

**TOWN OF ANGIER  
PLANNING BOARD  
Agenda  
December 13, 2016  
7:00 P.M.  
Municipal Building  
28 North Raleigh Street  
Angier, North Carolina 27501**

---

1. Opening
2. Pledge of Allegiance
3. Invocation
4. Approval of the October 11, 2016 Planning Board Minutes
5. Consideration of the Agenda
6. Items For Discussion and Recommendation:

**Rezoning Request** – Wallace Mclean Jr. is requesting the property at 1612 James Norris Road be rezoned from RA-30 to Commerce Park (PIN #:0673-04-7073.000)

7. Other Business
8. Adjournment



# APPLICATION FOR ZONING CHANGE

Planning Department

55 N. Broad Street W.

P.O. Box 278

Angier, NC 27501

Phone: (919)-639-2071 Fax: (919) 639-6130

*For Planning Department Use Only*

Case Number: \_\_\_\_\_

Date Received: \_\_\_\_\_

Fee Paid: \_\_\_\_\_

Planning Board Mtg. \_\_\_\_\_

Town Board Mtg. \_\_\_\_\_

## Applicant Information:

### Owner of Record:

Name: DeVon W McHeen Jr  
Address: 49 Circle Tree Ln  
City/State/Zip: Angier N.C 27501  
Phone: 919-830-7168  
E-mail: Wally.mcheen.214@gmail.com  
Fax: N/A

### Applicant:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_  
E-mail: \_\_\_\_\_  
Fax: \_\_\_\_\_

## Property Description:

PIN(S): 0673-04-7073,000 Acreage: \_\_\_\_\_ Acres

Tax Parcel ID: 040673007004

Address: 1612 James Norris Rd / 1610 James Norris Rd

Directions from Town Hall: 210 - Toward Hillington 2 miles.

Right on Norris Rd 2nd property on left

Deed Book: 3549 Page: 186

Plat Book: 2004 Page: 738

## Zoning Request:

Existing zoning: RA 30

Requested zoning: GE CP

## Attachments:

Changed Request to Commerce Plan

- Written description of property from recorded deed
- Recorded map of property at scale of not less than one (1) inch = 200 feet
- Explanation of why the zoning change is requested, addressing applicable portions of Section 14.3 of the Unified Development Ordinance.

## Signatures:

The undersigned applicant hereby certifies that, to the best of his or her knowledge and belief, all information supplied with this application is true and accurate:

[Signature] 10/24/16  
Property Owner Signature Date Authorized Agent Signature Date

## Requirements for Consideration:

The Planning Board shall consider and make recommendation to the Town Board of Commissioners concerning each proposed zoning district. The following policy guidelines shall be followed by the Planning Board concerning zoning districts and no proposed zoning district will receive favorable recommendation unless:

1. The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories.
2. There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of the individual or small group.
3. There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely used which applicants state they intend to make of the property involved.)
4. There is convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.
5. The proposed change is in accordance with the comprehensive plan and sound planning practices.

The proposed zoning request would allow the building to be used for Auto care & tire distribution.



TOWN OF ANGIER  
**BOARD RELATED FEES PERMIT**  
55 NORTH BROAD ST WEST ANGIER, NC 27501-0278  
Phone: 919-639-2071 FAX: 919-639-6130

DATE ISSUED: 10/24/2016

PERMIT #: 2016-000289

LOCATION

DISTRICT TAX MAP PARCEL#  
040673 0070 04

1612 JAMES NORRIS ROAD

LOT ZONING DISTRICT  
RA-30

OWNER: DEVON MCLEAN JR.

