

10/15/24

The Board of Commissioners of the Town of Wade met in regular session and held a public hearing October 8, 2024 at 7:00 P.M. at the Wade Town Hall. The purpose of this hearing was to receive public comment on Case 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, Approximately 1,050 Feet East of Main Street, Submitted by Weeks Farms Inc. (Owner)

Board Present

Mayor Johnny Lanthorn
Commissioner Beth Ritche
Commissioner Kevin Herring
Commissioner Jennifer Weaver
Commissioner Huell Aekins

Board Absent

Commissioner Johnny Sawyer

Visitors

Mr. Thomas Neville, Town Attorney
Mr. Scott Brown, 4D Site Solutions
Mr. Trei Smith, Cumberland County Planning
35 Wade Citizens

Mayor Lanthorn welcomed everyone in attendance and called the meeting to order. Commissioner Herring opened with prayer.

Pledge of Allegiance

Those in attendance recited the Pledge of Allegiance to the United States of America.

Agenda Adoption

Commissioner Herring made a motion seconded by Commissioner Aekins to adopt the agenda as presented. The motion passed unanimously.

Mayor Lanthorn acknowledged Mr. Scott Brown from 4D Site Solutions. Mr. Brown stated that a rezoning request was made to the Cumberland County Joint Planning Board for R7.5 for 5-acres within the Town. He stated that based on the response from the public and Planning Board the request was changed to R15. He explained that the property was already zoned RR and that he had recently received information that was going to impact the R15 request. He explained that he therefore would like to request that the public hearing be moved to the Town's November meeting to allow time to digest this information and make decisions in regard to working with the Town to get the best for the community. He stated that he was prepared to move forward if needed. Mayor Lanthorn stated that the request for delay was in the hands of the Board. Commissioner Ritchie made a motion to deny the request to delay the hearing until the November meeting. Commissioner Aekins seconded the motion, and the motion passed unanimously.

Mr. Trei Smith of the Cumberland County Joint Planning staff presented the case information and made the presentation. He explained that the request was for a change

from RR zoning to R7.5 for 5-acres. He stated that the RR zoning was designed for traditional rural use lots of 20,000 square feet or above with the principal use of the land being suburban density residential including manufactured housing & agricultural and allowing for development to occur at low density to provide for a helpful environment. Mr. Smith informed the Board that the existing use of the property was cropland with a drainage canal and that the adjacent property was farmland, single family homes & I-95. He explained other properties of the land such as it was in the Cape Fear River Water Shed Protection Area but was not in a flood zone and included hydric and hydric inclusions soils, was located in the NORCRESS sewer district, and had a Town of Wade water line nearby. Mr. Smith stated that the 2003 Wade Study Area Detailed Land Use Plan recommended that the Town of Wade be the urban center for the area and policies should be developed to ensure that development occurred within the Town where public services were available, however the proposed rezoning was not consistent with the adopted plan. He informed the Board that Economic Development, Cumberland County Fire Marshal, and Emergency Services reviewed the request and had no objections. He also stated the Planning Staff had recommended approval of the request and that the case was heard at the Joint Planning Board meeting with no recommendation being derived from the meeting. Board Members did not have any questions for Mr. Smith.

Mayor Lanthorn opened the Public Hearing and read the rules of procedure.

Mr. Scott Brown spoke in support of the request. He explained that there were 2 tracts in Town and an additional larger tract that was in the County owned by Weeks Family Farms that they were looking at for potential residential development. He stated that the current zoning was RR and water, and sewer was available. However, the Town of Wade had limited capacity of only 65 lots, but Mayor Lanthorn was working on securing funds to increase capacity. Mr. Brown explained NORCRESS had stated that there was capacity for sewer and that they were looking at other options for providing water to the tracts. He stated that the initial application was for R7.5, however he would like to modify the request to an R15 zoning. He explained that a lift station would be required for the site and so the increase in lot numbers was needed to cover expenses. Mr. Brown stated that he was aware that there was opposition to the rezoning, and he would like to address the concerns of those that were opposed. He asked that Board Members take a look at the facts and the recommendations from Planning Staff and make a favorable recommendation for the R15 zoning.

