



VANCE COUNTY  
PLANNING & DEVELOPMENT OFFICE

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**TO:** Vance County Planning Board  
**FROM:** Angie Blount  
**SUBJECT:** Cases RZ20180208-1 and RZ20180208-2  
**DATE:** February 8, 2018

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**Board Members Present:** Thomas Shaw III, Chair, Phyllis Stainback, Agnes T. Harvin, Alvin Johnson, Jr.

**Board Members Absent:** Ruth Brummitt, Vice-Chair, Logan Darenburg, Blake Haley

**County Staff:** Angie Blount, Vance County Planner, Jonathan S. Care, County Attorney

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◆ Mr. Shaw opened the February 8, 2018 meeting of the Vance County Planning Board at a little after 4:00 p.m. and asked for a review of the minutes from the January 11, 2018 meeting. Mr. Shaw asked if there were any corrections or additions to the minutes. Mrs. Stainback made a motion to approve the minutes as presented. Mrs. Harvin seconded the motion. Chairperson Shaw recognized the motion and asked if there were any more discussion. Being none, Chairperson Shaw asked for all those in favor of approving the minutes to signify by saying Aye. Those opposed signify by saying Nay. Chairperson Shaw announced the motion carried by a unanimous vote.

Chairperson Shaw announced the first case, a rezoning request, case # **RZ20180208-2**, Deloris Ayscue, applicant, Barbara M. Dillard Heirs, owner, Tax ID # 0405 02022, request to rezone .53 acres at 739 Hicksboro Rd. from R30 to AR. Chairperson Shaw asked to hear from Planning staff. Angie Blount, Planner for Vance County Planning and Development advised the board on the particulars of the case, applicant is asking for the .53 acre tract currently zoned R30 to be rezoned AR so that the property can be recombined into a larger neighboring AR zoned tract in the same ownership and later subdivided to comply with an estate division. Chairperson Shaw asked if there was anyone present who wished to comment on the case. Being none, Chairperson Shaw asked the board if they had any comments or questions. Jonathan Care, Vance County Attorney, commented that he saw the plat had only been signed by the executor of the estate and asked that the other heirs sign the plat as well. He explained that the estate is technically owned by the heirs and would require their signatures. He asked that any decision made by the board be contingent on the heirs signing the plat and application. Chairperson Shaw asked if the board wished to discuss. Being no discussion, Chairperson Shaw asked for a motion. Mrs. Harvin made a motion to accept the request for the rezoning of the tract on Hicksboro Rd with the condition that the heirs sign off on the application and the plat. Chairperson Shaw asked Mrs. Harvin if she would like to include the findings of fact regarding the case, to which she advised to include the findings of fact. Chairperson Shaw advised the board that a motion had been made and asked if there was a second. Mr. Johnson seconded the motion. Chairperson Shaw asked if there was any more discussion by the board. Being no discussion and a motion having been made and seconded, Chairperson Shaw asked for those in favor to signify by saying Aye. Those opposed by saying Nay. The motion carried unanimously.

Chairperson Shaw announced the next case. Case # **RZ20180208-1**, a rezoning of tax ID # 0412 02001, Huntstone Pines, consisting of 62.51 acres from R20 to R10. Property owned by Old Oxford Road Partners, LLC, application made by The Nau Company. Attorney Care requested that before the board moved on the case, he wanted to remind the board that they are not in a quasi-judicial setting and that this is merely a time to receive input both from the applicant and from the public, and that the comments should be geared toward the rezoning process and not the subdivision process, which the planning board would also eventually sit in on. He advised the actual subdividing of the lots would come at a later date, but that is not what is before the board currently. He advised that although there is a plat included in the boards' packets which show the land subdivided, but that as the board is aware, the configuration of lots can change. He asked that the board not concentrate on the lots as shown, but only on the request to rezone, as that is what they would be making a recommendation on. He added that hopefully the comments would be focused on the rezoning as well. Chairperson Shaw asked staff for comments. Angie Blount,

