

Lori Epler,
Chair
Cumberland County

Roy Turner,
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



COUNTY of CUMBERLAND

Planning and Inspections Department

Thomas J. Lloyd,
Director

Cecil P. Combs,
Deputy Director

Walter Clark,
Sara E. Piland,
Cumberland County

Benny Pearce,
Town of Eastover

Donovan McLaurin,
Wade, Falcon, & Godwin

MINUTES

August 18, 2009

Members Present

Mrs. Lori Epler, Chair
Mr. Walter Clark
Mr. Donovan McLaurin
Mr. Benny Pearce
Ms. Patricia Hall
Mrs. Sara Piland
Mr. Charles Morris

Members Absent

Mr. Roy Turner, Vice-Chair
Mr. Garland Hostetter
Mr. Harvey Cain, Jr.

Others Present

Mr. Tom Lloyd, Director
Mr. Harvey Raynor
Ms. Patricia Speicher
Mrs. Laverne Howard
Ms. Donna McFayden

I. INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. McLaurin delivered the invocation and led those present in the Pledge of Allegiance.

II. APPROVAL OF / ADJUSTMENTS TO AGENDA

Mrs. Piland made a motion to approve the agenda, seconded by Mr. Clark. Unanimous approval

III. PUBLIC HEARING DEFFERAL / WITHDRAWAL

There were none.

IV. ABSTENTIONS BY BOARD MEMBERS

There were none.

V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS

Mr. Lloyd read the policy statement.

VI. APPROVAL OF THE MINUTES OF JULY 21, 2009

Mr. Pearce made a motion to accept the minutes as submitted, seconded by Mr. Clark. Unanimous approval

VII. PUBLIC HEARING CONSENT ITEMS

TEXT AMENDMENT

- A. **P09-41:** REVISION AND AMENDMENT TO THE TOWN OF SPRING LAKE CODE OF ORDINANCES, CHAPTER 155: SUBDIVISION REGULATIONS, § 155.53 GROUP DEVELOPMENTS; SPECIFICATIONS, BY AMENDING THE ENTIRE SECTION AND UPDATING THE TABLE OF CONTENTS AS APPROPRIATE. (SPRING LAKE)

The County Planning Staff recommends approval of the amendment to the Spring Lake Subdivision Regulations as proposed, based on the following:

1. The amendment updates the provisions regulating group developments making it more consistent with the recently adopted Town fire code regulations (*Appendix D, 2009 North Carolina Fire Code*) and with the County standards; and
2. The amendment was requested by the Town of Spring Lake.

Mr. Lloyd advised the Board of changes that were made by the Town of Spring Lake due to the fact that they started addressing dumpsters in a separate Town ordinance, and correct a typographical error.

A motion was made by Ms. Hall, seconded by Mrs. Piland, to follow the staff recommendation and approve case P09-41 with changes. Unanimous approval.

CONDITIONAL USE DISTRICTS AND PERMITS

- B. **P09-19:** REZONING OF .57+/- ACRES FROM A1 AGRICULTURAL TO M1(P)/CUD PLANNED LIGHT INDUSTRIAL/CONDITIONAL USE DISTRICT (CABINET SHOP & MOTOR VEHICLE REPAIR AND/OR BODY WORK) AND THE PERMIT OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 11444 DUNN ROAD, SUBMITTED AND OWNED BY BLACK RIVER INVESTMENTS, INC.

The Planning & Inspections Staff recommends approval of the requested rezoning to M1(P) Planned Light Industrial/Conditional Use District [M1(P)/CUD], provided that the property owner agrees to restrict the use of the subject property to the cabinet shop; the staff recommends denial of the requested use of motor vehicle repair and/or body work at this location and eliminating all other uses typically allowed within the M1(P) Planned Commercial district, based on the following:

1. Although the district and use requested is not consistent with the 2030 Growth Strategy Map, which calls for "rural area" at this location, operation of a cabinet shop on the subject property is consistent with all but one of the listed location criteria in the Land Use Policies Plan portion of the Comprehensive Plan for Light Industrial/Manufacturing – public sewer is not available;
2. The operation of motor vehicle repair and/or body work is not an appropriate use at this location specifically due to the tendency for this type of use having outside open storage and the subject property is located in a predominately agricultural area; and
3. The request for the M1(P) Light Industrial District to operate a cabinet shop is reasonable at this location considering it would allow for the viable use of an existing non-residential structure.

