

Donovan McLaurin,
Chair
Wade, Falcon & Godwin

Lori Epler,
Vice-Chair
Cumberland County

Garland C. Hostetter,
Town of Spring Lake
Harvey Cain, Jr.,
Town of Stedman
Patricia Hall,
Town of Hope Mills
Charles C. Morris
Town of Linden



Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Clifton McNeill, Jr.,
Roy Turner,
Sara E. Piland,
Cumberland County

Benny Pearce
Town of Eastover

COUNTY of CUMBERLAND

Planning and Inspections Department

MINUTES
November 20, 2007

Members Present

Mr. Donovan McLaurin, Chair
Mrs. Lori Epler, Vice-Chair
Mr. Clifton McNeill
Mrs. Patricia Hall
Mr. Garland Hostetter
Mr. Harvey Cain, Jr.
Mr. Roy Turner
Mrs. Sara Piland
Mr. Benny Pearce

Others Present

Mr. Thomas Lloyd, Director
Ms. Patricia Speicher
Ms. Donna McFayden
Mr. Grainger Barrett, County Attorney
Mrs. Laverne Howard
Commissioner Diane Wheatley

I. INVOCATION AND PLEDGE OF ALLEGIANCE

Vice-Chair Epler delivered the invocation and led those present in the Pledge of Allegiance.

II. APPROVAL OF/ADJUSTMENTS TO AGENDA

Mr. Lloyd advised the Board that Case P07-81 would be moved from Public Hearing Consent to Public Hearing Contested cases and Contested Plats & Plans Case 07-185 was withdrawn.

Mr. McNeill made a motion to accept the adjustments to the agenda, seconded by Mrs. Piland. Unanimous approval.

III. ABSTENTIONS BY BOARD MEMBERS

Vice-Chair Epler stated that she would abstain from Plats & Plans Case 06-025.

Mr. McNeill made a motion to accept the abstention, seconded by Mrs. Piland. Unanimous approval.

IV. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS

Mr. Lloyd read the policy statement.

V. APPROVAL OF THE MINUTES OF OCTOBER 16, 2007

A motion was made by Vice-Chair Epler, seconded by Mr. Hostetter, to accept the October 16, 2007 Board minutes as submitted. Unanimous approval.

VI. PUBLIC HEARING CONSENT ITEMS

A. 2008 REZONING DEADLINE/MEETING SCHEDULE

B. 2008 PLATS & PLANS DEADLINE/MEETING SCHEDULE

A motion was made by Mr. McNeill, seconded by Mr. Hostetter to approve the 2008 Deadline/Meeting Schedule. Unanimous approval.

REZONING CASES

A. **P07-83:** REZONING .57 ACRES FROM R15A TO O&I OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 6110 TAYLOR STREET, SUBMITTED BY BETH HOLMES, OWNED BY MARTIN'S PORK PRODUCTS, INC. (FALCON)

The Planning & Inspections Staff recommends approval of the O&I district based on the following:

1. Although the request is not consistent with the 2010 Land Use Plan, which calls for Low Density Residential at this location, the request is consistent with the future land use intentions in the area;
2. The O&I district is compatible with the surrounding residential and industrial zoning districts; and
3. Public utilities are available to the subject property.

There are no other suitable zoning districts to be considered for this site.

A motion was made by Mrs. Piland, seconded by Mr. Hostetter to follow the staff recommendation and approve case P07-83 as submitted. Unanimous approval.

B. **P07-85:** INITIAL ZONING OF ALL PROPERTIES LOCATED WITHIN THE CORPORATE BOUNDARY OF THE TOWN OF EASTOVER, A FULL DESCRIPTION OF WHICH CAN BE FOUND IN THE "ACT TO INCORPORATE EASTOVER" 2007 N.C. SESS. LAW 267, TO THE SAME AND EXISTING ZONING CLASSIFICATIONS. (EASTOVER)

The Planning & Inspections Staff recommends approval of the initial zoning districts based on the following:

- N.C.GEN. STAT. 160A-360 requires the initial zoning of properties within a newly incorporated town within sixty days following the incorporation.