Planner, advised the board that the rezoning will not change the use for the property or those adjacent, that it is a residential area. She advised that rezoning the property will allow the developer to meet the rezoning requirements for R10, 10,000 sq. ft. per lot, 75' minimum lot width and that the cul de sacs will be allowed to meet the 75' lot width requirement at the setback line. She advised that the lots presented on the preliminary plat did meet the requirements for R10 zoning as submitted. A member of the public asked for the information to be repeated, Mrs. Blount repeated that the request was for rezoning from R20 to R10. Chairperson Shaw asked the board if anyone had any further questions for staff. Mrs. Harvin asked if she could inquire about the pump station. Mr. Care advised that unfortunately the applicant included information on the plat that was not relevant at this point, he advised that would have more to do with subdivision and the comments from the utilities side of things. He summarized that he believed the applicant was relaying that there were some economic reasons and factors that would help make this project feasible, if they are able to obtain the zoning. Chairperson Shaw asked if there were any more questions for staff from the board. Being none, he announced the board would now hear from the proponent, represented by Mike Satterwhite, Attorney at Law. Chairperson Shaw asked Mr. Satterwhite to sign in on the sheet provided, as anyone speaking during public comment would also be asked to do for the record.

Mr. Satterwhite stated his name and address (1621 Peace St., Henderson, NC) to the board, and advised he was a partner at the law firm of Stainback, Satterwhite & Zollicoffer, PLLC. He advised he was representing the applicant Old Oxford Road Partners, LLC. He introduced Mr. Ferguson who he advised is known to most of the board, and Tim Nau, the engineer of the project. Mr. Satterwhite advised he was in attendance in order to talk to the board about the application itself and the reasons why the board should view the applicants application favorably. Mr. Satterwhite began by commenting that the Vance County Land Use Plan was adopted in 1996 and amended in August of 2010. He advised that there were several reasons it was adopted. He explained it was adopted to provide, in regards to housing, opportunities for a wide range of housing types and pricing that should be made available to the citizens of Vance County, according to the Land Use Plan, page 3. He went on to explain that there were five goals to the land use plan. Goal number three had to do with housing, and that goal is to promote, encourage and stimulate the consumption of existing housing stock, rehabilitation or repair of substandard housing stock and the construction of new housing stock, which apply to his clients. He further explained the land use plan had five objectives, objective number 3 which his clients fall under, was to encourage a variety of housing types and values. He advised the strategy to make that happen is why they have made application to the board. He explained that number three under the land use plan was to adopt zoning, which has been done. He advised that when Huntstone was first proposed as a twenty-three lot subdivision, it was proposed under the zoning ordinance which he explained Vance County did not have zoning at that time. He went on to explain that the second strategy (d) was to encourage the development of an increased supply of medium valued housing and medium valued housing units. He advised Huntstone meets that need. He explained that the original subdivision map that was presented with the application, presents as though it has been approved, but Mr. Satterwhite explained that he could find where it had been approved. He explained that he and Vance County attorney Mr. Care had discussed that issue and they have concluded that it was presented to the zoning administrator as a 223 lot subdivision, which the developer had placed restrictive covenants on the subdivision. He explained that restrictive covenants govern what can and cannot be done with a lot. Mr. Satterwhite went on to explain that they are what he would call a tight set of restrictions on this particular subdivision and are actually called protective covenants outlaying qualifications for the homes within that subdivision. He explained that there is a minimum square footage requirement of 1300 sq. ft. per dwelling, an attached garage or other adequate on site storage, everything is conventional construction, that building materials have to be approved, and driveways have to be concrete. He went on to explain that this was the original plan, which has not changed. He explained the only thing that has changed from the original plan is that it is being phased in and that each particular phase, five so far, have been presented to the planning department for approval. He explained the first phase that was approved was approved by Mr. Edmondson on October 21, 2003 when he served as planning director. He explained that Ken Krulik signed several of the plats for Huntstone when he served as planning director, as did Jordan McMillian. He stated that the last map for Huntstone was approved by the current planning director, Sam Hobgood in November 2017. Mr. Satterwhite went on to conclude that all of these past phases were approved and are subject to the protective covenants. Mr. Satterwhite added that when the latest 223 lot subdivision plat was presented for approval, it was subject to county wide zoning regulations which were instituted in 2011. He added that when county wide zoning was introduced to the county this property was zoned R20. Mr. Satterwhite added that the county has seven zoning classifications, five of them being residential of which R20 is one of them. He explained one of the requirements for R20 is that each proposed lot consist of 20,000 sq. ft. of area per lot. He explained that half of what has been approved in Huntstone so far was approved before the