The property owner has verbally agreed to the staff recommendation and voluntarily agrees to restrict the use of the subject property to a cabinet shop operation, eliminating all other uses allowed in the M1(P) zoning district including the elimination of motor vehicle repair and/or body work.

The Planning & Inspections Staff also recommends approval of the Conditional Use Permit, based on the following:

1. The use will not materially endanger the public health or safety if located according to the plan submitted, the site is located in an area that is not congested with development;
2. The use will meet all required conditions and specifications if developed according to the site plan, application and the attached "Ordinance Related Conditions";
3. The use will maintain or enhance the value of adjoining or abutting properties in that the use and structure are existing and the developer has agreed to construct or put in place all zoning measures intended to protect adjacent properties; and
4. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and in general will be brought into conformance with the development ordinances and adopted planning policies.

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

The property owner has voluntarily agreed to this staff recommendation and all attached Ordinance Related Conditions.

Mr. McLaurin made a motion, seconded by Mr. Morris, that the Joint Planning Board finds that this Conditional Use District is reasonable, neither arbitrary nor unduly discriminatory, and in the public interest, and that the Conditional Use District with the use as recommended by the staff and agreed to by the property owner is approved as submitted. Unanimous approval.

A motion was made by Mr. McLaurin and seconded by Mr. Morris to approve the Conditional Use Permit as recommended by the staff 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. Unanimous approval.

- C. **P09-34: REZONING OF .89+/- ACRES FROM R10 RESIDENTIAL TO RR/CUD RURAL RESIDENTIAL/CONDITIONAL USE DISTRICT (RESIDENTIAL INCLUDING SINGLE-FAMILY, MULTI-FAMILY & MANUFACTURED HOMES, NURSERY OPERATIONS AND OFFICE) AND THE PERMIT OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 6067 CAMDEN ROAD, SUBMITTED AND OWNED BY MICHAEL F. AND BARBARA J. SHOENBERGER.**

The Planning & Inspections Staff recommends approval of the requested rezoning to RR Rural Residential/Conditional Use District [RR/CUD], provided that the property owner agrees to restrict the use of the subject property to the existing residential dwelling and the plant nursery operation with an office; the staff recommends denial of the requested use of additional residential uses, including multi-family dwellings and Class A and Class B manufactured homes at this location and eliminating all other uses typically allowed within the RR Rural Residential district, based on the following:

1. Although the district and use requested is not entirely consistent with the 2030 Comprehensive Plan, which calls for "urban" development at this location, the request is reasonable in that approval of the RR Rural Residential district will ensure the existing dwelling continues to be a conforming use while at the same time allowing the plant nursery operation in an area that is transitioning to non-residential development;
2. The request is consistent with the location criteria for Suburban Density Residential as listed in the Land Use Policies Plan;

The property owner has verbally agreed to the staff recommendation and voluntarily agrees to restrict the use of the subject property to the existing dwelling and the plant nursery operation with an on-site office for the nursery, eliminating all other uses allowed in the RR Rural Residential zoning district.

The Planning & Inspections Staff also recommends approval of the Conditional Use Permit, based on the following:

1. The use will not materially endanger the public health or safety if located according to the plan submitted, the site is located in such a manner that the minimum development standards of the ordinances are met or exceeded;
2. The use will meet all required conditions and specifications if developed according to the site plan, application and the attached "Ordinance Related Conditions";
3. The use will maintain or enhance the value of adjoining or abutting properties in that the dwelling unit is existing and the developer has agreed to extend public sewer to serve the office for the plant nursery operation; and
4. The location and character of the use, if developed according to the plan as submitted and recommended, will be in harmony with the area in which it is to be located and in general will be developed in conformance with the development ordinances and adopted planning policies.

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

The property owner has voluntarily agreed to this staff recommendation and all attached Ordinance Related Conditions.

Mr. McLaurin made a motion, seconded by Ms. Hall, that the Joint Planning Board finds that this Conditional Use District application is reasonable, neither arbitrary nor unduly discriminatory, and in the public interest, and that the Conditional Use

District with the uses as recommended by the staff and agreed to by the property owner are approved as submitted. Unanimous approval

A motion was made by Mr. McLaurin and seconded by Ms. Hall to approve the Conditional Use Permit as recommended by the staff after finding that when completed as proposed and subject to the conditions recommended by the Planning & Inspections staff, and agreed to by the petitioner, 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. Unanimous approval.

