

MINUTES OF MEETING OF THE
CITY COUNCIL OF THE CITY OF SANFORD
SANFORD, NORTH CAROLINA

The City Council met at the Sanford Municipal Center, 225 E. Weatherspoon Street, on Tuesday, February 4, 2003, at 7:00 P.M. The following people were present:

Mayor Winston C. Hester	Council Member Joseph E. Martin
Mayor Pro Tem J. T. Kirkman	Council Member James G. Williams
Council Member Clawson Ellis	Council Member Walter H. McNeil, Jr.
Council Member Philip E. Dusenbury	Council Member Linwood S. Mann, Sr.
City Attorney Susan C. Patterson	Public Works Director Larry B. Thomas
City Clerk Bonnie D. White	

Absent:

City Manager Leonard Barefoot

Mayor Hester called the meeting to order; Council Member Joseph Martin delivered the invocation.

APPROVAL OF AGENDA

On motion of Council Member Walter McNeil, Jr., seconded by Council Member Phil Dusenbury, the agenda was approved as presented.

CONSENT AGENDA

Approval of January 21, 2003, City Council Minutes- Filed in Minute Book 60

The items listed below were discussed in detail at the Law and Finance Meeting held on Wednesday, January 29, 2003.

Approval of Request for the City to Write a Letter in Support to the Housing Finance Agency for Participation in the Hunters Glen Apartment Project - (Exhibit A)

Approval was given to write a letter in support to the Housing Finance Agency for participation in the planned Hunters Glen Apartment project, a residential apartment community to be located on Fire Tower Road. Simpson and Simpson Construction is seeking financing through the North Carolina Housing Finance Agency for the proposed project. Because the agency can approve only one out of five requests, a letter offering the City's support would weigh heavily in the agency's decision. Apartment eligibility will be based on income. In order to qualify, a single person's income could not surpass \$18,500; two-person income could not surpass \$25,000. In order to receive the low-interest financing through the Housing Finance Agency, the apartments must be committed for thirty years to rent at about 50 percent of market rate, as the renters' income would be about 50 percent of deemed median income for the area. Letters have been submitted from City Engineer Hal Hegwer stating that water and sewer are available and from City Planner Amy Bean verifying that the property is properly zoned. A market analyst will determine if Sanford has need of this kind of housing, as well as the number

of units needed in each income division. The Housing Finance Agency needs to know that the City would welcome the apartments and have no problems with Simpson and Simpson developing the project.

Approval of Resolution Authorizing Installment Purchase Financing for Street Improvements
- (Exhibit B)

Resolution authorizes Financial Services Director Melissa Miller to accept financing bids from the bank to borrow funds not to exceed \$1 million to improve and upgrade City streets.

Approval of Capital Project Budget Ordinance Amendment Water and Sewer Improvement Projects - (Exhibit C)

The Capital Project Budget Ordinance Amendment to the Water and Sewer Improvement Projects was approved in the amount of \$36,700. This is the amount that was negotiated with L. J.'s Electric Company and it will place that appropriation on line. It will record revenue coming in from the insurance company in the amount of \$36,700 and the additional expenditures of \$36,700.

The consent agenda items were approved upon motion of Council Member Joseph Martin. Seconded by Council Member James Williams, the motion carried unanimously.

CASES FOR PUBLIC HEARING

DECISIONS ON PUBLIC HEARINGS

Petition by Loraine M. Cress - to rezone from Residential (R-12) district to Office & Institutional (OI) District approximately .34 acre of land located at 207 Carbonton Road. The property is the same as depicted on Tax Maps 9642.01, Tax Parcel 9642-38-5477, Lee County Land Records Office – (Exhibit D)

Planner I Amy Bean advised that the property to be rezoned currently has an existing residential dwelling located on it, and all non-residential uses would be required to be screened from adjacent residential uses or zoning districts if the property were to be rezoned. The petitioner is requesting the property be rezoned to Office and Institutional (OI) District. The purpose of this district is to provide areas which are conducive to the establishment and continuance of offices, institutions and commercial activities not involving the sale of merchandise. The Planning Board considered this petition at its January 21, 2003 meeting and unanimously recommended that City Council approve the petition to rezone 207 Carbonton Road from Residential (R-12) District to Office and Institutional (O&I) District.

Council Member Clawson Ellis made a motion to go along with the Planning Board's recommendation to approve the petition. Seconded by Council Member Walter McNeil, the motion carried unanimously.

Petition by Daniel Lee McLean - to rezone from Residential (R-6) district to General Business District approximately .19 acre of land located at 309 East Globe Street. The property is the same as depicted on Tax Maps 96521.19, Tax Parcel 9652-52-5413, Lee County Land Records Office – (Exhibit E)

Planner I Amy Bean advised that the area of zoning consists of Residential (R-6) District, Heavy Industrial District and General Business District. The property to be rezoned currently has an existing single-family residential dwelling on it. All nonresidential uses would be required to be screened from adjacent residential uses or zoning districts. The petitioner is requesting the property to be rezoned to General Business. The General Business (GB) District is to create and protect business areas for the retailing of merchandise and for carrying on professional and business services and, in some cases, wholesaling services for large populations. The Planning Board considered this petition at its January 21, 2003 meeting and unanimously recommended that City Council approve the petition to rezone 309 East Globe Street from Residential (R-6) District to General Business (GB) District.

