

**CITY OF SANFORD BOARD OF ADJUSTMENT
REGULAR MEETING**

TUESDAY APRIL 13, 2021, 6:00 PM

Sanford Municipal Center at 225 E. Weatherspoon Street, Sanford, NC- Council Chambers

Change of venue due to the safety precautions / social distancing requirements implemented in response to the COVID-19 (Coronavirus) pandemic.

The main entrance of the Sanford Municipal Center (City Hall) is located on the opposite side of the building from E. Weatherspoon Street / rear of the building. Please park in the large parking area at the rear of the building and enter via the main entrance into the large lobby area. Continue walking straight towards an open smaller lobby area. The Council Chambers is accessed via double doors on your left, next to the elevator.

CALL TO ORDER – 6:00 PM

- A. APPROVAL OF AGENDA**
- B. APPROVAL OF MINUTES - July 23, 2020**
- C. DISCLOSURE OF CONFLICT OF INTEREST**
- D. OLD BUSINESS – None**
- E. NEW BUSINESS**

1. SPECIAL USE PERMIT APPLICATION

Application by Taquita Reid to obtain a Special Use Permit for the conversion of an existing single-family dwelling at 531 Cox Maddox Road into a day care facility/child care center. The site is located within the jurisdiction of the City of Sanford and is zoned Residential Single-family (R-20). Per the Unified Development Ordinance, Article 4 Zoning District Regulations, Section 4.6 Use Regulations, Table 4.6-1 Permitted Use Matrix, a “Day Care Facility/Child Care Center” is permitted in the Residential Single-family (R-20) zoning district upon issuance of a Special Use Permit, subject to supplemental development standards of the UDO. The property is depicted on Lee County Tax Map 9661.02 as Tax Parcel 9661-56-5544-00 Lee County Land Records and is labeled as Lot 1 on a subdivision plat labeled “Final Plat Carr Crest”, recorded at the Lee County Register of Deeds Office in Plat Cabinet 8, Slide 34G.

- F. OTHER BUSINESS - None, unless added by the board**
- G. ADJOURNMENT**

**** PLEASE REFERENCE THE ADDITIONAL INFORMATION
INCLUDED WITH THE AGENDA PACKAGE****

**MINUTES OF THE SPECIAL CALLED MEETING OF THE
CITY OF SANFORD BOARD OF ADJUSTMENT
SANFORD, NORTH CAROLINA**

The City of Sanford Board of Adjustment met in a special called session in the City Council Chambers Room at the Sanford Municipal Center, 225 E. Weatherspoon Street, on Thursday, July, 23, 2020 at 6:00 PM.

ROLL CALL

Members Present: Roger Judd, Chair
Van Groce, Jr., Vice Chair
Ron Willett
Ann Barkley
Gordon Anderson
Tommy Brickle – *In attendance, but did not participate*

Members Absent: None

Staff Present: Angela Baker, Clerk; Amy McNeill, Zoning Administrator; and Kevin Hornik of the Brough Law Firm, PLLC, Attorney for the Board

MEETING CALLED TO ORDER

Having noted the presence of a quorum, Chair Judd called the meeting to order.

APPROVAL/DISAPPROVAL OF AGENDA

Chair Judd entertained a motion to approve the agenda. Board member Willett made the motion to approve the agenda, seconded by Vice-Chair Groce, the motion carried unanimously.

APPROVAL OF MINUTES

There were no minutes to approve in this agenda.

DISCLOSURE OF CONFLICTS OF INTEREST

Chair Judd asked for acknowledgement of any conflicts of interest in the case to be presented. There were none.

ORGANIZATIONAL MEETING

Board member Barkley made a motion to nominate the current Chair, Roger Judd, and the current, Vice-Chair, Van Groce, Jr., for re-election. Board member Anderson seconded the motion. The vote was unanimous, and the current Chair and Vice Chair were re-elected by acclamation.

NEW BUSINESS

Application by Thomas M. Joyner, for property owned by Thomas M. Joyner and Charles S. Hazelwood, requesting a 70ft variance from the Unified Development Ordinance (UDO), Article 4 Zoning District Regulations, Section 4.7 Dimensional and Density Regulation, Table 4.7-1 Density and Dimensional Standards, “Residential Single-family (R-20), Minimum Lot Width, 100ft” to allow a parcel to have a minimum of 30ft of public road frontage on Columbine Road / Lord Ashley Drive. The subject property is identified as Tax Parcel 9633-

23-6390-00, depicted on Lee County Tax Map 9633.03, and illustrated at Lot 55 on a 1974 survey labeled "Section 4, Westlake Valley" recorded at Plat Cabinet 14, Slide 41 of the Lee County Register of Deeds Office. The subject property adjoins 1415 Columbine Road to the south and is located on the opposite side of / west of an unimproved right-of-way for a section of Columbine Road from 2307 Lord Ashley Drive.

Staff Amy McNeill read the Staff Report, which is Exhibit A.

Chair Judd read the Quasi-Judicial Hearing Statement regarding the proceeding.

Administering of Oath: Chair Judd called all participants speaking in favor of, or against, the variance, as well as staff, to come forward to be sworn in for testimony. Attorney Eddie Winstead; Charles S. Hazlewood, Applicant; and Staff Amy McNeill appeared and were administered the oath.

Applicants, Thomas (Tom) M. Joyner and Charles S. Hazlewood, were represented by Attorney Eddie Winstead.

Opening Statements:

Attorney Eddie Winstead stated that he is representing Mr. Joyner and Mr. Hazlewood regarding the property variance.

He began the hearing by asking Mr. Hazlewood questions.

Attorney Winstead: Mr. Hazlewood are you an owner of the property as depicted on the map?

Charles Hazlewood: Yes

Attorney Winstead: And you and Mr. Joyner have not been able to sell this property to someone who wants to build a house on the property?

Charles Hazlewood: Yes.

Attorney Winstead: In reviewing the appraisal and other documents submitted to the Board and including in tonight's agenda; on page 7 of the appraisal, there are 3 photographs that appear in the document. Mr. Hazlewood, do you recognize those photographs?

Charles Hazlewood: Yes.

Attorney Winstead: Are those the photographs where the road, Columbine Road, now exists on this property.

Charles Hazlewood: Yes.

Attorney Winstead: Do they accurately represent the appearance of that property?

Charles Hazlewood: Yes.

Attorney Winstead: The street is technically Columbine Road and that road has never been opened below the intersection of Columbine Road and Lord Ashley?

Charles Hazlewood: That is correct.

Attorney Winstead: Has the road been that way since the development was established?

Charles Hazlewood: That is correct.

Attorney Winstead: Is there any other access to the property other than what is exists on paper as Columbine Road?

Charles Hazlewood: No.

Attorney Winstead: I believe there is a large tract of land and a pond south of the property?

Charles Hazlewood: That is correct.

Attorney Winstead: To the west of the property there is a lot with a house on it between Cool Springs Road?

Charles Hazlewood: That is correct.

Attorney Winstead: Mr. Joyner has agreed that once the 60ft. of unopened right of way has been closed, he will convey his 30ft with the property to be sold, is that correct?

Charles Hazlewood: Yes.

Attorney Winstead: That is where you get the total of 30ft access to the property?

Charles Hazlewood: Yes.

Attorney Winstead closed the questioning of Mr. Hazlewood. He stated that Ms. McNeill said in her opening that this is a situation that was not a deliberate act. This land was landlocked by the developer. The original developer probably had good intentions of expanding the subdivision in the future, but it never came to fruition. The initial intent, as you can see from the plat of Westlake Valley, is that the property that the adjoining land near the existing pond was intended to connect to this subdivision; however, someone purchased this entire tract and developed it with a house. Therefore, the only access to this property now is what is Columbine Road. The cost of paving the street to allow access to this property and infrastructure would be estimated at \$100,000.00, to serve one lot. The hardship status is that the applicants have a piece of land that they don't have access to. The application states that the hardship is a landlocked piece of property, that was not created by the owner, but by the developer not completing the street as illustrated on the original subdivision plat. There is no

other access to the property. The hardship was not a result from any action taken by the property owner, because they purchased it as is. The variance of 70ft seems extreme; however, the connection to Columbine Road is the only way to access the property. The City is not in the position to require anyone give up the property to allow access. There is no precedential value in making this decision, because it is a very peculiar set of circumstances that are unique to this tract of land. Now, generally developers will not abandon a portion of property in a manner that would stop the streets and lots from being developed. The original subdivision developer, Bryant Johnson, probably had good intentions many years ago that never came to fruition and, as a result, we have this lot. There is little about this situation that would have any applicability anywhere else. This is a one-shot scenario that is being requested and considered. There is no other reasonable access to this property.

Board Deliberation

Board member Groce asked if public water and sewer was available to serve the property. Attorney Winstead stated that water and sewer main lines are located at the intersection of Columbine Road and Lord Ashley Drive and service lines would be extended by the property owners to serve the property.

Board member Groce asked for verification that, if someone were to construct a new public street and bring the utilities down the right-of-way, would they have to pave the entire frontage of the lot. Staff person McNeill stated that was correct.

Board member Groce stated that there was a 100ft width requirement for lots in the R-20 zoning district, but a cul-de-sac doesn't have a 100ft width requirement. Staff person McNeill confirmed that was correct, a cul-de-sac lot has a 35ft width requirement at the right-of-way with a 60ft required width at the minimum building setback line.

Board member Barkley asked what is the property to the east between the pond and the subject property. Mr. Winstead stated that is where Mr. Joyner's lot and home are located.

Board member Groce stated that the UDO requires the developer to post a bond to ensure that the development, including streets, would be completed and so that this type of situation could not happen today.

Chair Judd stated that there was no opposition.

Closing Statement:

Attorney Winstead stated that the variance is the first step in this process. If the variance is not approved, they will not close the street. All the points that are required in the statute have been proved to address this matter. There are no known impediments that would prevent the Board from approving the variance. This is a matter of necessity and not of accommodation. Attorney Winstead thanked the Board for their consideration for approval of the variance.

With no further testimony being offered, Chair Judd informed the petitioner that the Board would enter into the finding fact of phase of the variance.

REQUIRED FINDINGS OF FACTS

Chair Judd stated that the granting of a variance is based upon findings of fact. He explained that each finding requires a four-fifths majority vote of the total Board members to be approved. When voting, the Board must render a decision on each of the required findings and must state a reason for approval or denial of each finding of fact. He said that if one of the findings failed, the Variance failed. The Board proceeded with deliberation of the findings of fact for the Variance.

Required Findings:

1. If he /she complies with the provisions of the ordinance, an unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. However, it is not sufficient that failure to grant the variance, no reasonable use can be made of the property. However, it is not sufficient that failure to grant the variance simply makes the property less valuable.

Motion: Board member Barkley made a motion that an unnecessary hardship would result from the strict application of the ordinance if they were to comply with the 100ft street frontage requirement because this property cannot be accessed without requiring the paving and completion of the right of way, which would be expensive for the City, would not be in the interest of the City, and would certainly not be reasonable for the property owner.

With no further discussion, Chair Judd called a second to the motion on the floor. Board member Anderson seconded the motion. The motion carried unanimously.

2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.

Motion: Board member Anderson made a motion that the hardship exists because the original subdivision developer didn't fulfill the development plans and continue the street to access the property, this appears to be peculiar to this particular property, and does not affect other properties in this similar way.

With no further discussion, Chair Judd called for a second to the motion on the floor. Board member Barkley seconded the motion. The motion carried unanimously.

3. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with the knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as self-created hardship.

Motion: Board member Barkley made the motion that the hardship was not the result of the applicant actions as the original subdivision developer did not finish the development and the

tract of land adjacent to the property was sold as one large tract, which was therefore was not able to be developed as an extension of this subdivision.

With no further discussion, Chair Judd called for a second to the motion on the floor. Board member Groce seconded the motion. The motion carried unanimously.

4. The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

Motion: Board member Groce made a motion that the requested variance is consistent with the spirit, purpose and intent of the ordinance because it is consistent with residential lots as it will have a narrow frontage with water and sewer amenities; that the City will benefit with a developed lot that will have an increased tax value; and there are no safety issues because it will be a driveway.

With no further discussion, Chair Judd called a second to the motion on the floor. Board member Willett seconded the motion. The motion carried unanimously.

Chair Judd made the final motion to approve the variance, based on the preceding findings, facts and application. Board member Willett seconded the motion, and it carried unanimously.

ADJOURNMENT

With no further business to come before the Board, the meeting was adjourned on motion of Board member Willett, seconded by Board member Anderson, and unanimously carried. The meeting was adjourned at 7:00 p.m.

Adopted this _____ day of _____, 2020.

BY: _____
Roger Judd, Chair

ATTEST:

Angela M. Baker, Clerk

Opening statement for the Sanford Board of Adjustment

“THIS HEARING IS A QUASI-JUDICIAL EVIDENTIARY HEARING. THAT MEANS IT IS LIKE A COURT HEARING. STATE LAW SETS SPECIFIC PROCEDURES AND RULES CONCERNING HOW THIS BOARD MUST MAKE ITS DECISIONS. THESE RULES ARE DIFFERENT FROM OTHER TYPES OF LAND USE DECISIONS LIKE REZONING CASES.

“THIS BOARD’S DISCRETION IS LIMITED. THIS BOARD MUST BASE ITS DECISION ON COMPETENT, RELEVANT AND SUBSTANTIAL EVIDENCE IN THE RECORD. A QUASI-JUDICIAL DECISION IS NOT A POPULARITY CONTEST. IT IS A DECISION LIMITED BY THE STANDARDS IN THE SANFORD UNIFIED DEVELOPMENT ORDINANCE (THE UDO) AND BASED ON THE FACTS PRESENTED AT THIS HEARING. IF YOU ARE SPEAKING AS A WITNESS, PLEASE FOCUS ON THE FACTS AND STANDARDS, NOT PERSONAL PREFERENCE OR OPINION.

“THIS MEETING IS OPEN TO THE PUBLIC. EVERYONE IS WELCOME TO WATCH. PARTICIPATION IS LIMITED. ONLY PARTIES WITH STANDING MAY PARTICIPATE BY PRESENTING EVIDENCE, CALLING WITNESSES AND MAKING LEGAL ARGUMENTS. PARTIES WITH STANDING ARE LIMITED TO THE APPLICANT, LOCAL GOVERNMENTS (INCLUDING THE CITY OF SANFORD) AND PERSONS WHO CAN SHOW THEY WILL SUFFER SPECIAL DAMAGES.

“OTHER INDIVIDUALS MAY SERVE AS WITNESSES WHEN CALLED BY THE BOARD. WITNESS TESTIMONY IS LIMITED TO FACTS, NOT OPINIONS. FOR CERTAIN TOPICS THE BOARD IS REQUIRED TO HEAR OPINION TESTIMONY FROM EXPERT WITNESSES. THESE TOPICS INCLUDE OPINIONS ON THE IMPACT ON PROPERTY VALUES AND INCREASED TRAFFIC CAUSED BY THE PROPOSAL. INDIVIDUALS PROVIDING EXPERT OPINIONS MUST BE QUALIFIED AS EXPERTS AND PROVIDE THE FACTUAL EVIDENCE UPON WHICH THEY BASE THEIR EXPERT OPINION.

