

# **BROADWAY PLANNING BOARD**

## **REGULAR MEETING**

### **Monday, August 25, 2025, 6:00 PM**

### **Broadway Community Center, 111 N. Main Street, Broadway, N.C.**

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*The Planning Board will attend the joint public hearing with the Broadway Board of Commissioners held in the Broadway Town Hall at 103 N. Main Street beginning at 6:00 PM and then walk across the shared parking lot to the Community Building to officially convene and make a recommendation on the item on the agenda.*

**CALL TO ORDER – 6:00 PM** *(or after the public hearing has been held with the Commissioners)*

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. All information relevant to each case should have been presented during the public hearing. The Planning Board may ask for clarification of information received during the public hearing, but may not receive new information. Recommendations made this evening will be presented to the Broadway Board of Commissioners for consideration on September 22, 2025 and action may or may not be taken at that time per the discretion of the Commissioners.

- A. APPROVAL OF AGENDA**
- B. REORGANIZATION OF BOARD** – *Election of a Chair and Vice-Chair*
- C. APPROVAL OF MINUTES** – *None*
- D. DISCLOSURE OF CONFLICT OF INTEREST**
- E. OLD BUSINESS** - *None*
- F. NEW BUSINESS**

**PUBLIC HEARING WITH THE COMMISSIONERS TO CONSIDER THE FOLLOWING ITEM:**

**1. ZONING TEXT AMENDMENT: CASE 2025-0801:**

Consideration of a text amendment to the Unified Development Ordinance, §5.17 Hotel, Motel, and Tourist Court supplemental development standards to add the following language to §5.17.2.2: “except if the adjacent property is both vacant and larger than 20 acres in area, in which a minimum of 20 feet separation shall be required between the property line and all parking areas. In such cases, the minimum separation between the property line and hotel/motel buildings shall remain 50 feet.”

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

*This is general information provided by the Lee County Attorney for inclusion in the Lee County Planning Board agenda packet as a reference for board members as of 2022-04-18. Staff has added this information to the agenda packets for the Planning Board and Board of Adjustment for Sanford and Broadway also.*

## **Conflict of Interest Policy Related to Land Use Decisions**

Pursuant to North Carolina General Statutes 160D-1-9, the following conflict of interest policies will apply to all land use decisions coming before staff, appointed boards or the governing boards as follows:

### **For Governing Board Members – Broadway Town Commissioners**

A Sanford City Council member shall not vote on any legislative decision regarding a development regulation adopted pursuant to Chapter 160D, where the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A Council member shall also not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business or other associational relationship.

### **For Appointed Board Members – Town of Broadway Planning Board & Board of Adjustment**

Members of the appointed boards shall not vote on any advisory or legislative decision regarding a development regulation where the outcome of the matter being considered is reasonably likely to have a direct, substantial and readily identifiable financial impact on the member. Further, an appointed board member shall not vote on any zoning amendment of the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship. A close familial relationship means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.

For members of any board exercising quasi-judicial functions, the member 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 violations of due process 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.

### **For Administrative Staff – Sanford/Lee County Community Development Department Staff**

No staff member shall make a final decision on an administrative decision if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. A close familial relationship means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships. If a staff member has a conflict of interest, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the development regulation or other ordinance.

No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under the UDO unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with a local government to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the local government, as determined by the local government.



## MEMORANDUM

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**TO:** Town of Broadway Board of Commissioners  
Town of Broadway Planning Board  
John Godfrey, Town Manager

**FROM:** Thomas Mierisch, Zoning Administrator

**DATE:** August 25, 2025

**REF:** Consideration of a UDO Text Amendment to Amend Article 5 Supplemental Development Regulations, Section 5.17 Hotels, Motels, and Tourist Courts Supplemental Development Standards

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Mr. Nil Ghosh has submitted an Application for a Zoning Text Amendment requesting additional language be included to the Unified Development Ordinance's supplemental development standards relating to Hotels, Motels, and Tourist Courts.

