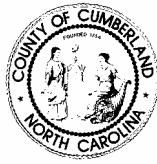


Clifton McNeill, Jr.
Chair
Cumberland County

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



COUNTY of CUMBERLAND

Planning and Inspections Department

Nancy Roy, AICP
Director
Planning & Inspections

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

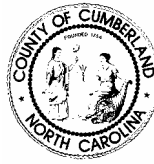
TENTATIVE AGENDA

November 4, 2003

5:00 p.m.

- I. INVOCATION AND PLEDGE OF ALLEGIANCE
- II. APPROVAL OF AGENDA/ADDITIONAL ITEMS
- III. APPROVAL OF THE MINUTES OF OCTOBER 21, 2003
- IV. DISCUSSION
 - A. PRESENTATION ON ANNEXATION—JIMMY TEAL
 - B. WADE DETAILED LAND USE STUDY—JOE MULLINAX
- V. FOR YOUR INFORMATION
 - A. DIRECTOR'S UPDATE
- VI. ADJOURNMENT

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COUNTY of CUMBERLAND

Cumberland County Joint Planning Board

MINUTES
October 21, 2003
7:00 p.m.

Members Present

Mr. Clifton McNeill, Chair
Mr. Charles Morris, Vice-Chair
Mr. David Averette
Mr. John M. Gillis
Mr. Donovan McLaurin
Mr. Joe W. Mullinax
Dr. Marion Gillis-Olson

Members Absent

Mr. Frank Underwood

Others Present

Ms. Nancy Roy, Director
Mr. Ed Byrne
Mr. Tom Lloyd
Ms. Barbara Swilley

Mr. Grainger Barrett,
County Attorney

I. INVOCATION AND PLEDGE OF ALLEGIANCE

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

II. APPROVAL OF AGENDA/ADDITIONAL ITEMS

Mr. Lloyd requested that Case P03-86 be moved from Consent Items to Public Hearing Items. A motion was made by Mr. Morris and seconded by Mr. Mullinax to approve the Agenda with the above change. The motion passed unanimously.

III. PUBLIC HEARING DEFERRALS

Mr. Lloyd said that the petitioners on Cases P03-84 and P03-85 have asked that their cases be deferred.

Ms. Jana Berg, attorney for the opposition, said that a nonconforming use currently exists on these properties, and a complaint was made in April regarding noise, smoke, dust and road conditions. She asked that the Board not defer the cases.

Mr. Lee Zuravel, attorney representing the petitioners, said that there may be a problem with weight limits on the roads, and he would like to resolve it before the cases are heard.

No motion was made. Chair McNeill announced that the cases would be heard as scheduled.

IV. ABSTENTIONS BY BOARD MEMBERS

There were no abstentions by Board members.

V. POLICY STATEMENT REGARDING PUBLIC HEARING TIME LIMITS

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

VI. CONSENT ITEMS

A. APPROVAL OF THE MINUTES OF OCTOBER 7, 2003

A motion was made by Mr. Mullinax and seconded by Mr. McLaurin to approve the Minutes of October 7, 2003 as submitted. The motion passed unanimously.

REZONING CASES

- A. P03-79: REZONING OF 4.27 ACRES FROM C(P) TO M(P), OR A MORE RESTRICTIVE ZONING DISTRICT, ON THE SOUTH SIDE OF WEST MANCHESTER ROAD, WEST OF BRAGG BOULEVARD, OWNED BY GARY E. AND PAULA J. EDGE.

The Planning staff recommended approval of the M(P) Planned Industrial District based on the following:

1. The tract is within the Noise and Accident Potential Zone, and the M(P) District is one of the districts recommended by ACUZ;
2. The uses allowed in the M(P) District are compatible with the land use and zoning in the area.

The Planning staff found that the intervening districts are not suitable for the site.

A motion was made by Mr. Mullinax and seconded by Dr. Olion to follow the staff recommendations and approve the M(P) District. The motion passed unanimously.

