

Agenda
April 6, 2021

REGULAR MEETING OF TOWN OF COLUMBUS
BOARD OF PLANNING AND ADJUSTMENT

RULES FOR PERSONS ADDRESSING BOARD MEMBERS

1. Each speaker will identify himself or herself by giving his or her **name and place of residence**.
2. Each speaker will be limited to speaking one time on any topic. When you are finished speaking, please step away from the podium and be seated.
3. Each speaker will be limited to **three (3) minutes** and each group's representative will be limited to a **maximum of ten (10) total minutes**. Each group is encouraged to designate a single spokesperson for their group.
4. Each speaker will confine himself or herself to the general question before the Council and avoid irrelevant comments.
5. Each person entering the Council Chamber will wear a mask until they get to their seat.

PUBLIC MEETING
(6:00 PM)

Planning Board

1. Planning Board Call to Order
 2. Roll Call
 3. Approval of the minutes of the March 2, 2021 Regular Planning Board Meeting
 4. Approval of the minutes of the March 15, 2021 Special Called Planning Board Meeting
 5. Consideration of a Request for a Special Use Permit to Locate a Mobile Home at 72 Thorne Avenue
 6. Board Member Comments
 7. Adjourn
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COLUMBUS PLANNING BOARD & BOARD OF ADJUSTMENTS
Minutes of Regular Meeting
Tuesday, March 2, 2021

The Town of Columbus Planning Board and Board of Adjustments met on Tuesday, March 2, 2021 at 6:00 p.m. in the Columbus Town Hall Council Chambers.

Roll Call: Catherine Elliott, Chair
Jimmi Buell
Mark Blanton
Virginia Green
Marshall Watkins
Ernie Kan, Alternate Member

Staff Present: Timothy J. Barth, Town Manager
Daisy Trejo, Customer Service Representative

The meeting was called to order at 6:00 p.m. A roll call was taken, and the chairman acknowledged all present.

Public Comment

There was no public comment.

Consideration of Minutes of the February 2, 2021 Board of Adjustments Minutes and Consideration of Minutes of the February 16, 2021 Planning Board Minutes.

Mrs. Elliott made a motion to approve the February 5, 2021 Board of Adjustment minutes as written. Mr. Watkins seconded, and the motion carried unanimously. Mrs. Elliott made a motion to approve the February 16, 2021 Planning Board minutes as written. Mr. Blanton seconded, and the motion carried unanimously.

Mrs. Elliott called the Board of Adjustments Meeting to order at 6:07 PM.

Consideration of a Request for a Special Use Permit to Locate a Mobile Home at 72 Thorne Avenue Parcel C2-A12

Mrs. Elliott asked if the property owner, Mr. Chavez, is planning to come to the meeting. Mr. Barth stated that Mr. Chavez and the grading contractor are supposed to attend the meeting. Mr. Barth stated that the property falls below the 20% slope requirement for our steep slope ordinance. Mrs. Kan stated that in section 153.2 of the zoning ordinance, you can find information about slopes. Mrs. Kan asked how it would affect the residents that live below the property if the special use permit for the mobile home was approved. Mr. Barth replied that he does not think it will create an additional impervious surface; but the property owners cannot prevent water from going downhill. Mr. Barth stated that the property owners could have the water diverted to the edge of their property.