On July 15<sup>th</sup>, 2025, a public hearing was held jointly between the City of Sanford Planning Board and City Council. The Planning Board recommended in favor of the text amendment by a unanimous vote. On August 5<sup>th</sup>, 2025, the Sanford City Council met and voted unanimously to approve the text amendment as proposed.

The current language requires a 50-foot minimum distance between all "hotel and motel buildings and parking" and any "property in a Residential Zoning District."

Mr. Ghosh's proposed language adds a conditional exception to this clause:

*"...except if the adjacent property is both vacant and larger than 20 acres in area, in which case a minimum of 20 feet separation shall be required between the property line and all parking areas. In such cases, the minimum separation between the property line and hotel/motel buildings shall remain 50 feet."*

Mr. Ghosh represents a development firm who wishes to construct a hotel on a 2.5+/- acre parcel currently addressed as 0 NC 87 Hwy S. (ParID: 9661-25-7217-00). The site is located within the corporate limits of the City of Sanford and is zoned General Commercial (C-2). Hotels are permitted within the C-2 zoning district, provided that they comply with the supplemental standards found in §5.17 of the Unified Development Ordinance (UDO), including the 50-foot proximity requirement between residentially-zoned property and new hotels.

The subject property abuts two residentially-zoned properties:

- a 37 +/-acre parcel, addressed as 3345 NC 87 Hwy S., (ParID: 9661-34-5926-00), which is zoned primarily Suburban Neighborhood (Medium) (SN-9), but with some portion zoned MHP (Mobile Home Park). The parcel is currently undeveloped/vacant.
- a 5.3 +/- acre parcel (ParID: 9661-24-7824-00) zoned Rural Neighborhood with a Mobile Home Park Overlay District (RN-20/MH) developed as Oakwood Mobile Home Park.

Mr. Ghosh's clients are proposing the following language be added to the current UDO standards to allow for their property to be developed with a hotel, while still limiting the impacts that the change in UDO's text will have on other sites.

The text amendment reads as follows, with **red text** indicating the proposed new language:

## 5.17 HOTELS, MOTELS AND TOURIST COURTS

### **5.17.1 APPLICABILITY**

Any building containing six or more guest rooms intended or designed to be used, or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests.

(Source: North Carolina State Building Code, Vol. 1, § 201.3)

### **5.17.2 STANDARDS**

When allowed, all hotels and motels, except hotels or motels in the CBD District, shall be subject to the following additional requirements:

**5.17.2.1** The lot or parcel shall have direct access to a major or minor thoroughfare.

**5.17.2.2** Where the property line of the hotel or motel is adjacent to property in a Residential Zoning District or a residential use, all hotel and motel buildings and parking shall be located at least 50 feet within the property line of the hotel or motel, **except if the adjacent property is both vacant and larger than 20 acres in area, in which case a minimum of 20 feet separation shall be required between the property line and all parking areas. In such cases, the minimum separation between the property line and hotel/motel buildings shall remain 50 feet.**

**5.17.2.3** Any accessory commercial activities such as restaurants and any outdoor recreational activities such as swimming pools shall not be located along the side of the property adjacent to a Residential Zoning District or use.

# SANFORD / LEE COUNTY / BROADWAY

## ZONING TEXT AMENDMENT APPLICATION

115 Chatham Street, Sanford, NC 27330919.718.4656[zoning@sanfordnc.net](mailto:zoning@sanfordnc.net)

Applicable Jurisdiction:

☒ CITY OF SANFORD☐ LEE COUNTY☐ TOWN OF BROADWAYApplicant Name: Nil GhoshApplicant Mailing Address: 700 W Main St | 2nd Floor | Durham, NC 27701Applicant Phone: 919-590-0362Applicant Email: nghosh@morningstarlawgroup.com

Reason(s) for Requesting a Zoning Text Amendment: \_\_\_\_\_

To provide a more sensible boundary buffer in unique situations where a new hotel abuts a  
large tract of vacant land

I request that the City of Sanford / Town of Broadway / Lee County Unified Development Ordinance, Article 5,  
Section 17.2.2 be amended to Where the property line of the hotel or motel is adjacent to  
property in a Residential Zoning District or a residential use, all hotel and motel buildings and parking  
shall be located at least 50 feet within the property line of the hotel or motel, except if the adjacent  
property is both vacant and larger than twenty (20) acres in area, in which case a minimum of 20-foot  
separation shall be required between the property line and all parking areas. In such cases, the  
minimum separation between the property line and hotel/motel buildings shall remain 50 feet.

