

BROADWAY PLANNING BOARD
REGULAR MEETING
MONDAY, NOVEMBER 25, 2024, 6:00 PM
Broadway Community Center, 111 N. Main Street, Broadway, N.C.

There are no public hearings scheduled for this evening; however, the Planning Board will start their meeting by joining the Commissions for a staff presentation of several proposed UDO text amendments with associated administrative rezonings. The Planning Board will then walk across the shared parking lot to the Community Building to officially convene and ask staff questions, etc. If/when the proposed text amendments and administrative rezonings move forward in Broadway, a future joint public hearing will be scheduled.

CALL TO ORDER – 6:00 PM (*Planning Board to join the Commissioners at the Town Hall*)

Introduction by Chairman: The Broadway Planning Board is an advisory council on matters relating to land development and long-range planning and provides recommendations to the Broadway Board of Commissioners. There were no joint public hearings this evening; therefore, no recommendations will be made. This meeting is to allow staff to present information only and no official actions will be taken. If/when the proposed text amendments and administrative rezonings move forward in Broadway, a future joint public hearing will be scheduled.

- A. APPROVAL OF AGENDA**
- B. APPROVAL OF MINUTES** – *July 22, 2024*
- C. OLD BUSINESS** - *None*
- D. NEW BUSINESS** – *Presentation of information only, no public hearings at this meeting*
 - 1. Staff presentation of proposed text amendments to the Unified Development Ordinance to amend the following:
 - Article 4 (Zoning District Regulations)
 - Article 5.49 and 5.50 (Duplexes and Townhouses Only)
 - Article 6 (Subdivision Regulations)
 - Article 9.2 (Storm Water Management)
 - Article 10.4 (Accessory Dwellings Units Only)

The recommended amendments to the UDO are available for viewing at <https://www.sanfordnc.net/770/Proposed-UDO-Amendments>.

No attachments for this item.

Staff presenter: David Montgomery, 919-718-4657, ext. 5392

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

**MINUTES OF THE REGULAR MEETING OF THE
TOWN OF BROADWAY PLANNING BOARD
BROADWAY, NORTH CAROLINA**

The Broadway Planning Board met with the Broadway Board of Commissioners at 6:00 P.M. on Monday, July 22, 2024, for a joint public hearing in the Broadway Town Hall at 103 N. Main Street, Broadway, N.C., 27505. At 6:37 P.M., the Planning Board recessed to the Broadway Community Center at 111 N. Main Street to conduct its regular meeting.

ROLL CALL

Members Present: Tammie Adcock
Wilson Cox, Chair
Betsy Kelly
Donnie Mize
Justin Rosser, Vice-Chair
Paul Thomas
Shannon Siegfried

Members Absent: None

Staff Present: Paulette Harmon, Clerk to the Board
Amy McNeill, Senior Planner
Thomas Mierisch, Zoning Administrator

MEETING CALLED TO ORDER

Having noted the presence of a quorum, Chair Cox called the meeting to order and read the Introduction by Chair statement on the agenda cover.

Chair Cox then asked for a moment of silence in honor of Sue Tipton, a board member for many years, who passed away last week.

APPROVAL/DISAPPROVAL OF AGENDA

Chair Cox called for a motion to approve the agenda. Vice-Chair Rosser motioned to approve the agenda, seconded by Board member Thomas and carried unanimously.

REORGANIZATION OF BOARD

Board member Thomas motioned to nominate Wilson Cox to continue to serve as Chair. Vice-Chair Rosser seconded the nomination. The vote was unanimous, and Wilson Cox was elected, by acclamation, to serve as Chair.

Board member Thomas motioned to nominate Justin Rosser to continue to serve as Vice-Chair. Board member Kelly seconded the nomination. The vote was unanimous, and Justin Rosser was elected, by acclamation, to serve as Vice-Chair.

APPROVAL OF MINUTES

Chair Cox entertained a motion to approve the November 27, 2023 meeting minutes. Vice-Chair Rosser motioned to approve the minutes, seconded by board member Siegfried, and carried unanimously.

DISCLOSURE OF CONFLICTS OF INTEREST

Chair Cox asked each board member to disclose any conflicts of interest in the matters to be considered by the Board this evening. There were none.

OLD BUSINESS

None.