Mrs. Elliott administered the oath to the property owner's daughter Ana Najera. Mrs. Elliott asked where the mobile home is located and how the grading and draining will work. Mrs. Najera stated they have talked to Chris the gentleman that will be doing the grading work and the placement of the mobile home. Mrs. Najera stated that Chris would be placing the mobile home in the middle of the property, and he will level out the property as much as he can. Mrs. Najera added that her family wants the middle part of the property to be lifted. Ms. Buell asked if the grading company would be packing dirt in to lifted or digging it out. Mrs. Najera stated that Chris wanted to dig out some land to have a more substantial base. Mrs. Najera added that the drainage location would be located on the property's top, since that is where they want the sewer and water lines to be located. Ms. Buell asked if a retaining wall would be installed. Mrs. Najera stated that they are thinking of placing big rocks as a retaining wall. Mrs. Elliott asked if they are trying to level the property to the same level as the road. Mrs. Najera stated they are trying to balance it as much as they can to the level of the road. Mr. Watkins asked if the grading company would be placing a silt fence on the back of the property to keep soil from washing onto the neighbor's property. Mrs. Najera stated they would talk to the grading company and plan out how to prevent erosion. Mrs. Kan asked if the grading contractor would be coming to the meeting. Mrs. Najera stated that, unfortunately, he would not be able to make it due to work. Mrs. Green said the board needs more information to understand how the mobile home will not settle or erode other properties around it. Mrs. Najera stated some houses around the neighborhood placed on a steep slope, but she will talk to the grading contractor and find a solution to prevent any damages. Mrs. Najera also pointed out that her parents wanted to have the county inspector do a soil test on the property to ensure there are no further issues with the soil. Mrs. Kan asked if the property owners have any drawings regarding the property. Mrs. Najera stated they did not bring any pictures with them. Mrs. Green said the board needs concrete ideas of what the grading company will be doing in the property to decide. Mrs. Elliott stated the grading company needs to be present to answer detailed questions regarding the property. Mrs. Green said if the grading company cannot come to the meeting, they should provide information or a plan of what the company will be doing to that property. Mrs. Elliott stated the grading company needs to give the details on how far in the property the company will go, how high he is planning on digging, what he will do to prevent erosion, and how he is compacting the soil. Mr. Watkins added the grading company should explain what they will use as a stabilizer in the ground, what size and kind of stone they will use, the board needs more information. Mr. Barth stated it would be better if the grading company could be present in the next meeting. Mrs. Elliott said the next Planning Board meeting is on April 6, 2021, at 6 pm and if the grading company can be present to go over all the details. Mrs. Najera stated she would make sure the grading company will be attending. Mrs. Kan said going over the Town's ordinances will help the property owners understand more of what the Board of Adjustment members are asking, which Mr. Barth can provide the information.

Mrs. Elliott made a motion to table the discussion until the grading company can attend the next Board of Adjustments meeting. Mr. Blanton seconded, and the motion carried unanimously.

Ms. Buell asked if the neighbors around the property are notified regarding the meeting. Mr. Barth stated he told the adjoining property owners about the first meeting on February 2, 2021, which is required to send out a notification when someone is applying for a special used permit. Ms. Buell asked if the Town has a noticed public hearing sign placed on the property to let people know. Mr. Barth stated he would order a sign for future use. Ms. Buell asked how far in advance does the sign can be placed on a property. Mr. Barth responded the sign could go up a

minimum of 10 days, a maximum of 25 days. Mrs. Elliott stated while reading the proposed UDO; it talks about how the Special Used Permit must go before the Town Council. Mr. Barth noted that the Board of Adjustments is responsible for any Special Used Permits and Variances. However, the UDO does specify that Variances and Special Used Permits must go through the Board of Adjustments and then through the Town Council. Mr. Barth stated he has a book of information regarding all the changes that the state has adopted, which means every county and city in the state must make changes to their land use ordinances. Mrs. Kan asked if the new changes would be applied now or after the adoption of the UDO. Mr. Barth stated the Town's ordinances are still the same. They will not change until the UDO is adopted. Mr. Barth added that the UDO needs to be ready by June 30, 2021.

Mrs. Elliott reconvened the Planning Board Meeting at 6:30 pm.

Discussion with Dale Holland on Chapters 4-8 of the UDO.

Mrs. Elliott stated the board has many questions regarding the changes that Mr. Holland has made to the UDO. Mrs. Elliott added that the board appreciates the packed that has the yellow highlighted parts that show our ordinances in place, and all the other non-highlighted details follow the changes from the state. Mrs. Elliott stated the flow charts are easy to comprehend. Also, a lot of the responsibilities have switched over to the Town Council. Mrs. Elliott noted on page 88 of the UDO, which shows a table of uses and activities needs to stay the way Mr. Holland has proposed it because he has added more permitted use permits. Mrs. Elliott asked if any of the board members had any questions for Mr. Holland. Mr. Tim stated on page 88 the dwelling, manufactured home class A & B need to be defined in the definition section. Mrs. Elliott said Mr. Holland had explained that the section for the definitions would be a large section because it will be defining all the terminology. Mr. Barth said he had asked Mr. Holland about the regulation of a stay-alone mobile home; it would be beneficial for the board and applicants to know exactly what they need to comply with before applying for a permit. Mr. Barth explained if the board requires any changes to be made in the UDO, they should contact Mr. Holland via email with proposed language to the addition. Ms. Buell asked what does vested rights mean. Mr. Barth explained vested rights mean zoning and site plan was presented and approved by the board and requested a vested right giving them a specific time of years to complete the project. Ms. Buell asked what a development agreement means. Mr. Barth stated a development agreement is a contract between the Town and the developer to do specific things to turn out they way it was proposed. Mr. Barth added an excellent example of a development agreement is if the Town agrees to put in an 8 in water tap instead of a 4 in water tap into the development for enough water pressure to go through. Mrs. Kan asked if the Town Council approves a development agreement. Mr. Barth stated that the Town Council approves a development agreement. Mrs. Elliott asked if the Thermal Belt Outreach project did a development agreement with the Town, where the Town agrees to do certain things with the water and sewer, and Thermal Belt decided to build the homes. Mr. Barth stated the Thermal Belt project is not a development agreement because they apply for a grant to extend the utilities. The Town will take over the utilities once they are installed. However, the Town does not participate in the cost of the utilities. Mr. Watkins asked if the Town polices the utility installation to make sure they are correctly installed. Mr. Barth stated there is much work going on around Town, which is part of 4 million USDA project that the Town undertook. Mr. Barth added that a big part of the project is the new water tank which is replacing the 70-year-old water