The Planning & Inspections Staff also recommends that all zoning districts to be adopted be compatible with the current general districts as listed in the County Zoning Ordinance. Specifically, this request requires re-designating R10 to R7.5; O&I to O&I(P); C1 to C1(P); C3 to C(P); HS(P) to C(P); and M2 to M(P).

A motion was made by Mrs. Piland, seconded by Mr. Hostetter to follow the staff recommendation and approve case P07-85 as submitted. Unanimous approval.

- C. **P07-88:** REZONING OF FIVE PARCELS TOTALLING 5.77 ACRES FROM R6A TO R5 OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED ON THE NORTH SIDE OF SHAW ROAD, SOUTHWEST OF HOLLAND STREET, SUBMITTED BY CHRIS FRAZEE, OWNED BY Kael Gray Properties LLC.

The Planning & Inspections Staff recommends approval of the R5 district based on the following:

1. Although the request is not consistent with the 2010 Land Use Plan, which calls for Medium Density Residential at this location, the draft Shaw Road Study Area Detailed Land Use Plan proposes multi-family dwellings at this location;
2. Shaw Road is a Major Thoroughfare; and
3. Public utilities are available to the subject property.

The R40, R30 and R20 zoning districts are the other suitable zoning districts to be considered for this site.

A motion was made by Mrs. Piland, seconded by Mr. Hostetter to follow the staff recommendation and approve case P07-88 as submitted. Unanimous approval.

- D. **P07-89:** REZONING OF A 4.87 ACRE PORTION OF A 24.93 ACRE TRACT FROM C(P) TO R5 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3429 BLACK AND DECKER ROAD, SUBMITTED BY THOMAS J. GOODEN, OWNED BY CHRISTIAN LIFE CHURCH WORLD MINISTRIES, INC.

The Planning & Inspections Staff recommends approval of the R5 district based on the following:

1. Although the request is not consistent with the 2010 Land Use Plan, which calls for Heavy Industrial at this location, the request will allow for the majority of this tract to be zoned to the same zoning classification;
2. The request for the residential zoning district is a logical extension of the R5 district; and
3. Public utilities are available to the subject property.

There are no intervening zoning districts to be considered for this site.

A motion was made by Mrs. Piland, seconded by Mr. Hostetter to follow the staff recommendation and approve case P07-89 as submitted. Unanimous approval.

- E. **P07-90:** REZONING OF 6.07+/- ACRES FROM RR/CU TO R7.5 OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 682 AND 698 PHILODENDRON DRIVE, SUBMITTED BY HARVEY ALLEN, OWNED BY KAS DEVELOPERS LLC.

The Planning & Inspections Staff recommends approval of the R7.5 district based on the following:

1. The request is consistent with the 2010 Land Use Plan, which calls for Low Density Residential at this location;
2. The R7.5 zoning district is in character with the current zoning of the adjacent properties; and
3. Public utilities are available to the subject property.

The R15 zoning district is the only other suitable zoning district to be considered for this site.

A motion was made by Mrs. Piland, seconded by Mr. Hostetter to follow the staff recommendation and approve case P07-90 as submitted. Unanimous approval.

- F. **P07-91:** REZONING OF A 10.22 ACRE PORTION OF A 13.30 ACRE TRACT FROM CD TO A1, LOCATED AT THE END OF BOYCE'S LANDING ROAD, EAST OF SOUTH RIVER SCHOOL ROAD, SUBMITTED BY WILLIAM B. SNIVELY, OWNED BY HENRY F. WILLIAMS ET AL.

The Planning & Inspections Staff recommends approval of the A1 district based on the following:

1. The request is consistent with the 2010 Land Use Plan, which calls for Farmland and Open Space at this location; and
2. The January 2007 flood maps no longer reflect the majority of this tract as being located within the Special Flood Hazard Area.

There are no other suitable zoning districts to be considered for this site.

A motion was made by Mrs. Piland, seconded by Mr. Hostetter to follow the staff recommendation and approve case P07-91 as submitted. Unanimous approval.