NEW BUSINESS

1. UDO TEXT AMENDMENT, CASE 2024-0701

Consideration of a text amendment to the Unified Development Ordinance to amend Article 6 Subdivision, 6.3 Major Subdivisions, 6.3.3 Preliminary Plat to revise the period of time that a preliminary major subdivision plat shall be valid after approval from two (2) years to five (5) years to allow the applicant more time to secure other required approvals, financing, and commitments from developers/home builders prior to recording the final plat and legally creating the new lots.

DISCUSSION

Chair Cox opened the floor for discussion after an overview of the UDO text amendment and the information provided at the public hearing.

Chair Cox asked staff to verify the amount of time plat extensions were approved in Sanford and Lee County. Staff member McNeill replied that Sanford approved to extend the approval time period for preliminary plats from two to five years. Lee County approved to extend the approval time period for preliminary plats from two to three years.

Vice-Chair Rosser stated that the Broadway should extend plat approval to five years because the town faces challenges with the public water and sewer systems. If the boards did approve a new proposed development in Broadway, it may take longer than two years to get things in place needed to record the plat. The additional time would allow the developer to complete the process correctly.

Board member Adcock stated that her concern with five years is that the developer will drag the project out. Three years seems more appropriate since Broadway is more the County than the City.

Board member Thomas asked staff what would happen if the policy remains as is with a two-year approval. Staff member Mierisch replied that the plat would expire, and if the project had not begun, then the developer would have to start the process over. If the project has begun, the developer would have to request an extension in writing, and the request would go before the planning board and the governing board to seek approval for the extension.

Board member Siegfried stated that five years seems like a long time and two years seems too short.

Board member Thomas asked staff what constitutes phase one of a project. Staff member Mierisch replied that when the board approves a subdivision, they approve the entire development, whether 50 houses or 500 houses. The boards approve the preliminary plat, which illustrates all of the subdivision, from beginning to end with phase lines proposed. Once the developer gets the preliminary plat approval, the clock starts. The date of approval starts the clock. The developer has to record the first phase within the time period established by the preliminary plat approval or it expires and he has to start over. The first phase could theoretically be two lots if the developer wanted, but typically, it is a subsection of the development. For example, if it is a 100-lot subdivision, a developer may record 30 lots for phase one, 30 lots for phase two, and then 40 lots for phase three.

The reality of development is that when a developer goes out and starts turning dirt, then realizes there is a lot of rock or other mitigating factor, the developer may need to shift a road or lose a couple of lots, causing the end result to be slightly different. The final plat may be different than the preliminary plat, it just depends on the lay of the land. The developer may come across a graveyard and have to stop due to state statutes that govern that. There are provisions in the UDO for staff-level discretion that allow the design to be altered to accommodate the reality of development, as long as the design is substantially the same. Otherwise, the boards would be bogged down with this kind of issues that often arise with development.

Board member Thomas asked about Willowbrook Farms subdivision, a partially constructed subdivision for which the board recently approved the preliminary plat. Staff member Mierisch stated that the original developer, Mr. Donnie Simpson, built the first two phases mainly around the perimeter of Longstreet Road many years ago and then stopped. There were existing roads and some utilities installed, but the third phase was never built. Last year, Mr. Tony Toro with Lamco Homes, bought the unfinished portion of the subdivision and presented a major subdivision preliminary plat to the boards for approval because the plat approval had expired.

Vice-Chair Rosser stated the subdivision projects like this take time. For example, the board voted on the subdivision proposed on the property of Tim Patterson’s place over a year ago and still nothing has been done with the property. In this case, it is my understanding that the developer passed away. My point is, things of this nature take time.

Board member Thomas stated that he believes the extension of the plat approval time period is just a formality and that the board should follow the County and approve it for two years.

Chair Cox noted that the situation in Seminole with the Patterson property and higher interest rates is an excellent example of why five years is not too long.

DECISION

With no further discussion, Chair Cox opened the floor for a motion to recommend that the Commissioners approve or deny this UDO text amendment.

Board member Thomas motioned to recommend that the Commissioners approve the UDO text amendment to revise the period that a preliminary major subdivision plat shall be valid after approval from two to three years. Board member Adcock seconded the motion, and it carried unanimously.

