

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, September 20, 2005, at 7:00 P.M. The following people were present:

Mayor Winston C. Hester	Council Member Linwood S. Mann, Sr.
Mayor Pro Tem Joseph E. Martin	Council Member James G. Williams
Council Member Clawson Ellis	Council Member Walter H. McNeil, Jr.
Council Member Cornelia P. Olive	Council Member Philip E. Dusenbury
City Manager Leonard Barefoot	City Attorney Susan C. Patterson
City Clerk Bonnie D. White	

Mayor Hester called the meeting to order. Council Member Phil Dusenbury delivered the invocation.

APPROVAL OF AGENDA

City Manager Leonard Barefoot stated that an Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2005-2006 needed to be added and made part of the items under the Regular Agenda listed as Consider Authorization to Enter Into New Contract with Sprint/GE Capital and Carolina Recording Systems. The ordinance appropriates funds connected to the contract with Sprint/GE and Carolina Recording Systems.

On motion of Council Member Walter McNeil, Jr., seconded by Council Member Clawson Ellis, the amended agenda was approved.

CONSENT AGENDA

Approval of September 6, 2005, City Council Minutes (Filed in Minute Book 64)

Approval of a Resolution Declaring the Intention of the City Council to Close Portions of Unopened/Unnamed Streets Off of Wingate Street – (Exhibit A)

Resolution was approved declaring the intention of the City to close portions of unopened/unnamed streets off of Wingate Street. Resolution sets a public hearing date of November 1, 2005, for citizen input. Sapona Mills is the one requesting the closing of the unopened streets to combine their properties.

The consent agenda items were approved upon motion of Mayor Pro Tem Martin. Seconded by Council Member Phil Dusenbury, the motion carried unanimously.

CASES FOR PUBLIC HEARING: held jointly with the Planning Board.

Petition Submitted by Settle-Shontz, LLC for contiguous annexation of property located approximately 3,500 linear feet north of the intersection of Imperial Drive and Highway 421.

Planner II Liz Whitmore explained that this petition was submitted on July 22, 2005, by Settle-Shontz, LLC for annexation of approximately 7.43 acres located 3,500 linear feet north of the intersection of Imperial Drive and Highway 421. The city clerk investigated the petition, and it was found sufficient. A public hearing will be held tonight, which was publicized in the *Sanford Herald* on September 7, and the property owners were mailed a copy of the notification on September 12. The site is located in the West Sanford Rural Fire Protection District, and the General Statutes require the City to pay an annual proportionate share of any payments due on any debt. There is a small annual payment of approximately \$20 that will be due. Normally, we would not have to pay this because it is under \$100, but once you exceed that \$100 limit within one calendar year, you have to pay that debt for that fire district.

Ms. Whitmore advised that City services will be extended to the new area if it is annexed. There is no public water or sewer on the existing property. The applicant will extend the sewer down to his property. An 8-inch sewer line is required. The developer bears the burden of the cost of any extension of sewer or water line. The site will be accessed from US Highway 421, and this road is maintained by the Department of Transportation. The developer will be required to get a driveway permit. Due to the close proximity, the Police Department is already providing services to this area. Fire Station #3 will provide service and backup will come from Central Fire Station. Response time is approximately five to six minutes to the site. There are no additional costs anticipated to the City to serve this proposed annexation. The developer is seeking to have this property rezoned if it is annexed tonight, and this will be presented later on this evening. The petition meets all the requirements of General Statutes 160A-31.

Mayor Hester opened the public hearing. No one spoke in favor or in opposition. The public hearing was closed.

- Consider Ordinance to Extend the Corporate Limits of the City of Sanford, North Carolina – (Exhibit B)
Council Member Cornelia Olive made the motion to accept the application and adopt the Ordinance to Extend the Corporate Limits of the City of Sanford, North Carolina. Seconded by Council Member Walter McNeil, Jr., the motion carried unanimously.