REZONING CASES

- D. **P09-35:** REZONING OF 2.11+/- ACRES FROM A1 AGRICULTURAL TO R40A RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 4250 DUDLEY ROAD, SUBMITTED AND OWNED BY ANDREW E. AND MICHELLE M. WESTON.

The Planning & Inspections Staff recommends approval of the R40A Residential district for this request based on the following:

1. The district requested is consistent with the 2030 Comprehensive Plan, which calls for “rural area” at this location, as well as meeting the location criteria for rural density residential development as listed in the Land Use Policies Plan; and
2. The requested district will allow for development comparable to the existing lot sizes and land uses in the general area.

The A1A Agricultural and the R40 Residential districts could also be found suitable for this request.

A motion was made by Mr. McLaurin, seconded by Mr. Morris, to follow the staff recommendation and approve case P09-35. Unanimous approval.

- E. **P09-37:** REZONING OF .72+/- ACRES FROM R6A RESIDENTIAL TO C(P) PLANNED COMMERCIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3708 GILLESPIE STREET, SUBMITTED AND OWNED BY BILLY G. AND KATHY T. MANNING.

The Planning & Inspections Staff recommends approval of the C(P) Planned Commercial district for this request based on the following:

1. The district requested is consistent with the 2030 Comprehensive Plan, which calls for “urban area” at this location, as well as meeting all but one of the listed location criteria for heavy commercial as listed in the Land Use Policies Plan – no public sewer available; and
2. This segment of Gillespie Street (I-95 Business/US HWY 301) is designated as a Primary Business Street in the Land Use Policies Plan.

The C1(P) Planned Local Business district could also be found suitable at this location.

A motion was made by Mr. McLaurin, seconded by Mr. Morris, to follow the staff recommendation and approve case P09-37. Unanimous approval

VIII. PUBLIC HEARING CONTESTED ITEMS

REZONING CASES

- A. **P09-15:** REZONING OF 18.2+/- ACRES FROM RR RURAL RESIDENTIAL TO R7.5 RESIDENTIAL OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 4329 DUNN ROAD AND WEST OF DUNN RD (US HWY 301), NORTH OF (SR 1722) BEARD ROAD, SUBMITTED BY LOYD LANDRY AND OWNED BY GENE F. WILLIFORD, SR. (EASTOVER)

Mr. Lloyd reviewed the site information and stated that the Planning & Inspections Staff recommends denial of R7.5 Residential; however, the Staff does recommend approval of R15 Residential district based on the following:

1. Although the R7.5 meets the standards for the Land Use Policies Plan, the recommendation of R15 is more consistent with lot sizes in the surrounding area and more in keeping with the Eastover Area Detailed Land Use Plan.
2. The recommendation of low density residential development is consistent with the location criteria for this area as established in the Land Use Policies Plan, recently adopted by the Planning Board;
3. Although the Eastover Area Detailed Land Use Plan designates "one acre residential lots" for this area, it was adopted prior to utilities being present; and
4. Public utilities are present at this location.

The R20 and R20A zoning districts could also be considered as suitable for this location.

Mr. Lloyd reminded the Board that this case was deferred from their May 19, 2009 meeting.

There were two people present to speak in favor. No one present to speak in opposition.

Mr. David Averette came forward to speak in favor. Mr. Averette stated that he was asking for rezoning to R7.5. Mr. Averette named other areas in Eastover that had been zoned R7.5, he also named another area, Scottsdale, that was denied rezoning to R7.5 from R15 due to the fact that the property had hydric soils and because it would cause traffic problems. Mr. Averette stated the subject property does not have a traffic problem and there are no hydric soils. It has water and sewer so it meets all of the conditions to be rezoned.

Mr. Gene Williford stated that he was present to support Mr. Averette and was available to answer any questions.

Public Hearing closed.

Mrs. Piland stated that the people of Eastover came together two years ago in a wonderful effort to incorporate, and it was a successful effort. They chose as their mission to try and preserve the character of the Eastover community. Mrs. Piland stated that she respects Mr. Williford in what he has done east of the river. Mrs. Piland stated that she feels in order to stay true to the wishes of the people of Eastover, she would have to vote to deny the request. R20 has been mentioned but Mrs. Piland is not sure if the petitioner is interested in that. There has been a lot of contact from people that live in the area, with informal conversations and Mrs. Piland believes that the interest of the people would be to maintain the property as RR.