2. UDO TEXT AMENDMENT; CASE 2024-0702

Consideration of a text amendment to the Unified Development Ordinance to amend Article 2 Administrative Agencies, Section 2.3.2 Powers and Duties and Article 6 Subdivision, 6.3 Major Subdivisions, 6.3.3 Preliminary Plat to revise the approval process for a preliminary major subdivision plat so that it requires staff level approval only, as opposed to Planning Board & Governing Board level approval as currently required.

DISCUSSION

Chair Cox opened the floor for discussion after an overview of the UDO text amendment and the information provided at the public hearing.

Staff member McNeill provided a brief summation of the proposed text amendment to get the discussion started.

Vice-Chair Rosser asked Staff member if the public could still make public comments at the Commissioners' meetings. Ms. McNeill replied that yes, the public may sign up to speak during the public comment period that is mandated by State law. The public may speak on any topic.

What is being proposed is that if a new preliminary major subdivision plat meets all the technical requirements of the UDO, that it would no longer come before the Planning Board or Commissioners for approval. The Technical Review Committee (TRC) would review and approve the plat.

Board member Thomas asked staff about a past proposed development in which a developer proposed approximately 50 houses on Main Street and the rezoning request was denied. Ms. McNeill replied that the rezoning process would not change and that all rezoning requests must have a public hearing and come before the Planning Board and Commissioners for approval per State law. Therefore, if a developer proposes a project with a higher density than the current

zoning allows, as in the case with the Main Street project, the boards will still consider the rezoning request associated with the subdivision and may approve or deny it.

Staff member Mierisch added that if the board is concerned about higher-density growth like the proposed development on Main Street, the developer would request a rezoning, which would kick in the public hearing requirements where it would be brought before the Planning Board and the Governing Board.

Vice-Chair Rosser asked if Broadway had any representation on the Technical Review Committee (TRC). Staff member Mierisch replied that Mayor Andrews and Mr. Godfrey (Town Manager) always get the TRC agenda and if there is a project within the jurisdiction of Broadway, they always receive an invite to attend the virtual meeting. Both Mayor Andrews and Mr. Godfrey represent the Town of Broadway.

DECISION

With no further discussion, Chair Cox opened the floor for a motion to recommend that the Commissioners approve or deny this UDO text amendment.

Vice-Chair Rosser motioned the board to approve the UDO text amendment to revise the approval process for a preliminary major subdivision plat so that it requires staff level approval with the TRC only, as opposed to Planning Board and Commissioner’s approval as currently required

Board member Mize seconded the motion, which carried six to seven with one opposed.

3.UDO TEXT AMENDMENT; CASE 2024-0703

Consideration of a UDO Text Amendment to Allow Internally Illuminated and Changeable Copy Signage for Nonresidential Uses Permitted by Right With No Supplemental Development Regulations in Residential Zoning Districts.

DISCUSSION

Chair Cox opened the floor for discussion after an overview of the UDO text amendment and the information provided at the public hearing.

Staff member McNeill provided a brief summation of the proposed text amendment to get the discussion started.

Rosser stated that he likes the City of Sanford's standards because houses in Broadway may be are closer together than in the County. Board member Adcock indicated that the staff did a lot of thorough research.

Vice-Chair Rosser asked about the eight-second requirement in the standards. Staff member

McNeill stated this was to ensure the sign was not animated, which was a big concern. The Sanford Planning Board members were afraid this type of sign would distract drivers.

DECISION

With no further discussion, Chair Cox opened the floor for a motion to recommend that the Commissioners approve or deny this UDO text amendment.

Vice-Chair Rosser made a motion that the Commissioners approve the UDO text amendment. Board member Siegfried seconded the motion, and it carried unanimously.

OTHER BUSINESS

Staff member McNeill informed the board of the upcoming Planning Board Training Session on October 15, 2024 and distributed a flyer that they can post on their refrigerator or other location to serve as a reminder.

ADJOURNMENT

With no further business to come before the board, Chair Cox requested a motion to adjourn. Vice-Chair Rosser motioned to adjourn, seconded by member Thomas, and it carried unanimously at 7:15 pm.

Adopted this _____ day of _____, 2024.

BY: _____
Wilson Cox, Chair

ATTEST: _____
Paulette Harmon, Clerk to the Board