county adopted zoning regulations, and that approximately 40% of what exists does not meet the 20,000 sq. ft. lot size. He advised the proposed phase has lots that do not meet R20 but are in excess of 10,000 sq. ft. and would meet the R10 minimum lot size. He advised the board that in order for them to rule on this case there are items in the ordinance that the applicant has to show. Mr. Satterwhite presented the board with a map showing the areas of the county that have an R10 zoning circled in red. Mr. Satterwhite advised the board that the location of this project is circled in blue on the left hand side of the map on the Western border with Granville County, known as Huntstone Subdivision. He explained to the board that they are not asking for a new classification, that the applicant only wishes to be included in the existing R10. Mr. Satterwhite explained to the board that the map he presented them does not show the proposed lots, only the 62.51 acre tract currently zoned R20. Mr. Satterwhite explained that the applicant must meet five conditions in order to show the board this property can qualify for the R10 zoning. The first item he advised that must be met is that all zoning in the area must be in the same category. He advised this has been accomplished as R20 and R10 are both residential zonings. Secondly, Mr. Satterwhite advised that the uses permitted under the classification would be in the general public interest and not merely in the interest of an individual or small group. Mr. Satterwhite advised that both zonings, being residential, would have the same uses. Mr. Satterwhite advised the third item deals with the uses for the classification being appropriate. Mr. Satterwhite referred to planning staff comments which deemed the request appropriate under residential zoning. The fourth item Mr. Satterwhite introduced, states that there needs to be demonstration that the character of the neighborhood will not be materially or adversely affected by any use permitted by the proposed zoning. Mr. Satterwhite explained that both the current and proposed zonings being residential, that no new uses would be introduced. The last item Mr. Satterwhite listed is that the proposed zoning is in accordance with the county's land use plan and sound planning principles. Mr. Satterwhite advised, having quoted from the Vance County Land Use Plan and listed the objectives set forth upon adoption of the Land Use Plan, concluded that due to the shrinking tax base in Vance County, this particular development would add significantly to the tax base along with what has been done over the last eighteen months which has added eight or nine million dollars to the tax base. Mr. Satterwhite added that fully developed, this would add about thirty-five million. He commented that it was interesting to look at some of the information posted on the counties website regarding the 2017-2018 budget. Mr. Satterwhite commented that on the website it states that prior to 2009 the Vance County property tax base experienced greater annual growth due mainly to housing construction and land development for subdivisions. Mr. Satterwhite went on to read that the county could not depend on continued ad valorem taxes each year to fund the government's needs, departments and agencies. Mr. Satterwhite continued to read that the continued lack of growth would make it difficult to expand the county's services in the future without increasing the tax rate to provide the necessary funding. Mr. Satterwhite added that what the applicant is doing they do for all of Vance County, as they are increasing the tax base which would result hopefully in the county commissioners not feeling like they need to increase the tax rate. Mr. Satterwhite concluded by saying that according to the Vance County Planning department, the application is complete, and according to the zoning ordinance (section 11, 11.3, A – E), Mr. Satterwhite feels that the policy guidelines have been followed. Mr. Satterwhite stated that he hoped the planning board would make a recommendation to the county commissioners that this rezoning request be approved from R20 to R10.

Chairperson Shaw thanked Mr. Satterwhite and asked if the board had any further questions. Being no questions from the board, Chairperson Shaw asked if there was anyone else that would like to speak in favor of the case. Being none, he asked if there were any opponents that would like to speak. Chairperson Shaw instructed the speakers to sign in and to speak loudly and clearly for the record.