CONTRACTOR:

TOTAL VALUATION  
\$ 0

SUBCONTRACTOR ID/NAME

SUBCONTRACTOR TYPE

TYPE CONSTRUCTION: BOARD RELATED

OCCUPANCY GROUP: LAND USE

FEE CODE

FEE

BOARD RELATED FEES/REZONING

400.00

TOTAL PAID:

400.00

\*\*PAID IN FULL\*\*

TOTAL AMOUNT:

400.00

REMARKS:

REZONING APPLICATION

CURRENT ZONING: RA-30 REQUESTED ZONING: ~~GC~~

*Changed Request to Commerce Park*

(SIGNATURE OF CONTRACTOR/OWNER)

(DATE)

*Sean Johnson*  
(ISSUED BY)

*10/24/16*  
(DATE)





# REZONING STAFF REPORT

File #: 2016-000289

Sean Johnson  
sjohnson@angier.org  
(919) 331-6702

Planning Board: **December 13, 2016** Board of Commissioners: **January 3, 2017**  
Requesting Rezoning from **RA-30 to Commerce Park**

## Applicant Information

### Owner of Record:

Name: Wallace McLean Jr.  
Address: 1612 James Norris Rd.  
City/State/Zip: Angier, NC 27501

Approved:   
Town Board of Commissioners Jan. 3, 2017

### Applicant:

Name: Wallace McLean Jr.  
Address: 1612 James Norris Rd.  
City/State/Zip: Angier, NC 27501

