



**NOTICE OF PUBLIC HEARING BEFORE THE TOWN OF SOUTHERN PINES
TOWN COUNCIL
TO CONSIDER A PROPOSED CONDITIONAL USE**

Notice is hereby given that a Public Hearing will be held before the Town of Southern Pines Town Council at the Douglass Community Center, 1185 West Pennsylvania Avenue, on Tuesday, December 12, 2017 at 7:00 PM, for the purpose of giving all interested citizens and property owners an opportunity to speak for or against the adoption of the proposed Conditional Use Petition described as follows:

CU-04-17: Conditional Use Permit; Expansion of Non-Conformity; 3.9 Acres on the West side of US Highway 15-501 between Commerce Avenue and Murray Hill Road; Petitioner, John Zhang

Mr. John Zhang has submitted a Conditional Use Permit application requesting the approval of an expansion of a non-conformity within the Urban Village Highway Corridor Overlay District (UV-HCO). Per §7.1.8 of the Town of Southern Pines Unified Development Ordinance, a non-conformity may not expand unless a Conditional Use Permit has been granted. The petitioner is planning to demolish and replace two existing structures as part of a redevelopment of three (3) parcels totaling 3.9 acres. One of the structures to be demolished has direct access to US 15-501 and is located within a 75' building setback that is required for lots with direct access to US 15-501. The petitioner wishes to replace the non-conforming structure and retain the direct access to US 15-501. The subject parcels are identified as PIN 857114349275 (LRK 00055988); PIN 857100348497 (LRK 00047489); and PIN 857114348617 (LRK 00055904). The property owner is listed as Moore Properties Development, Inc.

All interested citizens wishing to speak on the request or wishing to present evidence in order to have the request approved, approved with conditions, or denied should attend the public hearing.

The Hearing Body's decision must be based on substantial, competent, and material evidence. Substantial evidence is "that" which a reasonable mind would regard as sufficiently supporting a specific result." Competent evidence is evidence that can be subjected to cross-examination, inspection, explanation and rebuttal. Material evidence is evidence that is relevant to the issue being considered by the Hearing Body.

As a general rule, anyone with knowledge material to the case may provide factual information, but only experts may provide opinion testimony. Except as provided in G.S. § 160A-393(k)(3), lay witnesses may provide opinion testimony, but this testimony is generally deemed incompetent unless it is corroborated by competent evidence.

Competent evidence shall not be deemed to include the opinion testimony of lay witnesses as to any of the following:

- (1) The use of property in a particular way would affect the value of other property.
- (2) The increase in vehicular traffic resulting from a proposed Development would pose a danger to the public safety.
- (3) Matters about which only expert testimony would generally be admissible under the rules of evidence.

The full permit request application and maps delineating the properties affected may be reviewed at the Department of Planning and Development, 180 SW Broad Street, Southern Pines, North Carolina. Substantial changes in the permit request may be made following the public hearing.

Peggy K. Smith, Town Clerk

Publication Dates:

Wednesday, November 22, 2017

Wednesday, November 29, 2017