VII. CONSENT PLATS & PLANS

- A. **CASE NO. 06-025:** CONSIDERATION OF GATES FOUR BLOCK "P", ZERO LOT LINE SUBDIVISION REVIEW, WAIVER FROM SECTION 3.17.C "STREET DESIGN" (CUL-DE-SAC LENGTH), COUNTY SUBDIVISION ORDINANCE, LOCATION: EAST SIDE OF SR 1109 (DUNDLE ROAD), SOUTH OF SR 1104 (STRICKLAND BRIDGE ROAD).

The developer has requested a waiver from Section 3.17.c Street Design, County Subdivision Ordinance regarding the cul-de-sac length of Doon Valley Drive. The Cumberland County Subdivision Ordinance requires cul-de-sac to have a maximum

length of 800 feet; Doon Valley Drive has a proposed length of 1200 feet. The property is zoned RR, R10 and CD and contains 242 +/- acres. A portion of this development is located within the City of Fayetteville limits. The development is located off the east side of SR 1109 (Dundle Road), south of SR 1104 (Strickland Bridge Drive).

The developer has submitted a request for a waiver to allow the proposed Doon Valley Drive to be constructed with a length of 1200 feet. The property contains wetlands located between Doon Valley Drive & Linton Court preventing the connection of both streets that would eliminate the need for this request.

In accordance with Section 6.1, Waivers, Cumberland County Subdivision Ordinance, the Planning Board may waive the requirements of this Ordinance, where it finds by resolution that:

- a. Because of the size of the tract to be subdivided, its topography, the condition or nature of the adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this Ordinance would cause a special hardship to the property owner and be inequitable, and**
- b. The public purposes of the Subdivision Ordinance and the Zoning Ordinance would be served to an equal or greater degree, and**
- c. The property owner would not be afforded a special privilege denied to others.**

The Planning & Inspections Staff recommends approval of the waiver from Section 3.17.c based on the following:

1. The existence of the wetlands located on the site creates an unusual physical condition specific to this property, which prevents the developer from extending and connecting the two roads;
2. The purposes of the Subdivision Ordinance and Zoning Ordinance would be served to an equal or greater degree by helping to preserve the wetlands and allowing for less impervious area; and
3. The property owner would not be afforded a special privilege denied to others if this request were approved because with similar circumstances in similar areas, this same recommendation would be made.

The Land Use Codes Committee is currently reviewing the County Subdivision Ordinance standard for cul-de-sac length and the adopted standard of limiting culs-de-sac to 800 feet is likely to be increased.

A motion was made by Mr. McNeill, seconded by Mr. Turner, to follow the staff recommendation and approve the waiver for Plat & Plan Case 06-025. Unanimous approval, with Vice-Chair Epler abstaining.

- B. **CASE NO. 07-149:** CONSIDERATION OF HCC INVESTMENT, LLC, ZERO LOT LINE SUBDIVISION REVIEW, WAIVER FROM SECTION 3.20.2 "MUNICIPAL INFLUENCE AREA" (STEDMAN - SIDEWALK & FIRE HYDRANT), COUNTY

SUBDIVISION ORDINANCE, LOCATION: NORTH SIDE OF NC HWY 24 (CLINTON ROAD), EAST OF SR 1926 (ATWOOD TERRACE).

The developer is requesting waivers from Section 3.20.2 "Municipal Influence Area" (MIA), County Subdivision Ordinance regarding conditions numbered 9 & 12 as listed on the attached condition sheet. The Cumberland County Subdivision Ordinance requires developments located within a Town's MIA to meet the development standards of that town. The Stedman Subdivision Ordinance requires a sidewalk along NC Hwy 24 (Clinton Road) and a fire hydrant to be placed within 500 feet of the proposed lot. The placement of fire hydrants is a requirement of the County Subdivision Ordinance also. The Stedman Board of Commissioners reviewed the waiver requests on November 1, 2007 and is recommending approval of both the sidewalk and the fire hydrant waivers.