**Those speaking in opposition to the rezoning:**

Pamela Glover of 236 W. Waycliff Rd., Huntstone Subdivision. Mrs. Glover stated that she had been a resident of Huntstone for eight years and plans to continue to be a resident. Mrs. Glover stated that she is very much invested and interested in the community. She advised she would like to ask some questions regarding the rezoning request. Mrs. Glover advised she would like to know why the rezoning was requested and what does that entail, and what would it mean for the community. Mrs. Glover stated that she had a copy of the Declaration of protective covenants for Huntstone signed by the Vance County Register of Deeds on November 20, 2003. Mrs. Glover advised that she purchased her home and read through the covenants because she wanted to be in a community of a certain standard. Mrs. Glover stated that she had worked hard to be in a certain community. Mrs. Glover advised that when she signed her paperwork, she did so knowing that she would abide by the covenants. Mrs. Glover read Article five of the restrictive covenants, stating that Article five, use restrictions, Item two, use of properties, "all lots shall be used

for single family residential purposes only". Mrs. Glover went on to say that the covenants go into greater detail, but in her understanding, single family residential properties would be in line with the type of home that she has, which varies by lot size. Mrs. Glover asked why the zoning needed to be changed. She commented that Mr. Satterwhite had said it was to raise monies and income and so forth. Mrs. Glover stated that her community consisted of good home owners and tax payers. Mrs. Glover stated that she did not know what the rezoning would mean for her neighborhood. She asked if that meant condos or apartments and commented that she did not want to live next to apartments. She advised she could live in an apartment and had lived in an apartment, but that she chooses to live in Huntstone according to the contract she signed. Mrs. Glover advised that she was unsure if the board approved this rezoning what it would entail. Mrs. Glover advised she was concerned about the property values and the upkeep and would like to know what will happen as a result of the rezoning. Mrs. Glover concluded with asking why the rezoning request at this time, what would it entail and how would it affect the homeowners.

Mrs. Blount explained the differences between the zoning classifications and further stressed that the proposed R10 zoning only allows one single family dwelling per lot.

Mrs. Glover stated that she was also concerned about the setbacks for the new zonings, that her neighborhood did not have sidewalks. Mrs. Glover also expressed concern that Huntstone only has one exit onto Hwy 158 Business, and the lack of a sewer pump station.

Mrs. Blount advised her that those issues will come to the planning board when the final plat is prepared, that this meeting was only to consider the rezoning. Mrs. Glover asked if she could see the map of the proposed rezoning, to which Mrs. Blount shared a copy.

Chairperson Shaw asked if there was anyone else that would like to speak in opposition of the rezoning.

Mr. Care addressed Mrs. Glover regarding the map and advised her that the lots shown and their configuration was irrelevant to the rezoning and that the hearing today only addressed the outline boundaries of the property. He went on to explain that anything depicted on the plat could be changed. He advised the only issue being heard today was the rezoning.

Mr. Mike McMillen, 261 W. Waycliff Rd. took the podium. Mr. McMillen explained that he was a recent resident of the Huntstone neighborhood, having moved there in August 2017. Mr. McMillen asked for clarification regarding the difference between R10 zoning and R20. He wanted to make clear that there would be no townhouses or apartment buildings allowed within the R10 zoning. Mrs. Blount stated R10 would allow only single family dwellings. Mr. McMillen stated it was his understanding that the R10 zoning would potentially double the number of houses planned for that tract of land. Mr. McMillen then asked if there was any regulation that would require a certain amount of entrances needed based on the number of houses in the neighborhood. Mrs. Blount advised that it was not a zoning requirement, but that DOT would address that issue when they review the final plat. Mr. McMillen stated he realized that was not an issue being decided at this meeting but that it was a huge concern to the residents. Mr. McMillen advised that the neighborhood only has one entrance and at this time and that two cars cannot use it at its narrowest point. He stated that it is a huge issue and if this rezoning goes through and is approved, which he stated he hoped it did not, the amount of traffic will increase and will affect the safety of children and quality of life in the neighborhood.

Mr. Wes Garner, 145 West Waycliff Rd took the podium. Mr. Garner stated that he has been a resident of the Huntstone community for the last ten years. Mr. Garner stated he wished to share his thoughts as to why he believed that the proposed rezoning would be detrimental to the community and especially to him personally. Mr. Garner stated that he purchased his home in 2006, and that when he purchased his home he was shown a map of the community and given covenants in order to make a choice and an investment based on promises made by the developers. Mr. Garner stated he made a decision to buy based on commitments and promises and the integrity of a few men who were staring across the table at him. Mr. Garner stated in 2008 the economy went downhill and building in the Huntstone community stopped for a number of years. Mr. Garner continued that when the economy returned recently, most neighborhoods returned to building homes of the same style, kind and value. Mr. Garner stated that Huntstone made a decision to break their integrity and their promises and began building homes that were cut rate, mobile home style homes. Mr. Garner stated that Wade Journey Homes is a cut rate builder, and that