- B. P03-80: AMENDMENT TO THE TOWN OF STEDMAN ZONING ORDINANCE TEXT, ARTICLE III, SECTION 3.1, TABLE 1-A, PERMITTED USES, BY ADDING "PUBLIC OR PRIVATE AGENCY OWNED AND OPERATED RECREATION, SUCH AS NEIGHBORHOOD CENTER BUILDINGS, PARKS, MUSEUMS, PLAYGROUNDS AND SIMILAR FACILITIES."

The Planning staff recommended approval of the amendment based on the following:

1. The amendment clarifies the text in the Stedman Zoning Ordinance.

A motion was made by Mr. Mullinax and seconded by Dr. Olion to follow the staff recommendation and approve the amendment. The motion passed unanimously.

- C. P03-81: REZONING OF 1.19 ACRES FROM A1 TO R40, OR A MORE RESTRICTIVE ZONING DISTRICT, AT 1356 SAND HILL ROAD, OWNED BY BOBBY G. AND JUANITA HICKS.

The Planning staff recommended approval of the R40 Residential District based on the following:

1. The rezoning brings the subject property into conformity with the minimum lot size of the R40 District.

The Planning staff found that there are no intervening districts to consider for suitability.

A motion was made by Mr. Mullinax and seconded by Dr. Olion to follow the staff recommendations and approve the R40 District. The motion passed unanimously.

- D. P03-88: REZONING OF 2.22 ACRES FROM A1 TO R40, OR TO A MORE RESTRICTIVE ZONING DISTRICT, AT 6286 BEND OF RIVER ROAD, OWNED BY FLOYD E. BAREFOOT.

The Planning staff recommended approval of the R40 Residential District based on the following:

- 1. The Planning Board customarily approves the R40 and R40A Residential Districts located within farmland districts on lots smaller than 10 acres.

The Planning staff found that there are no intervening districts to consider for suitability.

A motion was made by Mr. Mullinax and seconded by Dr. Olion to follow the staff recommendations and approve the R40 District. The motion passed unanimously.

PLATS AND PLANS

- A. 03-189: EARTH PETROLEUM CO. C(P) SITE PLAN REVIEW AT THE SOUTH-EAST INTERSECTION OF DUNN AND MURPHY ROADS, WEST OF I-95, FOR ALTERNATE YARD REQUIREMENTS, SECTION 12.45, CUMBERLAND COUNTY ZONING ORDINANCE.

Mr. Barrett noted that the Board received the revised sheet.

A motion was made by Mr. Gillis and seconded by Mr. Morris to approve the request with changes received as recommended by staff. The motion passed unanimously.

VII. PUBLIC HEARING ITEMS

- A. P03-71: REZONING OF 8.60 ACRES FROM C1 AND C(P) TO C3 OR TO A RESTRICTIVE ZONING DISTRICT, AT 7341 CLINTON ROAD, OWNED BY ROBERT AND ADEL JOHNSON. (STEDMAN)

Chair McNeill reported that he received a phone call from Ms. Johnson (petitioner), and she had met with Ms. Roy and Mr. Lloyd who suggested that subdividing would eliminate the staff's concern and accomplish what she wished to do with her land.

A motion was made by Mr. Gillis and seconded by Mr. Mullinax to defer action on Case P03-71 until November 18, 2003 in order to see if a subdivision proposal is submitted. The motion passed unanimously.

- B. P03-82: REZONING OF 18.6 ACRES FROM R10 TO R6 OR A MORE RESTRICTIVE ZONING DISTRICT, ON THE SOUTH SIDE OF CLIFFDALE ROAD, EAST OF RIM ROAD, OWNED BY JAMES L. AND HELEN MELTON TEAGUE, BEVERLY C. AND HOWARD A. CULBRETH, JR. AND EVA C. RUSSELL.

Maps were displayed indicating the land use and zoning in the area. Mr. Lloyd reported that the Planning staff recommended denial of the R6 Residential District based on the following:

1. Public water is not available to the site.

Note: The staff would be palatable to R6/CU requiring public water to the site prior to development of the property.