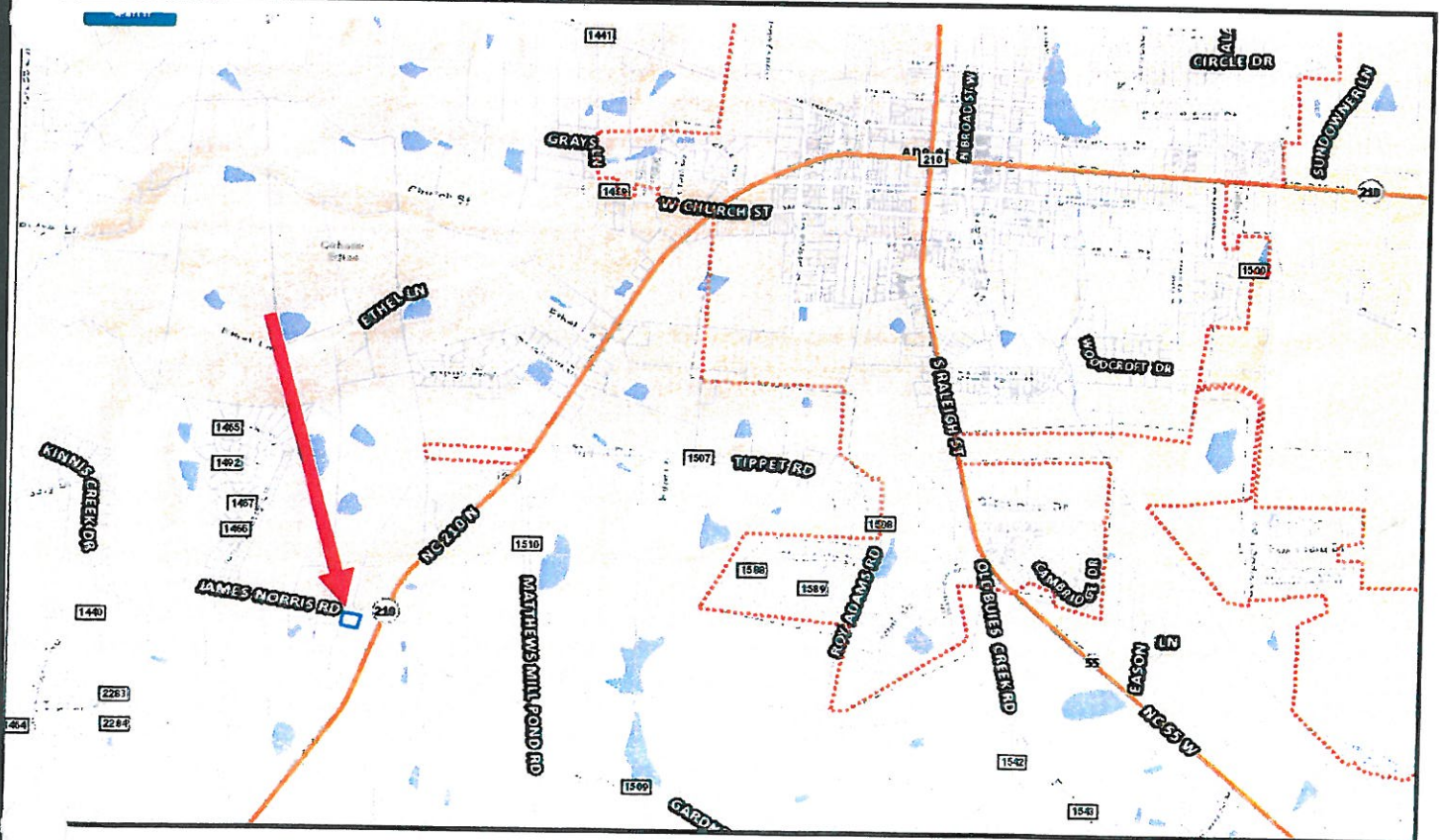
## Property Description

PIN(s): 0673-04-7073.000

Address/SR No.: 1612 James Norris Road

Acreage: 0.68 Acres

## Vicinity Map







# REZONING STAFF REPORT

File #: 2016-000289  
Sean Johnson  
sjohnson@angier.org  
(919) 331-6702

Planning Board: **December 13, 2016** Board of Commissioners: **January 3, 2017**  
Requesting Rezoning from **RA-30 to Commerce Park**

## Applicant Information

### Owner of Record:

Name: Wallace McLean Jr.  
Address: 1612 James Norris Rd.  
City/State/Zip: Angier, NC 27501

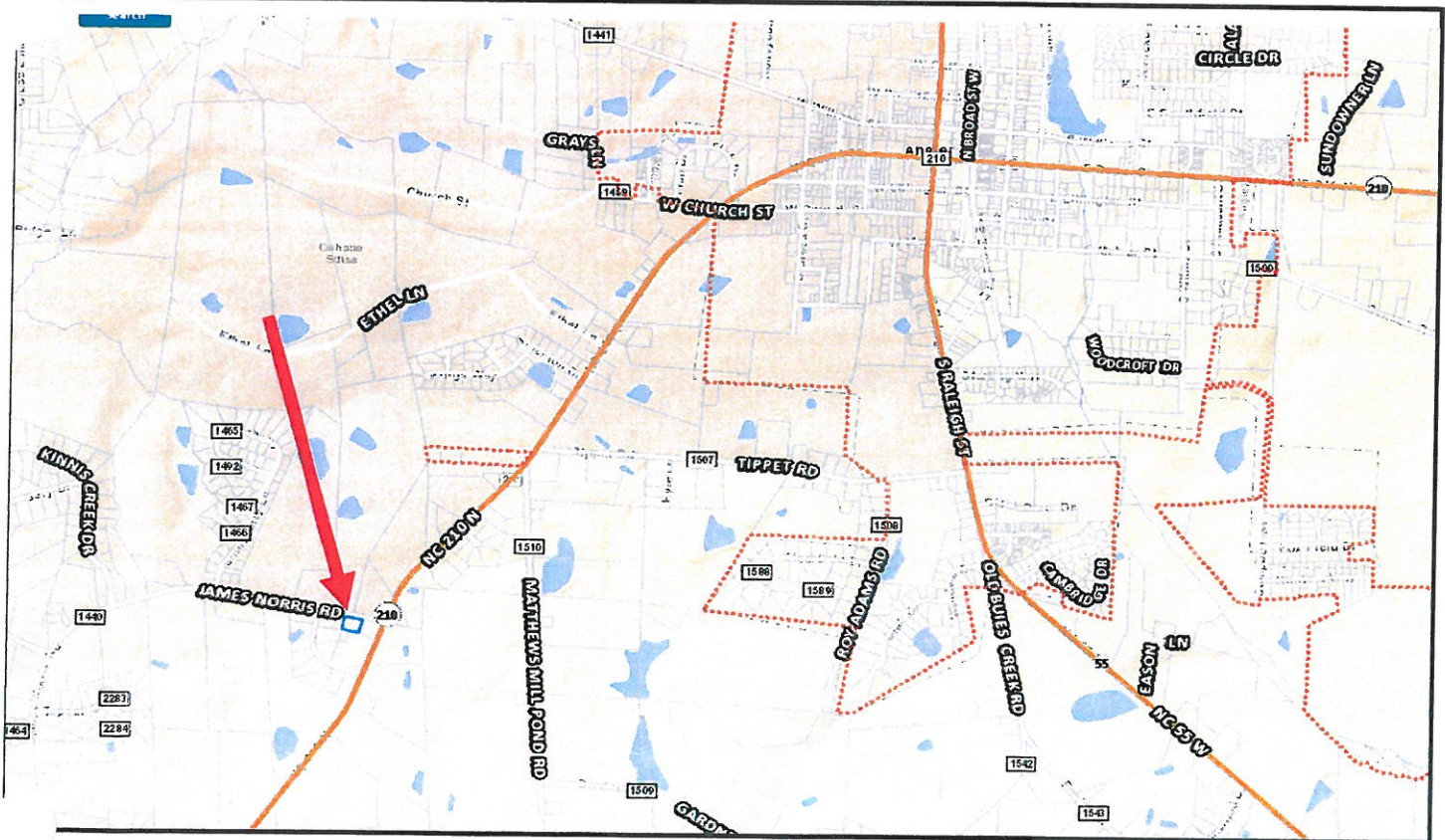
### Applicant:

Name: Wallace McLean Jr.  
Address: 1612 James Norris Rd.  
City/State/Zip: Angier, NC 27501

## Property Description

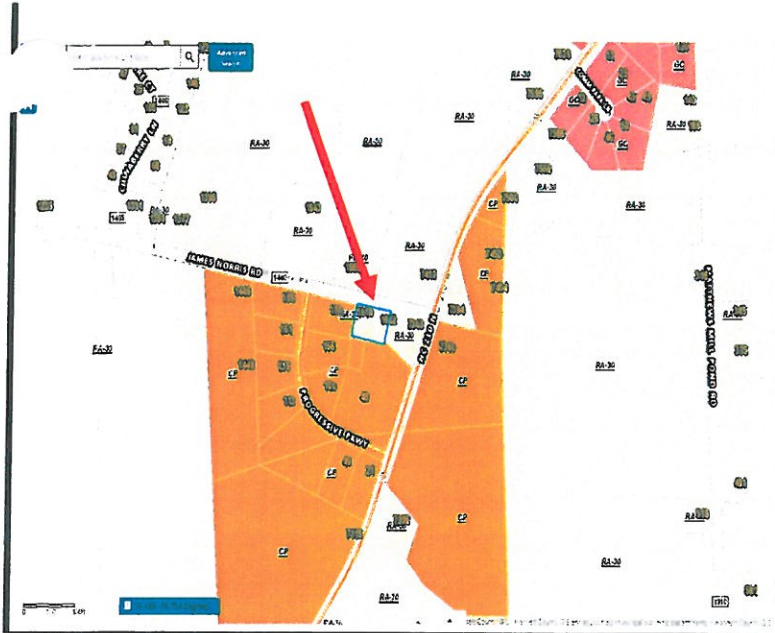
PIN(s): 0673-04-7073.000 Acreage: 0.68 Acres  
Address/SR No.: 1612 James Norris Road

## Vicinity Map





## Zoning District Compatibility



**Zoning Map**

	<b>CURRENT RA-30</b>	<b>REQUESTED CP</b>
Parks & Rec Facilities	<b>P</b>	
Detached Single Family	<b>P</b>	
Townhomes/Condos	<b>S</b>	
Multi-Family		
Professional Offices		<b>P</b>
Retail Uses		
Eating Establishments		<b>P</b>
Governmental Uses	<b>P</b>	
Distribution		<b>P</b>
Manufacturing Uses		<b>P</b>

**P=Permitted Use S=Special Use**

## Physical Characteristics



**Aerial Photograph (2013)**

**Site Description:** The property currently contains a large storage building/garage, several stored vehicles, various automotive parts and other equipment.