Mr. Doug Copeland spoke in opposition of the request. Mr. Copeland stated that he lived near the land years ago when Weeks Farms purchased the land, and the field was so wet that he had to wait a year and put drain tiles down to clear some of the water before it could be farmed. He also stated that in the late 1980s there was a pond on the property that was filled in and he questioned the legality of this action. Mr. Copeland stated that the land was very wet and presented pictures to illustrate this fact. He stated that his property was 7-feet above the Weeks field and that when it rains there was a problem with the water standing. He stated that the property did not drain even with the changes to I-95 and that the property would not perk and so there was no way to get enough drainage to the property. He questioned where the water was going to go. Mr. Copeland stated that the houses in the development would be too close together and would cause the Town to have

additional emergency services and would cause nothing but problems for the Town of Wade.

Mr. Craig Lovick spoke in opposition of the request. Mr. Lovick explained that he had lived on the backside of the 65-acre tract in question for 57 years and that the land was lower than Wade-Stedman Rd. He stated that he had observed Mr. Weeks farming the land, but the proposed development would never work. He also stated that the property was wet, and he had watched Mr. Weeks efforts to drain the property through tiles and drainage ditches. Mr. Lovick explained that the development that was already in progress across from the tract was going to dump even more water on the property making it even more difficult to drain the land. He stated that the runoff stormwater had to have somewhere to go and with I-95 being uphill the water could not drain. He explained that during a bad year Mr. Weeks would lose ½ of his crop due to standing water. He stated he could stand in his yard and see areas in the field that were wet and where crops were not growing. He expressed concern that once the homes were built, no one would take responsibility for cleaning the ditches out. He stated that the development plan may look good on paper but would not be good for the Town of Wade.

Mr. Raj Kumar spoke in opposition of the request. Mr. Kumar explained that he had built a home adjacent to the 2 tracts and had to bring in 500 truck loads of dirt to build the land up and he also had to pass a compaction test. He stated that he did not object to building homes on the land with decent lot sizes and decent size homes. He explained that it would take a tremendous amount of dirt to build the land up to correct the issues with standing water. Mr. Kumar also expressed concerns with the impact that the development would have on the schools and transportation to the area schools.

Ms. Ann Long spoke in opposition of the request. Ms. Long stated that she agreed that the others who spoke in opposition were knowledgeable about the issues with the land. She stated that she did not see the development being a great community that would fit in with the Town with such high density. She explained that the proposal was not compatible with other developments in the area and that municipalities had a code of what would work in the area so that people could be satisfied with their homes. She stated that the lots needed to be large enough for kids to have a trampoline, a swing set or to just play & breathe. She asked the Board to consider all of the options. Ms. Long stated that Mac Williams Middle School and Cape Fear High School were already over capacity and parents did not want their children bused halfway across the County to attend school. Ms. Long asked the Board, as officials elected by the people of Wade, to carefully consider all factors when making their decision.

Mr. Scott Brown spoke in rebuttal to the opposition. He stated that as far as drainage the soil would not have to perk because of the sewer. He explained that the rezoning was merely step 1 in a lengthy process. He stated that the more detailed plans would deal with the issue of the hydric soil and stormwater. He explained that watershed guidelines would have to be met and that the process would not be easy. He also stated that Mr. Weeks noted that it was hard to make a living farming the property and so he was looking at doing something different with land. He reminded the Board that the case was merely for the 5-acres in the Town and not the 65-acres which would be considered by the County Commissioners. Mr. Brown stated that he knew that no one liked change but with the

Town's location the area was going to grow and that 15,000 square foot lots were not too small and was typical with available water & sewer. He explained that it was expensive to put everything in the ground and so the developer was only trying to make a living with the rezoning request. He stated that something would be done with the land either now or later. Mr. Brown informed the Board that the proposed development would have open space, stormwater & an impervious area for the watershed and so he would like the Board to take all this into account when considering the request for the 5-acres.