The property is zoned A1 Agricultural and contains 14.13 +/- acres. The property is located off the north side of NC Hwy 24 (Clinton Road), east of SR 1926 (Atwood Terrace). NC Hwy 24 (Clinton Road) is currently a road widening project that will severely impact this development – construction to start sometime between 2008 and 2010.

In accordance with Section 6.1, Waivers, Cumberland County Subdivision Ordinance, the Planning Board may waive the requirements of this Ordinance, where it finds by resolution that:

- a. Because of the size of the tract to be subdivided, its topography, the condition or nature of the adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this Ordinance would cause a special hardship to the property owner and be inequitable, and**
- b. The public purposes of the Subdivision Ordinance and the Zoning Ordinance would be served to an equal or greater degree, and**
- c. The property owner would not be afforded a special privilege denied to others.**

The Planning & Inspections Staff recommends approval of the waiver from Section 3.20.2 based on the following:

1. The unusual physical condition of the effect of widening of NC Hwy 24 (Clinton Road) for this lot would mean any improvements will be removed upon construction of this road project; therefore strict compliance will cause a special and unnecessary hardship to the property owner;
2. The purposes of the Subdivision Ordinance and Zoning Ordinance will be met with full compliance of the development standards since the Town of Stedman is recommending approval of the waiver request and it is their development standards that are being enforced; and
3. The property owner will not be afforded a special privilege denied to others if this request were approved because with similar circumstances in similar areas within the Town's MIA, the Town would be expected to make the same recommendation.

The staff would also like to note that under the current NC Department of Transportation (NCDOT) plans for this area, the majority of the acquired right-of-way is planned for the north side of NC Hwy 24 (Clinton Road).

A motion was made by Mr. Hostetter, seconded by Mr. Morris, to follow the staff recommendation and approve the waiver for Plat & Plan Case 07-149. Unanimous approval.

- C. **CASE NO. 07-174:** CONSIDERATION OF BOYD MONOGRAMING & SEWIIING, M(P) SITE PLAN REVIEW, ALTERNATE YARD REQUEST FOR SIDE YARD SETBACK, COUNTY ZONING ORDINANCE, LOCATION: NORTH SIDE OF SR 1451 (WEST MANCHESTER ROAD), WEST OF NC HWY 87 (NORTH BRAGG BLVD.).

The developer submitted a request for Planning Board consideration for an alternate yard requirement regarding a side yard setback. The developer is requesting a setback of 10 feet from the eastern property line where 50 feet is required. The property contains 1.29 acres and is zoned M(P) Planned Industrial.

The developer's property has a lot width of 100 feet. The required setbacks from the side property lines are 50 feet from for each side yard. The setback requirements will leave the developer with no buildable area on the entire site. The developer is requesting to place a 30 foot wide building 50 feet from the eastern property line. The adjacent property at this location is also zoned M(P) Planned Industrial, has a lot width of 100 feet and will be in a similar situation upon being developed. The property to the west side is zoned RR Rural Residential; the developer will be complying with the setback requirements from the residentially-zoned property.

In accordance with Section 1404, Planning Board Consideration, of the County Zoning Ordinance, the Planning Board may approve alternate yard requirements of Article XI if such approval will provide a more logically planned development.

The Planning Staff recommends approval of the requested alternate yard for the side yard setback based on the following:

1. The width of the existing lot prevents any development of the lot if the side yard setback is strictly enforced and the proposed building is of a minimum size to allow for reasonable use of the subject property;
2. The developer's placement of the proposed building on the property will not adversely impact the adjacent residential property; and
3. The adjacent property along the eastern side of the subject property is also zoned M(P) Planned Industrial.

A motion was made by Mr. Hostetter, seconded by Mr. Morris, to follow the staff recommendation and approve the alternate yard for Plat & Plan Case 07-174. Unanimous approval.

VII. PUBLIC HEARING CONTESTED ITEMS

- A. **P07-81:** REZONING OF 11.81 ACRES A1 TO R40A OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 3484 A. B. CARTER ROAD, SUBMITTED BY MAPS, INC., OWNED BY JERALD D. ROBERTSON.

