



Cumberland County Joint Planning Board

MINUTES

September 17, 2024

Members Present	Members Absent	Others Present
Mr. Tom Lloyd, Chair	Mrs. Kassandra Herbert	Mr. Rawls Howard, Director
Mr. Mark Williams	Mr. Stan Crumpler	Mr. David Moon, Deputy Director
Mrs. Jamie McLaughlin	Mr. Charles Jones	Mrs. Cherice Hill
Mr. Todd Mobley	Mr. James Baker, Vice Chair	Mr. Tim Doersam
Ms. Betty Lynd		Mr. Richard Fagan
Mr. William Walters		Mr. Chris Carr, Assistant Attorney

I. INVOCATION AND PLEDGE OF ALLEGIANCE

Mr. Lloyd called the meeting to order at 6:00 PM. Mr. Mobley delivered the invocation and led those present in the Pledge of Allegiance.

II. ADJUSTMENTS TO / APPROVAL OF AGENDA

Mr. Lloyd asked the Board if there were any adjustments to the agenda.

Mr. Howard informed the Board that there was opposition to Case ZON-24-0029 and Case ZON-24-0035. As a result, these items will need to be moved to the contested portion of the agenda.

Mrs. McLaughlin made a motion, seconded by Mr. Williams to approve the agenda with the adjustments. Unanimous approval.

III. PUBLIC MEETING WITHDRAWAL/DEFERRALS

There were none.

IV. ABSTENTIONS BY BOARD MEMBERS

There were none.

V. APPROVAL OF THE MINUTES OF AUGUST 20, 2024

Ms. Lynd made a motion, seconded by Mrs. McLaughlin to approve the minutes, as submitted. Unanimous approval.

VI. CHAIRMAN'S WELCOME AND RULES OF PROCEDURE

Mr. Lloyd read the welcome and rules of procedure.

VII. PUBLIC MEETING CONSENT ITEMS

REZONING CASES

- A. **ZON-24-0033:** Rezoning from A1 Agricultural District to R40A Residential District or to a more restrictive zoning district for one parcel comprising 2.00 +/- acres; located at 2388 Smith Road, submitted by Donna and Ebbie Quick (Owner).

In Case ZON-24-0033, Planning and Inspections staff recommends approval of the rezoning request from A1 Agricultural District to R40A Residential District. Staff finds that the request is consistent with the South-Central Land Use Plan which calls for "Low Density Residential" at this location. Staff also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning.

In Case ZON-24-0033, Ms. Lynd made a motion, seconded by Mr. Walters to approve the rezoning request from A1 Agricultural District to R40A Residential District. The Board finds that the request is consistent with the South-Central Land Use Plan which calls for "Low Density Residential" at this location. The Board also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning. Unanimous approval.

VIII. PUBLIC MEETING CONTESTED ITEMS

REZONING CASES

- B. **ZON-24-0029:** Rezoning from A1 Agricultural District to R7.5 Residential District or to a more restrictive zoning district for two parcels comprising 65.2 +/- acres; located east of Covington Lane, northwest of Interstate-95, and south of Wade Stedman Road and Main Street, submitted by Weeks Farm Inc. (Owner).

Mr. Tim Doersam presented the case details to the Board, accompanied by a presentation highlighting key points.

In Case ZON-24-0029, Planning and Inspections staff recommends approval of the rezoning request from A1 Agricultural District to R7.5 Residential District. Staff finds that the request is consistent with the Wade Area Detailed Land Use Plan which calls for "Low Density Residential" at this location. Staff also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning.

Ms. Lynd inquired whether the case would involve annexation from the town.

Mr. Howard responded that staff asked, but neither the applicant nor the project's engineer had expressed any interest in pursuing annexation from the town.

The Board and staff engaged in a discussion regarding the dimensions of the rezoning request location and the number of lots proposed for the site.

Mr. Lloyd opened the public meeting.

Mr. Chris Pusey, representing the company that may provide surveying and engineering services for the site, spoke in favor of the rezoning request. He commended the staff for their presentation and the information provided regarding the zoning around the site. However, he added that the developer's target lot size is between 12,000 and 14,000 square feet, yielding approximately 170 to 180 lots, which aligns with their development goals. Mr. Pusey further noted that water and sewer services are already available, and all indications suggest that stormwater management will be addressed on the southeast side of the site, adjacent to I-95.