Mr. McLaurin stated that he remembers when others came before the Board requesting rezoning to R7.5 and there was a lot of opposition. Some of the outcome of that was the Town of Eastover started organizing, about 1800 people signed a petition to incorporate and the wishes were to keep Eastover a lower density area. As a result, one of the developers came back with R40 zoning, trying to meet the wishes of the people of Eastover. Mr. McLaurin stated that he feels this case should be passed on to the Town Board of Eastover.

Mr. McLaurin made a motion, seconded by Mrs. Piland, to deny the request for rezoning.

Mr. Morris asked for discussion.

Mr. Morris asked if this case would go to Eastover as a denial.

Chair Epler stated that it would if the motion carries.

Mr. Morris stated that the function of the Planning Board is to weigh everything and send it forward. Mr. Morris wanted to know if the Board would move it forward for Eastover to decide or discuss the case and send it to Eastover with a recommendation.

Mrs. Piland stated that she thinks that they have consistently, as a Board, recognized the autonomy of the different municipalities, and tried to respect the standards, regulations, and guidelines that the various municipalities have followed. The RR is consistent with what the people of Eastover want; it's consistent with actions that have been taken in the past. Mrs. Piland doesn't know of any other alternative than to send it on to the Eastover Board and by sending it to the Town we are recognizing the autonomy, which we just as recently as the vote on the 2030 Plan, our resolution had a clause that said we would respect the autonomy of the various municipalities. This is simply asking the Board to respect the municipality and its wishes.

Mr. Morris stated that he understood what Mrs. Piland was saying. But, we are just saying that we as a Board have voted and recognized to deny the petitioners request. Mr. Morris stated that Spring Lake asked that as a Board we vote and make a recommendation and move it on to the Spring Lake Board for their consideration. Mr. Morris feels that the Board should at least make a recommendation and move it on to the Town.

Chair Epler stated that she had some reservations. Eastover adopted the same Land Use Policies Plan that the rest of the County adopted. Eastover's Area Detailed Land Use Plan was adopted and actually came about when utilities were not available to this piece of property. By the same token, we have regularly, whenever there were changes in the

status of a piece of property, as in utilities being extended to that piece of property, considered that in our recommendations. Chair Epler stated that they should ask the applicant if he would be interested in R15, which is something that can be discussed. It is a more restrictive zoning than what he has applied for and we have the opportunity to do that in this meeting. Chair Epler stated that she has the same confusion as Mr. Morris, in that Eastover has adopted the same Land Use Policies Plan that the rest of the County did, and when we look at the rezoning applications, we see them on behalf of the County, which is the job of the Board. The Board should be able to view them all independently, but with the Land Use Policies Plan in mind.

Mrs. Piland reminded the Board of the clause at the very back of the 2030 Land Use Plan that states that Local Area Detailed Land Use Plans supersedes the general outlines.

Chair Epler acknowledged that and stated that that was why they were having this discussion. But utilities having been extended to the subject property since the plan was derived.

Mrs. Piland stated that if the Eastover Land Use Plan had been revised to accommodate cases such as this one, then the Board would be looking at a different alternative.

Mr. Morris stated that whatever recommendation the Board made, the Town of Eastover has the authority to do as they please. But it is outside the Board's fiduciary role to say we will pass it on. Mr. Morris stated that he wanted to discuss this case regarding the applicant's petition for rezoning this property. Mr. Morris doesn't agree with the staff comment about the subject property not being consistent with acreage of the surrounding property. Mr. Morris also has concerns about R6A on almost adjacent lots and the subject property being out of character to put in R7.5 or R20, and stated he doesn't feel that it's out of character. The Board rarely looks at a piece of property in the Eastover area that isn't wet. What we have is a dry piece of property, sewer and water available, and we're going to deny the petitioner's request for R7.5. Based on the land, the infrastructure, and the surrounding zoning, Mr. Morris doesn't think that the request is inappropriate. If it comes to the Land Use Plan, we have changed the Land Use Plans on multiple occasions when the factors of infrastructure have come into play and there was no water and sewer when the Land Use Plan was done. For us to pass up the dollars that we have put into the ground and not utilize the capacity that our tax and private dollars have gone towards, those are things we need to consider as a Board. Whatever recommendation we send over to Eastover and they chose to, as our County Commissioners have chosen to and Hope Mills and Spring Lake have chosen to, they can do something different. But we should make sure that we examine the petitioner's request and ask the question if he's willing to look at R15 or if he wants to pursue R7.5.