Mr. Tom Hollinshed appeared before the Board and said that the site once was a borrow pit. He said that he is still one year from developing the site, so the staff's recommendation is fine. He said that he plans to enhance the area. He said that water through Brookwood is available across the road from the site. Mr. Lloyd said that the staff was unaware that Brookwood water was available, and if they'd known, they would have recommended approval of the R6. Mr. Hollinshed said that he would prefer to use PWC for water and sewer.

Ms Evelyn Ouzts appeared before the Board. She asked what was being done to the neighborhood. She said that mobile homes are now located near her home, and she was concerned that this development would also contain mobile homes. Mr. Lloyd assured Ms. Ouzts that the R6 zoning does not allow mobile homes. Mr. Barrett said that the rezoning calls for 6,000 square foot lots with stick-built homes. Mr. Hollinshed then assured Ms. Ouzts that he works in the area and plans to improve the area. He said that the creek between her neighborhood and the subject property creates a buffer.

A motion was made by Mr. Gillis and seconded by Mr. Averette to approve the R6 Residential District. The motion passed 6 to 1 with Dr. Olion voting in opposition.

- C. P03-83: REZONING OF .36 ACRES FROM R10 TO C1 OR A MORE RESTRICTIVE ZONING DISTRICT AT 7503 ASCOT AVENUE, OWNED BY SUGIN K. MENDENHALL

Maps were displayed indicating the land use and zoning in the area. Mr. Lloyd reported that the Planning staff recommended denial of the C1 Local Business District and suggested that the applicant apply for a Conditional Use Overlay District to allow the desired use.

Ms. Unhaw Rozuwolski appeared before the Board representing her mother, Ms. Sugin Mendenhall. Ms. Rozuwolski said that the commercial properties joining the subject property are much deeper than the lot that her mother owns. She said that her mother removed the home on the second lot because the rental was giving her problems. She said that she would at least like her lot to line up with the other commercial lots along Reilly Road.

Chair McNeill asked what the current commercial property contains. Ms. Rozuwolski said that it is used for a sewing and cleaning establishment and small barbershop.

Ms. Lee-Anne White appeared before the Board in opposition and said that she lives on Ascot Avenue and is concerned about the safety of her child due to increased traffic.

She said that she is a member of the church across from the property, and there is already enough traffic from the church.

Ms. Thea Weinheimer appeared before the Board in opposition and said that she lives on the corner of Decatur and Ascot and represents a group of homeowners from the area. She said that there is already a lot of traffic on Ascot Avenue, and children have to walk by the driveway to the second lot when the school bus drops them off. She noted that the C1 zoning also allows a convenience store. Ms. Weinheimer noted that there are already 21 parking spaces on the property with a possibility of 26 if more parking was created behind the structure. She said that the area is residential, and there is concern that this will bring down the property values. She said that she also opposes a Conditional Use Overlay District and Permit because this is just a step to eventual commercial rezoning.

Ms. Linda Tucker appeared before the Board in opposition and said that she owns the property that joins Ms. Mendenhall's property. She asked how this rezoning would affect the property values in the neighborhood. She asked if the lot could be rezoned without any plans for a specific business, and Mr. Lloyd said that it could. Ms. Tucker said that convenience stores sell alcoholic beverages, and there are already three within a mile of the subject property.

Ms. Nancy Torres appeared before the Board and said that she is the president of Community Watch. She said that they do not want a parking lot that will bring in more traffic and crime. She said that she has seen more cars on the property on Sunday evenings than at any time, and the businesses aren't open at that time.

Mr. Eugene Tannehill appeared before the Board in opposition and said that he has lived on Ascot Avenue since 1981. He said that he doesn't mind the parking lot, but C1 zoning will allow other uses that he would not want.