**Surrounding Land Uses:** Surrounding Land Uses Include Low Residential, Office, Retail & Light Manufacturing

## Services Available

Water:

- ☐ Public  
☐ Private (Well)  
☐ Other: Unverified

Sewer:

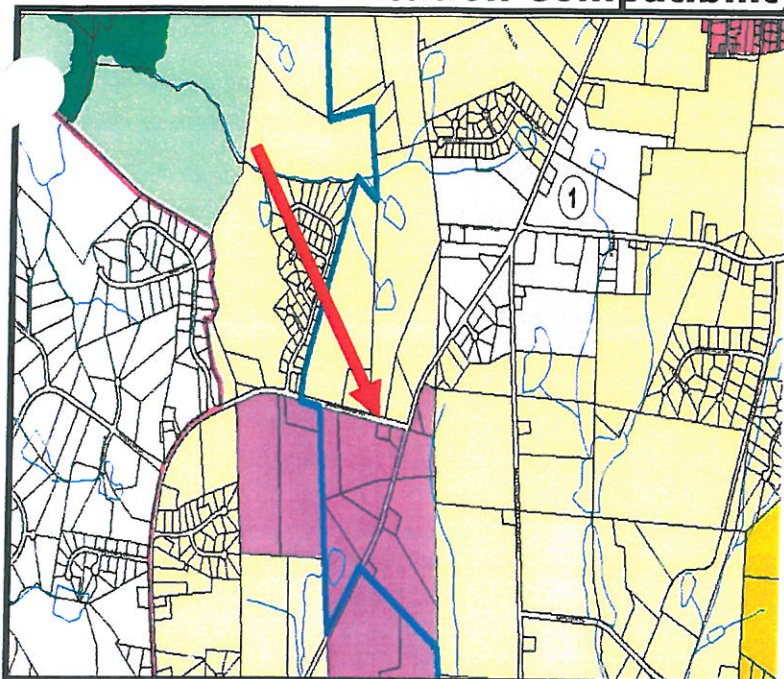
- ☐ Public  
☒ Private (Septic Tank)  
☐ Other: unverified

Transportation: James Norris Rd, Hwy 210

Site Distances: Site distances are good.



## Land Use Classification Compatibility



Future Land Use Map (2007)

	REQUESTED ZONING CP	LAND USE O/I
Parks & Rec Facilities		
Detached Single Family		
Semi-Detached		
Townhomes		
Multi-Family		
Non-Traditional Residential		
Professional Offices	X	X
Retail Uses	X	
Eating Establishments	X	
Governmental Uses		X
Distribution	X	X
Manufacturing Uses	X	X

**The proposed rezoning is in compliance with our current Land Use Plan.**

### Evaluation

- ☒ **Yes** ☐ **No** The IMPACT to the adjacent property owners and the surrounding community is reasonable, and the benefits of the rezoning outweigh any potential inconvenience or harm to the community.  
REASONING: With the proper buffering, the impact to the surrounding properties will be minimal.
- ☒ **Yes** ☐ **No** The requested zoning district is COMPATIBLE with the existing Land Use Classification.  
REASONING: The Future Land Use map calls for Office/Institutional, which is compatible with the permitted uses in the Commerce Park zoning district.
- ☒ **Yes** ☐ **No** The proposal does ENHANCE or maintain the public health, safety and general welfare.  
REASONING: The requested zoning district would allow for use of the site that is compatible with the surrounding zoning.
- ☐ **Yes** ☒ **No** The request is for a SMALL SCALE REZONING and should be evaluated for reasonableness  
REASONING: The requested zoning would match adjacent properties.

### **Suggested Statement-of-Consistency** (Staff concludes that...)

The requested rezoning to Commerce Park is compatible with all Town of Angier regulatory documents, would not have an unreasonable impact on the surrounding community, and will not harm the public health, safety, and general welfare for the reasons stated in the evaluation. It is recommended that this rezoning request be **APPROVED**.