“WITNESSES MUST SWEAR OR AFFIRM THEIR TESTIMONY. WITNESSES MUST BE RECOGNIZED BY THE CHAIR, SPEAK INTO THE MICROPHONES AND BEGIN THEIR TESTIMONY WITH THEIR NAME AND ADDRESS. THE SECRETARY WILL USE THE RECORDING TO MAKE THE MINUTES.

“AT THIS TIME, WE WILL ADMINISTER THE OATH FOR ALL INDIVIDUALS WHO INTEND TO SPEAK TONIGHT. THE SECRETARY WILL HOLD THE BIBLE. THE CHAIR (I) WILL READ THE OATH.”

Based on Owens and Lovelady, *Quasi-Judicial Handbook: A Guide for Boards Making Development Regulation Decisions* UNC School of Gov’t (2017) at page 35

\$500 FEE, SPECIAL USE PERMIT

(SUP for a telecommunications tower require an additional \$4,000.00 application fee.)

Application No. 2021-04-01

Energov Case No. SUP-003210-2021



City of Sanford-Lee County-Town of Broadway SPECIAL USE PERMIT APPLICATION

Circle the Jurisdiction that Applies:

City of Sanford

Lee County

Town of Broadway

The Special Use Permit Process

A Special Use Permit is necessary when a proposed land use may have some consequences that may warrant review by the Board of Adjustment. This review is to insure there will be no detrimental effects to surrounding properties, nor will it be contrary to the public interest.

In order to apply for a Special Use Permit, a completed application, fee, and all supporting documentation is required to be submitted to the Sanford-Lee County Community Development Department. Information regarding the submittal requirements, deadline dates, and meeting dates is provided in a separate handout specific to each jurisdiction that is available upon request. In order for the Board of Adjustment to grant approval of the Special Use Permit, the applicant must provide all of the information required.

If the Board finds that all approval criteria has been met, they may impose reasonable conditions upon the granting of any Special Use Permit to ensure public health, safety, and general welfare. If the application is approved, the applicant may proceed with securing all required local, state, and federal permits necessary for the endeavor. Failure to follow conditions set in the approval process would result in a violation of the Sanford-Broadway-Lee County Unified Development Ordinance (UDO).

For questions concerning this process, you may contact the Sanford-Lee Community Development Department, Zoning & Design Review Division, on the first floor of the historic Buggy Company Building at 115 Chatham Street in downtown Sanford, N.C. during regular business hours M-F 8:00am to 5:00pm. Staff does require an in person consultation with the applicant and property owner prior to accepting a Special Use Permit submittal so that we can fully explain the process and legalities associated with this request. For additional information or questions you may contact Amy J. McNeill, Zoning Administrator at 919-718-4656, Ext. 5397 or amy.mcneill@sanfordnc.net.

TO THE BOARD OF ADJUSTMENT:

I hereby petition the Board of Adjustment to grant the following Special Use Permit request:

Applicant Information

Name: Taquita Reid
Address: 531 Cox Maddox, Sanford, North Carolina 27332
Telephone No.: 919)842-9109
Email Address: rtaquita@yahoo.com

Property Owner(s) Information:

Name(s): Taquita Reid
Address: 531 Cox Maddox Sanford, North Carolina 27332
Telephone No.: 919) 842-9109
Email Address: rtaquita@yahoo.com

Parcel Information

Existing Use of Property: Single Family Home with a Home Daycare Service

Proposed Use of Property: Commercial Daycare Center

Existing Zoning: R-20 Property Location: 531 Cox Maddox Road

Property Acreage: 0.5ac Tax Map and Parcel No. (PIN): 9661-56-554400

Land Use of Adjacent Properties (Provide plat map if available)

North: Mobile Home Park and Single Family Home
South: Single Family Home
East: Single Family Home
West: Single Family Home

GENERAL REQUIREMENTS

The UDO imposes the following general requirements on the use requested by the applicant. Under each requirement, the applicant should explain, with reference to the attached plans where applicable, how the proposed use satisfies these requirements.

1. *That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;*

The use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved because the plan has been reviewed and approved by the City of Sanford Technical Review Committee.

2. *That the use meets all required conditions and specifications;*

The use meets all required conditions and specifications. The plans have been reviewed and submitted by the City' s Technical Review Committee.

SPECIFIC REQUIREMENTS

The UDO also imposes specific requirements on the use(s) requested by the applicant. The applicant should be prepared to demonstrate that, if the land is used in a manner consistent with the plans, specifications, and other information presented to the Board, the proposed use(s) will comply with specific requirements concerning the following:

Nature of use (type, number of units, and/or area):

The nature of the use complies with the permitted use as specified under
article 5 of the UDO Section 5.10 and Table 4.6-1 Permitted Use Matrix

Accessory uses (if any):

N/A

Setback Provisions

Principle Use: Front: 30 Side: 15 Rear: 30

Accessory Use: Front: N/A Side: N/A Rear: N/A

Height Provisions

Principle Use 40ft Accessory Use N/A

Off street parking and loading provisions: (include calculations)

Off street parking calculation per UDO Table 8.1

1 Parking Space per 300s.f of GPA=1404 GFA=4.68 parking spaces provided

5 Parking Spaces Provided

Inclusive of (1) one accessible

Sign provisions: (include sketch drawing with dimensions)
Please see attached drawing with dimensions)

Sign will be outside of right of way.

Aware of sign regulations.

Provisions for screening landscaping and buffering: (if required, add to site plan)

See TRC Approved Site Plan

Provisions for vehicular circulation and access to streets:

See TRC Approved Site Plan

Adequate and safe design for grades, paved curbs and gutters, drainage systems, and treatment or turf to handle storm waters, prevent erosion, subdue dust:

See TRC approved site plan with paved parking plan depicted. The disturbed area of .11 acre is well within the NCDEQ 1 acre site plan submittal exemption. Local requirements for erosion control measures being as deemed necessary will be as noted in the NCDOT driveway permit.

An adequate amount and safe location of play areas for children and other recreational uses according to the concentration of residential property:

The current fenced play area is safely located within the rear yard.

Compliance with overlay zones, including but not limited to, the latest adopted Thoroughfare Plan:

The site is not in an overlay zone and is not affected by the latest adopted Thoroughfare Plan and is in compliance.

Compliance with the Flood Damage Prevention Ordinance:

The western property line is in the 100 year flood plan. This site is in compliance with the local floodplain regulations.

CERTIFICATION

I hereby acknowledge that the information contained herein is true and accurate to the best of my knowledge, information, and belief. It is further understood that this application will be reviewed for completeness and accuracy and that it shall not be scheduled for official consideration until all required contents in proper form and the fee made payable to the City of Sanford are submitted to the City of Sanford-Lee County Community Development Department. When/if a Special Use Permit is granted for the proposed land use, I understand that the project must still comply with any/all additional regulatory requirements, such as compliance with the NCDOT Driveway Permit process, the Building Code and Fire Code.

Taquita Reid Taquita Reid 2/25/2021
Signature of Applicant (Print & Sign) Date
This signature to be notarized below.

STATE OF NORTH CAROLINA
LEE COUNTY

Staff Note: Notarized signature not required at this time per COVID-19 protocol,

COVID

I, _____, a Notary Public for Lee County and State of North Carolina do hereby certify that _____ personally appeared before me on this day and acknowledged the due execution of the foregoing Instrument. Witness my hand and official seal, this the _____ day of _____, 20_____.

(OFFICIAL SEAL)

Notary Public Signature
My Commission expires: _____

Staff Note: Taquita Reid is the property owner.

Signature of Property Owner (Print & Sign) Date
This signature to be notarized below.

STATE OF NORTH CAROLINA
LEE COUNTY

I, _____, a Notary Public for Lee County and State of North Carolina do hereby certify that _____ personally appeared before me on this day and acknowledged the due execution of the foregoing Instrument. Witness my hand and official seal, this the _____ day of _____, 20_____.

(OFFICIAL SEAL)

Notary Public Signature
My Commission expires: _____

L: Forms & Certifications/BOA - SUP Application (Updated 2020-04-28 by AJMc)

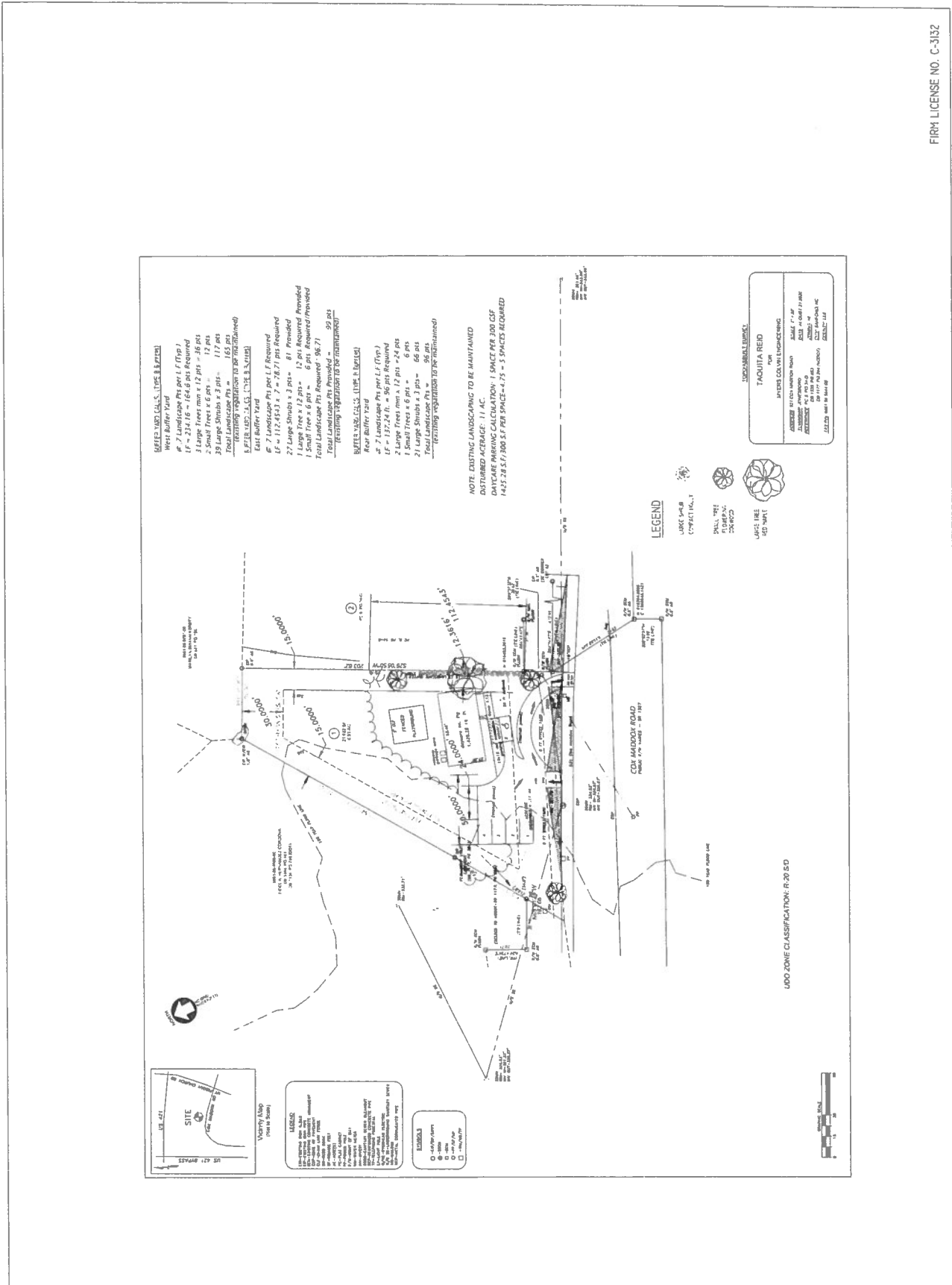
**M. A. COLVIN
ENGINEERING
AND
CONSULTING, INC.**
2400 Research Blvd., Suite 100
Plymouth, MD, Columbia 21035
(910)223-0252 (OFFICE)
(910)223-0804 (FAX)

Project Location
 531 COX MADDOX ROAD
 DAYCARE FACILITY
 TAQUITA REID
 Fossil, North Carolina 27527

Drawn Name: _____
 Scale: _____
 SHEET: _____

DESIGNER HAS THE RIGHT AND THE RESPONSIBILITY TO PROTECT THE PROJECT FROM ANY OTHER PROJECTS.
 THE DESIGNER SHALL NOT BE RESPONSIBLE FOR ANY OTHER PROJECTS.
 THE DESIGNER SHALL NOT BE RESPONSIBLE FOR ANY OTHER PROJECTS.