Mr. Morris asked Mr. Averette if they were willing to look at the staff's recommendation and consider rezoning to R15.

Mr. Averette stated they requested R7.5. This is all a density issue, it's not a conditional use, going from RR to R20 does not help them at all; it's the same density requirements. Going to R15 almost gets us there. All Mr. Williford wants to do is get enough lots on the property to justify the cost. If they can't get the zoning that is being requested, Mr. Averette feels that it can't be developed. Mr. Averette stated that the water and sewer that is there now was not put in by the people of Eastover, it was put in by all the people in North

Carolina. It's available and we should take advantage of it and use it for the best use possible.

Mr. Morris stated that he assumed there would be a lot of opposition present, but there is none and that should speak for itself.

Mr. Pearce wanted to make two points, one in regards to the sewer, it was put in by the Eastover Sanitary District which is built to rural specifications not to high density specifications, and it was put in with grant and rural money for that purpose. It was not designed for a high density development. Secondly, as we were incorporated and as the 1800 people signed petitions we had hundreds more people at our meetings, and at no point did Mr. Pearce hear anyone say that they wanted R7.5 density anywhere in Eastover.

Chair Epler stated that she had a problem with the petitioner standing firm with their request, Chair Epler would be more comfortable if they had been willing to compromise just a little bit. If they cannot make this project work at a lower density, they can't make it work. They know what their numbers are. Out of respect for Eastover and their Land Use Plan, given that the applicant is not willing to compromise in his request, Chair Epler stated that she could not support R7.5.

Mr. McLaurin made a motion, seconded by Mrs. Piland to deny the request for rezoning. Unanimous approval.

- B. **P09-36:** REZONING OF .49+/- ACRES FROM R6A RESIDENTIAL TO C2(P)/CUD PLANNED SERVICE AND RETAIL/CONDITIONAL USE DISTRICT (RESTAURANT; RECREATION/AMUSEMENT, INDOOR; RETAIL; AND OTHER PERMITTED USES) AND THE PERMIT OR TO A MORE RESTRICTIVE ZONING DISTRICT, LOCATED AT 3876 DUNN ROAD, SUBMITTED AND OWNED BY JOHNNIE L. AND LINDA M. SANDERSON. (EASTOVER)

Mr. Lloyd reviewed the site information and stated that the Planning & Inspections Staff recommends denial of the C2(P) Planned Service and Retail/ Conditional Use District [C2(P)/CUD] for the restaurant (ice cream shop and grill), indoor for profit recreation/amusement (including children's arts and crafts), apparel and accessory sales, retailing and variety, gift and hobby supply sales, based on the following:

1. The district requested is inconsistent with the Eastover Area Detailed Land Use Plan, which calls for medium density residential at this location;
2. The district requested is inconsistent with some of the location criteria for light commercial as listed in the 2030 Comprehensive Plan, specifically the request if approved would not serve as a transition between residential and non-residential, and the subject property is not located within an activity node or designated commercial area;
3. Consideration of the C2(P) district for this area is arbitrary and would not serve a viable public interest; and

4. The degree of difference in uses allowed between the existing surrounding zoning and the proposed zoning and uses requested, qualify this request as being unreasonable.

The Planning & Inspections Staff also recommends denial of the Conditional Use Permit based on the following:

1. This development could endanger the public safety if located according to plan submitted especially concerning the motor vehicle traffic on Dunn Road, since the drive is only approximately 200 feet from a fairly congested intersection;
2. The request does not comply with the specifications of the Zoning Ordinance, which require 30 foot side yard setbacks; the existing structure is located 26.8 feet from the southern property line and 20 feet from the northern line;
3. The degree of difference in this specific request and the site layout requested as related to the existing surrounding uses makes this request unreasonable and most likely will not enhance or maintain the value of the adjoining residential properties and is not a public necessity; and
4. The location and character of the use is not in harmony with the area in which it is located and would be in contradiction to the proposed Land Use Policies Plan's location criteria for light commercial since the subject property is surrounded by residentially-zoned properties;

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

There were four people present to speak in favor. No one present to speak in opposition.

