, etc. could support such growth. He said that R15 would be a better zone because R10 will allow 7,500 square foot lots. He noted that other golf course communities have limited access. He said that the residents worked with the Walmart people, and they were willing to work with the Pruitts.

The 10-minute time limit was expired after Mr. Freeman spoke. Two more individuals were signed up to speak in opposition.

Vice-Chair McNeill asked when a meeting could be held. Mr. Freeman said that January 20 was mentioned.

Mr. Kizer appeared before the Board in rebuttal and said in laying out the major roads, they recognized that there would be additional traffic, and that's why there are no direct drive accesses proposed. He said that the developer would have to widen Chickenfoot Road to three lanes because NCDOT will require a turn lane. He said that water and sewer are in place now, and they weren't when the area was developed at R15 standards. He said that the R10 will allow homes valued at \$125,000 to \$300,000, and the developers want the flexibility.

The Board called on the additional speakers in opposition to speak for two minutes each.

Mr. Tim Henry appeared before the Board in opposition and said that he lives in Cypress Lakes and manages projects from \$100,000 to tens of millions of dollars. He said that there are ways to make sure that costs are reduced. He said that Highway 87 was widened to four lanes and asked why some of the development couldn't be developed off of Highway 87. He said that he had concerns regarding safety issues—traffic around the school, what type of commercial uses would be allowed near the school, heavy equipment on Ham Road.

Mr. Reese Everson appeared before the Board in opposition and said that he has lived in the area since the 1980s. He asked why a road is needed from Ham Road into the project that can cause safety and traffic problems.

Mr. Tad Pruitt appeared before the Board in rebuttal. He said that most of the concerns seemed to come from residents of Ham Road. He said that plans were drawn back many years ago showing that Ham Road would be extended. He said that it was never planned as a cul-de-sac. He said that the project is a plan that the County will have control over for many years and should bring money into the County. He asked the Board to look at the project—not the road issue.

Vice-Chair McNeill said at one time DOT was very interested in roundabouts. He asked if anyone had contacted DOT. Mr. Kizer said that he spoke with Mr. Bruton in casual conversation, but had not asked for approval of the roundabout. He said that a four-way stop could be used if the roundabout is not approved. Vice-Chair McNeill asked if there were any plans for more road curvature to slow down the traffic. Mr. Kizer said that they have considered three- and four-way stops, and DOT said that they would approve 25 mph speed limit if the residents request it. He added that anything that DOT recommends to help, the developers are willing to do.

Mr. Morris asked if there is an exit from the project through the professional area. He was told that there are four total exits proposed along Chickenfoot Road. Mr. Morris said that he had seen some of the Pruitts' developments, and he knows they do quality work. He asked if they would object to deferring the case until after the meeting with the residents is held.

Mr. Tom Pruitt said that he felt that the public hearing was the best possible way to publicly state their intent, and this would be the most effective way to notify the residents of the area. He said that the Planning staff notified the residents as they do in rezoning cases. He said that he would be happy to meet with the residents.

Mr. Lloyd said that the case could go to the February 5, 2002 meeting and still be heard by the Commissioners at the February 18, 2002 meeting.

Chair Gillis asked about the mailings. Mr. Lloyd said that very few were returned, and the staff mails the notifications to the addresses indicated in the tax records.

Chair Gillis called on a gentleman in the audience. Mr. Edward Earl Cromartie, Sr. appeared before the Board and asked if DOT was contacted. Mr. Lloyd said that he spoke with Mr. Bruton at DOT; however, they don't normally give input until there is an approved plan. Mr. Cromartie said that there was not enough information regarding Ham Road.

Vice-Chair McNeill said that one year is a long time to devote to an effort, and he asked if the developers would agree to February 5 for the case to be reheard. Mr. Tad Pruitt said that there are two individuals interested in the commercial area, and he would like to proceed.

Vice-Chair McNeill said that he was scheduled for surgery during the week of February 5 and could not attend the meeting, and he would prefer that the case be deferred for a month. He said that he would like to receive information from DOT regarding the roundabout(s) and four-way stops, and either would be fine. Vice-Chair McNeill expressed concern about speed control on the road by the school. He said that the request allows all uses allowed in the districts, and it may be wise to eliminate some of the uses that the developers know that they will not use.

Mr. Tad Pruitt said that they would prefer the earlier meeting because of the potential commercial interest. Mr. Tom Pruitt said that spring time is the best time to begin building, and there will be delays in obtain plan approval from staff. He also preferred the earlier meeting.

Chair Gillis said that the Board is not approving the site plan, so that could change. He said that he appreciated the large planned neighborhoods because they eliminate strip development and are quality developments. He said that the main wrinkle in the plan seemed to be the access road going through the existing community. He asked the developers to work with the neighborhood because the Commissioners tend to react more favorably to requests when there isn't a lot of opposition.

A motion was made by Vice-Chair McNeill and seconded by Mr. Averette to defer action on this case until February 5, 2002 to allow the developers and residents an opportunity to meet.