CS-1
 1/2" = 1' SCALE
 1/4" = 1' SCALE
 1/8" = 1' SCALE



WEST BUFFER YARD
 # 7 Landscape Pts per LF Type 1
 LF = 234.16 = 164.0 pts Required
 3 Large Trees 12 pts = 36 pts
 2 Large Shrubs 6 pts = 12 pts
 29 Large Shrubs 3 pts = 87 pts
 Total Landscape Pts = 165 pts
 Remaining vegetation to be maintained

EAST BUFFER YARD
 # 7 Landscape Pts per LF Required
 LF = 112.45 x 7 = 787.75 pts Required
 27 Large Shrubs 3 pts = 81 pts
 1 Large Tree 12 pts = 12 pts
 1 Small Tree 6 pts = 6 pts
 Total Landscape Pts Required = 98.7
 Remaining vegetation to be maintained

REAR BUFFER YARD
 # 7 Landscape Pts per LF (Type 1)
 LF = 112.45 x 7 = 787.75 pts Required
 2 Large Trees 12 pts = 24 pts
 1 Small Tree 6 pts = 6 pts
 21 Large Shrubs 3 pts = 66 pts
 Total Landscape Pts = 96 pts
 Remaining vegetation to be maintained

NOTE: EXISTING LANDSCAPING TO BE MAINTAINED
 DISTURBED ACREAGE: 1.1 AC
 DAYCARE PERMITS CALCULATION: 1 SPACE PER 200 SQ FT
 1432.28 S.F. / 200 S.F. PER SPACE = 7.16 = 7 SPACES REQUIRED

INDUSTRIAL ZONE
 TAQUITA REID
 M.A. COLVIN ENGINEERING
 2400 RESEARCH BLVD. SUITE 100
 PLYMOUTH, MD 21035
 (910) 223-0252
 (910) 223-0804

LEGEND

- Large Tree
- Small Tree
- Large Shrub
- Small Shrub
- Planting Note



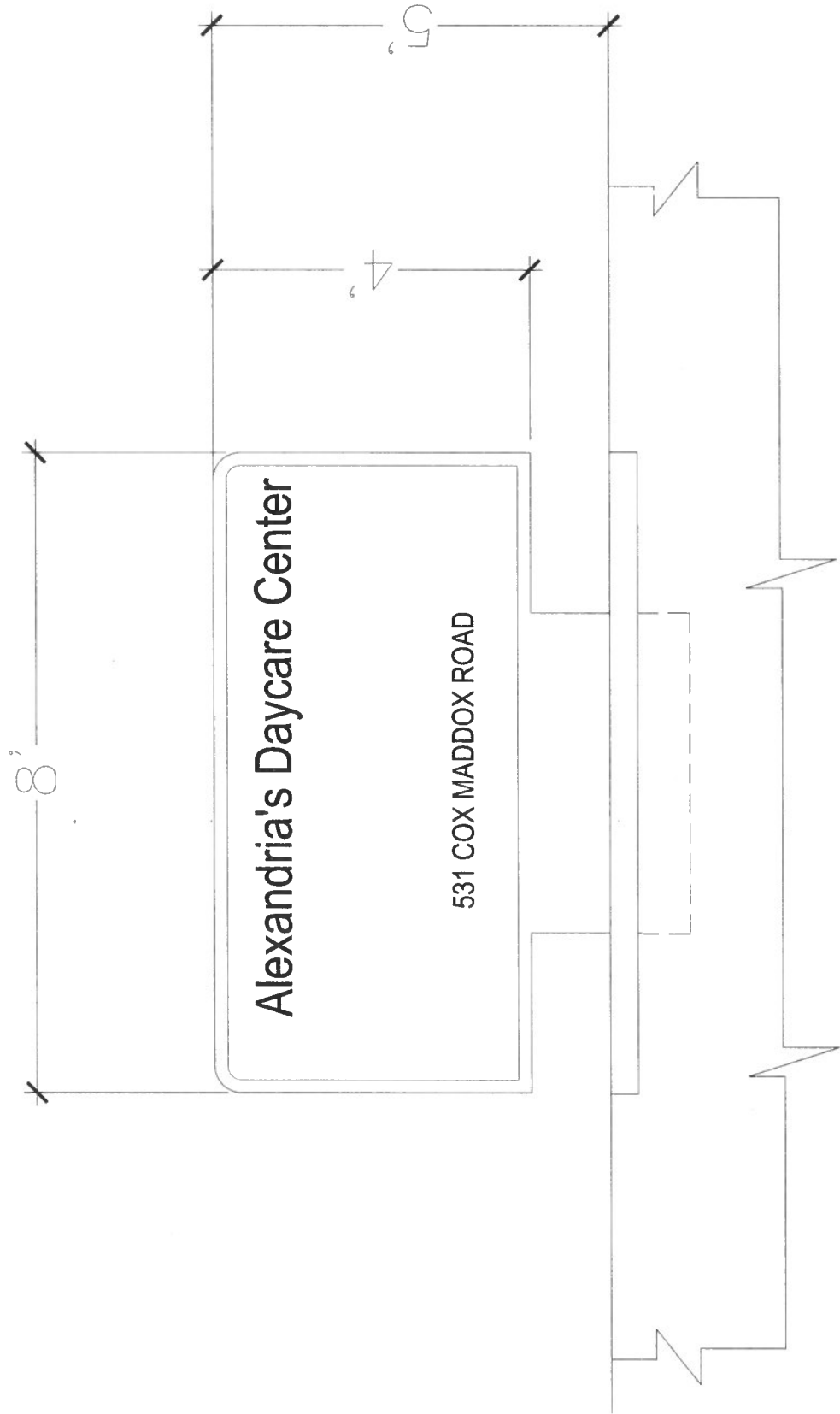
LEGEND

○	Proposed Building
□	Proposed Parking
▭	Proposed Driveway
▭	Proposed Easement
▭	Proposed Fencing
▭	Proposed Utility
▭	Proposed Retention Wall
▭	Proposed Stormwater Management
▭	Proposed Access
▭	Proposed Easement
▭	Proposed Fencing
▭	Proposed Utility
▭	Proposed Retention Wall
▭	Proposed Stormwater Management
▭	Proposed Access

UDO ZONE CLASSIFICATION: R-20 S.D

FIRM LICENSE NO. C-3132

Staff Note: This is a proposed sign illustration.





STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

J. ERIC BOYETTE
SECRETARY

February 2, 2021

LEE COUNTY

Ms. R. Taquita Reid
531 Cox Maddox Rd.
Sanford, NC 27332

**SUBJECT: DRIVEWAY PERMIT- Access to SR 1527 (Cox Maddox Rd.)
Commercial / Alexandria Angel Daycare (2 drives)
Permit # 53-82836**

Dear Ms. Reid:

Attached for your information and file is an approved copy of the Driveway Permit listed for the above location. In addition, this permit is valid only if the below items are followed completely:

1. Driveway Special Provisions, attached.
2. Plans by "M.A. Colvin Engineering", attached.
3. Driveway Connection and Slope and Grade details, attached. **Driveways shall be constructed and maintained to ensure that driveway runoff does not enter onto roadway pavement at any time.**
4. **Driveways shall be constructed to tie-in flush with existing roadway pavement.**
5. **Ditch line to be graded as necessary to create positive flow through drive pipes.**
6. **Vehicles shall enter by the western most drive and exit by the eastern drive as shown on the attached plans.**
7. This permit is only to grant access to the property. If the land use for this property changes another driveway permit will have to be reviewed and approved by this office.

Prior to commencing any work in the State right-of-way, please contact Mr. Josh Brooks, County Maintenance Engineer, at (919) 775-3122 to schedule inspection.

Mailing Address:
NC DEPARTMENT OF TRANSPORTATION
DIVISION 8 – DISTRICT 2
902 N. SANDHILLS BLVD.
ABERDEEN, NC 28315


Telephone: (910) 944-7621
Fax: (910) 944-5623
Customer Service: 1-877-368-4968

Location:
902 N. SANDHILLS BLVD.
ABERDEEN, NC 28315

Website: www.ncdot.gov

If this office can be of further assistance, please advise.

Sincerely,

DocuSigned by:

DE44C69F4BC74D9

Matthew W. Kitchen, P.E.
District Engineer

MWK: ksr

Attachments

CC: Josh Brooks, PE
M Helms
File

Mailing Address:
NC DEPARTMENT OF TRANSPORTATION
DIVISION 8 – DISTRICT 2
902 N. SANDHILLS BLVD.
ABERDEEN, NC 28315

Telephone: (910) 944-7621
Fax: (910) 944-5623
Customer Service: 1-877-368-4968

Website: www.ncdot.gov

Location:
902 N. SANDHILLS BLVD.
ABERDEEN, NC 28315

DRIVEWAY SPECIAL PROVISIONS

Permit # 53-82836

- A. A copy of this permit shall be on site at all times during construction within State Right of Way.
- B. This permit is for one year from date on cover letter. With a request in writing the permit may be extended once for 90 days. Applicant must provide written notification when construction starts and when it is completed. Final approval by the District Engineer is required prior to opening the access for public use.
- C. The entrance on to SR 1527 is to be constructed in accordance with the attached detail sheets. At no time shall run-off enter the travel lanes of SR 1527.
- D. The traveling public shall be warned of construction with complete and proper signing and traffic control devices in accordance with the current **Manual on Uniform Traffic Control Devices (MUTCD)**. No work shall be performed in the Right of Way unless this requirement is satisfied. NCDOT reserves the right to require a written traffic control plan for encroachment operations. Traffic control devices and operations shall include, but are not limited to the following:
- Adequate and appropriate advance warning signs for any and all work zones closed or obstructed areas.
 - “End Construction” signage beyond the end of all work zones.
 - Adequate and appropriate delineation and control devices for all work zone areas including but not limited to lane closures, disturbed areas, and active work sites.
 - Properly trained and equipped flagmen.
 - Proper maintenance of all traffic control devices, including but not limited to proper signage and controls during periods of inactivity and removal of inappropriate traffic control signage and/or devices.
- E. All soil areas within the right-of-way of SR 1857 and any other soil areas disturbed during construction shall be seeded and mulched immediately upon completion of driveway construction.
- F. No parking or outdoor advertising signs shall be allowed inside the right-of-way.
- G. Erosion control devices must be in place and functioning during the construction phase.
- H. Driveway entrances shall require improvements as shown on the approved plans/details. The improvements are to be installed by the owner and inspected by the Department of Transportation at a set rate of \$50.00.
- I. This permit is for access to SR 1527 only. It is not Certification of Subdivision Plats as stated in General Statute 136-102.6.

Mailing Address:
NC DEPARTMENT OF TRANSPORTATION
DIVISION 8 – DISTRICT 2
902 N. SANDHILLS BLVD.
ABERDEEN, NC 28315

Telephone: (910) 944-7621
Fax: (910) 944-5623
Customer Service: 1-877-368-4968

Website: www.ncdot.gov

Location:
902 N. SANDHILLS BLVD.
ABERDEEN, NC 28315

- J. It is agreed that the Department of Transportation grants to the owner/applicant the right and privilege to make this driveway connection as shown on attached plan sheets, specifications, and special provisions A. to K. which are made a part hereof.
- K. Please contact Mr. Josh Brooks, County Maintenance Engineer, at (919) 775-3122 and Mr. Kevin Reddinger District 2 Office, at 910-944-7621, prior to starting construction within the right-of-way and upon completion of the driveway.

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ABERDEEN, NC 28315

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APPLICATION IDENTIFICATION		N.C. DEPARTMENT OF TRANSPORTATION	
Driveway Permit No.	53-82836	Date of Application	01-19-2021
County:	LEE		
Development Name:	Alexandria Angel Daycare		
LOCATION OF PROPERTY:			
Route/Road:	COX MADDIX	SR 1527	
Exact Distance	0.6	<input checked="" type="checkbox"/> Miles	N S E W
		<input type="checkbox"/> Feet	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
From the Intersection of Route No.	SR 1527	and Route No.	SR 1526 Toward BROADWAY
Property Will Be Used For:	<input type="checkbox"/> Residential /Subdivision <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Educational Facilities <input type="checkbox"/> TND <input type="checkbox"/> Emergency Services <input type="checkbox"/> Other		
Property:	<input checked="" type="checkbox"/> is <input type="checkbox"/> is not within <u>SANFORD / LEE COUNTY</u> City Zoning Area.		
AGREEMENT			
<ul style="list-style-type: none"> • I, the undersigned property owner, request access and permission to construct driveway(s) or street(s) on public right-of-way at the above location. • I agree to construct and maintain driveway(s) or street entrance(s) in absolute conformance with the current "Policy on Street and Driveway Access to North Carolina Highways" as adopted by the North Carolina Department of Transportation. • I agree that no signs or objects will be placed on or over the public right-of-way other than those approved by NCDOT. • I agree that the driveway(s) or street(s) will be constructed as shown on the attached plans. • I agree that that driveway(s) or street(s) as used in this agreement include any approach tapers, storage lanes or speed change lanes as deemed necessary. • I agree that if any future improvements to the roadway become necessary, the portion of driveway(s) or street(s) located on public right-of-way will be considered the property of the North Carolina Department of Transportation, and I will not be entitled to reimbursement or have any claim for present expenditures for driveway or street construction. • I agree that this permit becomes void if construction of driveway(s) or street(s) is not completed within the time specified by the "Policy on Street and Driveway Access to North Carolina Highways". • I agree to pay a \$50 construction inspection fee. Make checks payable to NCDOT. This fee will be reimbursed if application is denied. • I agree to construct and maintain the driveway(s) or street(s) in a safe manner so as not to interfere with or endanger the public travel. • I agree to provide during and following construction proper signs, signal lights, flaggers and other warning devices for the protection of traffic in conformance with the current "Manual on Uniform Traffic Control Devices for Streets and Highways" and Amendments or Supplements thereto. Information as to the above rules and regulations may be obtained from the District Engineer. • I agree to indemnify and save harmless the North Carolina Department of Transportation from all damages and claims for damage that may arise by reason of this construction. • I agree that the North Carolina Department of Transportation will assume no responsibility for any damages that may be caused to such facilities, within the highway right-of-way limits, in carrying out its construction. • I agree to provide a Performance and Indemnity Bond in the amount specified by the Division of Highways for any construction proposed on the State Highway system. • The granting of this permit is subject to the regulatory powers of the NC Department of Transportation as provided by law and as set forth in the N.C. Policy on Driveways and shall not be construed as a contract access point. • I agree that the entire cost of constructing and maintaining an approved private street or driveway access connection and conditions of this permit will be borne by the property owner, the applicant, and their grantees, successors, and assignees. • I AGREE TO NOTIFY THE DISTRICT ENGINEER WHEN THE PROPOSED WORK BEGINS AND WHEN IT IS COMPLETED. 			
2004-07	NOTE: Submit Four Copies of Application to Local District Engineer, N.C. Department of Transportation		TEB 65-04rev. 61-03419

SIGNATURES OF APPLICANT

PROPERTY OWNER (APPLICANT)		WITNESS	
COMPANY	Ms R. Taquita Reid	NAME	Matthew Kitchen
SIGNATURE	Taquita Reid	SIGNATURE	Matthew Kitchen
ADDRESS	531 Col Maddox	ADDRESS	300 B PAMALLE DRIVE
	Sanford, NC 27332		FAYETTEVILLE NC 28303
	Phone No. 919-842-9109		

AUTHORIZED AGENT		WITNESS	
COMPANY	M.A. COLSON ENGINEERING & CONSULTING INC	NAME	Taquita Reid
SIGNATURE	[Signature]	SIGNATURE	Taquita Reid
ADDRESS	300 B PAMALLE DRIVE	ADDRESS	531 Col Maddox
	FAYETTEVILLE NC 28303		SANFORD, NC 27332
	Phone No. 910-670-2091		

APPROVALS

APPLICATION RECEIVED BY DISTRICT ENGINEER

DocuSigned by:

Matthew Kitchen, P.E.

SIGNATURE BC74D9

1/19/2021

DATE

DocuSigned by:

APPLICATION APPROVED BY LOCAL GOVERNMENTAL AUTHORITY (when required)

Mary Depina

SIGNATURE B3A6D9D022DC4EB...

1/29/2021

TITLE

DATE

APPLICATION APPROVED BY NCDOT

DocuSigned by:

Matthew Kitchen, P.E.

SIGNATURE BC74D9

District Engineer

2/2/2021

TITLE

DATE

INSPECTION BY NCDOT

SIGNATURE

TITLE

DATE

COMMENTS:

FEBRUARY 25, 2021

SANFORD/LEE COUNTY ZONING & DESIGN REVIEW DEPARTMENT
ATTN. AMY MCNEILL, ZONING ADMINISTRATOR
115 CHATHAM STREET, SUITE 1
SANFORD, NC 27330

RE: SPECIAL USE PERMIT 531 COX-MADDUX ROAD, SANFORD, NC
27330

DEAR MS. MCNEILL:

I was engaged by Taquita Reid to provide an opinion regarding the potential diminution of value to adjacent or abutting properties as a result of the proposed child daycare Center at 531 Cox-Maddux Road, Sanford, NC. The requirement we have been asked to provide support for, is identified below:

3. The proposed use will not substantially injure the value of the adjoining property and the use is a public necessity. Based upon my review of comparable properties, the proposed use will not injure the value of the adjoining or abutting property.