Mr. Lloyd questioned why a conditional rezoning request was not submitted, given the number of lots and the proposed yield goals for the site. He further explained that the Board must base its decision on what the zoning regulations allow, considering the maximum potential development of the site.

Mr. Pusey stated that they intended to request straight zoning without submitting a site plan.

Mr. Lloyd inquired about the Northern Cumberland Regional Sewer System (NORCRESS) and whether they had been contacted regarding the proposed project. He also asked if they were out of capacity dealing with the number of units.

Mr. Pusey responded that they have not yet determined the capacity of the sewer or water systems.

Mr. Lloyd noted that, in that case, it remains unclear whether the sewer and water systems can accommodate 300 units.

Ms. Lynd inquired why the applicant did not wish to annex into the Town of Wade. She further noted that, by not doing so, they would ultimately return with a request for initial zoning.

Mr. Pusey stated that water service is available without annexing into the Town, and they would prefer to remain within the County. He further explained that, in contrast to other municipalities, annexation is typically required to receive water service.

The Board, staff, and Mr. Pusey engaged in a discussion regarding land density and whether the applicant would consider modifying the type of zoning request.

Mr. Pusey stated that they would be open to modifying their request if the R7.5 zoning was not approved. He explained that, regarding sewer capacity, if the property were zoned R7.5 but only permitted capacity for 100 lots, the developer would then need to decide whether to proceed with the 100 lots. Mr. Pusey further clarified that they would not attempt to develop 300 lots when the capacity is limited to 100, noting that this would serve as a significant limiting factor.

Mr. Lloyd informed Mr. Pusey that he is seeking the Board's approval for 300 lots, although he anticipates developing only 100 of those lots.

Mr. Williams inquired about stormwater runoff and the retention pond associated with the proposed site.

Mr. Pusey indicated that the project complies with high-density stormwater requirements, necessitating the inclusion of a retention system. He noted that the design anticipates significant retention, as the I-95 regulations require a 50 to 100-year holdback. Furthermore, he stated that the project will provide approximately 100 times the stormwater retention mandated by the State.

In response to an inquiry from the Board, Mr. Pusey acknowledged uncertainty regarding the size of the stormwater retention system in the absence of I-95 as a factor. He explained that several variables would need to be considered to provide an accurate estimate. Mr. Pusey further indicated that the estimated stormwater area would likely encompass approximately five to six lots. He also clarified a previous statement, noting that he had misspoken regarding the impact of a 100-year storm on the area.

The Board and Mr. Pusey continued their discussion regarding stormwater drainage, the North Carolina Department of Transportation (NCDOT), and the State's position on stormwater retention.

Mr. Craig Lovick, a resident of the Town of Wade, expressed his opposition to the proposed rezoning case. He stated that he owns 3.5 acres of land, which borders the rear of the property slated for development. Mr. Lovick emphasized that his primary concern is the potential increase in roads and housing that the development would bring to the town. He expressed a desire to maintain the small and safe nature of Wade. Additionally, he raised concerns about the town's limited law enforcement resources, noting that the current staffing of one or two deputies would struggle to manage a significant influx of new residents.

Mr. Johnny Lanthorn, the current Mayor of Wade, spoke in opposition to the rezoning case. He clarified that while he and the town's residents are not opposed to development, they are against high-density development that would result in closely packed housing. Mayor Lanthorn explained that they only became aware of the rezoning request by chance, after 4D contacted Wade Town Hall to inquire about water rates. He echoed the concerns raised by Mr. Lovick, particularly regarding the strain that an influx of people would place on law enforcement and added fire protection to the list of potential challenges. Mayor Lanthorn noted that the town is not currently equipped to handle such an impact. Furthermore, he mentioned that NORCRESS has not yet provided input because no formal study on sewer or water capacity has been conducted. In conclusion, he stated that the development proposal is asking for too much, too soon.

Mr. Lloyd and Mr. Lanthorn discussed the possibility of annexation of this particular portion of the proposed site into the Town and discussed if the Town of Wade had a contract with the County for police protection.

Mr. Mobley confirmed with Mayor Lanthorn that the Town of Wade would provide water services to the developer without requiring annexation.

Mayor Lanthorn affirmed this, stating, "Yes, we will do that".