In Rebuttal, Ms. Rozulwolski said that she understands the concerns of the neighbors; however, this is not a large lot, and it could not hold a convenience store. She added that her mother does not drink. She said she doesn't know the statistics, but she wasn't aware of any accidents that had occurred from the traffic in the area. She said that she ran the business for about four years, and Ascot Avenue was very seldom used. She said that the rezoning should not create additional traffic.

Mr. Lloyd explained to the audience that a Conditional Use Overlay District would limit the use, designate exit and entrances and require buffering.

Chair McNeill asked about the waiting period if the Board denied the request. Mr. Lloyd said that the applicant would have to wait one year from the date of the Commissioners' decision.

Dr. Olion asked if Ms. Mendenhall owns the other two adjoining lots, and she was told that she does. Dr. Olion asked if there was a process for recombining the lots. Mr. Lloyd said that a plat would have to be submitted indicating the recombination and that it could be approved in one day. Mr. Gillis said that the zoning line would remain the same. Mr. Lloyd said that the Board could also rezone a portion of the middle lot to line up with the adjoining commercial lot.

Mr. Barrett said of those options, the clearest way to reduce traffic would be a Conditional Use Overlay District and Permit to require the entrance off of Reilly Road.

Chair McNeill said that there are options that the owner could exercise to rezone or recombine the lots. He said that the Conditional Use Overlay District and Permit could be used to limit the use and control access that would alleviate traffic concerns.

Mr. Lloyd noted that Ms. Rozulwolski mentioned storage, and he explained that inside and outside storage are not permitted in the C1 District. He said that an accessory shed is allowed, but no principal structure.

Mr. Gillis said that he understood both sides and thought that a Conditional Use Overlay District and Permit might resolve the issues.

A motion was made by Mr. Gillis and seconded by Mr. Mullinax to defer action on case P03-83 until November 18 in order to allow the petitioner to apply for a Conditional Use Overlay District and Permit or consider other options such as a recombination of the lots.

Mr. Morris said that the Board has tried to preserve residential by the one-lot limit. He said that he'd be opposed to any erosion of the residential areas. He said if the Board feels that a commercial lot at this location is okay, then they should rezone it to commercial or leave it alone.

Dr. Olion asked that "other options such as recombination of lots" be added to the above motion. Messrs. Gillis and Mullinax agreed to the change. [The motion reads as amended.]

Upon a vote on the motion, it passed 5 to 2 with Messrs. McLaurin and Morris voting in opposition.

D. P03-84: CONDITIONAL USE OVERLAY DISTRICT AND PERMIT TO ALLOW A TRUCKING BUSINESS AND STORAGE OF EQUIPMENT ON 5.62 ACRES IN AN A1 DISTRICT AT 2690 INDIANA COURT, OWNED BY JAMES W. BOURGOYNE.

Maps were displayed indicating the land use and zoning in the area. Mr. Lloyd said that details regarding the business were included in the packets. He reported that the Planning staff recommended approval of the Conditional Use Overlay District based on the findings that the request is reasonable, not arbitrary or unduly discriminatory and in the public interest.

Also, the Planning staff recommended denial of the Conditional Use Overlay Permit based on the findings that the proposal:

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

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

Mr. Lee Zuravel appeared before the Board representing Mr. James Bourgoyne, the applicant. He said that the request is for a Conditional Use Overlay District and Permit to allow a trucking service at the location. He said that a mobile home has been placed on the property, and the site plan has been amended. Mr. Zuravel said that business has been Mr. Bourgoyne's livelihood for 17 years, and he would like to continue on the premises. He said that the property is used to do paperwork, make phone calls and parking of trucks. He said that Mr. Bourgoyne owns three tractors and three trailers that are located on the lot. He said that there is no loading or unloading on the premises. He said that the business is open seven days a week, 24 hours a day, but generally the hours are 8:00 a.m. until 5:00 p.m. He said that employees are on the property only to pick up trailers or paychecks Thursday through Sunday. He said that there is an average of three trucks that enter and leave during the week. He said one refrigerator truck is on the property on weekends. Mr. Zuravel said that a deputy from the Sheriff's Department measured the noise, and no citation was issued. He said that there would be no signs or new lighting. He said that the area is mainly farmland with a fish farm and pig farm nearby, and the business does not injure the value of the properties in the area. He said that Mr. Bourgoyne has been there for 17 years, and Ms. LeBlanc, his adjoining neighbor, has lived in the area for 12 years. He said that Mr. Bourgoyne has agreed not to have loaded trucks on the premises and is willing to install buffers. He said that four County residents are employed by the business. Mr. Zuravel asked the immediate neighbors who were in favor of the request to stand. About 14 neighbors stood.