## Pending Violations on Property in Question

The Code Enforcement Department has been in contact with Mr. McLean over the past few months regarding several violations that currently exist on the property. On **August 23, 2016** a Cease and Desist Order was Issued to the owner which ordered all activities related to an **illegal auto repair business** to cease. Upon more than 10 inspections in the weeks to follow, evidence of the auto repair business was still present on the property. On **October 5, 2016** a violation was issued due to the number of junked vehicles on the property which deemed the property a **junk yard** as defined by the Unified Development Ordinance. Upon more than 10 inspections in the weeks to follow, the junked vehicles continued to be stored on the property. The total fines issued to the property owner as of December 29, 2016 total **\$2,350**.



8/23/16



12/20/16

---

## Planning Board Decision

During the December 13<sup>th</sup> Planning Board meeting, the Planning Board voted 4-1 to recommend approval of the rezoning.

---

## Attachments

☒ Original Rezoning Application



# APPLICATION FOR ZONING CHANGE

Planning Department

55 N. Broad Street W.

P.O. Box 278

Angier, NC 27501

Phone: (919)-639-2071 Fax: (919) 639-6130

*For Planning Department Use Only*

Case Number: \_\_\_\_\_

Date Received: \_\_\_\_\_

Fee Paid: \_\_\_\_\_

Planning Board Mtg. \_\_\_\_\_

Town Board Mtg. \_\_\_\_\_

## Applicant Information:

### Owner of Record:

Name: DeVon W McHeun Jr  
Address: 49 Circle Tree Ln  
City/State/Zip: Angier NC 27501  
Phone: 919-838-7168  
E-mail: WallyMcHeun214@gmail.com  
Fax: N/A

### Applicant:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_  
E-mail: \_\_\_\_\_  
Fax: \_\_\_\_\_

## Property Description:

PIN(S): 0673-04-7073,000 Acreage: \_\_\_\_\_ Acres

Tax Parcel ID: 040673007004

Address: 1612 James Morris Rd → 1610 James Morris Rd

Directions from Town Hall: 210 - Toward Hillington 2 miles.  
Right on Morris Rd 2nd property  
on left

Deed Book: 2549 Page: 186

Plat Book: 2004 Page: 738

## Zoning Request:

Existing zoning: RA 30

Requested zoning: GE CP

## Attachments:

Changed Request to Commerce Plan

- Written description of property from recorded deed
- Recorded map of property at scale of not less than one (1) inch = 200 feet
- Explanation of why the zoning change is requested, addressing applicable portions of Section 14.3 of the Unified Development Ordinance.



### Signatures:

The undersigned applicant hereby certifies that, to the best of his or her knowledge and belief, all information supplied with this application is true and accurate:

[Signature] 10/24/16 \_\_\_\_\_  
Property Owner Signature Date Authorized Agent Signature Date

### Requirements for Consideration:

The Planning Board shall consider and make recommendation to the Town Board of Commissioners concerning each proposed zoning district. The following policy guidelines shall be followed by the Planning Board concerning zoning districts and no proposed zoning district will receive favorable recommendation unless:

1. The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories.
2. There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of the individual or small group.
3. There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely used which applicants state they intend to make of the property involved.)
4. There is convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.
5. The proposed change is in accordance with the comprehensive plan and sound planning practices.

The proposed zoning request would allow the building to be used for Auto Care & tire distribution.



TOWN OF ANGIER  
**BOARD RELATED FEES PERMIT**  
55 NORTH BROAD ST WEST ANGIER, NC 27501-0278  
Phone: 919-639-2071 FAX: 919-639-6130

DATE ISSUED: 10/24/2016

PERMIT #: 2016-000289

LOCATION

DISTRICT TAX MAP PARCEL#  
040673 0070 04

1612 JAMES NORRIS ROAD

LOT ZONING DISTRICT  
RA-30

OWNER: DEVON MCLEAN JR.