Council Member James Williams asked if the applicant could meet the setback requirements for General Business District. Ms. Bean replied in order to develop the site, he would have to submit a site plan showing that it meets all the requirements for what he chooses to put there. Council Member Linwood Mann asked if the property had been checked to see if it meets the setback requirements and parking. Community Development Director Bob Bridwell replied that if it is an existing structure, there would be a level of grandfathering in. Ms. Bean added there is an existing residential structure on the property, which is being used as rental property and if the property is rezoned and does not meet the setbacks, it would become a nonconforming structure. The zoning would be General Business (GB); therefore, the site would have to be developed under all the development requirements of that district including parking. Council Member Linwood Mann stated that this is one of the most unusual requests he has ever seen since being on the Council. He is familiar with the property; there are homes all around it; there is a street in front of it with the railroad running down the middle of it; Dalrymple Street is immediately beside it and there is hardly room to park a car. Council Member Mann felt it is not General Business property. Ms. Bean stated that the property owner has proposed parking behind the existing structure which is the only place with adequate room for parking.

Council Member Williams stated that the 2020 Land Use Plan recommends single-family, multi-family, and office and institutional zoning in that area. Mr. Williams asked what was the reasoning behind the Planning Board recommending approval of the zoning. Ms. Bean replied that the Planning Board discussed the fact that it is a busy area and there is General Business (GB) zoning on Dalrymple Street near Horner Boulevard, and they could see a trend heading in that direction. Mr. Mann stated that he knows Mr. McLean and considers him a friend, and he would not want to see Mr. McLean spend a lot of money going further with the project if he is not able to meet the setback and parking requirements. Ms. Bean replied that it depends on the use of the property Mr. McLean chooses. Mr. Mann advised that if the property is rezoned General Business, you can put anything at that location that falls under the General Business category, which could be a beer joint, and also it is hard for traffic getting onto Dalrymple Street.

Council Member Joseph Martin commented that once the property is zoned General Business and if Mr. McLean decides to sell it, then any General Business use can locate there. Mr. Martin expressed concern about it being that close to residential areas and when the property is sold, somebody else can come in that location and do whatever they want to do. Mr. Martin stated nobody spoke in opposition at the public hearing. Council Member Mann felt that Office

and Institution zoning would be in keeping with what Council has always done and what they just voted upon on Carbonton Road.

Daniel McLean, owner of the property, addressed Council and stated that the property would definitely not be sold in the future, as it is family-owned. He wants to upgrade the property and help the community. He added that it is not going to be a junkyard or beer joint. He wants to capitalize on the property, not just for financial gain, but also to improve the community. Mr. McLean stated that he has worked on the property and is going to take the trees out and the old building to possibly pave the lot behind the house. He stated that he has parked ten cars on the lot at the back He is planning to put a gift shop on the property; however, he understands that if the property would be sold in the future, anything could be put there; but he is not planning to sell the property. Mr. McLean named all the businesses located on Dalrymple Street and that people in the area are supportive of what he wants to do with the property. It would make the neighbors feel that the area is worth something. He is not going to do any damage to the property. Council Member Mann stated that it is obvious that Mr. McLean has upgraded the property; however, when it is zoned General Business, any other approved uses can go there.

Council Member Phil Dusenbury commented that hopefully, Dalrymple Street is going to be widened in the future and when that is done, it will change all that property. Council Member Mann asked if Mr. McLean could put a gift shop on the property if it was zoned Office and Institutional. Community Development Director Bob Bridwell replied that retail is allowed in General Business only. Mr. Bridwell said that this issue could be referred back to the Planning Board, and they could make sure that whatever Mr. McLean intends to do, we can accommodate him with the correct zoning. Council Member Linwood Mann made the motion to refer the request back to the Planning Board and staff will consult with the property owner. Seconded by Council Member Joseph Martin, the motion carried unanimously.

Amendment to the City of Sanford Zoning Ordinance, Article III, Districts Established; Permitted Uses, Section 42-173, Table of Residential Uses by changing “Schools, elementary, junior and senior” from a conditional use, subject to the issuance of a conditional use permit granted by the City Board of Adjustment to a use permitted by right, subject to the usual development standards and provisions of this chapter within the Office & Institutional (O&I) District. Substantial changes may be made to the proposed amendment after the public hearing. – (Exhibit F)

Planner I Amy Bean advised that the amendment allows “schools, elementary, junior, and senior” to be permitted by right within the Office and Institutional Zoning District. Council Member Joseph Martin made the motion to approve the amendment to the zoning ordinance. Seconded by Council Member Linwood Mann, the motion carried unanimously.

ALL EXHIBITS CONTAINED HEREIN ARE HEREBY INCORPORATED BY REFERENCE AND MADE A PART OF THESE MINUTES.

REGULAR AGENDA

OTHER BUSINESS

Council Member Joseph Martin asked Mr. Bridwell if there was any way to add certain tiers in the General Business District where you might have gift shops in one tier, and beer and wine establishments in a greater tier where Council will have more control about how they would impact a neighborhood when rezoning property. Mr. Bridwell replied that one of the concepts that they are trying to adopt in the Unified Development Ordinance (UDO) is to be able to give those tiers in it. It does provide for the hierarchy of use. He said we are dealing with land use regulations in the City of Sanford that are based upon enabling legislation that is pretty archaic. North Carolina's planning legislation was done in the 20's. We are actually negotiating with developers and property owners in trying to get the highest and best use in terms of development and use. The Unified Development Ordinance will be forthcoming in the next several weeks. If Council would like for staff to look at the existing ordinance, they will; however, they would like to put staff's energy into getting the UDO to Council as quickly as possible. The technical review is finished, and staff hopes to publish the document shortly so that it can be presented to Council for review.

ADJOURNMENT

With no further business to come before the Council, the meeting was adjourned on motion of Mayor Pro Tem J. T. Kirkman. Seconded by Council Member Walter McNeil, Jr., the motion carried unanimously.

Respectfully submitted,

WINSTON C. HESTER, MAYOR

ATTEST:

BONNIE D. WHITE, CITY CLERK