tank located on Overlook Dr. Mr. Barth stated in addition to the water tank, the Town is also working on replacing water and sewer lines around Town, which we have the Public Works inspecting their work regularly. Mr. Barth added the company doing the project has a construction inspector that is inspecting their work every day. Mr. Blanton asked if the new water tank is installed now. Mr. Barth stated it is in place, but it is not ready to be used directly. It needs grading and electrical control panel, but it should be prepared to fill within a month. Mr. Barth added the last thing the company will do is to fix up the road. Mr. Blanton asked if the original tank will eventually come down. Mr. Barth stated both tanks are 500 thousand gallons. However, the Town will only be using one tank, and the old tank will be drained and inspected for any repairs that need to be made and project a cost of the repairs needed. Town Council will decide if the old tank is economically beneficial. Mr. Barth stated a vital section of the UDO he wants the board to be aware of is the sign ordinance. Mr. Barth added the food lion sign has been getting much attention due to its height. Mr. Barth stated the measurements should be 29 feet since the Town's ordinance allows signs to be 30 feet in height. Ms. Buell asked if the signs that move, such as the Bojangles sign, are illegal. Mrs. Elliott stated the Bojangles sign does not flash. It is a static change; it is not a moving change. Mrs. Elliott added the sign ordinance is a good example of the changes that need to be made with the new ordinances. Mrs. Elliott asked if the Board of Adjustments falls under the Town Council. Mr. Barth stated on page 19 of the UDO under Board of Adjustment says the only changes are the approval procedures. Now it will take two approvals from the Town Council and Board of Adjustment. Mr. Barth asked the board members to pick a date for Mr. Holland to come by and talk about sections 4-8. Mrs. Elliott stated Tuesday, March 16, 2021, will be the Special Called meeting for Mr. Holland to come. Ms. Buell asked if someone builds an accessory building would they need a permit from the Town. Mr. Barth stated they do need a permit attached with a sketch plan. Mrs. Kan asked if a tree ordinance can be added into the UDO for future used. Mrs. Elliott stated the board will ask Mr. Holland on the next meeting for the addition of the tree ordinances and future changes.

Board Member Comments

There being no other business to discuss Mrs. Elliott made a motion to adjourn. Mr. Watkins seconded, and the meeting was adjourned at 7:36 PM.

Catherine Elliott, Chairman

Daisy Trejo, Customer Service Representative

COLUMBUS PLANNING BOARD & BOARD OF ADJUSTMENTS
Special Called Meeting
March 15, 2021

The Town of Columbus Planning Board and Board of Adjustments met on Tuesday, March 15, 2021 at 6:00 p.m. in the Columbus Town Hall Council Chambers.

Roll Call: Catherine Elliott, Chair
Jimmi Buell
Virginia Green
Marshall Watkins
Mark Blanton
Ernie Kan, Alternate Member

Staff Present: Timothy J. Barth, Town Manager
Shana Atkins, Assistant Town Clerk

The Special Called Meeting was called to order at 6:00 p.m. A roll call was taken, and the chairman acknowledged all present.

Public Comment
There was no public comment.

Special Meeting 6:00 PM.

Dale Holland was present and reviewed the draft of Articles 1 through 7 of the Unified Development Ordinance (UDO).

Mr. Holland stated that under the existing zoning ordinance if a use is not listed in the table of permitted use, it is not allowed. Mr. Holland explained that the board must make accommodations in the ordinance to allow any legal use somewhere within the town's limits.