Mr. Mobley noted that the Town of Wade, similar to the Town of Stedman, which he represents on the Board, is zoned R10. He further explained that the current rezoning proposal aims to rezone the area to R7.5, in alignment with the County's zoning standards. Mr. Mobley highlighted that, even if the Board approves the rezoning request, the Town of Wade has the authority to deny water access to the developer. He also stated that the Town is currently opposing the project, reflecting the community's desire to prevent the development.

Mr. Pusey, the potential project developer representing the applicant, stated that they are willing to accept the Board's suggestion to modify their rezoning request to R15.

Following some confusion from the Board regarding the developer's amended rezoning conditions, Mr. Howard clarified that the Planning staff's recommendation is based on the original application and staff report. He further explained that, while the Planning staff provides recommendations, the Planning Board has the authority to propose alternatives if they deem it necessary. Mr. Howard assured the Board that any alternative recommendations would be forwarded to the Board of County Commissioners (BOCC) or the Town's decision-making body for consideration.

Mr. Mobley inquired whether Mayor Lanthorn opposed the developer's revised request for R15 zoning.

Mayor Lanthorn responded that he would prefer the zoning to be set at R20. He further noted that the majority of community members present shared his concerns. In conclusion, Mayor Lanthorn asked those in the audience who opposed the rezoning request to stand.

Ms. Lynd expressed concerns about the potential for high-density development, likening it to "being packed in like sardines." She further noted that the proposed development would likely result in a zero-lot-line subdivision.

Mr. Howard responded by clarifying that the County no longer permits zero-lot-line developments, noting that the Board of County Commissioners (BOCC) eliminated that development type for single-family homes, likely due to concerns over tightly packed housing.

Ms. Ann Long, a resident of the Town of Wade, voiced her opposition to the rezoning case. She expressed concerns regarding the potential impact on the quality of life, emphasizing the need to consider services such as EMS, local law enforcement, and the fire department. Ms. Long further stated that under the R7.5 zoning, homes would be approximately 10 feet apart, leaving little room for essential features such as air conditioning units or landscaping around the houses. She also raised concerns about the children who would move into the community, noting that they would have limited yard space for outdoor activities. In closing, she urged the Board to carefully consider the density of the proposed development.

Mr. Doug Copeland, a resident of the Town of Wade since 1980, spoke in opposition to the rezoning proposal. He provided a brief history of Weeks Farm, the site under consideration for rezoning, and presented a map as evidence to support his claim that the land was previously designated as wetlands. Mr. Copeland emphasized that water runoff during a 100-year storm would pose significant challenges, given the property's wetland status. He also noted that the land is lower than his own residence and expressed concerns about the property's inability to perk.

The Board and Mr. Copeland engaged in a discussion regarding the map Mr. Copeland presented, which he believed provided evidence of the land's previous designation as wetlands.

Mr. Larry Johnson, a resident of the Town of Wade, spoke in opposition to the rezoning case. He explained that the land proposed for rezoning directly abuts his backyard. Mr. Johnson's primary concern is the drainage issues that could result from the development of additional houses. He shared that he has already experienced significant problems with drainage, including washed-out ditches, the need to purchase new road tiles, and the replacement of his driveway. He recalled that when he moved in during the 1990s, there was a pond on the land, which has since been filled in. He further noted that the roots of nearby trees have been exposed due to erosion, and that he had to request the County dig a ditch in front of his house to improve drainage. As a result, he was billed for two road tiles by the County. Mr. Johnson also presented photo slides of his backyard and the proposed rezoning site to illustrate his concerns. In closing, he emphasized that his greatest concern is how the development, with the construction of numerous houses, will impact drainage, water flow, and rainwater management in his backyard.

Mr. Walters asked Mr. Johnson if he would find R15 zoning acceptable.

Mr. Johnson acknowledged that he was not fully familiar with zoning terms. However, after learning that R15 zoning would result in approximately half the number of houses, he expressed that he would not be comfortable with it at this time until the drainage issues are properly addressed.

Mrs. Ruby Bullard spoke in opposition to the rezoning case, expressing concerns about the impact on her farmland due to stormwater runoff. She stated that the current infrastructure is not designed to support the proposed development and emphasized that NORCRESS is not equipped to handle the expected growth. Additionally, Mrs. Bullard pointed out that the local school district is not prepared for an increase in students and suggested that R40 zoning would be more appropriate.

My Lloyd closed the public meeting.

Mr. Williams expressed that the rezoning request should have originated with the municipalities rather than the County. He also emphasized that shareholders and residents should have been involved in the process from the outset.