Petition by Mark Revels, a representative of Century 21 Cornerstone Realty, to rezone from Residential-12 (R-12) district, to General Business (GB) district approximately 0.62 of an acre of land located at 2305 Carthage Street. The property is the same as depicted on Tax Map 9631.02, Tax Parcel 9631-66-2545-00, Lee County Land Records Office. – (Exhibit C)

Planner I Amy Bean advised that the property owner is Jesse R. Butts, Jr. Adjacent zoning to the north is Residential (R-12); to the south is Lee County Highway Commercial (HC); to the east is Residential (R-12); and to the west is General Business (GB) – opposite Carthage Street/US Highway 1. There is one lot approximately 0.62 of an acre with road frontage on Carthage Street. There is an existing single-family dwelling on site. The property surrounding the area is a mix of business and residential uses.

Mrs. Bean stated that the Residential (R-12) district is intended for a variety of residential uses, such as single-family and multi-family dwellings. General Business (GB) district is intended for retailing of merchandise and for carrying on professional and business services.

The 2020 Land Use Plan Map has identified this property for Retail/Commercial development.

Mrs. Bean continued that based on the trend of development within the area of the proposed rezoning, staff recommends that the Planning Board support the petition to rezone from Residential (R-12) to General Business (GB). The location of the property lends itself to commercial development; however, the small size of the lot and the lack of access to public sewer is a cause for concern regarding future development. In addition to the landscaping, parking, and setback requirements, the developer would have to meet environmental health requirements regarding the septic tank and repair area. This would limit the amount of development on the lot. Information presented at this public hearing may provide additional information that should be considered regarding a final recommendation on the requested zoning map amendment.

Mayor Hester opened the public hearing. Mark Revels, representative from Century 21 Cornerstone Realty and representing Jesse Butts, the property owner, spoke in favor of the petition. He felt the property should be rezoned because of the surrounding properties. Mr. Revels was present for any questions. No one spoke in opposition. The public hearing was closed.

Petition by Roy E. Mashburn to rezone from Residential -10 (R-10) district, to General Business (GB) district approximately 0.82 of an acre of land located at the intersection of Oakwood Avenue and Bragg Street. The property is the same as depicted on Tax Map 9653.17, Tax Parcel 9653-10-7681-00, Lee County Land Records Office. – (Exhibit D)

Planner I Amy Bean stated that the applicant and owner is Roy Mashburn. The property is a vacant lot located in the 600 block of Oakwood Avenue. The surrounding zoning is R-6, R-12, and General Business. It is approximately .82 acre of land. It is vacant and cleared. The site adjoins an .84-acre tract also owned by the applicant. The lots total 1.656 acres. The adjoining lot is zoned General Business.

Mrs. Bean advised that the primary land uses surrounding the site are residential. There are single-family dwellings and multi-family apartments in the neighborhood. There is also a church within the block. The property is currently zoned Residential (R-10), and this district is intended for a variety of residential uses, including single-family homes, duplexes, and multi-family developments. The applicant is petitioning to rezone to General Business (GB), and the purpose of that district is for retailing of merchandise and for carrying on professional and business services.

The 2020 Land Use Plan has not identified this property for any particular use. However, when considering the rezoning of this property, current development trends of the neighborhood should be continued and applied.

Mrs. Bean stated that based on the trend of development within the area of the proposed rezoning, staff recommends that the Planning Board support the petition to rezone from Residential (R-12) to General Business (GB). Information presented at this public hearing should be considered regarding a final recommendation.

Mayor Hester opened the public hearing. Attorney Robert Reives, representing Roy Mashburn, spoke in favor of the petition. For clarification, Mr. Reives stated that the corners that bridge Bragg Street and Oakwood Avenue already have the General Business zoning. These two lots combined are surrounded by a chain-link fence which Mr. Mashburn had constructed after he had the lots cleared. They feel this will be the best use for the property. Combining the lots makes it a more realistic size of property for General Business. Attorney Reives stated they felt it would help increase the value of the surrounding properties.