Article 1: No comments or changes were made.

Article 2. Mrs. Elliott stated "I utilize" should have been changed to "If utilities" on page 12. Mrs. Kan stated that the first sentence on page 13 under Accessory Structures and Buildings (A) "adjutment" needs to be changed to "adjacent".

Article 3. Mrs. Green stated that the meeting day needs to be changed to the first Tuesday of every month on page 17 under (E) Meetings (1) and on page 20 under (B) Meetings (1).

Article 4. Mr. Holland stated that a lot of information has been added to Article 4 because of the procedural changes in State Statute 160-D, which should help to make the ordinance clearer and more concise. Mrs. Buell asked if there was a change in the development agreement duration on page 35 under Section 4.22 Change of Jurisdiction (A). Mr. Holland stated that he will have to check and get back to Ms. Buell.

Ms. Buell stated that she would like to know the difference between a special use permit and a variance. Mr. Holland explained that a special use permit is a permit issued for a use to which there

are special conditions attached in a particular zoning district. Mr. Holland explained that a variance is when someone ask for permission to do something that is a deviation from the requirements of the UDO. Mr. Holland added that if someone creates a need for a variance themselves, that is not grounds for a variance. Mr. Holland stated that for example, if a property owner had a topography condition on his lot that would make it impossible to abide by the required setbacks, that would be grounds for a variance. Mr. Barth stated that the UDO requires special use permits and variance requests to first be approved by the Board of Adjustments and then submitted to the Town Council for final approval. Mr. Barth stated that currently the Board of Adjustments has the final approval on special use permits and variances and any appeal is submitted to the supreme court.

Mr. Holland stated he will make a correction in Section 4.4 Planning Board Review and Comment (A) page 24 that will state that the Planning Board / Board of Adjustments will approve all proposed amendments to the zoning regulations or zoning map. Mrs. Green asked if the applicant could appeal to the Town Council if the Board of Adjustments does not grant a special use or variance request.

Mr. Barth explained that any appeal would have to go to the superior court. Mr. Holland stated that consistency statements must be written whenever there is a change in the zoning map, but not for a change in the zoning text. Mr. Barth stated that anytime there is a re-zoning there must be a consistency statement that accompanies the rezoning and corresponding map change. Mr. Holland stated that the board can rezone a property that might be inconsistent with the land use plan, but the board must explain why it was done. Mr. Holland stated that the board does not have to have a separate public hearing to change the land use plan.

Mr. Barth stated that for someone to have vested rights they must apply to the Planning Board or Board of Adjustments for approval. Mr. Holland stated that the Planning Board would review the vested rights request and then make a recommendation to the Town Council, who would then approve or deny the request. Mr. Holland stated that if a property owner or developer have spent a considerable amount of time getting a project or development approved, they can come to the Planning Board and Town Council and ask for approval of vested rights in order to guarantee the approved use of the property until a future time. Mr. Holland stated that during that time, the Town nor anyone else can make any changes to any property that has vested rights.

Article 5. Nonconforming Situations has been updated to be compliant with State Statute 160-D. Mr. Holland stated that there are two kinds of nonconforming use; one is a nonconformity in terms of compliance with the requirements of the ordinance such as yard setbacks, and the other is a nonconformity where you may have a commercial use in a residential zoning district. Mrs. Elliott stated that there is a blank space after sections in Article 5 section 5.2 Nonconforming Lots (A) and that she finds that confusing. Mr. Holland replied that was because the section was not completed at that time, but it will be updated.

Article 6. Mr. Holland stated that any zoning request must come before the Planning Board / Board of Adjustments. Ms. Buell asked if the UDO Administrator would have to send the plans to relevant governmental agencies and officials for review. Mr. Holland stated that the UDO Administrator may do that, but only to the ones from whom he may need input.

Article 7. Mrs. Elliott stated that on page 86 Section 7.4 Overlay Districts Established (A). Highway 26 needs to be changed to Interstate 26.

Mr. Holland stated that under the old statutes if someone were trying to create a conditional zoning district, it would require both a legislative process for re-zoning and a quasi-judicial process to approve a conditional use permit, which is now known as a special use permit. Mr. Holland added

that if the town believes that there is a desirable development, then a zoning district can be created for that one property, which could serve as an incentive for development inside the town limits.

Mr. Holland stated that a lot of uses have been added to the table of permitted uses.