impacts his family due to his home value decreasing dramatically. Mr. Garner stated that after ten years of making mortgage payments, he is now a prisoner to his own community, due to not being able to sell his house for what he paid for it ten years ago. Mr. Garner stated that he is now faced with another problem. He stated that by rezoning the remaining land his property value would take another large hit and it will be detrimental to the residents who currently live there and the families they represent. Mr. Garner stated that Mr. Satterwhite stated that there were five articles within the Vance County Zoning Ordinance that had to be met in order for rezoning to take place. He advised that this is law. Mr. Garner stated that item number two is that the rezoning would be in the best interest of the community and not in the interest of a few. He then stated that if the board approved the rezoning, they would be breaking the law, because they would be voting for the best interest of a few and against the best interest of the residents who already live there and who have paid their taxes for ten years. Mr. Garner stated that item number five says that it cannot overtly affect the community. Mr. Garner commented that by reducing the lot size you would clearly break article number five as well. Mr. Garner concluded that he pleads to this board of commissioners to not be persuaded by money but to represent the residents who elected you.

Chairperson Shaw thanked Mr. Garner for his comments and asked anyone else if they would like to speak. Mrs. Harvin, PB Member, asked to speak. She addressed Mr. Garner and advised him that the Planning Board are not elected, they are volunteers and that they only recommend to the board of commissioners whom the citizens elect and that the commissioners make the final decision.

Ralph McGowan, 29 W. Boulder Rd took the podium. Mr. McGowan stated that up until a few months ago he was the only house on W. Boulder Rd., but that now there were about fourteen houses under construction. Mr. McGowan stated that he was part of the original subdivision and he did not feel that this rezoning would be in his best interest. He stated that the developer and the land owner would make money but he would be losing money. Mr. McGowan also expressed concern that there is only one way in and out of the development. He advised that there was a construction entrance until they sold the lot and built a house on it. Mr. McGowan advised that traffic in the subdivision is already a problem. He advised he loves to see the children playing in the streets. He advised that residents talk about doing something about the traffic, but all they do is talk, nothing happens. Mr. McGowan asked staff if the proposed buildings were going to be apartments. Mrs. Blount, with planning staff advised him they were not. Mr. McGowan commented that he knew Mr. Ferguson was present today but did not know about the builder, as he wanted them to know that he was already having a problem with the construction trucks coming in and cutting across his yard and messing it up. He advised they throw out their trash and that he had spent an hour the previous Saturday picking up that trash. Mr. McGowan concluded that he does not think the rezoning will be in his best interest. He stated he would like to know how it is going to impact the community, if it will make things better or worse. Mr. McGowan stated he felt it would not help the community.

Chairperson Shaw asked if anyone else would like to speak. Being no further comment from the public, Chairperson Shaw asked Mr. Satterwhite if he had a rebuttal. Mr. Satterwhite took the podium to address the comments. Mr. Satterwhite stated that the restrictive covenants are the same as the existing lots for the new section. Mr. Satterwhite stated that a final plat would go through the same process of approval. Mr. Satterwhite stated that regarding the traffic issues, he advised he knew how expensive a turning lane is, and that the subdivision has a turning lane. Mr. Satterwhite advised that the Department of Transportation would have to sign off before approval of a final plat. Mr. Satterwhite advised that the applicant is not trying to change the character of the subdivision. Mr. Satterwhite explained that there are lots in the current subdivision that do not meet the R20, 20,000 sq. ft. requirement, but that was the difference between not having zoning at the time those lots were approved and now, any proposed lots are having to meet regulation since the introduction of zoning. Mr. Satterwhite advised the rezoning needed to be approved in order to develop the remainder of the subdivision, which was originally contemplated and everyone who bought lots was informed. He advised that residents have a copy of the covenants and in those covenants it states only one single family dwelling is allowed per lot. Mr. Satterwhite stated that it is in the covenants and that planning staff has confirmed that it will be single family homes per the zoning. Mr. Satterwhite commented that any homes built will have to be approved, per the covenants, which you cannot go and build anything you want. Mrs. Harvin asked Mr. Satterwhite if there was a minimum house size in the covenants, to which Mr. Satterwhite answered that 1300 sq. ft. is the minimum and that it would not change with this new zoning. He advised that he has closed several of the homes in the first section of Huntstone and they all had to abide by the covenants and build at least 1300 sq. ft. He also advised that the roofs have to be seven and a half pitch and that the homes have to meet the criteria laid out in the covenants. He concluded that the rezoning request is for the

orderly development of the 62.51 acres pursuant to the zoning ordinance and also pursuant to the final subdivision plat.