Kathryn L. Moore spoke in opposition. Ms. Moore stated that her property backs up to Mr. Mashburn's property and she asked for clarification of which property was being requested to be rezoned. Mrs. Bean showed her a map of the site being rezoned. Ms. Moore added that this land was covered with woodland and very deep in leaves over years of accumulation. Mr. Mashburn cleaned all the woodland off the property and sowed it in grass. She continued that they spent two days hauling the trees off the lot and as soon as this happened, her lot started flooding and eroding. Ms. Moore said she asked Mr. Mashburn to do something about this problem and that Mr. Mashburn replied he could not make water run uphill. She added that he did put bales of straw along her property, but it did not help. Ms. Moore stated that she has put up timbers along her property. Ms. Moore said she had pictures of trenches under her property. She put in bricks, cement blocks, and anything to control it. Whenever she gets out of her car in the driveway, she has to step up. She said her foundation was painted gray, and red is now showing where it has washed. Ms. Moore said she did not have a problem with rezoning it General Business, but something needed to be done to protect her investment. She stated that if it is rezoned and a business is put there, she can kiss her lot goodbye because it will be across the road. She passed pictures around to the Council for review of the problems she was incurring and took them back.

Mayor Pro Tem Martin asked about the buffer criteria; is there a stipulation on a rezoning request that if we do rezone it to General Business that something be done to help the situation? Community Development Director Bob Bridwell replied that typically in a standard rezoning, there are no conditions you can place on the property. Mr. Barefoot stated that a General Business zoning adjacent to residential property requires buffering at the time of development. Mr. Martin asked if it requires drainage. Mr. Bridwell responded that when the site plan is received, staff will look at it relative to how the drainage will take place; this would take place in the site plan review process.

With no one else requesting to speak, Mayor Hester closed the public hearing.

Petition by Brian C. Gaster, a representative of Kotis Properties, Inc., to rezone from Office & Institutional/Multi-family (OI-MF) district, to Shopping Center (SH-C) district an approximately 1.14 acre portion of a 2.68 acre parcel located at 830 Spring Lane and an approximately 0.05 acre portion of a 3.82 acre parcel located at 806 Spring Lane. Both areas of rezoning are within

the Spring Lane Galleria Shopping Center. The property is the same as depicted on Tax Map 9643.03, a portion of Tax Parcel(s) 9643-22-3444-00 and 9643-22-4954-00, Lee County Land Records Office. – (Exhibit E)

Planner I Amy Bean said that the property owner is Kotis Properties, Inc. The location is a portion of 806 Spring Lane and 830 Spring Lane. The area requested for rezoning includes approximately 1.14 acres of a 2.68 acre parcel located at 830 Spring Lane and an approximately 0.05 acre portion of a 3.82 acre parcel located at 806 Spring Lane. Both areas of rezoning are within the Spring Lane Galleria Shopping Center. The property owner of Spring Lane Galleria would like to rezone this property in order to allow for future development of out parcels for retail uses. Currently, the Office and Institutional/Multi-family (O&I/MF) zoning accommodates offices, institutions, and commercial activities which do not involve the sale of merchandise. The Shopping Center (SH-C) district, which is what the applicant would like to rezone to, allows retail sales. The current Office and Institutional/Multi-family (O&I/MF) zoning does not allow any type of retail use, and, therefore, is not compatible with the Spring Lane Galleria development as a whole. The proposed rezoning to Shopping Center is intended to provide special districts for the development of integrated shopping centers to serve the needs of residential neighborhoods and outlying area. Essentially, there is a small portion of Spring Lane Galleria Shopping Center that is zoned O&I/MF. The property owners would like to rezone to Shopping Center, making everything Shopping Center (SH-C) district so that they can market it and develop it better.

The Sanford-Lee County 2020 Land Use Plan does not identify this area for any particular land use. When considering the request, current development trends of the neighborhood should be applied.

Based on the trend of development within the area of the proposed rezoning, staff recommends that the Planning Board support the petition to rezone from Office & Institutional/Multi-Family (O&I-MF) to Shopping Center (SH-C).

Mayor Hester opened the public hearing. Brian C. Gaster, representing Kotis Properties, Inc., spoke in favor of the petition. They want to clean up the zoning and make everything Shopping Center (SH-C) district. With no one speaking in opposition, the public hearing was closed.