Mr. Holland stated that halfway houses are shown in all residential districts, but all the halfway facilities are handicap related. Mr. Holland stated that the town cannot legally legislate a residential care facility that is related to handicapped individuals out of a residential district. Mr. Holland stated that Temporary Health Care structures have been added to the UDO on page 106. Mr. Holland stated that if someone is dependent upon a property owner for health care needs, a temporary structure may be placed in the back yard for that person to live in but would have to be removed when the need no longer exists. Mr. Holland added that the structure must be tied to the water and sewer system and have its own electrical system to be considered a temporary structure. Mr. Holland stated that all the definitions added to the UDO will come from the state administrative code.

Mr. Holland suggested that the board review Article 8 prior to the next meeting. Mr. Holland stated that he was unaware that the Town had a business regulation ordinance, which could refer to a massage business, street vending, tattoo parlors, pool rooms, bowling alleys, adult establishments, game rooms and that he must make sure that all are covered in the table of permitted uses.

Mr. Holland stated that there will be three sections of the UDO left for discussion with the last section being definitions. Mr. Holland stated that by the next meeting the board will have the complete UDO draft. Mr. Holland stated that once all the revisions have been made to the UDO, he will get the final draft to the board before the May meeting. Mr. Holland requested to have a special called meeting on Tuesday, April 13 at 6:00 PM. Mr. Barth stated that the regular Planning Board meeting will be held on April 6 at 6:00 PM.

Mr. Holland suggested that the board take a careful look at the new proposed sign regulations. Mrs. Kan asked if the board could give a time frame to change the sign height for everyone that is not in compliance with any new sign regulations. Mr. Holland stated that if the board gave everyone a sunset clause, the board would have to notify everyone in the jurisdiction who is not conforming with the sign ordinance, and a notice would have to be sent stating the reason for noncompliance. Mr. Holland stated that most towns instead require conformity for signs being replaced or when a new sign permit is applied for.

Board Comments

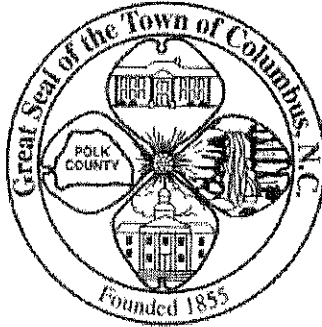
Mrs. Elliott asked where Air B&B rentals fall under the Town's zoning. Mr. Barth replied that temporary accommodations rentals are primarily residential facilities and are not zoned.

Ms. Buell asked Mr. Barth if he found out the height of the Food Lion sign. Mr. Barth stated that the sign is 35 feet which is 5 feet above the allowed height. Mr. Barth stated that the Town's attorney sent a letter to the property owner regarding the violation. Mr. Watkins stated that the Samco property signs need to be removed. Mr. Barth stated that he will address both Samco property signs.

There being no other business to discuss Mrs. Elliott made a motion to adjourn. Mr. Watkins seconded, and the meeting was adjourned at 7:19 PM.

Catherine Elliott, Chairman

Shana Atkins, Assistant Town Clerk



MEMORANDUM FOR PLANNING BOARD MEETING

To: Columbus Planning Board
From: Timothy J. Barth, Town Manager
Re: Consideration of a Request for a Special Use Permit to Locate a Mobile Home at
72 Thorne Avenue.
Date: April 6, 2021

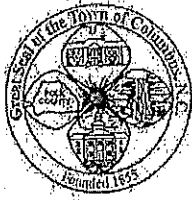
Background

The property owner of 72 Thorne Avenue has requested a Special Use Permit to locate a mobile home on the property. This is a vacant lot and a map is attached showing you the lot.

I have attached the application for the Special Use Permit, and a map of where the lot is located. Also, in February of last year, there was a Special Use Permit granted for a mobile home on a lot near the other end of Thorne Avenue. With that special permit you required certain conditions be met. I have attached a copy of those conditions because you might want to put some of the same conditions on this one. I have also attached a picture of the proposed mobile home that they want to put there.

I contacted the grader that the property owner spoke to. The grader is Chris Fortune and he is going to make an effort to be at the meeting.

If you have questions or concerns, please do not hesitate to contact me.