Attorney Thomas Neville informed the Board that because the application was for the R7.5 and the Planning Board did not make a recommendation and now the applicant was asking for R15, the Board would have to make a motion to consider the R15.

Mayor Lanthorn closed the public hearing and called the regular session to order.

Commissioner Herring made a motion to consider the R15 rezoning request as per the applicant. Commissioner Aekins seconded the motion, and the motion passed unanimously. Commissioner Herring asked how many homes could be built on the 5-acres with a R15 zoning. Mr. Brown did computations to determine there would be approximately 10 or 11 lots on the 5-acres. Mayor Lanthorn questioned how many homes could be built with an R20 zoning. Mr. Brown stated that 8 homes could be built with the R20 zoning.

Commissioner Herring made a motion to deny the R15 request based on the fact that the Board found that the alternative recommendation for this request (R15) was **consistent** with the adopted comprehensive plan (Wade Study Area Detailed Land Use Plan) which calls for "Low Density Residential" at this location. However, the Board also found that the request is **unreasonable** and **not** in the public interest considering the following factors: (i) the size, physical conditions, and other attributes of the location, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development of the location and adjoining areas and permissible development under request; (iv) the public interest; (v) and changed conditions affecting the area. Commissioner Weaver seconded the motion, and the motion passed with Commissioners Ritchie, Herring, & Weaver voting in favor of the motion and Commissioner Aekins voting in opposition.

Minutes

Commissioner Herring made a motion seconded by Commissioner Aekins to approve the Minutes of the September 10, 2024 regular session. The motion passed unanimously.

Financial Reports

Board Members reviewed the reports and Commissioner Aekins made a motion to approve the Reports as presented. Commissioner Herring seconded the motion, and the motion passed unanimously.

Water Department

Board Members reviewed the September Water Report and Commissioner Herring made a motion to approve the Report as presented. Commissioner Ritchie seconded the motion, and the motion passed unanimously.

Agenda Business Items

Speakers from the Floor

Mayor Dixon informed the Board that no one had signed up to address the Board under the Speakers from the Floor agenda item.

Committee Reports

Beautification – No report was presented.

Park – Mayor Lanthorn informed the Board that Parks & Recreation employees were clearing the overgrowth from the fence line around the Park and were going to plant the new memorial trees that were purchased by the Town. He also stated they were going to extend the existing irrigation system to cover all of the area where the trees were planted.

Streets – No report was presented.

Street Repair Estimates

Board Members reviewed & discussed the estimates. Mayor Lanthorn stated that the repairs on Lodge Dr. were needed because of damage caused by tree roots. Commissioner Ritchie made a motion to approve the estimate from Ace Asphalt Solutions for the repair of Lodge Dr. and Barnsdale Dr. in the amount of \$22,750. Commissioner Herring seconded the motion, and the motion passed unanimously.

Announcements

Commissioner Weaver stated that it was time to start planning for the Christmas tree lighting event scheduled for the first Saturday in December.

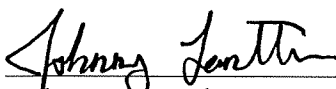
Town Clerk Cindy Burchett reminded everyone of the meeting for the Detailed Northeast Cumberland Land Use Plan at the Godwin Town Hall on October 10th from 4:00 PM until 7:00 PM. She explained that the meeting was a drop-in style meeting for Wade, Godwin & Falcon to help determine how our part of the County should grow.

Mayor Lanthorn reminded everyone that the rezoning case for the 65 acres also owned by Mr. Weeks would be heard by the County Commissioners October 21st at 6:45 PM at the new courthouse in room 118. He also stated that there would be a fall festival sponsored by area churches at the Park on October 26th from 5:00 PM to 8:00 PM.

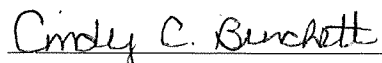
Adjournment

Commissioner Herring made a motion seconded by Commissioner Aekins to adjourn. The motion passed unanimously.

There being no further business the meeting adjourned.



Johnny Lanthorn, Mayor



Cindy C. Burchett, Town Clerk