Chair Epler swore in all speakers.

Mrs. Linda Sanderson, the applicant, spoke in favor. Mrs. Sanderson stated that she wanted to clarify the uses listed. She was instructed by staff to list any of the uses she thought the business would use, and that's what she did. Mrs. Sanderson stated that what she was trying to do was develop a place where families could eat and have some entertainment for kids in Eastover. This would simply be a family and children environment bringing the hometown flavor that Eastover wants to keep. But has found out that she went overboard with the uses; however, they do want the option of having a place to have birthday parties or special events for seniors. Mrs. Sanderson feels that the subject property is the perfect location for what Eastover is looking for on Dunn Road.

Ms. Cindy Wetzel spoke in favor. Ms. Wetzel said she was the previous owner of the subject property and currently lives in the adjacent property. Ms. Wetzel said that she is supportive of Mrs. Sanderson's idea for an ice cream parlor.

Ms. Misty McCorquadale spoke in favor and stated that she lives in Baywood and is also supportive of the applicant's idea.

Mr. John Sanderson spoke in favor and stated that there is nothing in Eastover for families and based on comments from some people in the community this is what the plan came to be. Mr. Sanderson feels that this would be something for everyone in Eastover to enjoy.

Public Hearing closed.

Mr. Morris asked why the request wasn't for rezoning to A1 Agricultural district. Since they basically want to have a convenience store.

Mr. Lloyd stated that all the uses would not be approved in the A1 district and A1 would require a 1 acre lot for commercial or for non residential uses.

Mr. Morris suggested that this case be deferred so that the applicant can revise the uses and have time to consult with staff and come back with more information. Based on the existing land uses surrounding this property and with the nature of the community, Mr. Morris feels that this would enhance the area and that they should be more flexible.

Chair Epler asked Mr. Lloyd if the applicant changed her application for the specific uses that she wants to use now, would the staff recommendation change.

Mr. Lloyd stated that he didn't feel that the staff recommendation would change because of the Detailed Land Use Plan. It's one thing when sewer is added, but the Detailed Land Use Plan was clear as the staff was asked to follow that when possible that commercial ends at Baywood. Judging from our staff meeting it had nothing to do with the amount of uses, it was the fact that commercial was being extended even further up Dunn Road.

Chair Epler asked if it ever came up in the staff meeting that this is a neighborhood centered business.

Mr. Lloyd stated that it occurred to staff that there are areas of the town that need to be looked at specifically, but until we are instructed to do this we are going to go, with the Detailed Area Land Use Plan. We don't see a reason to extend commercial up Dunn Road at this point when it's all residential to the north. One thing staff started to realize is that CUD's in and of themselves aren't always the answer. The underlying zoning district is still commercial. All that is being done is taking uses out of what is allowed in the district.

Chair Epler stated that in this case there is commercial 75 feet down the street.

Mr. Lloyd stated that he was addressing the question about staff changing their recommendation. But staff would discuss it again in light of testimony given here tonight.

Mr. Morris stated that he would like to see this case briefly deferred.

Mr. McLaurin asked about the setback requirements and asked how wide Ms. Wetzel's property is.

Ms. Wetzel stated about 50 feet.

Mr. Morris explained the Board's discussion to the applicant and that there was a motion on the floor to defer the case to allow her to consult with staff and revise her application.

Chair Epler went on to advise the applicant that if they voted tonight and it goes before Eastover it will go just the way it came to the Planning Board, and it might be in her best interest to change some of the requests on the application before it goes to Eastover.

Chair Epler also advised Mrs. Sanderson that she has the opportunity to defer the case for one month so she can confer with staff and bring the request back in a different form.

Mrs. Sanderson said that would be fine and requested a deferral.

Mr. Morris made a motion, seconded by Ms. Hall to defer case P09-36 for to September 15, 2009 to allow the applicant to consult with staff. Unanimous approval.

IX. DISCUSSION

Chair Epler informed the Board members that the new committee assignments had been placed in the Planning Board books.

X. FOR YOUR INFORMATION

DIRECTOR'S UPDATE

Mr. Lloyd advised the Board that the Town of Linden would be voting on the Subdivision Ordinance public hearing date. That they would also be voting on the 2030 Plan tonight.

XI. ADJOURNMENT

There being no further business, the meeting adjourned at 8:20 p.m.