Mr. Gillis asked for the people who stood to indicate on the map where they lived. They did so, and all lived on property adjoining or near the subject property.

Ms. Lillie Council appeared before the Board and said that she lives behind Mr. Bourgoyne and doesn't hear noise from the trucks.

Mr. David Moore appeared before the Board and said that Mr. Bourgoyne has operated the business the whole time he has lived there (14 years). He said that he would do anything for anyone in the neighborhood. He said that the roads are well maintained, and there is no extra noise.

Ms. Jana Berg appeared before the Board in opposition representing Ms. LeBlanc, a neighbor in opposition to the request. She said that no one is disputing the Mr. Bourgoyne is a nice man. She said that the dispute is about the character of the neighborhood. She handed out pictures of the area and said it is a quiet neighborhood. She said that Mr. Bourgoyne's business involves pressure washing, which creates debris next to Ms. LeBlanc's property. In addition, she questioned the condition of the roads after the trucks are in and out. She handed out a petition containing 64 signatures of neighbors in opposition to the request and read several comments regarding the safety of children, noise, fast and unsafe drivers, increased traffic, concerns regarding pollution—burning tires and insulation and refrigeration trucks running all night. Mr. Barrett said that the Board could not consider the comments because this was a quasi-judicial hearing, and the comments are considered hearsay.

Ms. Berg continued saying that Ms. LeBlanc is unable to sleep at night because of the noise and has even had to go to a friend's in order to sleep. She said that the business was not operated when she moved in 12 years ago as Mr. Bourgoyne was an independent trucker at that time. She said that it is now a truck terminal business. She added that the deputy went to the wrong house to measure noise. She said that Ms. LeBlanc wants to sell her property but cannot. She said that values have declined. Ms.

Berg concluded by stating that the trucking business is a nonconforming business that does not fit in with the character of the neighborhood, creates noise pollution, smoke, dust and vibration. She asked that the Board deny the request.

Ms. Oloane yielded her time to Ms. Carolyn LeBlanc.

Ms. LeBlanc appeared before the Board in opposition to the request. She said that she moved to the area in 1987 and lived in a singlewide trailer. She said that Mr. Bourgoyne worked for Conoco and later started driving a truck. She said that this business started about one year ago. She said she has to keep her volume on the television as loud as it will go because the truck noise drowns it out. She said she's unable to sleep at night because of the noise from Mr. Bourgoyne's business and the trucking business on the other side of her property. She said that she didn't want to move, and these businesses were not operating when she moved to the area. Ms. LeBlanc said that Mr. Bourgoyne didn't even drive a truck when she moved in, and she just wants the neighborhood to be quiet and peaceful again.

Chair McNeill said that Mr. Bourgoyne offered to park the trucks on the opposite side of the property. Ms. LeBlanc said that there is still a noise problem because the metal buildings on the lot carry the sound.

In rebuttal, Mr. Zuravel stated that Bourgoyne said that he has tried to work with everyone. He said that he tried to organize a meeting so that the neighbors could air their problems, and they could be resolved, and the neighbors didn't respond. Mr. Zuravel pointed out the letters in the file from DENR and the Division of Water Quality indicating that there is no ground pollution on the site. He said Mr. Bourgoyne is trying to be a good neighbor and make a living as he's done for years. He said five months ago Ms. LeBlanc's husband worked for Mr. Bourgoyne. He said Mr. Bourgoyne would park the trucks on the other side of the lot, install buffers and do whatever is necessary.