Mr. Lloyd reviewed the site information and stated the staff recommends approval of the R40A district based on the following:

1. Although the request is not consistent with the 2010 Land Use Plan, which calls for Low Density Residential at this location, the request is consistent with current and proposed developments in this area; and
2. The R40A district is in character with the current uses and zoning of the properties in the general area.

The R40 zoning district is the other suitable zoning district to be considered for this site.

Mr. Lloyd stated there was one person to speak in opposition. Neither the applicant nor owner was present.

Public Hearing opened.

Mr. George R. Hatcher spoke in opposition. Mr. Hatcher stated that this rezoning is not consistent with the 2010 plan. Mr. Hatcher stated that a plan should be provided and he will continue on with his opposition. Mr. Hatcher stated that to his knowledge there have been no tests done as to the suitability of the land for structures to be placed on it. He has not been furnished with any information about what is going on with the land around him. Mr. Hatcher stated that there is a water table problem in the area. In order for him to accept the zoning, it should be rezoned to R40. Mr. Hatcher also recommended city water be in place before the first mobile home is built. Rezoning R40 with septic tanks is acceptable, but there should be some kind of approved drainage system in place.

Vice-Chair Epler asked Mr. Hatcher how large the property is that Mr. Hatcher owns, with the single wide mobile home.

Mr. Hatcher responded 2.43 acres.

Vice-Chair Epler stated that within that 200 ft. stretch of highway, there are 8 mobile homes. Vice-Chair Epler asked if Mr. Hatcher felt that the proposed mobile homes would not be consistent with the 8 that are currently there.

Mr. Hatcher stated that he owned a mobile home, owned three at one time and has one left, which he will not have much longer.

Mr. Turner asked Mr. Hatcher how much of the area is wetlands on the subject property.

Mr. Hatcher said 3 acres and the wetlands is scattered throughout.

Mr. Lloyd stated that the wetlands would have to be delineated.

Mr. Lloyd stated that we now fall under Phase II Stormwater regulations. The development of the subject property is going to be more than an acre; therefore, the NC Department of Environment and Natural Resources (DENR) will have to approve drainage plans of all subdivisions approved since July 1. With respect to stormwater drainage, it will be reviewed by DENR at the State level. R40 is also a suitable district.

Vice-Chair Epler asked if R40 was low density.

Mr. Lloyd stated that R40 would be a lot less units than this. R15 and R10 are considered low density.

Vice-Chair Epler asked if the 2010 Land Use Plan calls for this property to be low density.

Mr. Lloyd stated that this would be fewer units than the 2010 Plan recommendation.

Public Hearing closed.

Mr. McLaurin stated that there have been a lot of single and double wide mobile homes in this area, but many of them are and have been abandoned. It seems that the whole road has been evolving for quite some time toward stick built homes as the 2010 Plan asks. The staff says that the request is consistent with proposed developments in this area, but I don't think the ongoing and proposed developments are consistent with the request. There are some very nice homes in the Sid Mill Road area and from there all the way up to this property. I would say that this zoning request is not consistent with the direction that this neighborhood is headed, and is not consistent with the 2010 Plan.

Mr. McNeill stated that since the applicant is not here, and I know he is not requesting R40, he's requesting R40A, has the possibility of R40 been discussed?

Mr. Lloyd stated that it had been discussed with the applicant's agent. The agent said that that R40 would be alright.

Ms. Speicher stated that the agent said R40 would be alright with him, but he couldn't get in contact with his client, so he couldn't say how the client would feel.

Mr. McNeill stated that it looked like R40 zoning would satisfy at least two of the three parties involved. I always think that R40 is preferable to R40A, simply because there is more protection for the surrounding property owner. But, I'm a little disappointed that the petitioner is not here and has not responded, and his agent did not give a definitive answer. I would like to see the petitioners answer the question, and that may answer some of Mr. Hatcher's concerns, if R40 is acceptable to the petitioner.

Mr. Lloyd stated that the petitioner was notified and knew the meeting was tonight.

Vice-Chair Epler said the applicant did say they would accept R40, the property is owned by Gerald Robertson, but the application was submitted by Maps, Inc.