Chairperson Shaw thanked Mr. Satterwhite for his comments. Mr. Garner was recognized by Chairperson Shaw and allowed to take the podium. Mr. Garner asked if the board was aware that other cities in North Carolina like Fuquay Varina were doing all they can to prevent Wade Journey from building homes in their communities. Mr. Garner stated that he advises the board very clearly that two things will happen if they recommend the rezoning. Mr. Garner advised that first he would be adversely affected and secondly that it will not be in his best interest.

Chairperson Shaw thanked Mr. Garner for his comments, and asked the board or staff if they had any questions. Chairperson Shaw stated that he understood the concerns made by the members of the public who spoke, but to remind everyone that this is not the place for those concerns to be addressed. He advised that the board is limited by the scope of what the board has before them.

Mr. Care advised that he would like to remind the board that the standard is to be in the general public interest, not one individual or small group. He advised them that when they are considering for this case, to keep in mind to look at the overall general interest and not any one, two or three particular individuals thoughts or commentary on this process. Mr. Care asked the board to refer to their maps and added that another thing he would like the board to consider that lots 167 and 166 would be staying R20 and would not be included in the rezoning. Mr. Care advised the applicant had agreed to this and was reflected on the map that was given out by Mr. Satterwhite earlier in the meeting. He advised the board that if they decided to approve the rezoning it would be his recommendation for these lots to be removed from the request. He further advised that lots 70, 71, 217 and 218 are not owned by the current applicant and so they could not have been included. He advised these are lots that were pre-approved in the last phase five and do not meet the R20 requirements. Mr. Care added that it would be his recommendation that if the board recommends rezoning, that they will also recommend that these lots be included in the rezoning request to R10 as they meet those requirements and would keep all lots situated and in the same zoning classification. Mr. Care also recommended that lot 195 not be rezoned but recombined with lots 194, 193 and 186, also in order to keep classifications together, and also so that all of the houses facing Sandstone would comply with the same setback standard instead of having one that is different. Mrs. Harvin asked about lots on West Boulder, lots 216 and 219, commenting that those would be in the middle of a different setback as well. Mr. Care advised that all of those lots are included in the rezoning request and would be the same. Mr. Care explained that in the advertising for the Commissioners meeting, the addition of these lots be placed in the ad, and if the rezoning request if favorable to the commissioners, it would all be done at once.

Chairperson Shaw thanked Mr. Care and asked Mr. Satterwhite if he would like to address the board. Mr. Satterwhite stepped to the podium. Mr. Satterwhite stated that he and Mr. Care had talked about lot 195 and that it was the developer's intention to absorb it into lots 194, 193 and 186.

Chairperson Shaw asked if the board was ready for discussion. Mrs. Harvin addressed Mr. Satterwhite and asked if she was correct in understanding that lot 195 would be absorbed with lots 194, 193 and 186. Mr. Satterwhite advised that the back property line of lots 194, 193 and 186 would be removed and the side lot lines extended to include lot 195, increasing the square footage in those lots. Mrs. Harvin asked if those lots would still be included in the R10 rezoning. Mr. Satterwhite replied that he would defer to Mr. Care to answer that question. Mr. Johnson advised even with the acreage in lot 195 added to 194, 193 and 186, it would not make 20,000 sq. Ft. to qualify for R20 zoning, that it would still have to be R10. Mr. Satterwhite advised it was the applicant's intention to eliminate lot 195. Mrs. Harvin asked that if a rezoning was not recommended, would it come back to them as a recombination and a rezoning. Mr. Care answered that at this point all the board can do is control the outline boundaries, so the recombination would be addressed at the subdivision phase when the plat is submitted to the planning board for approval and discussion, but for now the board cannot reclassify the zoning subject to which direction the lots will be facing, the board does not have that authority. He added the board cannot control where the developer faces lots. Mr. Care suggested the board do it in a way that wouldn't give them the opportunity to face an R10 on a road that contains all R20 zoning. Mrs. Harvin asked what the process would be if lot 195 zoned R20, was subdivided and recombined with three R10 lots later, would that be a complication. Mr. Care answered that he did not see it as a complication, but something that would be dealt with at the subdivision plat phase. Mrs. Blount advised that it could be rezoned or left R20 and recombined later. Mr. Care advised it is his recommendation that lot 195 be