Mr. Morris asked if the empty tractor-trailer compressors have to run all night. Mr. Bourgoyne said after he works on them, they have to run for six hours to make sure they're operating correctly.

Ms. Berg submitted a letter dated August 20, 2003 from the Division of Water Quality citing Mr. Bourgoyne for unclean conditions. Mr. Zuravel said that the letter stating the operation was clean was a follow-up to the August 20, 2003 letter.

Mr. Barrett requested the Board not to act on the case because of the inaccurate site plan.

A motion was made by Mr. Gillis and seconded by Mr. Morris to defer action on Case P03-84 until November 18 so that a corrected site plan and information regarding the truck weight on the roads could be submitted.

Mr. Averette asked if the hearing could pick up without rehearing all of the earlier testimony. Mr. Barrett said that the hearing would pick up at this point with any testimony being about the change in the site plan.

Dr. Olion said that she'd also like to receive the information on the truck weight on the roads. [This was added to the motion.]

Mr. Barrett suggested that the Board ask Mr. Bourgoyne to cut back completely or to an absolute minimum on the noise activities.

Chair McNeill asked Mr. Bourgoyne if he could minimize the noise at night if the case was deferred. Mr. Bourgoyne said he didn't work later than 7:00 p.m., and he hadn't had a trailer on the site for three weeks. He said that he would park the trailers as far from Ms. LeBlanc's property as possible.

Upon a vote on the motion, it passed unanimously.

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

Chair McNeill asked if this case should be deferred until November 18, 2003 so that it could be heard at the same time that Case P03-84 is heard. Ms. Berg said that she would prefer that so that the Board could see the noise created by both businesses that affect Ms. LeBlanc.

A motion was made by Mr. Gillis and seconded by Dr. Olion to defer action on Case P03-85 until November 18, 2003 so that it can be heard with Case P03-84 and determination made at the same time. The motion passed unanimously.

F. P03-86: REZONING OF 22 ACRES FROM R6A TO C(P), OR A MORE RESTRICTIVE ZONING DISTRICT, ON THE WEST SIDE OF US HWY 301, NORTH OF SOUTH MAIN STREET, OWNED BY L. G. HULON/BYRD MANN INVESTMENTS.

Maps were displayed indicating the zoning and land use in the area. Mr. Lloyd reported that the Planning staff recommended approval of the C(P) Planned Commercial District based on the following:

1. The 2010 Land Use Plan calls for heavy commercial use at this location.

The Planning staff found that the intervening districts are not suitable for the site.

Mr. Julian Mann appeared before the Board and said that the R6A is requested to allow self-storage. He said that the use would be a service to the residents in the area and create little traffic. He said that a small floor covering office and heating and air conditioning business would also be located on the site. He said that the businesses should add between \$9 and \$12 million to the tax base.

Ms. Eva Goins appeared before the Board and said that she lives in the tract that is zoned C3. She said that the neighborhood is quiet, and she wants her grandchildren to be safe there. She said that the neighbors don't need any more mobile homes in the area. Mr. Lloyd pointed out that the present zoning allows mobile homes, and the requested zoning does not. He said that the C(P) does not allow dwelling units. Ms. Goins said that she opposed mobile homes. Mr. Lloyd said that after having it explained, Ms. Goins is in favor of the request.

Mr. Mann asked if the case could go back to the Consent Items. He was told that since it was heard, it could not.

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

G. P03-87: REZONING OF 6.27 ACRES FROM A1 TO R20 OR A MORE RESTRICTIVE ZONING DISTRICT AT 467 PALESTINE ROAD, OWNED BY ERNEST H. AND BARBARA B. SMITH.

Maps were displayed indicating the zoning and land use in the area. Mr. Lloyd reported that the Planning staff recommended denial of the R20 Residential District based on the following:

1. Public water and sewer are not available to the site.

The Planning staff found that the R40 and R40A Residential Districts are suitable for the site.