The scope of work included for the research for the work included a review of similar transactions in the market place and similar zoning uses that would have a negative effect on adjoining property owners or other nearby properties in the area. My company made a site visit to the subject residential zoned area and the surrounding neighborhood; photographed the subject site and existing improvements; and photographed the adjacent and abutting properties. I interviewed market participants, including homeowners, real estate brokers, landlords, and area appraisers. I analyzed sale data of properties both adjacent to, and not adjacent to, similar daycare facilities to determine any negative impact and found **no influence of negative valuation impact on surrounding**

properties arising from the approval and use of the subject property under a special use permitted approval as a Child Day Care Center.

Subject – 531 Cox Maddux Road, Sanford NC 27330



STREET VIEW WEST ON COX MADDOX ROAD, SANFORD, NC



STREET VIEW EAST ON COX MADDOX ROAD, SANFORD, NC



The subject property is officially labeled by the Lee County Tax Office as parcel 966156554400. The Lee County Tax records indicate that the subject has a land size of .4791 of an acre. The current zoning under the City of Sanford jurisdiction is R-20 residential. The most recent transfer of the subject can be found in Deed Book 1535, Page 853, Lee County Registry. The improvements are a 1404 SF manufactured dwelling located on a permanent foundation. Dwelling records indicate a total of 6 rooms exist with currently 3 bedrooms and 2 baths. Drive with access directly in front of subject on Cox-Maddox Road.

ADJOINING (West) PROPERTY OWNER: Fidel A. Hernandex Cordova
531 Cox Maddox Road
Sanford, NC



ADJOINING (East) PROPERTY OWNER: Travis Rush
529 Cox Maddox Road
(Rest Home -Not Occupied)
Sanford, NC

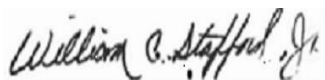


Based upon personal discussions with several Cox Maddox Road dwelling owners, no opposition was noted to the proposed special use permit application. Several comments were moreover encouraged due to the number of vacant dwellings in the immediate area.

Documentation concerning the sales data reviewed where child day care centers are located, reasoning, and analysis is also retained in my files. The depth of discussion contained in this report is specific to the needs of the client and the intended use of the City of Sanford.

Should you have any questions please do not hesitate to contact me.

Respectfully submitted,

A handwritten signature in cursive script that reads "William C. Stafford, Jr." The signature is written in black ink on a white background.

William C. Stafford, Jr,
NC - General Appraiser A1368

CITY OF SANFORD
BOARD OF ADJUSTMENT
PUBLIC HEARING INFORMATION
April 13, 2021

APPLICATION# 2021-0401 FOR A SPECIAL USE PERMIT

APPLICANT & PROPERTY OWNER: Taquita Reid

LOCATION: 531 Cox Maddox Road, Sanford, NC 27332

TOWNSHIP: Jonesboro

TAX PARCEL: 9661-56-5544-00

REQUEST

Ms. Taquita Reid currently operates a residential in-home daycare within her residence at 531 Cox Maddox Road. Per the UDO, a residential in-home daycare (or home child care) is a child care arrangement where, at any one time, more than two children but less than nine children receive child care. Ms. Reid is currently licensed to care for eight children during first shift, eight children during second shift, and eight children during third shift. She would like to expand her business to allow more children to be cared for by converting her existing house into a commercial day care facility/child care center and moving her residence to a different location. Therefore, she is requesting a Special Use Permit (SUP) to allow the conversion of her existing single-family house into a commercial day care facility/child care center

SITE AREA AND DESCRIPTION:

The subject property is one 0.47 acre ± tract of land located at 531 Cox Maddox Road, which is a paved NCDOT maintained public street with a 60ft right-of-way that begins off of Cox Mill Road, runs parallel to US Hwy 421 Bypass, and dead-ends into a 19 acre tract of land developed with a house addressed as 3997 Cox Maddox Road. The area is predominately zoned Residential Single-family (R-20) and Residential Single-family (R-14) and is developed in a residential manner.

STAFF COMMENTS

The site is developed with one house addressed as 531 Cox Maddox Road, which is served by public City maintained water and sewer. The existing single-family dwelling is a 1997 double-wide mobile home per Lee County tax records.

Planning staff has determined that the proposed use as a day care facility that does not meet the definition of a residential in-home daycare (or home child care) falls within the “day care facility/child care center” land use category. Per the UDO, this use is permitted in the Residential Single-family (R-20) zoning district only where approved by the Board of Adjustment through the issuance of a Special Use Permit. There are specific design standards associated with this use as referenced in Section 5.10 Child Day Care Facilities, which is provided below for your reference.

UDO, Article 5 Supplemental Development Regulations. 5.10 Child Care Facilities

5.10.3 STANDARDS

- Such facilities shall comply with the standards established by the North Carolina Department of Health and Human Services and Article 7, Chapter 110, of the North Carolina General Statutes. Evidence of compliance with the above standards (as amended) and other applicable statutes, rules, and regulations shall be furnished by the operator of such child care facility to the Community Development Department.

Staff Note: NCDHHS requires zoning approval prior to approving licensure for a new day care facility / child care center; therefore, when/if the SUP is granted for this use, a copy of the state licensing information must be provided to staff for inclusion in the project file. This may be included as a condition of the SUP also.

- Structures shall conform to the area, yard, height, setback and other requirements of the district in which such structures are located.

Staff Note: Per the site plan submitted with the application, the existing house is 13.26ft from the right/east side property line, as opposed to the 15ft currently required by the UDO. However, this home complied with the minimum building side setback of 10ft at the time of placement on site as required prior to the adoption of the UDO in January of 2006. Therefore, the home is existing legal nonconforming with regard to minimum building setback compliance on this one side only. The house complies with all other minimum building setback and height requirements.

- Outdoor play space shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas or land unsuited by other usage or natural features for children's play space. No wall or fence shall exceed six feet in height within any required yard. The minimum height of walls and fences shall be three feet. Walls and fences need not conform to any of the yard or setback requirements specified in the UDO.

Staff Note: There is a fenced outdoor play ground illustrated on the site plan that is in the backyard with a note indicating that it will be 3ft in height. The playground is not within the floodplain that is along the western property line as illustrated on the site plan. Site improvements, such as parking areas and landscaping are allowed within the floodplain area.

Adjacent Zoning - North: Residential Single-family (R-20)
 South: Residential Single-family (R-20), Opposite Cox Maddox Road
 East: Residential Single-family (R-20)
 West: Residential Single-family (R-20)

If approved, the site and structures associated with the SUP must comply with all applicable codes and regulations, including but not limited to, compliance with the North Carolina State Building Code and Fire Code. Approval of an SUP pertains to zoning approval only and does not negate compliance with any other regulatory agency, whether local government, state, or federal. The Sanford/Lee County Technical Review Committee (TRC) has reviewed the site plan and is amenable with the SUP request moving forward for consideration by the Board of Adjustment.

The site plan illustrates paved asphalt parking as typically required for commercial uses; however, Ms. Reid would prefer to have a gravel parking area and drive as opposed to paving. If the Board considers this a reasonable request, it may be noted as a condition of approval and the final site plan revised accordingly.

ATTACHMENTS

- GIS maps of subject property
- Unified Development Ordinance (UDO) references
- Adjoining Property Owner Notification of Public Hearing
- Certification of Adjacent Property Owner Notification and List of Adjoining Property Owner
- Legal Notice for Special Use Permit Application
- Special Use Permit Hearing Procedures

REQUIRED FINDINGS FOR A SPECIAL USE PERMIT

Special Use Permits provide a form of discretionary approval for certain uses which are generally compatible with the land uses permitted by right in a zoning district, but which require individual review of their location, design and configuration. Special Use Permits ensure the appropriateness of the use at a particular location within a given zoning district. The Board of Adjustment shall consider the application, supporting documents, the site plan and examine factual evidence presented at the hearing before ruling on the following four findings of facts.

In granting the Special Use Permit, the board shall find:

1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved.
2. That the use meets all required conditions and specifications.
3. That the use will not substantially injure the value of the adjoining or the abutting property, or that the use is a public necessity.
4. That the location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which site is located and in general conformity with all adopted land use plans.

The Special Use Permit, if granted, shall include approval of the preliminary site plan. The Board may place conditions on the use as part of the approval to assure that adequate mitigation measures are associated with the use to lessen the impact or intensity of the use on the surrounding area. All conditions shall become a part of the SUP approval and shall be included/illustrated on the final site plan, which is provided to staff after the SUP is approved, but prior to the development of the site. The SUP shall run with the land and shall be binding on the original applicants, their heirs, successors and assigns. Violations of the SUP, including any conditions placed thereon, shall be treated as a violation of the local zoning ordinance.

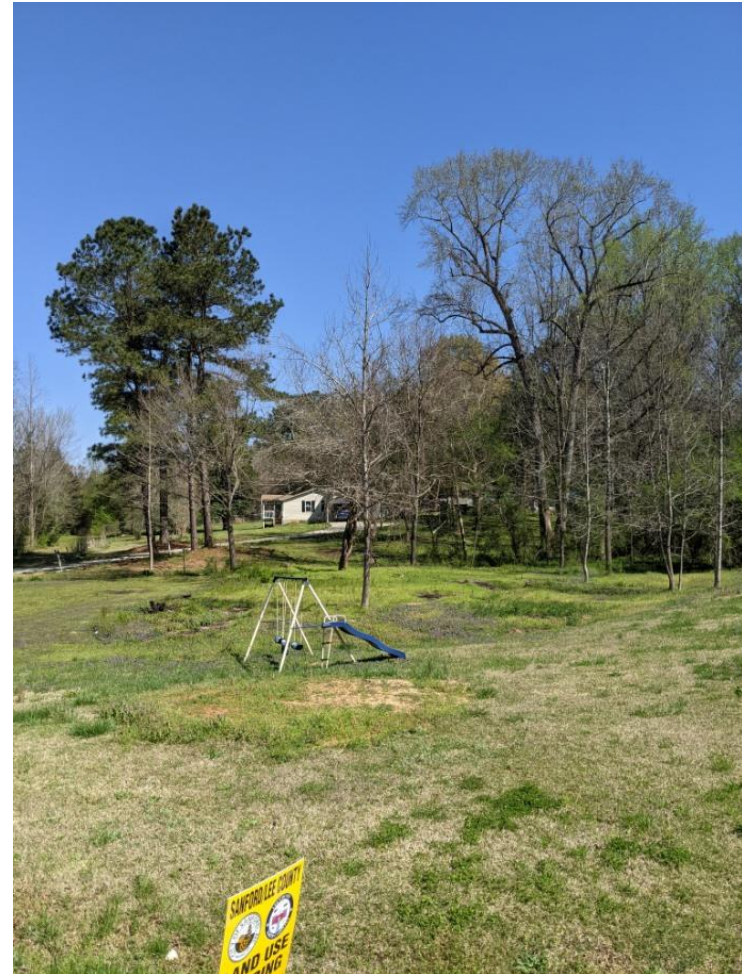
Minor field alterations or minor revisions to an approved SUP may be approved by the Administrator if the intent of the standards established with the original approval are still met and the alterations/revisions are limited to changes that do not increase the intensity, density, or character of the use. If the Administrator determines that the change is not minor, the Board of Adjustment must approve the alterations/revisions. Please reference the application for specific information regarding how the applicant has addressed the criteria for the SUP request.

This decision of the board is effective upon filing the written decision with the Clerk to the Board. Decisions of the Board of Adjustment shall be appealed to the Lee County Superior Court within 30 days of the final decision.

View of Subject Property (Front) from Cox Maddox Road



View of Adjoining House at 533 Cox Maddox Road



View Looking East Down Cox Maddox Road



View Looking West Down Cox Maddox Road

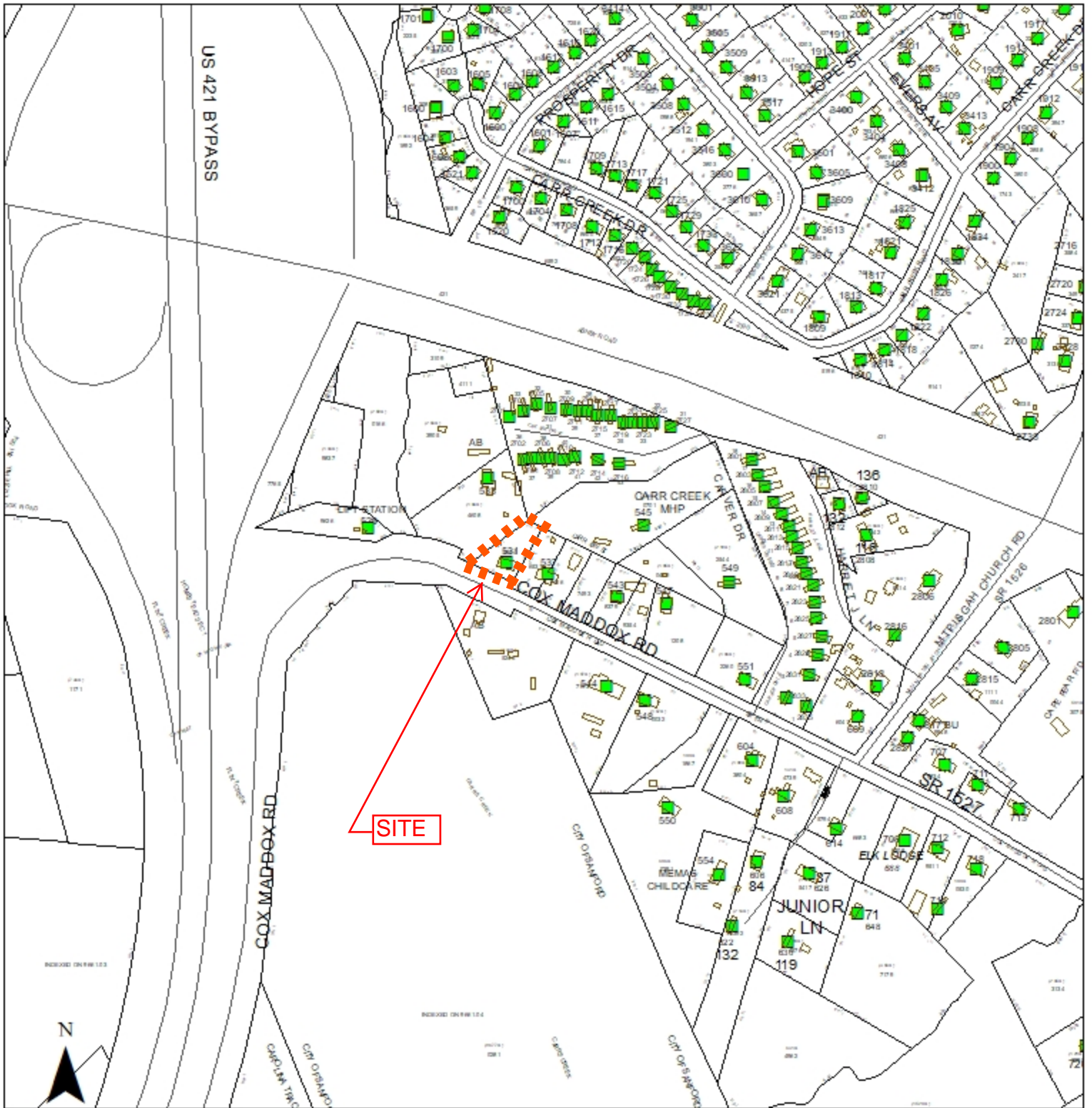


Staff Report – SUP for a Day Care Facility / Child Care Center at 531 Cox Maddox Road, Photos taken April 1, 2021