Mr. Olsen said that he's seen a lot of presentations come before the Board, and this appeared to be one of the best—a beautiful community. He cautioned the developers not to be in a hurry and do it right.

**Upon a vote on the motion, it passed unanimously.**

E. P02-05: REZONING OF 6.88 ACRES FROM R10 AND R10/CUO TO R6A, OR A MORE RESTRICTIVE ZONING DISTRICT, AT 3311 WELSH LAKE DRIVE, OWNED BY CAROL L. SIMMONS.

Maps were displayed outlining the zoning and land use in the area. A video and slides of the site were shown. Mr. Lloyd said that the staff recommended denial of the R6A Residential District and approval of the RR Rural Residential District based on the following:

1. The subject property does not meet the criteria for medium-density development (access and utilities).

Ms. Jana Berg appeared before the Board representing the applicant. She said that the applicant agreed to the staff's recommendation of the RR District. She handed out pictures of the home owned by the applicant and the mobile home on the property. She said that the property is well maintained and screened. She said that the owner uses the mobile home for rental income, and it would be a financial burden to remove it from the property. She said that the owner does not wish to have a mobile home park, and merely wants to keep the two units on the property that are there currently.

Ms. Katie Sroka appeared before the Board in opposition. She said that the trailer has been on the site for 10 years and was supposed to have been removed nine years ago. She said that she was opposed to allowing the trailer to remain on the site.

Ms. Vera Gautier appeared before the Board in opposition and said that the rezoning request will allow additional trailers and a mobile home park. She said that this would decrease the value of her property and add crime to the area. She gave the Board letters from other landowners in the area who oppose the rezoning.

Mr. Lloyd pointed out that the zoning recommended by staff (RR) does not allow mobile home parks.

Ms. Mildred Lovett appeared before the Board in opposition and said that she has lived next to the subject property for over 40 years and she does not want a mobile home park to be on the site. She said that the trailer was supposed to be moved years ago, and she opposes the rezoning.

Ms. Amy Roldan appeared before the Board and said that she agreed with the previous speakers in opposition. She had a copy of County Commissioner Minutes from 1991 that approved a trailer to be allowed on the property until a house was built.

Ms. Berg appeared before the Board in rebuttal. She said that some of the opposition appeared to be for reasons other than land use planning. She said that the Board was to base its decision on whether the use is in keeping with the character of the neighborhood. She said that the property contains a nice home and trailer. She said that the owner does not wish to add another trailer, the use is in keeping with the neighborhood, and the property is well maintained and will not be used for a mobile home park.

Mr. Lloyd noted that most of the RR zoning in the area was approved by the Board and Commissioners since 1995.

Mr. Morris asked how many houses were located on the dirt road. Ms. Roldan said that there are currently five houses.

Mr. McNeill asked Mr. Lloyd to point out the lots that contain mobile homes. Several lots in the area contained mobile homes.

**A motion was made by Mr. Olsen and seconded by Vice-Chair McNeill to follow the staff recommendations and deny the R6A Residential District and approve the RR Rural Residential District.**

Mr. Averette said that originally in 1991 the Commissioners considered R6A and then voted for a CU to allow the mobile home temporarily. He asked about the R6A. Mr. Lloyd said that the property is zoned R10 and currently a zoning violation.

Mr. Morris asked if the property would remain a violation if the Board approved the RR rezoning. Mr. Lloyd said that it would not.

Mr. McNeill said that he wouldn't like to see a mobile home park on the property either, but the RR zoning guarantees that there cannot be one on the site. He said that the RR also creates a less dense tract than the R10 would allow.

Mr. Morris asked how many units could be added to the road before it would have to be paved. Mr. Barrett said that more information would be needed before a determination could be made. He said that the road could be considered a neighborhood public road or a private easement and would not be governed by the Private Street Ordinance. Mr. Warren said that the law took in effect in 1973, and if the road was used prior to that, it isn't covered by the limitations to the number of lots allowed on a dirt street.

**Upon a vote on the motion, it passed unanimously.**

F. P02-06: REZONING OF 25.88 ACRES FROM PND TO C1, OR A MORE RESTRICTIVE ZONING DISTRICT, AT 4509 AND 4605 RAMSEY STREET, OWNED BY WILLIAM, JR. AND MARY SLOAN AND JOYCE S. ELLIS, TRUSTEE.

Maps were displayed outlining the zoning and land use in the area. A video and slides of the site were shown. Mr. Lloyd said that the staff recommended denial of the C1 District and approval of the C(P) Planned Commercial District\* based on the following:

1. Site plan approval is desirable at this location.

The Planning staff found that there are no suitable intervening districts.

\*Rezoning to C(P) District will require a separate public hearing due to readvertising and renotification.

Mr. Charles Roberts appeared before the Board and said that he owns the property across the street and has lived there for 50 years. He said that he was in favor of the request.