Petition by Ted Thomas to rezone from Residential Agricultural-20 (RA-20) district, to Residential-14 (R-14) district, approximately 5.78 acres of land located on Amos Bridges Road south of the intersection of Rena Lane and Amos Bridges Road (SR 1420). The property is the same as depicted on Tax Map 9643.03, Tax Parcel 9643-22-3444-00, Lee County Land Records Office. – (Exhibit F)

Assistant Community Development Director Marshall Downey explained that the property owners are Ted Thomas and George Riddle. The property is a triangular shaped tract of land located along the south side of Amos Bridges Road, across from the Devroe Meadows Subdivision. Zoning to the north is City of Sanford Residential (R-14) (Devroe Meadows

Subdivision); zoning to the south is City of Sanford (RA-20); zoning to the east and west is Lee County (RR) Residential Restricted.

Mr. Downey stated that the property requested for rezoning is comprised of one 5.78+/- acre tract with road frontage along Amos Bridges Road. The applicant has indicated to staff in the application that he has a desire to develop the property as single-family dwellings in a similar manner as the existing Devroe Meadows Subdivision. With the exception of the subdivision across the road to the north, the properties immediately surrounding the area are undeveloped. The subdivision to the north, Devroe Meadows, is a traditional detached single-family residential subdivision with lots averaging about 15,000 square feet in area.

The site is not located within any of the overlay districts or scenic corridors. The 2020 Land Use Plan does not provide a recommendation for this property. When considering the zoning of this land, current development trends of the neighborhood should be continued.

Staff recommends that the Planning Board and Council consider supporting the petition to rezone from RA-20 to R-14 Residential. This recommendation is based on the availability of public utilities and the location of an existing developed subdivision to the north of the subject property that was developed under the R-14 zoning classification. Information presented at the public hearing may provide additional information that should be considered regarding a final decision on the requested zoning map amendment.

Mayor Hester opened the public hearing. Ted Thomas spoke in favor of the petition. Mr. Thomas stated that he would like to develop the property like Devroe Meadows Subdivision.

Tonya Wicker, who lives at 414 Henry Circle within Devroe Meadows Subdivision, stated that she is not for or against the development; however, she has two concerns. She lives adjacent to the sewer right-of-way, located on Amos Bridges Road. She keeps up the sewer right-of-way and she has dogs in her back yard. Currently, the sewer overflows more than it should. Ms. Wicker expressed concern that the current sewer system is not able to handle the load now and is the City going to upgrade the sewer system to handle more houses? Her second concern was drainage. Ms. Wicker said she has called the City to come out two times because when it is raining, the water from Amos Bridges Road turns and comes through her yard. She says that one time she and a worker from the City were standing in knee deep water in her back yard, and he says it is a state issue.

Council Member Ellis asked if the problem Ms. Wicker is having with sewer related to the lift station out there. City Engineer Brent Johnson replied that part of the problem is the capacity problem at the lift station. It drains by gravity across Amos Bridges Road to that lift station. Mayor Pro Tem Martin asked about a time table on a possible grant the City may receive to expand and upgrade that area. Public Works Director Larry Thomas replied there are a couple of things they are doing to eliminate the spills at Little Buffalo Lift Station. They have spent \$1 million lining the sewer lines and will spend approximately \$750,000 this fiscal year. As far as the lift station is concerned, staff has applied for a \$1 million EDA grant; the City has received \$900,000 from grants to replace the lift station at Northview. The project will be bid in March of 2006, and it will take approximately nine months to construct it. This lift station will

improve the service in the GKN and Industrial Park area; but it will also take the overflow that might come from Little Buffalo Lift Station. Mr. Thomas stated that this should take care of the sewer overflow problem for Ms. Wicker.

Council Member Ellis asked if it was wise to add more houses onto an existing problem. Mr. Martin asked if Council should put a moratorium in areas like this until the problem is worked out. Mr. Thomas replied that the amount of spills has dropped considerably. The City will continue to work on the problem. He felt that by the time any large amount of houses are built, if there is a development in the area, that the City will have some control of the problem. Mr. Thomas stated that the only time they have a problem is when there is a 2-inch rain over town or a big area; not just a localized shower. This has been reduced greatly.

Council Member McNeil asked if Amos Bridges Road is a state-maintained road with reference to the drainage problem Ms. Wicker was having with water. Mr. Thomas replied it is a state road. Mr. Thomas will have staff to go to Ms. Wicker's home and see what the problem may be.

With no one else requesting to speak, the public hearing was closed.