CONTRACTOR:

TOTAL VALUATION  
\$ 0

SUBCONTRACTOR ID/NAME

SUBCONTRACTOR TYPE

TYPE CONSTRUCTION: BOARD RELATED

OCCUPANCY GROUP: LAND USE

FEE CODE

FEE

BOARD RELATED FEES/REZONING

400.00

TOTAL PAID:

400.00

\*\*PAID IN FULL\*\*

TOTAL AMOUNT:

400.00

REMARKS:

REZONING APPLICATION

CURRENT ZONING: RA-30 REQUESTED ZONING: ~~CC~~

*Changed Request to Commerce Park*

(SIGNATURE OF CONTRACTOR/OWNER)

*Dean Johnson*  
(ISSUED BY)

(DATE)

*10/24/16*  
(DATE)





**Town of Angier**  
P.O. Box 278  
Angier, NC 27501  
919-639-2071



Lewis Weatherspoon  
Mayor

Coley B. Price  
Manager

**Timeline: 1612 James Norris Road - Ordinance Violations**

August 9, 2016: Notification Of Possible Violation Sent To Owner

August 18, 2016: Violation Notification And Request For Meeting Sent To Owner

August 22, 2016: Meeting Held, Owner Did Not Show Up; Phone Call To Owner Confirmed Illegal Business Violation

August 23, 2016: Property Inspection Conducted, Employee Of Business Notified Of Illegal Business Violation, Cease And Desist Order Issued Effectively Shutting Down The Business; Copy Of Conversation With Employee And Cease And Desist Order Sent To Property Owner

October 5, 2016: Junk Yard Violation Found On Property, Warning Citation Sent To Property Owner

October 18, 2016: Illegal Junk Yard - First Civil Fine Issued To Owner - \$50 Due

October 20, 2016: Illegal Junk Yard - Second Civil Fine Issued To Owner - \$150 Due Total

October 27, 2016: Illegal Junk Yard - Third Civil Fine Issued To Owner - \$350 Due Total

*\*To This Point, All Civil Citation Letters Sent To Owner By 1<sup>st</sup> Class And Certified Mail; In Some Cases Certified Mail Was Returned But 1<sup>st</sup> Class Was Not\**

November 1, 2016: Illegal Junk Yard - 4<sup>th</sup> Civil Fine Issued To Owner - \$550 Due Total

November 7, 2016: Illegal Junk Yard - 5<sup>th</sup> Civil Fine Issued To Owner - \$750 Due Total

November 15, 2016: Illegal Junk Yard - 6<sup>th</sup> Civil Fine Issued To Owner - \$950 Due Total

November 16, 2016: Illegal Junk Yard - 7<sup>th</sup> Civil Fine Issued To Owner - \$1,150 Due Total

November 17, 2016: Illegal Junk Yard - 8<sup>th</sup> Civil Fine Issued To Owner - \$1,350 Due Total

November 18, 2016: Illegal Junk Yard - 9<sup>th</sup> Civil Fine Issued To Owner - \$1,550 Due Total

December 9, 2016: Illegal Junk Yard - 10<sup>th</sup> Civil Fine Issued To Owner - \$1,750 Due Total



**Town of Angier**  
P.O. Box 278  
Angier, NC 27501  
919-639-2071



Lewis Weatherspoon  
Mayor

Coley B. Price  
Manager

*Civil Fines #4 - #10 Were Served To The Property Owner In Person At The Planning Board Meeting On December 13, 2016*

December 15, 2016: Illegal Junk Yard – 11<sup>th</sup> Civil Fine Issued To Owner - \$1,950 Due Total

December 16, 2016: Illegal Junk Yard – 12<sup>th</sup> Civil Fine Issued To Owner – \$2,150 Due Total

December 20, 2016: Illegal Junk Yard – 13<sup>th</sup> Civil Fine Issued To Owner - \$2,350 Due Total

December 29, 2016: Illegal Junk Yard – 14<sup>th</sup> Civil Fine Issued To Owner - \$2,550 Due Total

*\*11<sup>th</sup> – 14<sup>th</sup> Civil Fines Were Mailed To Owner's Address At 49 Circle Tree Lane, Angier, NC\**

December 30, 2016: Illegal Junk Yard – 15<sup>th</sup> Civil Fine Issued To Owner - \$2,750 Due Total