Ms. Lynd inquired about the timeline for a new or updated land use plan for the Town of Wade from the comprehensive planning department, highlighting that the current plan is 21 years old. She emphasized that the land has undergone significant changes over the past two decades and expressed concern that the current application and recommendations are based on an outdated plan that no longer reflects present-day

conditions. Additionally, Ms. Lynd pointed out that density does not necessarily dictate what is built on the land. She explained that, even with half the number of units, the Board cannot control the specifics of what is constructed, providing the example that a 2,000-square-foot home could be built, or the land could be developed to maximum capacity.

Mr. Howard informed Ms. Lynd and the Board that the North Central land use plan is scheduled to be addressed during the discussion section of the meeting, as it is an agenda topic.

Before deciding, the Board posed additional pressing questions regarding the project's density, potential modifications to the initial zoning request, and concerns about water drainage. The Board discussed difficulty approving the request due to these concerns.

In Case ZON-24-0029, Mr. Walters made a motion, seconded by Mr. Williams to recommend denial of the rezoning request from A1 Agricultural District to R7.5 Residential District. The Board finds that the request is not consistent with the Wade Area Detailed Land Use Plan which calls for "Low Density Residential" at this location. The Board also finds that the request is not reasonable or in the public interest as it is not compatible to or in harmony with the surrounding land use activities and zoning. Unanimous approval.

Mrs. McLaughlin left the meeting at 7:05 pm.

A 2-minute recess was taken to determine if the Board still maintained a quorum. It was determined, upon conference with Legal staff, that the meeting could commence.

- C. **ZON-24-0035:** Rezoning from RR Rural Residential District to R7.5 Residential District or to a more restrictive zoning district for two parcels comprising 5.00 +/- acres; located in the Town of Wade and abutting southside of Wade Stedman Road, approx. 1,050 feet east of Main Street, submitted by Weeks Farms Inc. (Owner) **(Wade)**

Mr. Tim Doersam presented the case information and made the presentation.

In Case ZON-24-0035, Planning and Inspections staff recommends approval of the rezoning request from RR Rural Residential District to R7.5 Residential District and find that: 1. Approval is an amendment to the adopted, current Wade Study Area Detailed Land Use Plan and that the Town Board should not require any additional request or application for amendment to said map for this request. 2. The proposed residential uses will be strategically located between two planned commercial and office centers. 3. The proposed residential uses would have direct access to public services, including water and sewer lines as well as major roadways and a nearby I-95 interchange. The request is reasonable and in the public interest as the requested district would be compatible to and in harmony with the surrounding land use activities and zoning.

Mr. Lloyd opened the public meeting.

Mr. Howard clarified a portion of the staff presentation, noting that while the presentation suggested the case was not plan-consistent, R15 is, in fact, the designated zoning designation for the Town of Wade under the "Low Density Residential" land use

classification. He explained that this clarification was necessary for the presentation, confirming that the staff report remains accurate.

Mr. Chris Pusey spoke in support of the rezoning case and offered to answer any questions from the Board. He explained that the request was submitted as a straight rezoning to focus solely on the zoning designation. However, Mr. Pusey expressed concern that the Board's discussion appeared to be expanding into areas such as roadway design, soil assessments, sewer capacity, and water capacity—factors that, while important, are typically addressed during the subdivision design and approval process.

Mr. Lloyd informed Mr. Pusey that the Board had not inquired about roadway construction or NCDOT design. He clarified that, as part of the planning process, considerations such as soil conditions are indeed examined. Mr. Lloyd further emphasized that it is the developer's responsibility to perform due diligence regarding soil conditions before purchasing a property. In conclusion, he reiterated that it falls within the purview of planning to assess soil conditions when reviewing development plans.

Ms. Lynd acknowledged the applicant's reluctance to pay for studies upfront, but emphasized the Board's responsibility to consider the number of dwelling units tied to zoning approval. She warned that poorly designed developments could lead to drainage issues, and if the original developer withdraws, a subsequent developer might create problems for the Town of Wade. She explained that the Board's inquiries stem from the uncertainty of who will ultimately design the plans, referencing her experience as a former Cumberland County planner.