Mr. Ernest Smith appeared before the Board and said that he wants to rezone the property to accommodate family members. He said that he wants to build 1,800 to 2,000 square foot homes. He said that there is R20 zoning not far from the subject property. He said he intends to put in a road, and the development will be an asset to the area. He said that the land has sandy soil and drains well. Mr. Smith said that he intends to put in a deep well. He said that he has talked with folks from Linden, and extension of water and sewer may occur within 18 months. He said that he needs the R20 density to accommodate the number of family members.

Mr. William Bell appeared before the Board in opposition. He said that he lives next to the Smiths, and the area is very rural. He said that Mr. Smith's six plus acres breaks down with 1.49 acres contain the lake, 1.35 acres of swamp, and only 3.33 acres of buildable land. Mr. Bell handed out pictures of homes in the area. He said that he would like to see the rural character of the land remain. He said his way of life will be affected if Mr. Smith is allowed to put in a lot of houses on the property. He added that Mr. Smith plans to place his houses right next to his property line.

Mr. John Streit appeared before the Board in opposition. He asked how 11 homes could be built on less than 3.3 acres. He said that he has spent a lot of money maintaining the pond, and he doesn't want the septic tanks draining into it. He asked that the Board allow only two homes to be built on the property.

Chair McNeill told Mr. Streit that the present zoning allows three homes to be built on the site.

In rebuttal, Mr. Smith handed out a copy of the proposed plan indicating that the homes would not be built next to Mr. Bell's property. Mr. Barrett reminded the Board that they could not rely on the plan because it could be changed.

Mr. Smith said that he just sold a home in Fayetteville for \$250,000. He passed out his house plans for his home on the subject property for 3,000 square feet. He said that he wants to put five additional homes on the site.

Mr. Morris said that he lives a mile from the subject property. He said that one concern of the neighbors is that there are currently single-family homes on large tracts in the area, and the minimum lot size is about 2-1/2 acres. He said that the R40 would be a more suitable density for the area. Chair McNeill agreed that he was concerned about R20 in a rural setting.

Mr. Gillis said that to put in more than four lots, Mr. Smith would have to put in a crush and run or gravel road.

A motion was made by Mr. Gillis and seconded by Mr. Morris to deny the R20 Residential District and approve the R40 Residential District.

Dr. Olion asked if the maximum number of lots allowed under R40 would be six. Mr. Lloyd said that it would.

Upon a vote on the motion, it passed unanimously.

VIII. DISCUSSION

A. DEPUTY DIRECTOR

Chair McNeill informed the Board that Tom Lloyd had been appointed to the Deputy Director position, effective November 3, 2003. The members congratulated Mr. Lloyd.

A. ANNEXATION

Mr. Gillis briefed the members on the annexation meeting held by the City the previous night. He said that there are still many unanswered questions. He said that Eureka Springs has been cut out of the area to be annexed under the guise that it can qualify for rural development funds to correct the septic problems. Mr. Averette said that it will not qualify for rural funds because it is too dense. Mr. Gillis said that several parcels on Morganton Road cannot be annexed because they don't meet the density requirements. Mr. Gillis suggested that the Board provide factual information to the residents because they are not being told the truth and are being unfairly represented.

IX. FOR YOUR INFORMATION

A. REPORT ON COUNTY COMMISSIONERS' MEETING

Mr. Averette reported that the Commissioners approved all cases as recommended by the Planning Board. He said that Chair Baggett complimented the Board and staff in the manner in which cases are presented and working with the applicants to resolve issues before they get to the Commissioners.

Chair McNeill added his thanks to staff for reaching agreements with so many of the applicants before their cases appear before the Board.

B. DIRECTOR'S UPDATE

Ms. Roy reported that there are currently 100 plus people registered for the Randall Arendt workshop on October 29. She said that she anticipates at least another 25 persons to attend. The Board asked that reminder calls go out prior to the workshop.

X. ADJOURNMENT

There being no further business, the meeting adjourned at 10:30 p.m.