Mr. Lloyd said that the agent and applicant say that R40 is acceptable, the owner we haven't heard from.

A motion was made by Mr. McNeill, seconded by Mrs. Piland to deny the staff recommendation and approve rezoning R40 for case P07-81. Unanimous approval.

B. CONTESTED PLATS AND PLANS

CASE NO. 07-161: CONSIDERATION OF CROSSWINDS, SECTION FOUR, ZERO LOT LINE SUBDIVISION REVIEW, WAIVER FROM SECTION 3.20.2 “MUNICIPAL INFLUENCE AREA” (HOPE MILLS – SIDEWALKS & CONCRETE CURB & GUTTER), COUNTY SUBDIVISION ORDINANCE, LOCATION: BOTH SIDES OF PHILODENDRON DRIVE AND NORTH OF SR 2997 (HEIDELBERG DRIVE), EAST OF SR 1132 (LEGION ROAD).

The developer has requested a waiver from Section 3.20.2 “Municipal Influence Area” (MIA), County Subdivision Ordinance regarding conditions numbered 11 & 12 on the attached condition sheet. The Cumberland County Subdivision Ordinance requires developments located within a Town’s MIA to meet the development standards of that town. The Hope Mills Subdivision Regulations require concrete curbs and gutters and sidewalks on both sides of all streets. This development is located within 600 feet of the current Hope Mills Town Limit line. The Town of Hope Mills has recommended denial of the requested waiver and is requesting that the development comply with their development standards.

The property is zoned RR/CU for trade contractor operations and R10 Residential, contains 34.41 +/- acres. The portion zoned with the conditional use is currently pending rezoning – Case No. P07-90. The properties are located east of SR 1132 (Legion Road), at the south end of SR 3704 (Crosswinds Drive) and north side of SR 2997 (Heidelberg Drive).

The developer submitted a request for a waiver from the MIA provisions in regard to the requirements for concrete curbs and gutters and sidewalks. The developer’s request states that the adjoining developments have been constructed without concrete curb and gutter and sidewalks and he would like to construct this development in the same manner as the adjoining areas.

In accordance with Section 6.1, Waivers, Cumberland County Subdivision Ordinance, the Planning Board may waive the requirements of this Ordinance, where it finds by resolution that:

- a. Because of the size of the tract to be subdivided, its topography, the condition or nature of the adjoining areas, or the existence of other unusual physical conditions, strict compliance with the provisions of this Ordinance would cause a special hardship to the property owner and be inequitable, and**
- b. The public purposes of the Subdivision Ordinance and the Zoning Ordinance would be served to an equal or greater degree, and**
- c. The property owner would not be afforded a special privilege denied to others.**

Ms. Speicher reviewed the site information and stated Staff recommends denial of the waiver from Section 3.20.2 based on the following:

1. There are no topography issues or other conditions specific to this property or the adjacent properties which will prevent the developer from constructing the improvements to the minimum required standards and the area in which this development is located is highly likely to be annexed by the Town in the very near future - the current Town limit line is approximately 600 feet to the west of the subject property;
2. The purposes of the Subdivision Ordinance and Zoning Ordinance could only be met with full compliance of the development standards required under the MIA provisions and the Town of Hope Mills has recommended against this waiver request;
3. The property owner would be afforded a special privilege denied to others if this request were approved because with similar circumstances in similar areas, which are in close proximity to the existing Town limits, all future developments will be expected to meet these same standards.

The Staff also notes that the adjacent areas were not subject to the same development standards at the time those areas were developed.

Ms. Speicher explained that this property is in the Town of Hope Mills Municipal Influence Area (MIA), the applicant is requesting a waiver from the town sidewalks standards and concrete curb and gutter. His reasoning is because the developed subdivision to the north and to the south of the subject property, neither one has sidewalks or concrete curb. The Town of Hope Mills did submit a recommendation to deny the request, they are requesting that sidewalks go on both sides of all streets, and that the streets be developed with concrete curb and gutter. The staff's recommendation follows Hope Mills' recommendation.

Mr. Lloyd added that when the Commissioners grant an MIA to a town, they are saying that development standards need to be followed.