Mr. Chris Weeks, landowner and Vice President of Weeks Farm, spoke in favor of the rezoning proposal. He shared his long history of farming the land, clearing trees, and managing drainage issues. He acknowledged that while the soil is wet, it is good farmland, and the drainage has improved significantly since the new highway was built. Mr. Weeks admitted that he witnessed his father dig ditches himself due to state inaction but emphasized that the land drains well. He expressed support for R15 zoning, noting that he does not want to upset the Town of Wade, and that many residents initially favored R15 before opposition grew. He also highlighted his personal commitment to farming the land while others in the community slept.

Mr. Lloyd advised Mr. Weeks to address the Board and not the audience.

Mr. Weeks emphasized his deep understanding of the farming economy, stating that the land will not always remain farmland. He urged the Town of Wade to decide between residential development or alternative uses, such as chicken houses, which he could build under current zoning and which would be more profitable than farming. He highlighted the financial strain of farming, noting a \$350 per acre loss on corn this year due to drought and low market prices. Mr. Weeks expressed concern about the viability of making a living from farming.

Mr. Lloyd noted a lack of communication between the townspeople, the applicant, and the Mayor of Wade. He suggested that the applicant present his cases to the Board of County Commissioners (BOCC) and the Town.

Mayor Jonny Lanthorn spoke in opposition to the case, expressing the same concerns as in the previous case, ZON-24-0029. He noted that no one had approached him about

water services, aside from the applicant's engineer contacting the town clerk to inquire about rates.

Ms. Ann Long, a resident of the Town of Wade, also opposed the case, citing concerns about density without proper consideration of schools, roads, and police coverage. She noted that the current subdivision ordinance requires road curbing and sidewalks, which she believes would not be aesthetically pleasing for the community.

The Board discussed zoning cases ZON-24-0029, which will be reviewed by the County Commissioners, and ZON-24-0035, which falls under the Town of Wade's jurisdiction. Despite the proximity of the lots, they are governed by separate authorities.

Mr. Pusey requested that all three parcels be changed from the original zoning request of R7.5 to R15, following the discussions during today's meeting. He asked whether restarting the entire application process would be required.

Mr. Lloyd informed Mr. Pursey that he would need to formally submit his request to the Board of County Commissioners for the portion in the County's jurisdiction at their meeting. He also advised the applicant to meet with the Town of Wade ahead of their public hearing for the portion of the request located in the town.

Mr. Lloyd closed the public meeting.

In Case ZON-24-0035, Mr. Lloyd made a motion, seconded by Ms. Lynd to recommend an alternative approval from RR Rural Residential District to R15 Residential District. The Board finds that the alternative recommendation for this request is consistent with the Wade Study Area Detailed Land Use Plan which calls for "Low Density Residential" at this location. The Board also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning. The motion failed in a 2-3 split vote with Mr. Lloyd and Ms. Lynd, voting in the affirmative with no recommendation being made.

- D. **ZON-24-0030:** Rezoning from A1 Agricultural District to RR Rural Residential District or to a more restrictive zoning district for one parcel comprising 77.22 +/- acres; located east of Sherrill Baggett Road, south of Interstate-95, north of Bend of River Road, submitted by Seth Thompson (Applicant) and Weeks Farm Inc. (Owner).

In Case ZON-24-0030, Planning and Inspections staff recommends denial of the rezoning request from A1 Agricultural District to RR Rural Residential District. Staff finds that the request is not consistent with the Vision Northeast Cumberland land use plan which calls for "Farmland" and "Open Space" at this location. Staff also finds that the request is not compatible or in harmony with the surrounding land use activities and zoning.

Mr. Tim Doersam presented the case to the Board, supported by a presentation.

Mr. Howard stated that when the Planning Staff consulted with the applicant, staff expressed concerns regarding the RR rezoning request due to the lot size and the character of the surrounding area. He further noted that planning staff was amenable to an R40 zoning designation because of its similarity to the A1A zoning. The A1A district is

called out in the plan as being an acceptable district for this land use classification and also requires a minimum lot size of one acre; similar to an R40 district. Additionally, Mr. Howard explained that while A1A zoning permits mobile homes, R40 is more restrictive, prohibiting mobile homes, which is more consistent with the applicant's intended use of the property.

Mr. Moon added that the A1A zoning designation is limited to a minimum lot size of 10 acres.

The Board and staff deliberated on a potential alternative recommendation for the rezoning request and discussed the process for advancing the matter to the Board of County Commissioners (BOCC) for final review and decision.