Petition by RAB Investments, LLC to rezone from Residential-20 (R-20) district, to Light Industrial (LI) district approximately 0.50 of an acre of land located on Nixon Drive, further identified as Lot 43 of Glenwood Subdivision and a 6.15 acre portion of an adjoining 9.8 acre parcel located at 1711 Boone Trail Road (US Hwy 421). The property is the same as depicted on Tax Map 9634.04, Tax Parcel 9634-51-8336-00, and a portion of Tax Parcel 9634-61-1116-00, Lee County Land Records Office. – (Exhibit G)

Planner I Amy Bean explained that RAB Investments, LLC is the applicant petitioning for rezoning and the owners are Terry M. Nixon, W. Mack Nixon, and Margie H. Nixon. The area requested for rezoning is comprised of one .50+/- acre parcel (Lot #43 of Glenwood Subdivision) and a 6.65 acre portion of an adjoining 9.89 acre parcel of land addressed as 1711 Boone Trail Road. The site is located north of Cool Springs Road and south of Glenwood Drive.

Mrs. Bean advised that the land uses surrounding the petitioned site are a combination of commercial and residential uses. She explained that Residential (R-20) district is intended for single-family homes. The Light Industrial (LI) district is intended for light manufacturing, warehousing, and the distribution and sales of large item products at wholesale. However, the Light Industrial and the General Business districts both allow for most of the same uses. To allow for harmonious zoning in the area, the petitioners propose to rezone to Light Industrial (LI) because there is no General Business (GB) zoning in the area. This would allow him to continue existing zoning trends and also develop in a manner that he would like.

The 2020 Land Use Plan has identified this property within Industrial-Commercial-Office Classification. The purpose of this classification is to identify areas which are appropriate for industrial, commercial, and office type development.

Mrs. Bean stated that the 6.65 acre portion of 1711 Boone Trail Road and the proximity of that property to Boone Trail Road/US Highway 421 lend itself to commercial development; however, while the smaller 0.50 acre adjoining parcel does provide a secondary access to the property, the new traffic generated may adversely affect the adjoining residential neighborhood. Overall, based on the trend of development within the area of the proposed rezoning and the proximity of the site to Boone Trail Road/US Highway 421, staff recommends that the Planning Board support the petition to rezone from Residential (R-20) district to Light Industrial (LI) district. Information presented at the public hearing may provide additional information that should be considered regarding a final recommendation on the requested zoning map amendment.

Mayor Hester opened the public hearing. Chris Jordan, representing RAB Investments, LLC, spoke in favor of the petition. He said they are trying to purchase a ten-acre tract from the Nixons. RAB Investments wants the back portion of the land, which they are not asking to be rezoned, to remain residential as a buffer to the neighborhood that backs up to the area they would like to have rezoned as Light Industrial (LI). He continued that they have some customers they plan to market to which will provide services to the industrial community, and they are trying to market some of this land to businesses that bring services to the residential community. Mr. Jordan stated that this is one of the reasons that they like the secondary entrance to the land for the residential community behind it. The Department of Transportation is requiring them to install a turn lane off of US Highway 421 for access to encourage trucks bringing goods to the businesses to utilize the entrance on Highway 421, so they will not be entering or exiting through the back entrance.

Trisha Denkins Brown, who lives at 501 Nixon Drive, beside the secondary entrance, spoke in opposition. The lot that is the proposed secondary entrance is directly beside her bedroom window and the rest of the property is behind her house. Ms. Brown expressed concern about the lighting and traffic flow in and out of the property all hours of the day. Mr. Jordan stated that the side lot Ms. Brown is concerned about is 100 feet wide and when the road is installed there is a fairly large buffer zone where the edge of the road would be to the side of her lot. They would be glad to construct some type of buffer there so it would reduce the amount of noise that would occur. The primary entrance into this subdivision is still off of US Highway 421. The reason they want the rear entrance is to provide the easy-in and easy-out access to the businesses that are located there, and it would benefit the residential community with an easy in and out access to the businesses. Mr. Martin felt it would be a hindrance with trucks going in and out rather than it being an asset to the neighborhood. Ms. Wicker stated that her main concern is with the noise, lighting, and the amount of traffic flow. Mr. Ellis said he is pro-neighborhood and the buffer is not going to help Ms. Wicker. She is still going to have all the noise and traffic.