View Opposite Cox Maddox Road

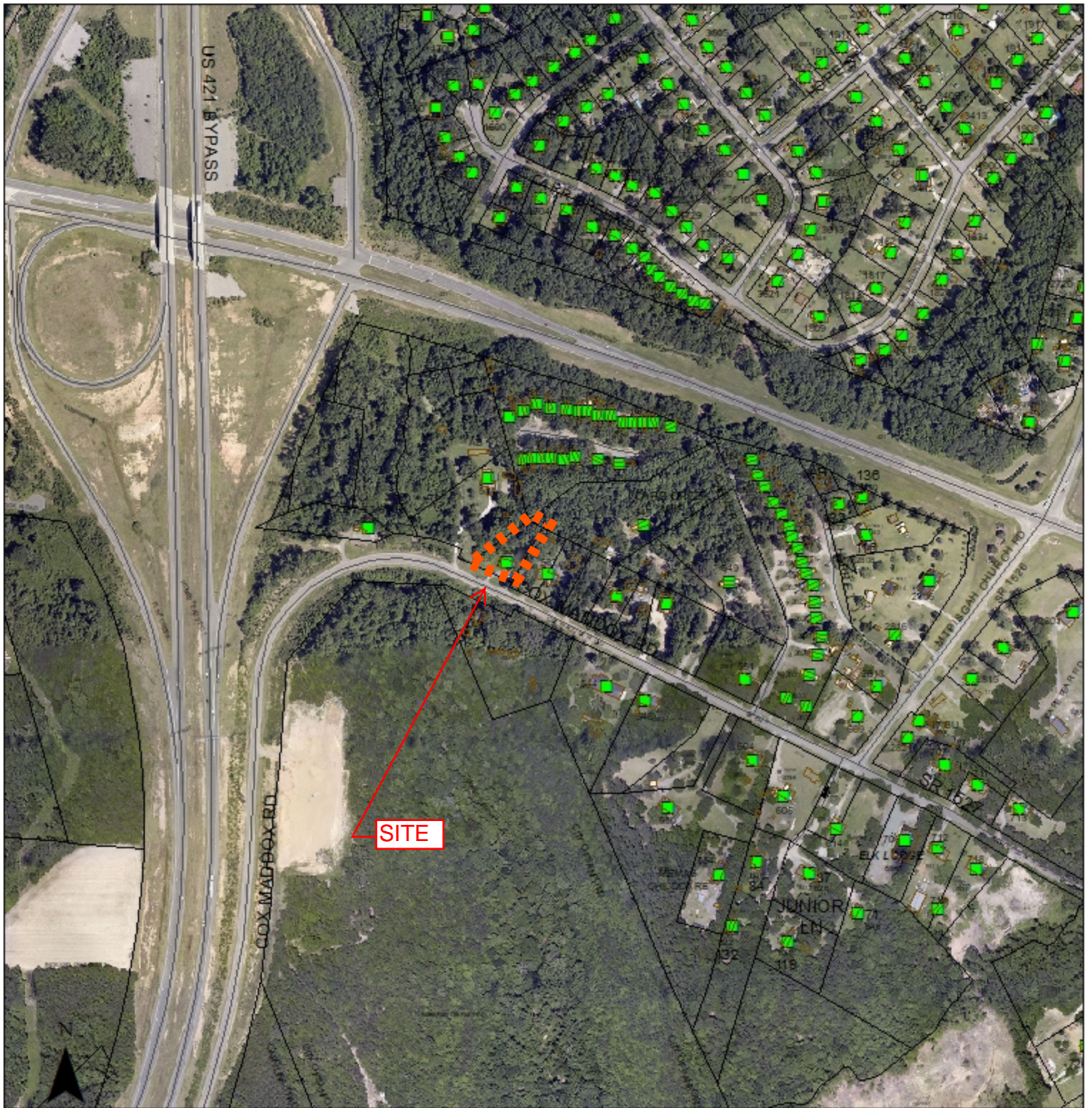


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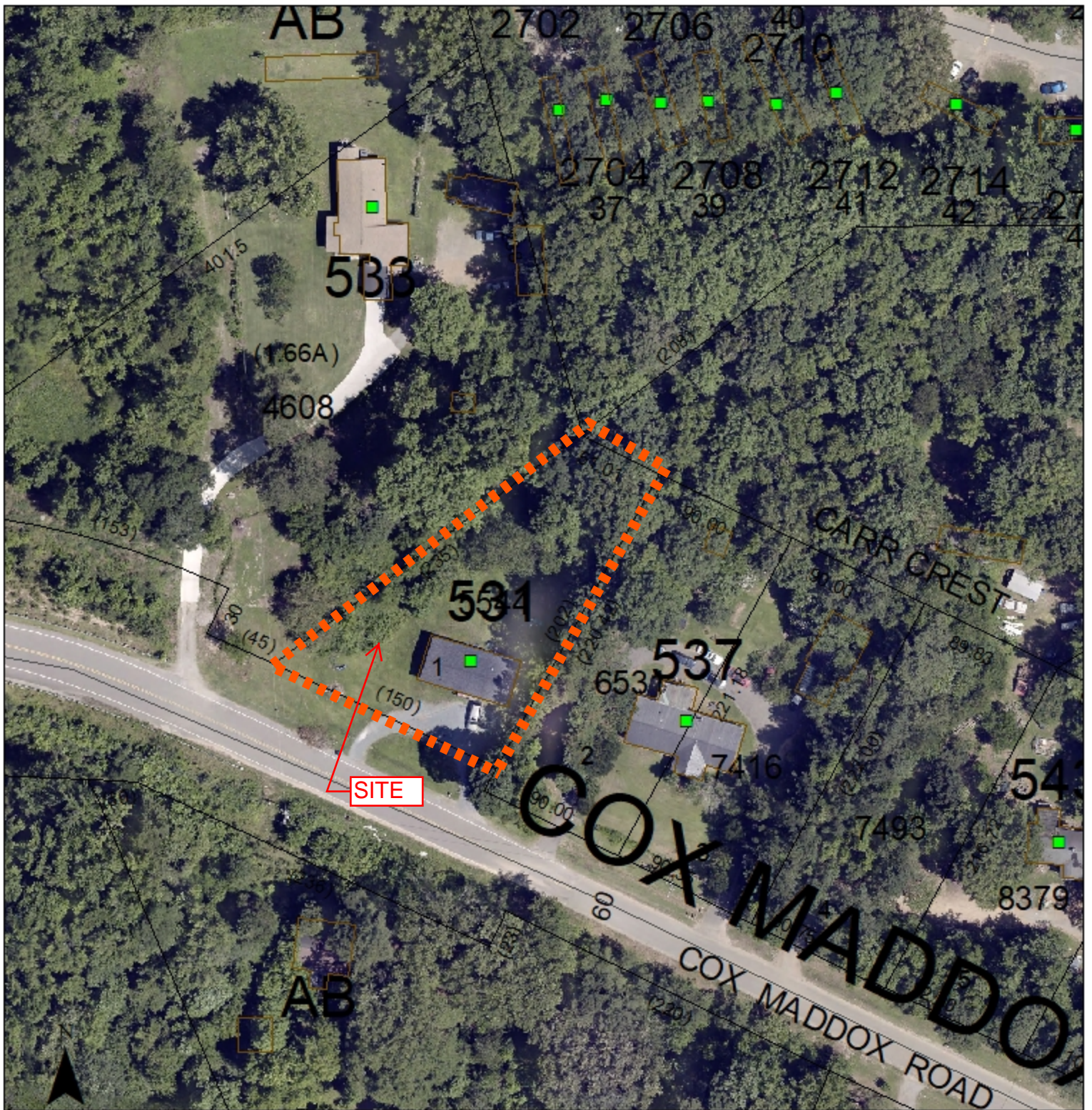
**SPECIAL USE PERMIT APPLICATION 2021-0401:
Request for a SUP to allow a daycare center/child care facility
in the R-20 zoning district.**

This is a graphic illustration and not a legal document.
All information is comprised of layers of data that may or may not align correctly.



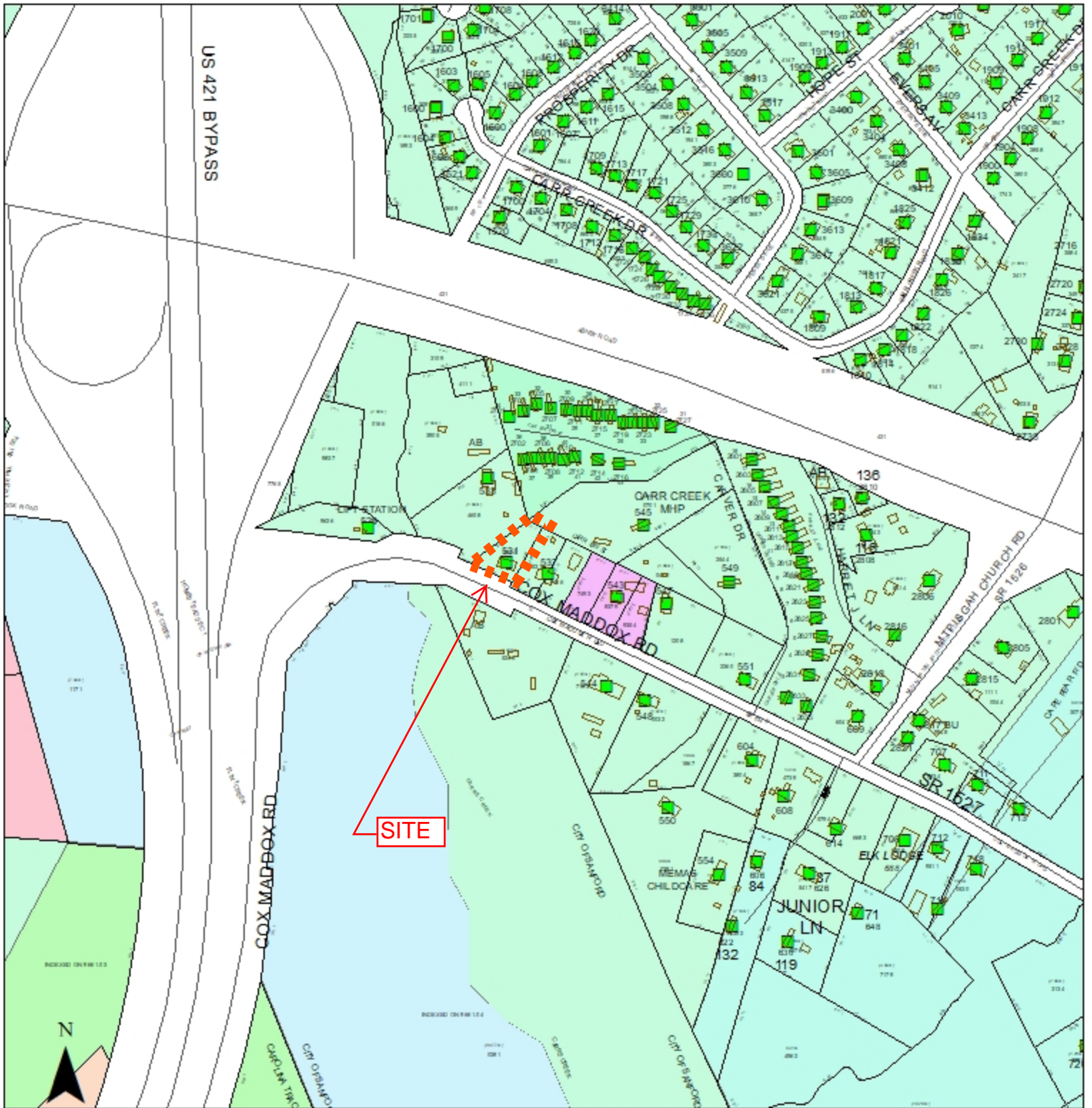
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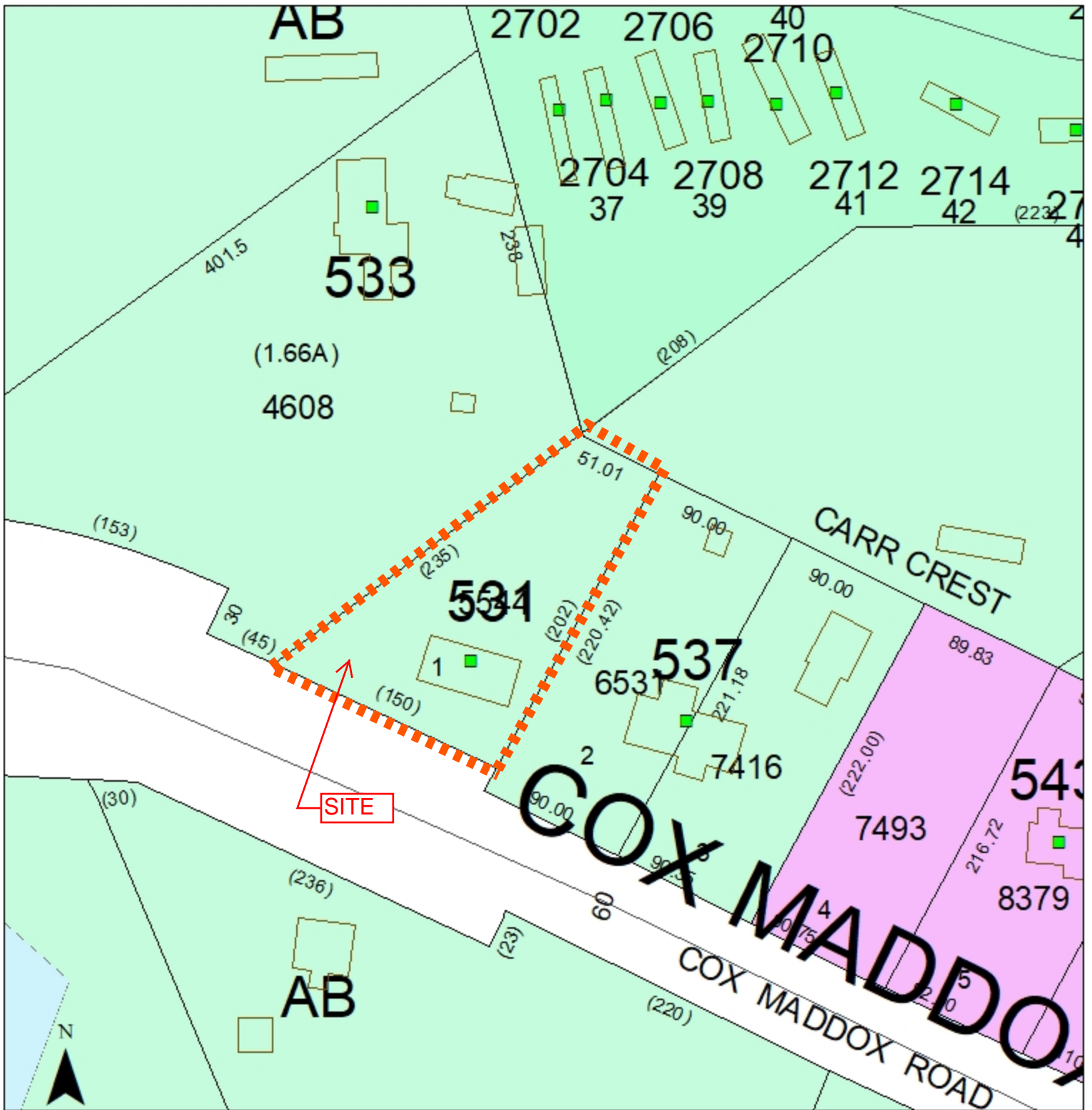
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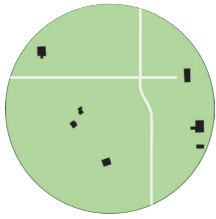
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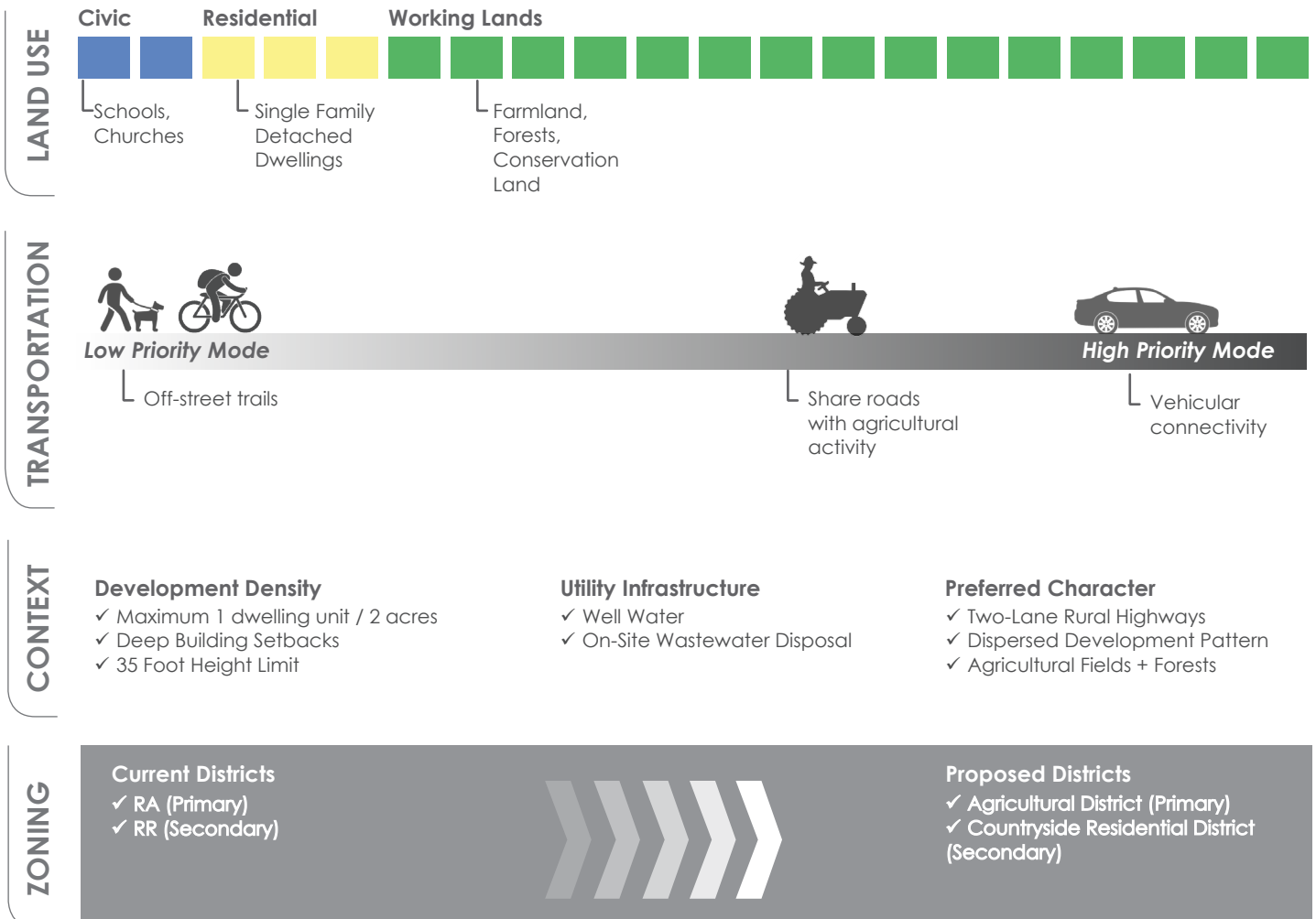
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COUNTRYSIDE