Following questions from the Board, Mr. Moon clarified that the original application submitted requested RR rezoning, which was later requested to be amended to R40. However, due to the short timeframe of the applicant's request and the Planning Board hearing, the Planning Staff declined to accept the amended application.

Mr. Howard stated that the Planning Board had the authority to recommend a more restrictive district such as R40, if they felt that district was appropriate. However, the original application is the subject of discussion tonight.

Mr. Chris Pusey, representing the company that may provide surveying and engineering services for the site, spoke in favor of the rezoning request and formally asked the Board to recommend R40 zoning rather than the requested RR. He highlighted the land's favorable topography and drainage and addressed the presence of a cemetery, assuring compliance with County access requirements. He projected that R40 zoning would yield approximately 65 lots and noted that stormwater would be managed using the State's low-density option, which does not require retention ponds but utilizes alternative methods.

Ms. Lynd inquired whether there were plans to extend water services.

Mr. Pusey confirmed that they do plan to extend both water and septic services.

Ms. Annette Dammer, whose property neighbors the proposed site, spoke in opposition to the rezoning request. She expressed concerns about inadequate water supply, stating that both the Towns of Godwin and Falcon informed her they were not currently working with anyone to extend water services. Ms. Dammer noted that water shortages would worsen during dryer months, and the increased traffic from new residents would exacerbate existing issues. She also highlighted overcrowded schools and expressed that the project is incompatible with the area's agricultural character and future land use. Additionally, she mentioned concerns about potential cultural clashes between rural lifestyles and incoming city residents, as well as a possible increase in property taxes that could negatively impact the community's quality of life.

Mr. JD Mason, whose family has owned property adjacent to the site since the 1940s, spoke in opposition to the rezoning request. As caretakers of Strickland Cemetery, located in the center of the site, he expressed concerns about maintaining access to both the cemetery and their land, as they are landlocked. He also questioned how the rezoning would impact their ability to hunt and farm on the property. Additionally, Mr. Mason raised

concerns about water and sewer services and noted that, as a former firefighter, local emergency services, including the Sheriff's department, are already understaffed and may struggle to support a larger population. He also mentioned the land might contain wetlands.

Mr. Bradley McKell spoke in opposition to the rezoning, presenting photos showing the elevated land after a recent storm. He expressed concerns about water runoff from the site draining onto his property and into the main drainage ditch in front of his home. Relying on septic and well water, he is worried about potential contamination. McKell, who owns nine tracts of land with seven structures, prefers maintaining dirt roads and wetlands over the 65 units proposed. Despite the shift to R40 zoning, he remains concerned about drainage, septic issues, and the impact on local wildlife. He also mentioned that while he allows Mr. JD Mason, the previous speaker, access through his land, he may have to limit access if forced to relocate the entryway. McKell shared concerns about slow emergency response times and questioned whether adequate services would be provided with increased population. Lastly, he felt key issues were not addressed before the rezoning decision, can potentially violating general statutes.

Mr. Howard advised that all statutes related to the rezoning process would be followed. He also noted that the rezoning must be in place before any subdivision rules and regulations could be reviewed or approved.

Mr. Lloyd closed the public meeting.

Mr. Lloyd briefly addressed water service, retirees' perspectives on farmland, and shared his opinion on property rights and what citizens can do with their land.

Ms. Lynd asked if A1A zoning was consistent with the land use plan.

Mr. Howard confirmed that the plan area for this site contemplates A1, A1A, and Open Space as being acceptable. A1A would require a minimum of one acre, which allows manufactured homes, but are capped at 10 acres total for a project or site. He further noted that, when compared to R40 zoning, there is not much of a difference regarding the required minimum lot sizes.

Mr. Mobley raised a legal question to the staff, inquiring whether the land could be subdivided to create a landlocked lot, as this was a concern raised by the opposition speakers.

Mr. Howard responded that such an action would not be permitted.

Mr. Lloyd permitted Mr. Clifton Turpin to speak despite the public meeting having already adjourned.

Mr. Turpin spoke in opposition to the rezoning request, stating that water, sewer, and drainage issues should have been addressed before the case was brought before the Board. He also noted that the Town of Falcon had not received a water service request from the applicant.