With no one else requesting to speak, the public hearing was closed.

Petition by Austin Bay, Inc. to rezone from Residential-20 (R-20) district, to Residential-12 Single Family (R-12SF) district, an approximately 37.5 acre portion of a 51.5 acre tract of land located along the south side of Tramway Road, within the 1200 block of Tramway Road (south of the intersection with Lemon Springs Road). The area to be rezoned adjoins the rights-of-way

of Brenda Street (SR 1248) and Dewayne Street. The property, as proposed for rezoning, is a portion of the parcel depicted on Lee County Tax Map 9651.01, Tax Parcel 9651-07-4581-00 Lee County Land Records Office. – (Exhibit H)

Assistant Community Development Director Marshall Downey advised that the applicant is Austin Bay, Inc. and the property owners are Helen T. Rollins and Katherine S. Thomas. The request is to rezone 37.5 acres from Residential (R-20) district to Residential (R-12SF) district. The site requested for rezoning consists of a total 52.5 acres and is currently split zoned with 15 acres zoned for Light Industrial (LI) and the remaining 37.5 acres located to the south being Residential (R-20). Mr. Downey said that in February of this year, this same petitioner, Austin Bay, requested that seven acres be rezoned to Light Industrial (LI), and they also submitted a Conditional R-12 zoning for the 37.5 acres. Council approved the Light Industrial (LI) request, but denied the Conditional R-12 petition. Since that time, Council approved a new zoning district, the R-12SF District. This was a petition by the local homebuilders' association which created a single family only residential district with 12,000 SF lot minimum. This amendment is requesting that this new single family only district be applied to the same 37.5 acres that was proposed in February as a Conditional R-12 District. The property has a little over 350 feet of frontage on Tramway Road, but it is only about 900 feet at its widest point. However, it extends a distance of over 3,000 feet in depth. The majority of the property is surrounded by existing residential neighborhoods. The property has direct access to three additional public rights-of-way in addition to Tramway: Brenda Street and Dewayne Street along the eastern side and Currituck Drive along the western side.

The requested R-12SF district allows detached single-family dwellings with a minimum lot size of 12,000 square feet. Under the cluster development option, the R-12SF would allow 9,000 square foot lots. By comparison, the current R-20 is restricted to single-family detached homes with a minimum lot size of 20,000 square feet in a traditional subdivision and 15,000 square foot lots under the cluster option. If approved, the 3.5 units per acre (4.8 units under cluster), as allowed under the R-12SF district, would represent the first encroachment of higher density into the immediate area that currently is developed at two units per acre.

Staff conducted a neighborhood meeting last Thursday evening with approximately eight residents attending, along with a representative of the developer. An informal discussion occurred of what was proposed and intended with the property.

The 2020 Land Use Plan recommends this property for Mid/High Density Residential-Office. The purpose for that classification is to allow for medium-density and high-density residential development, including single-family, duplexes, and multi-family developments, as well as office development. When considering this recommendation, current development trends of the neighborhood should also be considered.

Staff does recommend to the Planning Board and City Council that they consider supporting the request, primarily based on the recommendation of the 2020 Land Use Plan. Testimony presented at the public hearing, however, should be considered in the decision-making process.

Council Member James Williams asked what the general feeling was of the eight residents who attended the neighborhood meeting. Mr. Downey said that there was not a complete feeling of satisfaction with this proposal, although there was some acknowledgement that the multi-family element had been removed.

Mayor Hester opened the public hearing. Buck Branson, representing the applicant, Austin Bay, Inc., spoke in favor of the petition. Council Member Cornelia Olive asked if he had attended the neighborhood meeting. Mr. Branson did not attend the meeting, but Larry Cheatham, who had attended the meeting representing Austin Bay, came to the microphone to answer questions. He said that previously he thought the main problem had been that they did not understand the R-12 zoning and their justifiable fear of being multi-family or apartments or something that they had no control of going in there. Now, under this new zoning text change for R-12SF, it would be single-family homes in a price range equal to or superior to all of the surrounding neighborhoods. He believes it will be quite an asset to the neighborhoods because it will be protecting their home values. He believes the majority of people living around there do understand that.