Mr. Stacy Weaver appeared before the Board representing Joe Riddle, agent for the Ellis and Sloan families. He said that his client wishes to purchase the property if it is rezoned. He said that the C1 is a logical zoning district for the property because the character of Ramsey Street has changed to local business uses. He pointed out several commercial businesses in the area as well as a mini-storage operation and trailer park adjoining the subject property. He said that Ramsey Street is no longer a quiet residential street, but heavily traveled business street. Mr. Weaver said that the timetable for the purchasing contracts will not allow a delay. He said that the staff's recommendation of C(P) recognizes that the property should be zoned for commercial use. He said that his client would be willing to show his plans for the site to the Planning staff, but there is not time to rehear the case for C(P). He added that his client has a history of quality developments, and this development will enhance the neighborhood and add additional taxes to the County.

Mr. Olsen asked when the case would be heard by the Commissioners. He was told that it is scheduled for the February 18, 2002 meeting. He asked if the case could still go to that meeting if the Board reheard the case on February 5, 2002. He was told that it could.

Mr. Barrett pointed out that procedurally, the deferral would require the Board's favoring the C(P), and create essentially a straw vote.

Mr. Morris asked if the C(P) is comparable to the C1P in the City. Mr. Lloyd said that the City's C1P allows more than the County's C1 and less than the C(P).

Mr. Riddle asked if he had spoken with the City regarding annexation. He said that he had not, but that he had to sign something saying he wouldn't protest annexation. He said that the City would probably annex it as soon as it is rezoned, and he starts developing it.

Chair Gillis said that the Board favors plan approval on larger tracts of commercial property.

No one appeared in opposition to the request.

The public hearing was closed.

A motion was made by Vice-Chair McNeill and seconded by Mr. Olsen to defer action on this case until February 5, 2002 to readvertise for C(P) rezoning. The motion passed unanimously.

## VIII. PLATS AND PLANS

- A. 02-002. MINNIE T. COUNCIL GROUP DEVELOPMENT REVIEW IN AN A1 DISTRICT ON THE NORTH SIDE OF JOHNSON ROAD, EAST OF TABOR CHURCH ROAD FOR A VARIANCE FROM SECTION 3.20d, "LOT STANDARDS," CUMBERLAND COUNTY SUBDIVISION ORDINANCE AND SECTION 7.12 "STREET ACCESS," CUMBERLAND COUNTY ZONING ORDINANCE.

Mr. Lloyd explained that the variance request is to add a third unit on a 14-acre tract that is served by a neighborhood public road.

Mr. Barrett cautioned the Board that when granting variances, it is necessary that they state the unusual hardship that is created by their not granting the variance.

There was a lengthy discussion regarding whether the road serving the property is governed by the Ordinances or was created before they would take effect.

A second discussion ensued as to whether variances should be allowed on dirt roads and how they should be addressed generally in the future.

After discussion, it was determined that this property is served by a road that is not governed by the Ordinance, and the staff has authority to approve the request.

## IX. DISCUSSION

- A. COMPREHENSIVE PLANNING COMMITTEE REPORT—JOE MULLINAX

Mr. Mullinax reported that the Comprehensive Planning Committee met prior to the meeting and reviewed a draft Executive Summary to accompany the Spring Lake Detailed Land Use Plan. He said that they will meet again at 5:30 p.m. on February 5, 2002 to continue work on the Plan.

Mr. Mullinax added that the Maxwell Road/Highway 24 Plan was approved by the Committee and will be heard by the Planning Board on February 5, 2002.

#### B. LAND USE CODES COMMITTEE REPORT—JERRY OLSEN

Mr. Olsen reported that the Land Use Codes Committee thought that they had resolved the Private Street issue, but it will now have to hold another meeting to address additional concerns. He said that they will meet on Tuesday, January 22, 2002 at 7:00 p.m.

Mr. Olsen said that the Committee also met with the poultry industry representatives and referred their guidelines to the Legal staff to review and give input to the Committee. He said that a resolution from the Board endorsing the guidelines will be in order after they are received from Legal.

#### X. FOR YOUR INFORMATION

##### A. DIRECTOR'S UPDATE

**APA National Convention**—Mr. Warren said that two staff and Chair Gillis have expressed a desire to attend this year's convention April 13-17 in Chicago. He asked any other Board members who would like to attend to notify Ms. Swilley on Wednesday.

**Homebuilders' Association**—Mr. Warren spoke regarding one-stop permitting at the recent Homebuilders' meeting. He said that the idea was well received, and the Homebuilders were pleased with the combination of the Planning and Inspection Departments.

**Manufactured Housing Task Force**—The Task Force met again this week and has their report in draft form. He said that Moderator Reitzel hopes to finalize the report within the next month. He added that the report addresses fees, taxes and appearance criteria.

**One-Stop Permitting**—Mr. Warren said that he and the Director of the Health Department and other staff persons visited three counties where one-stop permitting has been successful. He said that the transition in Cumberland County may be easier than anticipated.

**City/County Joint Planning Meeting**—The City and County meeting is scheduled for January 29. Mr. Warren asked for agenda items. Mr. Averette said that he would like consolidated City, County and Hope Mills planning efforts to be one item on the agenda. The North Area Study will also be on the agenda.

#### XI. ADJOURNMENT

There being no further business, the meeting adjourned at 10:25 p.m.