- ✓ Agricultural and undeveloped lands outside the Urban Service Areas
- ✓ Preservation of county's agricultural heritage encouraged
- ✓ Conservation and maintenance of rural lifestyle supported
- ✓ Limited residential density

Local Example - Avents Ferry Road Corridor in northeast Lee County



Long Range Plan – Interactive Map of Site



Place_Types

Place Types

- Commercial Corridor
- Countryside
- Crossroads
- Downtown
- Industrial Center
- Maker District
- Mixed Use Activity Center
- Neighborhood Center
- Neighborhood Transition
- Professional and Institutional Campus
- Suburban Neighborhood
- Urban Neighborhood
- Village Center
- Village Neighborhood

Key: "P" means permitted as of right, "S" means permitted as a special use, "D" means development regulations apply (see Article 5), "A" means permitted only as an accessory use, "-" means prohibited. Section numbers as provided in the use column (i.e. § 5.1) provide additional reference regarding the supplemental design standards as found within other sections of this Ordinance. Refer to Appendix A or the sources referred to under "Land Use Coding" for specific definitions of uses.

Use	LBCS Function	LBCS Structure	RA	RR	R-20	R-14	R-12SF	R-12	R-10	R-6	MF-12	NC	HC	C-1	C-2	O&I	CBD	LI	HI
			Residential Agricultural	Restricted Residential	Residential Single-Family	Residential Single-Family	Residential Single-Family	Residential Mixed	Residential Mixed	Residential Mixed	Multifamily	Neighborhood Commercial	Highway Commercial	Light Commercial & Office	General Commercial	Office & Institutional	Central Business District	Light Industrial	Heavy Industrial
Hunting and trapping, game retreats, game and fishing preserves	9520	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P
Movie Theater	3120	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Museums and art galleries	5210 4400	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	-
Outdoor stage, bandstand, or similar structure (maximum 3,000 sq. ft.)	6970	S	-	-	-	-	-	-	-	-	-	-	-	P	P	-	P	P	P
Parks, playgrounds, and athletic fields operated on a noncommercial basis	5500	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Performance Theaters (outdoor)	5110 3110	S	-	-	-	-	-	-	-	-	-	-	-	P	P	-	P	P	P
Performance Theaters or auditoria (indoor)	5110 3110	S	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	P	P
Racetracks, drag strips (motorized vehicles) 5.27	5130	S/D	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P/D	P/D
Recreation activities, commercial indoor , not otherwise listed	5300	S	-	-	-	-	-	-	-	-	-	-	P	P	P	-	S	P	P
Recreation activities, commercial outdoor (defined in Article 5), not otherwise listed 5.28	5310 4440	S/D	-	-	-	-	-	-	-	-	-	-	-	-	P/D	-	-	P/D	P/D
Skating Rink - Ice Or Roller Skating	5390	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P
Sports stadiums or arenas	5120 3300	S	S	S	S	S	S	S	S	S	S	-	P	P	P	S	S	P	P
Stables/Riding Academies	8240	P/D	P/D	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Stable, Accessory to Dwelling	5300 8240	P/D	P/D	P/D	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Studios for artists, designers, musicians, photographers, sculptors, woodworking (not as home occupation)	5210 4410	S	-	-	-	-	-	-	-	-	-	P	P	P	P	-	P	-	-
Travel Trailer Parks (see § 5.36)		S/D	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Zoos	5230 4450	S	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	P	P
Education, Public Administration, Health Care, and Institutional																			
Cemeteries, public and private (does not include individual family plots) (see § 5.6)	4700	P/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D	P/D
Civic, Social, and Fraternal Organizations, including community centers, meeting halls, community halls, reception halls, wedding halls, for assembly and recreation	6830 3700 3800	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P
Community food services (see § 5.7)	6563	-	-	-	-	-	-	-	-	-	-	-	-	P/D	P/D	-	-	P/D	-
Correctional facilities (see § 5.9)	6222 4600	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P/D
Crematorium & Embalming	6720 4800	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P	P
Day Care facility, Child Care Center (see § 5.10)	6562	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	S/D	P/D	P/D	P/D	P/D	P/D	-	-	-

5.10 CHILD DAY CARE FACILITIES

5.10.1 APPLICABILITY

This section applies to any of the following establishments (such establishments are referred to collectively as “Day Care” or “Day Care Facilities”):

5.10.1.1 Any *Child care* establishment, which means a program or arrangement where three or more children less than 13 years old, who do not reside where the care is provided, receive care on a regular basis of at least once per week for more than four hours but less than 24 hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage, or adoption. Child care does not include the following:

- Arrangements operated in the home of any child receiving care if all of the children in care are related to each other and no more than two additional children are in care;
- Recreational programs operated for less than four consecutive months in a year;
- Specialized activities or instruction such as athletics, dance, art, music lessons, horseback riding, gymnastics, or organized clubs for children, such as Boy Scouts, Girl Scouts, 4-H groups, or boys and girls clubs;
- Drop-in or short-term care provided while parents participate in activities that are not employment related and where the parents are on the premises or otherwise easily accessible, such as drop-in or short-term care provided in health spas, bowling alleys, shopping malls, resort hotels, or churches;
- Public schools;
- Nonpublic schools described in Part 2 of Article 39 of Chapter 115C of the General Statutes that are accredited by the Southern Association of Colleges and Schools and that operate a child care facility as defined in this section for less than six and one-half hours per day either on or off the school site;
- Bible schools conducted during vacation periods;

- Care provided by facilities licensed under Article 2 of Chapter 122C of the General Statutes;
- Cooperative arrangements among parents to provide care for their own children as a convenience rather than for employment; or
- Any child care program or arrangement consisting of two or more separate components, each of which operates for four hours or less per day with different children attending each component.

5.10.1.2 Any *child care facility*, which means any child care center, family child care home, and any other child care arrangement not excluded by NCGS § 110-86(2), that provides child care, regardless of the time of day, wherever operated, and whether or not operated for profit.

5.10.1.3 Any *child care center*, which means an arrangement where, at any one time, there are three or more preschool-age children or nine or more school-age children receiving child care.

5.10.1.4 Any *home child care*, which means a child care arrangement located in a residence where, at any one time, more than two children, but less than nine children, receive child care.

(Source: NCGS § 110-86)

5.10.2 ACCESSORY USE

5.10.2.1 A Day Care is permitted where indicated in the Use Matrix. In addition, a Day Care is permitted as an accessory use must meet 5.10.3 in addition to the following regulations:

- (a) Church or Religious Institutions. In all zoning districts permitting churches or religious institutions when operated by a religious institution on the same zoning lot and within buildings also used for religious activities.
- (b) Public or Private Schools. In all zoning districts permitting public or private schools when operated by the school on the same zoning lot and within buildings also used for school activities.

(c) In Non-Residential Zoning Districts. In Non-Residential Zoning Districts when operated solely for the benefit of the employees of the principal use on the same zoning lot.

5.10.3 STANDARDS

5.10.3.1 Such facilities shall comply with the standards established by the North Carolina Department of Health and Human Services and Article 7, Chapter 110, of the North Carolina General Statutes. Evidence of compliance with the above standards (as amended) and other applicable statutes, rules, and regulations shall be furnished by the operator of such child care facility to the Community Development Department.

5.10.3.2 Structures shall conform to the area, yard, height, setback and other requirements of the district in which such structures are located.

5.10.3.3 Outdoor play space shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas or land unsuited by other usage or natural features for children's play space. No wall or fence shall exceed six feet in height within any required yard. The minimum height of walls and fences shall be three feet. Walls and fences need not conform to any of the yard or setback requirements specified in this Ordinance.

3.5 SPECIAL USE PERMITS

3.5.1 APPLICABILITY.

3.5.1.1 *The purpose of this Section is to establish procedures and standards for the processing and approval of Special Use Permits. Special Use permits provide a form of discretionary approval for certain uses which are generally compatible with the land uses permitted by right in a zoning district, but which require individual review of their location, design, and configuration. Special Uses ensure the appropriateness of the use at a particular location within a given zoning district.*

3.5.1.2 Only those uses that are enumerated as Special Uses in a zoning district, as set forth in the Use Matrix (§ 4.6, Table 4.6-1 of this Ordinance), shall be authorized by the Board of Adjustment.

3.5.2 APPROVAL PROCEDURE

3.5.2.1. No special use permit shall be authorized, developed, or otherwise carried out until the applicant has secured approval of the special use by the Board of Adjustment and approval of a final site plan by the Administrator.

3.5.2.2. Applications for special use permit approvals shall be filed with the Administrator. Pre-application meetings with the Administrator prior to filing are required.

3.5.2.3. Major site plan applications (see Appendix B) shall be filed concurrently with special use permit applications. The information shall be provided to the Board of Adjustment during their deliberations.

3.5.2.4. The Board of Adjustment shall conduct a quasi-judicial hearing in accordance with the requirements of § 3.1.7 of this Ordinance. The Board of Adjustment shall deny the request, approve the request; or approve the request with conditions.

3.5.2.5. The Board of Adjustment may place conditions on the use as part of the approval to

assure that adequate mitigation measures are associated with the use. The conditions shall become a part of the special use permit approval and shall be included in the final site plan application.

3.5.2.6. Violations of any of the conditions shall be treated in the manner as set forth in § 1.6 of this Ordinance.

3.5.2.7. An application for a special use permit that has been denied may be resubmitted only if there has been a substantial change in circumstances, as determined by the Administrator, or if substantial revisions have been made to the application for development approval (see § 3.5.6 for further restrictions on reapplication).