Council Member James Williams asked if this neighborhood already had curb and gutter and sidewalks. Mr. Cheatham replied that they did not. It is an older neighborhood with most of the homes being built in the late 50s to late 60s. The average price home in that neighborhood is probably around \$100,000. Mr. Williams asked if they would be putting in curb, gutter, and sidewalks with their development. Mr. Cheatham said it was his understanding that those plans would have to be approved by the Planning Board when the layout for any subdivision would go in there. Under the new UDO, as he understands it, that would probably be a requirement. Mr. Williams expressed concern that the UDO doesn't go into effect until next year. Mr. Cheatham said that they would not be submitting any plans before the middle of next year at the earliest.

Jewel Fader who lives at 2504 Dewayne St. spoke in opposition to the petition. She says she is located next to the property, and it floods her yard like a river when it rains. She feels the development would devalue the whole neighborhood (a nice, quiet, peaceful neighborhood) to do what they are thinking. Dewayne was always said to be a private road. Ms. Fader said that no one would ever scrape it or clean out the ditches, and there are only two houses on Dewayne.

Dot Sizemore who lives at 3000 Currituck spoke in opposition to the petition. Currituck is a dirt road, and everyone has told her it is a private road and is not state maintained. She says everything else is paved around there but that little strip of Currituck Road. She wants to know just how close this development will come to Currituck Road. She says that she understands that Bryant Johnson owned this property and left about a 2-foot strip that doesn't belong to anyone. According to Mr. Bridwell this doesn't show up on the map. Mr. Barefoot said that Currituck is probably a road that was platted several years ago before the City Limits was moved out there, and under statutes, the road would have been assumed for maintenance by the City in the state it was in at that point in time. Being outside the City, it would have been considered a private drive. Ms. Sizemore asked how Currituck would be affected by this development. Mr. Barefoot said it would only affect it to any extent that the developer chose to improve it to get people buying the lots on a paved street. Mr. Barefoot said he didn't know what the developer's plans are. It may have a positive impact; it may not. She wanted to know how close the houses would

come to Currituck. Mr. Barefoot said that he was certain that staff would be concerned about the off site improvements that the developer would complete as part of his subdivision. He feels the developer, himself, will be interested in making sure that when he is marketing property, there is proper access to it. He would want paved access to those lots. Ms. Sizemore says the water runs off that property now down between their houses because there are no ditches along this private road. Mr. Barefoot explained that whether it is rezoned or not, if and when the developer begins to develop those lots and submits a subdivision plan, City engineers and planning staff will be looking at those plans to make sure there is proper drainage. Ms. Sizemore asked how soon all this building is supposed to take place. Mr. Barefoot explained that it would be up to the developer. He explained that the purpose of this hearing tonight is to determine whether or not the zoning classification warrants being changed. Once that is completed, the developer, himself, said it would be the middle of next year before he would come back and proceed with developing the property. At that time, he will submit plans. Mr. Barefoot suggests that she stay abreast of the situation and state her interest in off site improvements that may be affected by the development, itself. She says a lot of people are going to be disappointed because it is a little neighborhood that is like one family that has been there 30-40 years. It really bothers her.

Peggy Buchanan who lives at 3214 Harward Drive spoke in opposition to the petition. She says that her main concern is whether this development will increase or decrease her property value. Assistant Community Development Director Marshall Downey responded that he believes that the rezoning is meant to improve the value, but it is not a guarantee. She asked if they would pave Dewayne Street. Mr. Barefoot said it is not a part of the development. The developer will have to make some improvements on some of the rights-of-way in order to get into the property. At this point, it is not known which rights-of-way that will involve.

With no one else requesting to speak, Mayor Hester closed the public hearing.