In Case ZON-24-0030, Mr. Williams made a motion seconded by Mr. Walters to recommend denial of the rezoning request from A1 Agricultural District to RR Rural

Residential District. The Board finds that the request is not consistent with the Vision Northeast Cumberland land use plan which calls for “Farmland” and “Open Space” at this location. The Board also finds that the request is not compatible or in harmony with the surrounding land use activities and zoning. The members present voted unanimously to approve the motion; however, without a quorum present, no recommendation was made.

Mr. Lloyd made a motion to approve an alternative request to rezone from A1 Agricultural District to R40 Residential District. The motion failed due to the lack of a second.

- E. **ZON-24-0032:** Initial zoning from A1 Agricultural District to C3 Heavy Commercial District or to a more restrictive zoning district for five non-contiguous parcels comprising 0.367 acres of a 107.35 +/- acre parcel; located in the Town of Falcon and abutting east side of Interstate-95 and south of Rhodes Pond Road, submitted by Robert & Tammy Dorman (Owner). **(Falcon)**

In Case ZON-24-0032, Planning and Inspections staff recommends denial of the initial rezoning request from A1 Agricultural District to C3 Heavy Commercial District. Staff finds that the request is not consistent with the Vision Northeast Land Use Plan which calls for “Farmland” and “Open Space” at this location. Staff also finds that the request is not reasonable or in the public interest as it is not compatible to or in harmony with the surrounding land use activities and zoning.

Mr. Moon read the applicant's rezoning request and presented Mr. Fagan to the Board.

Mr. Richard Fagan presented the case and presentation.

Mr. Mr. Mobley inquired why farming was not included in the presentation regarding surrounding land uses.

Mr. Howard advised that the planning staff review the current uses of the land surrounding the property to determine whether the property is vacant or developed before making that determination as part of staff's presentation. He also noted that, in this case, there are five tracts of land, all surrounded primarily by woods.

Mr. Lloyd stated that, although these are small tracts, the request fits the definition of spot zoning. He further noted that conditional zoning would have been a more appropriate request, given that the purpose is to place billboard signs. Mr. Lloyd added that, instead, the applicant is seeking five heavy commercial zonings in an isolated area.

Ms. Lynd inquired whether the Town of Falcon had consulted with the planning staff regarding the request for initial commercial zoning, given that they had previously approved the annexation of the tracts.

Mr. Howard stated that the Town of Falcon had not discussed the case with them, though he had spoken with leadership about placing billboards along I-95, in general. He clarified that the town was not the applicant, and no representatives were present at the meeting. Mr. Howard noted that staff recommended denial of the request first and foremost due to the plan's policies for this area and expressed concern of potentially using annexation to gain approval of less restrictive sign standards.

The Board and staff further discussed the applicant's request, specifically addressing the history of placing billboards, issues related to spot zoning, and the Town of Falcon's regulations on signage.

Mr. Mobley asked why the process was being made so challenging for homeowners along major NC corridors to put up a sign.

Mr. Howard responded that the County went through a recent process to establish updated sign ordinance standards. He expressed that the Board of County Commissioners made a clear statement through their ordinance adoption on how the County should regulate all signs, including billboards. He further explained that the planning staff's role is to make recommendations based on the established plan, which does not support the rezoning request. However, he noted that the Town of Falcon has the authority to change its ordinances to allow for such requests in their jurisdiction, if they see fit to do so, and to approve or deny the request accordingly.

In Case ZON-24-0032, Mr. Mobley made a motion seconded by Mr. Williams to recommend approval of the initial rezoning request from A1 Agricultural District to C3 Heavy Commercial District. The Board finds that the request is consistent with the Vision Northeast Land Use Plan which calls for "Farmland" and "Open Space" at this location. The Board also finds that the request is reasonable and in the public interest as it is compatible to and in harmony with the surrounding land use activities and zoning. The motion failed in a 2-3 split vote with Mr. Mobley and Mr. Williams voting in the affirmative with no recommendation being made.

IX. ITEMS OF BUSINESS

There were none.

X. DISCUSSION

- Mr. Howard introduced Kristopher Lawhorn, the newly appointed Comprehensive Planner I, to the Board. He provided an overview of Mr. Lawhorn's educational background and professional experience. Additionally, Mr. Howard introduced Vishva Rathod, the new Current Planner III, and offered a summary of her academic qualifications and work history.
- Mr. Howard informed the Board that the North Central Land Use Plan is progressing well and is on track for review and possible adoption by the County Board of Commissioners.

XI. ADJOURNMENT

There being no further business, the meeting adjourned at 8:37 pm.