3.5.2.8. Minor field alterations or minor revisions to approved special uses may be approved by the Administrator if the special use still meets the intent of the standards established with the original approval. Minor alteration/revisions shall be limited to changes that do not increase the intensity, density, or character of the use. If the Administrator determines that the change is not minor, the Applicant shall apply for a revised Special Use Permit. The applicant may appeal the decision of the Administrator to the Board of Adjustment.

3.5.3 APPROVAL CRITERIA.

Uses permitted subject to Special Use review shall be permitted only if the applicant demonstrates to the Board of Adjustment that:

3.5.3.1 The use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved,

3.5.3.2 The use meets all required conditions and specifications,

3.5.3.3 The use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity, and

3.5.3.4 The location and character of the use, if developed according to the plan submitted and approved, will be in harmony with the area

in which it is located and in general conformity with all adopted land use plans.

3.5.3.5 The Board may impose additional conditions upon granting the Special Use Permit so long as said conditions are reasonable and appropriate.

3.5.4 ADDITIONAL STUDIES FOR CERTAIN LAND USES.

3.5.4.1 Upon determining that the proposed use will have particular impacts potentially inconsistent with any of the above approval criteria, the County may retain the services of a consultant mutually acceptable to it and the applicant to conduct a study of such impacts as related to the above criteria. The applicant shall pay a fee as part of the special use permit application for the cost of the consulting services incurred by the County, and the report of the study results shall be submitted to and approved by the County prior to issuance of the special use permit.

3.5.4.2 This section 3.5.4 shall apply only to those land uses requiring a Special Use Permit and as listed within the “Industrial and Manufacturing” or “Transportation, Communications and Utilities” land use subcategories as found in the Permitted Use Matrix (§ 4.6, Table 4.6-1 of this Ordinance).

3.5.5 VOTING.

A majority of the members of the Board of Adjustment shall be required to decide on whether or not to grant a Special Use Permit. For the purposes of this subsection, vacant positions on the board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

3.5.6 SCOPE OF APPROVAL.

3.5.6.1 The approval of a Special Use permit shall authorize the applicant to apply for final site plan approval pursuant to § 3.6 of this Ordinance. All approvals of Special Use permits require approval of the site plan. Any Special Use permit approval shall become null and void if a required site plan is not approved within 24 months after the date of the approval.

No Zoning Clearance Permit may be issued until the final major site plan and Special Use permits are approved. Approval of a Special Use permit does not authorize any development activity.

3.5.6.2 Minor field alterations or minor revisions to approved Special Uses may be approved by the Department of Community Development if the Special Use still meets the intent of the standards established with the original approval. Minor alteration/revisions shall be limited to changes that do not increase the intensity, density, or character of the use. If the Department of Community Development determines that the change is not minor, The Applicant shall apply for a revised Special Use Permit. The applicant may appeal the decision of the Department of Community Development to the Board of Adjustment.

3.5.6.3 Violations of any of the conditions shall be treated in the manner as set forth in § 1.6 of this Ordinance.

3.5.7 RECORDATION

The applicant shall obtain certification of the approved Special Use Permit from the Clerk to the Board and shall record this Order in the office of the register of deeds of Lee County. The Applicant must provide the Department of Community Development a copy of the recorded notification, affixed with the Register's seal and the date, book and page number of recording in order to receive approval of the application for a zoning clearance.

3.5.8 SUBSEQUENT APPLICATIONS

In the event that an application for a Special Use Permit is denied by the Board of Adjustment, the Board of Adjustment shall refuse to accept another application for the same amendment on the same property or any portion of the same property within one (1) year of the original hearing. However, the Board of Adjustment may consider such application within that time if relevant evidence that was not reasonably available at the time of the original hearing is presented.

3.6 SITE PLAN REVIEW

3.6.1 PURPOSE.

The site plan review provisions and regulations of this Section are intended to promote the safe, functional, and aesthetically pleasing development of property and to ensure that new structures, utilities, streets, parking, circulation systems, yards, and open spaces are developed in conformance with the standards of this Ordinance. The site plan review considers the siting of structures and related site improvements to promote harmonious relationships with adjacent development.

3.6.2 MAJOR/MINOR SITE PLAN DEFINED.

No application for development approval in the following categories shall be approved unless a site plan has been approved in accordance with the procedures prescribed in this Section.

(a) The following shall require MINOR SITE PLAN approval:

- An application for development approval requesting a non-residential use or any multi-family dwelling unit, which is permitted by right in the applicable zoning district.
- Any application for approval of a use for which a site plan is required pursuant to Article Five of this Ordinance.

(b) The following applications shall require MAJOR SITE PLAN approval:

- Any application for approval of a Planned Unit Development (PUD), Traditional Neighborhood Development (TND), or Transit-Oriented Development (TOD) district.
- An application for approval of a Special Use permit.

(c) The foregoing approvals shall be referred to in this Section as the "Underlying Zoning Application."

3.6.3 EXEMPTIONS.

Detached single-family dwelling units and duplex developments on individual lots of record shall be exempt from the provisions of this section. Detached single-family dwelling units and duplexes on individual lots of record shall be reviewed in accordance with § 3.2.3.

3.6.4 CONFORMITY WITH APPROVED PLAN.

Development activities subject to the requirements of this Section may be carried out only in substantial conformance with the approved site plan and attached any conditions or restrictions. Any substantial deviation from the approved site plan, unless approved in advance and in writing by the Department of Community Development, shall be deemed a violation of this Ordinance. Further, no certificate of compliance shall be issued if the development activities do not conform to the approved site plan

3.6.5 APPROVAL PROCEDURE FOR MINOR SITE PLANS.

Approval of a Minor Site Plan is a one-step process. The Applicant submits a Minor Site Plan for approval by the Department of Community Development and an application for a Zoning Clearance Permit. If the site plan is complete, but does not conform to the provisions of this Ordinance and/or required conditions (if applicable), the Department of Community Development shall deny the site plan and return to applicant for revision and resubmission

3.6.6 APPROVAL PROCEDURE FOR MAJOR SITE PLANS.

3.6.6.1 GENERALLY.

Approval of a Major Site Plan is a two-step process. As the first step, the Applicant submits a Preliminary Site Plan for review by the Department of Community Development, which is accompanied by an application for a Special Use permit, conditional zoning, or a rezoning to a zoning district for which a Major Site Plan is required. As the second step, after the decision-making agency renders its decision on the underlying zoning map amendment

and/or Special Use permit application, the applicant files a final site plan for approval by the Department of Community Development and an application for a Zoning Clearance Permit.

3.6.6.2 PRELIMINARY SITE PLAN.

(a) The Department of Community Development shall determine whether the application for a preliminary site plan is complete as prescribed in Appendix B.

(b) If the preliminary site plan is complete, the Department of Community Development shall forward the application, along with the zoning amendment or Special Use permit application, to the Planning Commission as prescribed in § 3.4, or the Board of Adjustment as prescribed in § 3.5. If the preliminary site plan is incomplete, the Department of Community Development shall return it to the applicant with a statement of the reasons why the proposed preliminary site plan does not conform to the provisions of Appendix B.

3.6.6.1 FINAL SITE PLAN.

After a final decision to approve, or approve with conditions the zoning map amendment or Special Use permit application and preliminary site plan, , the applicant may file an application for Final Site Plan approval. The final site plan shall be prepared and submitted to the Department of Community Development in the same manner as set forth in § 3.6.5, above.

3.6.7 FINAL INSPECTION.

The Department of Community Development shall inspect the site for compliance with the approved site plan before a Zoning Clearance Permit is issued for the project. The Department of Community Development will write a letter to the applicant stating any deficiencies.

3.6.8 SCOPE.

3.6.8.1 The Department of Community Development will sign and date the site plan to indicate approval. Approval shall become effective immediately.

3.6.8.2 The owner of a use or property subject to the site plan will be notified if site plan approval must be suspended. Suspension is caused by 1.) violation of any applicable provision of this section, or 2.) failure to comply with any applicable required conditions.

3.6.8.3 If ownership changes of the site plan or structure in question, the site plan approval remains valid.

(h) REGISTER OF DEEDS CERTIFICATE

NORTH CAROLINA, LEE COUNTY

Presented for Registration on the _____ day of _____ 20(05) at _____ and
Recorded in Plat Cabinet _____, Slide _____.

Mollie A. McInnis
Register of Deeds

B-5 SITE PLANS (Conditional Rezoning /Special Use Permits).

The application for a Major Site Plan shall include the following information:

- (1) A description of the proposed development including proposed uses and coverage.
- (2) The following data, when such data is applicable to a given development plan:
 - a. Total number of dwelling units, by development phase;
 - b. Residential density and units per acre;
 - c. Total floor area and floor area ratio for each type of use;
 - d. Total area in open space;
 - e. Total area in developed recreational open space; and
 - f. Total number of off-street parking and loading spaces.
- (3) The location and arrangement of all proposed uses or lots. For uses other than single-family, the massing (height and width) and number of floors of all buildings shall be shown.
- (4) Location for all ground-mounted signs (and lighting).
- (5) Submission of an architectural plan consistent with the provisions of this Appendix B.
- (6) If a phased project, a development phasing schedule including the sequence for each phase; approximate size in area of each phase; and, proposed phasing of construction of public improvements, recreation and common open space areas.
- (7) The approximate location and widths of proposed streets.
- (8) The location of all entrances onto adjacent roadways, whether existing or proposed.
- (9) The traffic and the pedestrian circulation system, including the location and width of all streets, driveways, entrances to parking areas and parking structures, walkways and bicycle paths.
- (10) Off-street parking and loading areas and structures, including the number of spaces; dimensions of spaces and aisles; and landscaping for parking areas. .
- (11) A delineation of environmentally sensitive areas as defined in Appendix A.
- (12) Preliminary proposals for connection with existing water supply and sanitary sewage systems, or alternative means of providing water supply and sanitary waste treatment and disposal; preliminary provisions for collecting and discharging surface water drainage.
- (13) The location of existing public utility easements, railroads, power lines, culverts, drain pipes, drainage channels, flood channels, water bodies, streams, swaps, parks, cemeteries, bridges, or irrigation ditches.
- (14) Location of proposed water and sewer lines.
- (15) If applicable, location of existing vegetative cover to be retained.
- (16) If applicable, the proposed treatment of the perimeter of the development, including materials and techniques used, such as landscaped buffers, fences, berms or walls.
- (17) If applicable, the location, acreage, category and type of improvements for passive and active (if required) open space.
- (18) If applicable, location of solid waste containers including proposed design provisions for screening.
- (19) Location and size in acres of school sites (if planned).
- (20) Grading plan consistent with the requirements of this Appendix B.

- (21) A detailed exterior lighting plan.
- (22) Number of copies to be submitted shall be specified on the application, as it may vary subject to the approving board(s) that may review plan.

B-6 LANDSCAPING PLAN (as required).

If applicable, a Landscaping Plan shall include the following information:

- (1) A general landscaping delineation indicating the treatment of materials used for open space, landscaped buffers and common ownership (Minimum scale of 1" = 40').
- (2) Planting areas drawn to scale with a list of the botanical and common names, number, and size of all plants designated for each area.
- (3) Location, name, and size of all existing trees, shrubs, groundcover and other plant materials that are to be incorporated as part of the landscape plan consistent with the Tree Preservation Regulations (§ 9.3 of this Ordinance).
- (4) Location and width of landscaped buffer strips, including height of berms.
- (5) Location and sizes of irrigation facilities adequate to maintain the planting areas. (Use of automatic watering systems is encouraged). The provisions of this subsection shall not apply to landscaped areas using xeriscape plantings.

B-7 GRADING PLAN (as required).

If applicable, a Grading Plan shall include the following information:

- (1) The plan shall have a minimum scale at 1" = 40' with 2' contour intervals based on the USGS quadrangle maps or a field survey.
- (2) The plan may be on the same or on a separate plan sheet from the site plan and shall consist of one or more plan sheets showing:
 - a. topographic information showing existing features and conditions, including floodplains, waterways, vegetation, trees, and slopes exceeding fifteen percent (15%) and proposed clearing and grading; and
 - b. the extent, location, and type of proposed fill materials.
 - c. proposed cuts and fills required by the location of all building structures and streets and roads.
 - d. the location and type of erosion control measures required by the North Carolina Sedimentation Control Commission.
- (3) The plan shall show the degree to which the proposed development will preserve existing features on the site. This shall include features such as healthy desirable trees, shrubs and other vegetation, waterways, vistas, and historic sites.
- (4) The Grading Plan may also include information as required for a Flood Prevention Plan (see below).

B-8 ARCHITECTURAL PLANS (as required).

(a) APPLICABILITY

This Section applies to any application for site plan approval. This Section shall not apply to any application for approval of a Building Permit.

(b) CONTENTS

The architectural plans shall depict architectural details of the proposed development and shall include the following information:

- (1) Preliminary renderings of building elevations plus typical cross sections to clearly define the character of the project;
- (2) A cross-section elevation plan depicting all buildings, structures, monuments, and other significant natural and man-made features of the proposed development;
- (3) An exterior building materials inventory; and
- (4) any covenant or dedication establishing an architectural review board.

B-9 FLOOD HAZARD DEVELOPMENT PERMIT (See: § 13.1)

(a) GENERALLY

The floodlands development permit shall include three (3) sets of plans drawn to scale showing:

- (1) The nature, location, dimensions and elevations of the area in question;
- (2) The boundaries of the Base Floodplain;
- (3) the existing or proposed structures; and
- (4) the location of fill, materials storage areas and drainage facilities.

(b) SPECIFIC INFORMATION

Specifically, the following information is required:

- (1) Where base flood elevation data is provided in accordance with Article 13 of this Ordinance, the application for a development permit within Zone A on the flood insurance rate map shall show:
 - a. The elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures; and
 - b. If the structure has been floodproofed in accordance with Article 13 of this Ordinance, the elevation (in relation to mean sea level) to which the structure was floodproofed.
- (2) Where the base flood elevation data is not provided, the application for a development permit must show construction of the lowest floor at least two (2) feet above the highest adjacent grade.
- (3) Where any watercourse will be altered or relocated as a result of proposed Development, the application for a floodlands development permit shall include:
 - a. A description of the extent of watercourse alteration or relocation;
 - b. An engineering report on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to the properties located both upstream and downstream; and
 - c. A map showing the location of the proposed watercourse alteration or relocation.
- (4) When a structure is floodproofed, the applicant shall provide a certificate from a registered professional engineer or architect that the nonresidential floodproofed structures meet the floodproofing criteria in Article 13 of this Ordinance.
- (5) A floor elevation or floodproofing certification is required after the lowest floor is completed. Within twenty-one (21) calendar days of establishment of the lowest floor elevation, or floodproofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the local Department of Community Development a certification of the elevation of the lowest floor, or floodproofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct

Sanford/Lee County

Planning and Development
P.O. Box 3729, Sanford, NC 27331-3729

April 1, 2021

Dear Adjacent Property Owner:

The Zoning Ordinance of Sanford, North Carolina requires that adjacent property owners be notified when a Variance request has been scheduled for a public hearing before the City of Sanford Board of Adjustment.

