

**Planning Board Minority Report**  
**Lee-Moore Oil Rezoning and Conditional Use B-1 General Business District**

*Submitted November 13, 2006*  
Sally Kost

*Conditional Use General Business District located on the east side of U.S. 15-501, just south of the Orange County line*

November 6, 2006 Planning Board Action - Voted to Recommend Approval 8 FOR; 1  
AGAINST (one absent)

This minority report is submitted to the Board of Commissioners because this application does not meet the five affirmative findings. Specifically the applicant does not meet Findings number 3 and 5.

**Finding # 3- The requested permit will not impair the integrity or character of the surrounding or adjoining districts and will not be detrimental to the health, safety, or welfare of the community.**

**Finding #5 Adequate utilities, access roads, drainage, sanitation, and or other necessary facilities have been or are being provided.**

Planning Staff indicates these findings have been met based on the standpoint that commercial activity has existed on this property for more than 30 years and that adequate utilities will be provided.

However previous commercial development on a portion of this site was on a much smaller scale. The impervious surface created by a large box retailer combined with the topography of this site will result in drainage/flooding issues for the neighbors of this project.

Dr. Halford House, expert witness for adjacent property owners expressed concern that the applicant did not address the methods and various structures that will be used to control storm water runoff. The applicant, during the Planning Board review of this project admitted that storm water runoff may be problematic and that water will likely run over the driveway of Robert and Beverly Murdock.

This project should not be approved until the issue of storm water runoff is addressed. Adjoining property owners down slope and downstream should not be adversely impacted by the development of this site.

Furthermore, the Board of Commissioners should review it's own practice concerning the use of designated RA-40 land for septic areas, especially in a case such as this when the RA-40 land is being used only as a septic area to support the adjacent business. Using residentially zoned land solely to support the septic needs of business is unreasonable and unfair to adjacent property owners.