TOWN OF COLUMBUS

Columbus Town Hall • P.O. Box 146 • Columbus, NC 28722 • 828-894-8236 • Fax 828-894-2797
Variance and Special Use Permit Application

Case #: **SP-21-1**

1. Project Information

Date of Application 1/11/21
Location Columbus Property Size (acres) .52
Current Zoning _____ Proposed Zoning _____
Tax Parcel Number(s) C2-A15

2. Contact Information

Property Owner Raymundo Chavez Chavez
Address 72 Throne Ave City, State Zip Columbus NC 28722
Telephone (704) - 473 - 0030 Fax _____
Signature Raymundo Chavez Chavez Print Name Raymundo Chavez Chavez Date 1-11-21

Agent (Registered Engineer, Designer, Surveyor, etc.) Alan's Mobile Home Movers Must attach Affidavit of owner's permission for this action
Address 37080 New Cut Rd
City, State Zip Inman, SC 29349
Telephone (864) 473-1536 Fax _____
Signature Raymundo Chavez Chavez Print Name Raymundo Chavez Chavez Date 1-11-21

3. Information

The following information must be submitted with this application to be deemed complete. Incomplete applications will not be processed.

1. Legal description of the property
2. An accurate survey of the proposed project showing:
 - ❖ All property lines with dimensions
 - ❖ Distance of lot from near intersection
 - ❖ North Arrow
 - ❖ Adjoining streets with right-of-ways and pavement widths
 - ❖ Existing locations of buildings on lots
 - ❖ Zoning classification of all adjoining properties (adjoining properties shall be construed to mean and include properties on the opposite side of any street, stream, railroad, road or highway from the property sought to be rezoned)
3. Special Use Permits must provide a Site Specific Plan per the Town of Columbus Zoning Ordinance, Section 1002.2.

4. Description of Project

Explain the proposed map change(s) and its consistency with Town Plans and surroundings land uses.

Within the legal attachment that we have
place, I would like to obtain a permit
to place a Double wide home in the .52 (acre)
that we own in the town of Columbus, NC.
Which is located in Throne Ave, Columbus.

Staff Use Only:

Date Application Received: 1/11/2021

Received By: Daisy Trejo

Fee Paid: \$ 350.00 cash

Zoning Board of Adjustment Public Hearing Decision and Date:

Notes:

72 THORNE AVE X Q

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Permission for Special Use Permit for Home Currently Listed as 296 Thorne Ave.

Dear Members of Columbus Town Council:

Thank you for your allowing me to speak at your council meeting on March 3, 2020. In accordance with your requested guidelines to the area presently listed as 296 Thorne Avenue, I agree to the following conditions for approval of the placement of my home on my property.

1. This mobile home will be placed on a permanent foundation.
2. The underpinning will be done with a technique called "split face". This is block with a stucco type finish that gives the appearance of a rock finish.
3. My current driveway will be extended down to this location unless the fire department requires a separate entrance. If this is the case, we will fully comply with the regulations of the fire department.
4. The entrance to the home will be from Thorne Ave and this will be the location of our mail box.
5. Water will be run from Thorne Avenue and sewer from Ogle as discussed in the meeting on 3/3/2020.
6. There will be 2 parking places in the drive for the new home.
7. This home will be maintained in the same fashion as my other home of 25 years as to cleanliness, lawn maintenance and outside appearance.

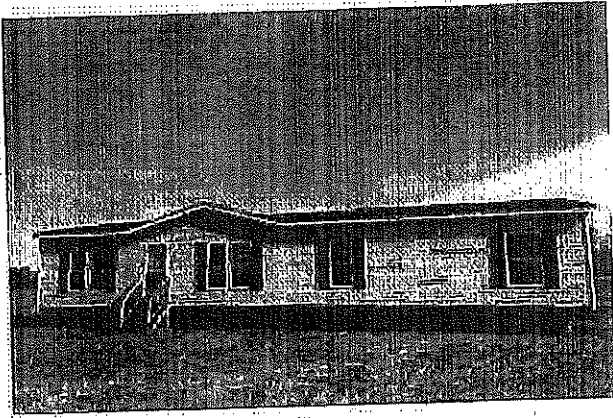
I respectfully hope that this will satisfy all concerns in the matter and that we can proceed with the placement of our home.

Respectfully,

Susan Hensley

manager@columbusnc.com

From: Ana Garcia <loveakg93@gmail.com>
Sent: Friday, January 29, 2021 11:57 AM
To: manager@columbusnc.com
Subject: Special permit for double wide picture



Dear Mr. Barth,
Here is a picture of the type double wide we want to set up on our property.
I do apologize for not stopping by sooner with the picture but I hope an email it's fine.
If you need anything else please let me know.

Thank you,

Ana Najera

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Sent from Gmail Mobile