CITY OF SANFORD PUBLIC NOTICE

Notice is hereby given that the City of Sanford Board of Adjustment will conduct a public hearing on Tuesday, April 13, 2020 in the Council Chambers of the Sanford Municipal Center at 225 E Weatherspoon Street, Sanford, NC. The public hearing will begin at 6:00p.m. or as soon thereafter as deemed practical by the Board. The Variance application is described below:

1. SPECIAL USE PERMIT APPLICATION

Application by Taquita Reid to obtain a Special Use Permit for the conversion of an existing single-family dwelling at 531 Cox Maddox Road into a day care facility/child care center. The site is located within the jurisdiction of the City of Sanford and is zoned Residential Single-family (R-20). Per the Unified Development Ordinance, Article 4 Zoning District Regulations, Section 4.6 Use Regulations, Table 4.6-1 Permitted Use Matrix, a "Day Care Facility/Child Care Center" is permitted in the Residential Single-family (R-20) zoning district upon issuance of a Special Use Permit, subject to supplemental development standards of the UDO. The property is depicted on Lee County Tax Map 9661.02 as Tax Parcel 9661-56-5544-00 Lee County Land Records and is labeled as Lot 1 on a subdivision plat labeled "Final Plat Carr Crest", recorded at the Lee County Register of Deeds Office in Plat Cabinet 8, Slide 34G.

The public is cordially invited to attend this quasi-judicial hearing. Due process requirements for quasi-judicial decisions mandate that certain standards be observed when these decisions are made. This includes the right of parties for or against the proposal to offer evidence, have sworn testimony, and have findings of fact supported by competent, substantial and material evidence.

All interested parties have the right to be represented by an attorney. Further information may be obtained by contacting Amy J. McNeill, Zoning Administrator for the Sanford/Lee County Zoning & Design Review Department, 115 Chatham Street, Sanford, NC 27330 at 919-718-4656, Ext. 5397 or amy.mcneill@sanfordnc.net during regular business hours, Monday-Friday from 8:00am to 5:00pm. Upon request and with 24-hour notice, the City will provide an interpreter for the hearing impaired or any other auxiliary aid.

Cualquier ciudadano que tenga preguntas o comentarios de las cosas al referido, puede comunicarse a el departamento de desarrollo para Sanford/Condado de Lee, llame al (919) 718-4656.

Thank you.

By Bonnie Davis, City Clerk

SUBMIT QUESTIONS OR CONCERNS REGARDING THIS MATTER TO:

Amy J. McNeill, Zoning Administrator
Sanford/Lee County Zoning & Design Review Dept.
115 Chatham Street, Suite 1, Sanford, NC 27330
919-718-4656, Ext. 5397 or amy.mcneill@sanfordnc.net

ADJOINING PROPERTY OWNERS LIST

PETITION BY: Taquita Reid
 REQUEST: Special Use Permit for a Day Care Facility
 LOCATION: 531 Cox Maddox Road, Sanford, NC 27332
 PIN: 9661-56-5544-00
 DATE: 2021-03-30

No.	PIN	PROPERTY ADDRESS	LOT SIZE	OWNER 1	OWNER 2	MAIL #	MAIL STREET	MAIL CITY	STATE	ZIP
01	9661-56-4608-00	533 COX MADDOX RD	1.66	HERNANDEZ-CORDOVA, FIDEL A	HERNANDEZ-CORDOVA, FIDEL A	533	COX MADDOX RD	SANFORD	NC	27332
02	9661-66-4489-00	2701 CARVER DR	9.02	JOHNSON, DAVID R	-	-	PO BOX 922	BROADWAY	NC	27505
03	9661-66-0701-00	545 COX MADDOX RD	2.64	SWANN, MARILYN	-	-	545 COX MADDOX RD	SANFORD	NC	27332
04	9661-56-7416-00	0 COX MADDOX RD	0.45	RUSH, TRAVIS	-	4200	DINWIDDIE CT	RALEIGH	NC	27604
05	9661-56-6531-00 Note: 7461 and 6531 appear to be used as one lot with a house.	537 COX MADDOX RD	0.45	RUSH, TRAVIS	-	4200	DINWIDDIE CT	RALEIGH	NC	27604
06	9661-56-5245-00	534 COX MADDOX RD	2.32	JOHNSON, JIMMY (ESTATE)	JOHNSON, GENNIS MCIVER	268	MIDDLEWOOD RD	CAMERON	NC	28326
07	APPLICANT & PROPERTY OWNER	531 COX MADDOX RD	0.48	REID, TAQUITA	-	531	COX MADDOX RD	SANFORD	NC	27332

0 Property Address number = Vacant, no addressed structures on the parcel

ADJACENT PROPERTY OWNERS NOTIFICATION CERTIFICATION

I, Amy J. McNeill, hereby certify that the property owners and adjacent property owners of the following rezoning petitions, as indicated on the Lee County Tax Maps, were notified by First Class U.S. Mail on Thursday, April 1, 2021.

1. SPECIAL USE PERMIT APPLICATION

Application by Taquita Reid to obtain a Special Use Permit for the conversion of an existing single-family dwelling at 531 Cox Maddox Road into a day care facility/child care center. The site is located within the jurisdiction of the City of Sanford and is zoned Residential Single-family (R-20). Per the Unified Development Ordinance, Article 4 Zoning District Regulations, Section 4.6 Use Regulations, Table 4.6-1 Permitted Use Matrix, a "Day Care Facility/Child Care Center" is permitted in the Residential Single-family (R-20) zoning district upon issuance of a Special Use Permit, subject to supplemental development standards of the UDO. The property is depicted on Lee County Tax Map 9661.02 as Tax Parcel 9661-56-5544-00 Lee County Land Records and is labeled as Lot 1 on a subdivision plat labeled "Final Plat Carr Crest", recorded at the Lee County Register of Deeds Office in Plat Cabinet 8, Slide 34G.

Signature: AMY J. MCNEILL Date: 2021.04.05

Title: ZONING ADMINISTRATOR

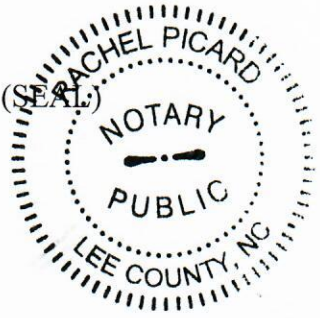
Lee County, North Carolina

I, Rachel Picard, a Notary Public for Lee County and State of North Carolina do hereby certify that Amy J. McNeill personally appeared before me on this day and acknowledged the due execution of the foregoing Instrument. Witness my hand and official seal, this the 5th day of April, 2021.

Rachel Picard

Notary Public Signature

My Commission expires Oct. 20, 2024



CITY OF SANFORD PUBLIC NOTICE

Notice is hereby given that the City of Sanford Board of Adjustment will conduct a public hearing on Tuesday, April 13, 2021 in the Council Chambers of the Sanford Municipal Center at 225 E. Weatherspoon Street, Sanford, N.C. The public hearing will begin at 6:00p.m. or as soon thereafter as deemed practical by the Board. The Special Use Permit application is described below:

1. Application by Taquita Reid to obtain a Special Use Permit for the conversion of an existing single-family dwelling at 531 Cox Maddox Road into a day care facility/child care center. The site is located within the jurisdiction of the City of Sanford and is zoned Residential Single-family (R-20). Per the Unified Development Ordinance, Article 4 Zoning District Regulations, Section 4.6 Use Regulations, Table 4.6-1 Permitted Use Matrix, a “Day Care Facility/Child Care Center” is permitted in the Residential Single-family (R-20) zoning district upon issuance of a Special Use Permit, subject to supplemental development standards of the UDO. The property is depicted on Lee County Tax Map 9661.02 as Tax Parcel 9661-56-5544-00 Lee County Land Records and is labeled as Lot 1 on a subdivision plat labeled “Final Plat Carr Crest”, recorded at the Lee County Register of Deeds Office in Plat Cabinet 8, Slide 34G.

The public is cordially invited to attend this quasi-judicial hearing. Due process requirements for quasi-judicial decisions mandate that certain standards be observed when these decisions are made. This includes the right of parties for or against the proposal to offer evidence, have sworn testimony, and have findings of fact supported by competent, substantial and material evidence.

All interested parties have the right to be represented by an attorney. Further information may be obtained by contacting Amy J. McNeill, Zoning Administrator for the Sanford/Lee County Zoning & Design Review Department, 115 Chatham Street, Sanford, NC 27330 at 919-718-4656, Ext. 5397 or amy.mcneill@sanfordnc.net during regular business hours, Monday-Friday from 8:00am to 5:00pm. Upon request and with 24-hour notice, the City will provide an interpreter for the hearing impaired or any other auxiliary aid. If attending the meeting, please access the building via the main entrance from the large public parking area at the rear of the building.

Cualquier ciudadano que tenga preguntas o comentarios de las cosas al referido, puede comunicarse a el departamento de desarrollo para Sanford/Condado de Lee, llame al (919) 718-4656.

Please publish in the Legal Notices Section of the Sanford Herald on Friday, April 2, 2021 and Friday, April 9, 2021. If you have any questions regarding this notice, please call Amy J. McNeill at 718-4656, ext. 5397. Charge to Account 30031885 and refer to as Sanford Board of Adjustment Notice.

Please send publisher's affidavit to the Sanford/Lee County Community Development Dept., P.O. Box 3729, Sanford, NC, and attention: Angela Baker. Thank you.

Board of Adjustment Special Use Hearing Procedures

1. PRELIMINARY MATTERS

- 1) Note for the record the presence of a quorum.
- 2) Chairman calls the meeting to order.
- 3) Approval of agenda. (Board members may add or delete items upon a majority vote.)
- 4) Approval of minutes of previous meeting.
- 5) Disclosure of conflict of interest and ex-parte communication by Board Members.

Conflict of Interest (Defined under new law) - A member of the board or any other body exercising quasi-judicial functions pursuant to this Ordinance shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

- 6) Old Business.
- 7) New Business.

2. SPECIAL USE HEARING

- 1) Chairman to announce the case:

“We will now hold a public hearing to consider the next matter on the agenda, which is the application of: Mr. /Mrs. XXXXXXXXX, seeking a Special Use permit for
“ _____.”

- 2) Chairman to read statement:

A Special Use hearing is a quasi-judicial hearing which means that all parties have the right to offer evidence, cross-examine adverse witnesses, inspect documents, have sworn testimony, have the decision based only on evidence that is properly in the hearing record, and have written findings of fact supported by competent, substantial and material evidence.

Since this is a quasi-judicial hearing, it is improper for a member of the Board of Adjustment to discuss this case or to independently gather evidence outside of this hearing.

3) Chairman then ask:

Does any board member have a conflict that they need to disclose?

4) Chairman then states:

Those wishing to testify must be sworn; however, anyone in attendance may ask questions of the person testifying.

5) Chairman then ask the following questions:

A. Are the applicant(s) Mr. /Mrs. _____ present?

B. Are you ready to proceed?

C. Are you represented by counsel?

6) Chairman calls for all witnesses who will testify in favor of the application to come forward to be sworn.

7) Chairman then calls for all witnesses who will testify in opposition to the petition to come forward and be sworn.

8) Chairman then call on the applicant or his counsel to present their case *in favor* of granting the Special Use Permit.

The PROCEDURE with applicant will be as follows:

A) Applicant/counsel testifies

B) Those in opposition cross-examine the applicant/counsel

C) Questions from the Board of Adjustment

D) Redirect examination of applicant/counsel

E) Re-cross examination of applicant/counsel by those in opposition

F) Further questions by Board of Adjustment

G) Questions by public (Must give name and address for the record)

9) Chairman then call on witnesses *in favor* of application to speak, and observe the same procedure as noted above.

10) After the applicant has completed presenting his/her case, Chairman then call upon those *in opposition* to the application to present their witnesses.

The PROCEDURE with witnesses will be as follows:

- A) Witness/counsel in opposition testifies

 - B) Applicant or his counsel cross-examines witness in opposition

 - C) Questions from the Board of Adjustment

 - D) Redirect examination by witness in opposition

 - E) Re-cross examination of witness in opposition by applicant

 - F) Further questions by Board of Adjustment

 - G) Questions by public (Must give name and address for the record)
- 11) Chairman to call the next and each succeeding witness in opposition to speak, and observe the same procedure as noted above)
- 12) After all witnesses for the applicant and those that are in opposition have testified, call upon the applicant to present whatever evidence he/she has in rebuttal. (Note: This is not an invitation to rehash everything the applicant/counsel or those in opposition has gone over in their direct testimony, but is the opportunity to present new evidence that the applicant/council or those in opposition has in rebuttal to what the other has stated.)

The REBUTTAL process:

- A) Applicant/counsel can present any new evidence they have for rebuttal.

 - B) After the applicant/counsel rebuttal has been presented, then the opponents have the opportunity to present any new evidence in rebuttal.
- 13) This would complete the hearing of evidence in the matter unless either party should ask for a chance to present further evidence. This would be a matter within the discretion of the Board.
- 14) Chairman to call on the applicant/counsel to present their summation or argument to the Board in favor of granting the Special Use Permit.
- 15) Chairman to call on those in opposition to present their summation or argument to the Board as to why the Special Use Permit should be denied.

Finally, after all evidence and the rebuttals have been presented,

- 16) The Chairman should summarize the evidence. (The secretary should write this summary down for inclusion in the minutes.)

- 17) The Chairman should tell the parties that the summary is intended to be the record of what has been presented and that they may offer any objections, corrections, or additions that will more accurately present their case.

This concludes the hearing and the Board shall then deliberate and make a decision.

- 18) The Chairman should state for the Board and those in attendance, that the granting of the Special Use Permit is based upon four findings of fact. Each finding requires a majority vote by the Board to be approved. When voting, the Board must render a decision on *each* of the required findings and *must state a reason for approval or denial of *each* finding of fact. (*The Board members should indicate **for each** required finding the evidence on which the finding was based. On the basis of these findings, a Board member should offer a motion either to grant or deny the Special Use Permit. This motion should be discussed and any suitable conditions appended to it.)

- 19) Chairman should also state that if one of the required finding fail, they all fail.

In granting the Special Use Permit, the Board of Adjustment shall find:

1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved;
2. That the use meets all required conditions and specifications;
3. That the use will not substantially injure the value of the adjoining or abutting property, or that the use is a public necessity; and
4. That the location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Land Use Plan for Sanford and Lee County.

Note: Reasonable and appropriate conditions may be imposed upon these permits.

After the Board's decision has been rendered,

This decision is effective upon filing the written decision with the clerk to the board. This decision shall be subject to review by the superior court. If anyone is dissatisfied with the decision of the Board, an appeal may be taken to the Lee County Superior Court within 30 days after the decision has been filed in the clerk to the board in the Planning Department.