excluded from the R10 rezoning. Mrs. Blount stated that if the parcel is excluded from the R10 rezoning and recombined into tracts that are zoned R10 it might need to be rezoned at some point in the future. She advised it would be better to have a lot in the same zoning rather than two different zonings. Mr. Johnson commented that they were recombining with three other lots anyway. Mr. Care advised that was true and that the board could not control the facing of the lots.

Chairperson Shaw asked if staff had anything to add, to which Mrs. Blount replied she did not. Chairperson Shaw announced the board would discuss the case. Mr. Johnson asked if the lots were going to stay the way they were shown on the plat. Mr. Care advised that the configuration of the lots did not matter, as the rezoning was the only issue before the board today. Mrs. Harvin commented that the lot configuration on the plat at least gave the board an idea as to the total number of lots. Mr. Care advised if the developer wanted to put pump stations in that there could be additional lots in the open area or they could reconfigure the lots. He advised that he was sure the engineer has put some time into developing the revised plat and looking at how best to lay it out, but it doesn't lock them in to the way it is laid out on the plat submitted for the rezoning. Mr. Satterwhite commented that this plat is very close to the plan for the final plat. Mr. Johnson advised that he noticed several of the lots have 75' of lot width but that does not dictate the back of the lot, that some could be wider. Mr. Johnson asked what the minimum lot width was for R10. Mrs. Blount answered that it was 75'. Mr. Satterwhite advised that the engineer would be working with the Technical Review Committee to prepare a final for the board to review. He advised there was not a plan to increase the number of lots. Chairperson Shaw commented that this matter would be back before the board at a later time. Chairperson Shaw asked if there were any more questions or discussion on the matter. Chairperson Shaw asked if anyone would like to make a motion. Mr. Care suggested that the board request an actual survey of the boundary to be rezoned, or make a recommendation to the board of commissioners that they require a boundary survey of the area. He also advised that the board make two separate motions or recommendations.

Mrs. Harvin made a motion to approve the recommendation to the board of commissioners for rezoning of case number RZ20180208-1, with the condition that a boundary survey be done of the area to be rezoned, and that lots 166, 167 and 195 be excluded from the rezoning and remain R20. Chairperson Shaw asked if there was a second for the motion, Mr. Johnson seconded the motion. Chairperson Shaw asked for a vote, all those in favor to signify by saying Aye. Three members voted Aye. Chairperson Shaw asked those in opposition of the motion to signify by saying Nay. One member voted Nay. **The motion carried three to one.**

Mrs. Harvin made a second motion and recommendation that lots 218, 217, 71 and 70 be included in the R10 rezoning. Chairperson Shaw asked for a second to the second motion. Mr. Johnson seconded the second motion. Chairperson Shaw asked for a vote. Those in favor signify by saying Aye. Three members voted Aye. Chairperson Shaw asked for those in opposition to the motion signify by saying Nay. One member voted Nay. **The second motion carried three to one.**

Chairperson Shaw inquired of Mr. Care whether enough members were present to vote, Mr. Care addressed the public and made them aware that the board was normally a seven member board, but due to unfortunate circumstances three board members were unable to attend. He explained that rezoning's and text amendments all come before the planning board for recommendation to the board of commissioners, but that the final decision is made by the commissioners.

Chairperson Shaw asked if there was anything else that needed to come before the board. A member of the public asked where the next meeting would be. Mr. Care and Chairperson Shaw replied that it would be the commissioners meeting and it would take place in this location.

*Being no further business, Chairperson Shaw declared the February 8, 2018 meeting of the Vance County Planning Board closed.*