I hereby acknowledge that the information contained herein is true. 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 a fee of \$300.00 payable to the City of Sanford are submitted to the Department of Community Development.

Nil Ghosh5/27/2025

Applicant (Sign &amp; Print)

Date

**STAFF USE ONLY**Date Received: MAY 28, 2025Fee Paid: YESStaff Signature: Thomas Mierisch

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**5.17.2.3** Any accessory commercial activities such as restaurants and any outdoor recreational activities such as swimming pools shall not be located along the side of the property adjacent to a Residential Zoning District or use.

## TOWN OF BROADWAY PUBLIC NOTICE

Notice is hereby given that the Town of Broadway Board of Commissioners and Planning Board will hold a joint public hearing on Monday, August 25, 2025 at the Broadway Town Hall at 103 N. Main Street, Broadway, N.C. The Boards will consider one (1) text amendment to the to the jointly adopted City of Sanford/Lee County/Town of Broadway Unified Development Ordinance (UDO). The hearing will begin at 6:00 p.m. or as soon thereafter as deemed practical by the Board. The proposed UDO text amendment is described below:

**1. ZONING TEXT AMENDMENT: CASE 2025-0801:**

Consideration of a text amendment to the Unified Development Ordinance, §5.17 Hotel, Motel, and Tourist Court supplemental development standards to add the following language to §5.17.2.2: “except if the adjacent property is both vacant and larger than 20 acres in area, in which a minimum of 20 feet separation shall be required between the property line and all parking areas. In such cases, the minimum separation between the property line and hotel/motel buildings shall remain 50 feet.”

The public is cordially invited to attend. For those wishing to speak during the public hearing, it is required that the speaker sign up prior to the public hearing in the lobby of the Broadway Town Hall; planning staff will be present to facilitate this sign-up requirement. Written comments may be emailed to the Broadway Town Clerk at [Clerk@BroadwayNC.com](mailto:Clerk@BroadwayNC.com) or dropped off at the Broadway Town Hall at 103 N Main Street during normal business hours, Monday-Friday from 8:00am to 5:00pm. Written comments should include the name and physical address of the person who wrote the comments so that this may be entered into the record during the public hearing. Written comments will be accepted until 4:00pm on Monday, August 25<sup>th</sup>. The written comments will be read at the public hearing.

Information regarding this text amendment will be posted on the Town of Broadway website at <http://broadwaync.com>. Should you have any questions, please contact Thomas Mierisch, Zoning Administrator for the Sanford/Lee County Community Department via email at [thomas.mierisch@sanfordnc.net](mailto:thomas.mierisch@sanfordnc.net), via phone at (919) 718-4656, ext. 5396 or during normal business hours at 115 Chatham Street, Suite 1, Sanford, NC 27330. Upon request and with 24-hour notice, the Town will provide an interpreter for the hearing impaired or any other type of 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.

By Renee Saville, Clerk  
Town of Broadway Board of Commissioners

*Please publish the attached Public Notice in the Sanford Herald Classifieds Legal Section on Thursday, August 7, 2025 and on Thursday, August 14, 2025. If you have any questions regarding this notice, please call or email Amy McNeill at [amy.mcneill@sanfordnc.net](mailto:amy.mcneill@sanfordnc.net) or 919-718-4656, ext. 5397.*

*Please reference this account (30031885) on the invoice and refer to as Broadway Planning Board Public Hearing Notice. You may send the publishers affidavit to the Sanford/Lee County Community Development Office, P.O. Box 3729, Sanford, NC 27330, Attention: Angela Baker.*