Mr. Morris asked if the recommendation came from the Town Board.

Ms. Speicher stated that it was presented to the Town Board.

Mr. Morris asked if we did anything other than their recommendation, would it go back to the Board.

Ms. Speicher made a correction; the recommendation came from the Hope Mills staff.

Mr. Barrett stated that the Planning Board was the final action.

Mr. Lloyd stated that when the Commissioners grant an MIA, they are saying that we agree to hold developers to development standards of that municipality, and it is reiterated in this case with the fact that the town did come back in writing and say they are not granting a waiver.

Ms. Speicher restated that the recommendation came from the town staff, not the town Board.

Vice-Chair Epler stated that we also need to keep in mind, while we hear this case, the town actually approved and recorded other parts of this subdivision that didn't meet these standards, either.

Ms. Speicher stated the other subdivisions were developed in the County. There was no MIA when the northern subdivision was done.

Mr. Barrett stated that he had discussions with staff about this conceptual issue. The purpose of an MIA is to give deference to town's with development standards. I have great concerns about the Joint Planning Board waiving those standards, without the guidance and input from the governing board of the towns. I strongly encourage you to request that guidance for all cases.

Mr. Lloyd asked if Mrs. Hall had any comment back from the Town Board.

Mrs. Hall stated nothing other than what the staff is saying here.

Mr. Morris made a recommendation that the Town Board be solicited for input on this case.

Mr. Lloyd stated that Mr. Morris was right; Hope Mills has got to get their comments to us before these cases can come before the Planning Board.

A motion was made by Mr. Morris, seconded by Mrs. Hall to defer Case 07-161 until Town of Hope Mills responds with their comments. Unanimous approval.

Mr. John Koenig spoke before the Board. Mr. Koenig stated that one month ago he was told that one area was not zoned the way it should have been and needed to be rezoned, which caused a thirty day delay. Now he finds out that the Town Board did not take action. Mr. Koenig stated that he is willing to compromise, he believes sidewalks are great. But concrete curbs are a different issue, it's very expensive. All of the developments around us get road curbs, so when you do street maintenance you are going from rolled curb to street curbs; it makes absolutely no sense to do that. We are trying to build \$130,000 to \$150,000 homes, starter homes. This is not helping that issue. In all due respect, I know the MIA says we will respect the development standards, and I am in favor of that, but this is not the place. Everything around it does not have that, and we are trying to do something that is affordable.

Chair McLaurin reminded Mr. Koenig that a motion had already been made and the case has been deferred for thirty days. Chair McLaurin advised Mr. Koenig that he should go to the Town Board and get their input.

Mr. Barrett stated that this is a situation where the County Board of Commissioners, in its ordinance and in its procedures has granted an area to the town to enforce the town standards. Those town standards are the standards of the governing board, until this board has input from the governing board, whose standards they are, we do not have sufficient information to proceed.

Vice-Chair Epler stated to Mr. Koenig that this was giving him the opportunity to argue his case in front of the Town Board and let them make a recommendation back to the Planning Board, which the Planning Board can support.

VIII. DISCUSSION

Mr. Barrett swore in Mr. Benny Pearce as a new member of the Joint Planning Board.

Mr. McNeill gave an update on the November 19 County Commissioners meeting. Mr. McNeill stated that the Commissioners agreed with the Planning Board's decision on case P07-80. The Board recommended denial of the R15 request and waived the one year requirement, and allow the petitioner to come back with a CUD. It appeared that the Commissioners are looking at stormwater issues as a serious issue as far as subdivision development goes.

Mr. Lloyd stated that there has been a problem with getting comments back from the Hope Mills Town Board. Only the Town Board can waive their requirements. Mr. Lloyd stated that requests for waivers should be sent directly to the Towns and let them decide. Waiting for the town to vote and make their comments holds up the process. Since they are the only ones who can waive the requirements, the towns should be the ones to make the decision.

IX. FOR YOUR INFORMATION

A. DIRECTOR'S UPDATE

X. ADJOURNMENT

There being no further business, the meeting adjourned at 8:25 p.m.