Petition by Katherine Settle to rezone from Lee County Residential Restricted (RR) district to a conditional zoning district to be known as the Settle-Shontz LLC Conditional Zoning District. As proposed, the Settle-Shontz LLC Conditional Zoning District will allow a veterinarian hospital, boarding kennel, animal training facilities, animal associated retail & service facilities, and all other retail and service related uses permitted within the Light Industrial zoning district. The petition includes approximately 7.46 acres of land located at 2104 Boone Trail Road / US Hwy 421. The property is the same as depicted on Tax Map 9634.01, Tax Parcel 9634-35-1879-00, Lee County Land Records Office. The aforementioned petition will be for the assignment of a City of Sanford zoning district to property proposed for annexation into the corporate city limits. The public hearing for this rezoning petition is contingent upon approval of annexation. – (Exhibit I)

Planner I Amy Bean explained that this is a request to rezone Lee County Residential Restricted to Settle-Shontz Conditional Zoning District. This is the area Council agreed to annex earlier this evening. The location is 2104 Boone Trail Road. There are adjacent Residential Restricted and Light Industrial zoning in the area. This rezoning is for the initial assignment of a City of Sanford zoning district. The property is an approximately 7.46 acre lot with road frontage on Boone Trail Road, and it is currently undeveloped. Surrounding properties are a mix of commercial and residential uses. The applicant is requesting to rezone to Settle-Shontz LLC

Conditional Zoning District the front 3.25 acres of property and to rezone to Light Industrial (LI) the rear 4.21 acres of property. Conditional Zoning District, Type 1 is the most suitable in situations where none of the current city zoning districts accommodates the desired uses(s) and the developer has a clear vision as to how the property is to be developed. As such, this type of zoning, Type 1, requires a detailed site plan be included. The site plan is included with the petition and labeled, Settle and Shontz, LLC Property. As proposed, the Settle-Shontz LLC Conditional Zoning District will allow a veterinarian hospital, boarding kennel, animal training facilities, animal associated retail and service facilities within the front 3.24 acre portion of the property. More specifically, the front 3.25 acre portion is planned for a 6,000 SF veterinary hospital with an open 1,800 SF exercise area, an 8,500 SF boarding kennel with an open 3,500 SF exercise area, a private drive, parking area, and the required infrastructure to support this development. If approved, the site plan for the Settle-Shontz LLC Conditional Zoning District (which encompasses the front 3.25 acres of the property) would be recorded and legally binding on the land. If developed, the site would have to be developed as per the approved plan, even if a property transfer(s) were to take place. The rear 4.21 acres of the property is to be rezoned to Light Industrial (LI), and this will be developed as per the development standards of the Unified Development Ordinance, as this portion of the property is planned for development after January of 2006.

The 2020 Land Use Plan Map has identified this property within Industrial-Commercial-Office classification. Based on the trend of development within the area of the proposed rezoning, staff recommends that the Planning Board support the petition to rezone from Lee County Residential Restricted (RR) to Settle-Shontz, LLC Conditional Zoning District and to Light Industrial (LI) Zoning District as presented on the map submitted with the petition.

Council Member Olive asked how close the Wicker property is to the back side of the property. Ms. Bean answered that the Wicker property actually adjoins this property to be rezoned as Light Industrial (LI). Ms. Olive asked if there was a house there. Ms. Bean did not know.

Mayor Hester opened the public hearing. Dr. John Shontz, one of the partners of Settle-Shontz LLC, offered to answer any questions Council may have. Council Member Olive asked Mr. Shontz about how many animals he planned to accommodate in this facility. Dr. Shontz responded that the animal hospital, itself, is going to have 10 inside runs and space for approximately 24 other small dogs in private compartment cages. These will be animals under doctor's care. Dogs will not be boarded in the hospital which will be located on the north part of the property, which is nearest the residential area. There will be no overnight stays outside; everything will be inside. In the boarding facility, the initial plan is to have 50 runs—50 areas inside the boarding kennel. There will not be any outside housing of the animals without supervision. There will be some exercise areas outside the building during the day.

With no one else requesting to speak, Mayor Hester closed the public hearing.

The Planning Board retired to the West End Conference Room.

REGULAR AGENDA

Consider Authorization to Enter Into New Contract with Sprint/GE Capital and Carolina Recording Systems (Exhibit J) and Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2005-2006– (Exhibit K)

Communications Director Pat Garner explained that in 1999, the City of Sanford signed a five-year contract with Sprint and a lease company called Telmagine for the lease for all of the 911 equipment in our communications center, which included the two-way radio consoles, the telephone system, including 911, and the voice recording system. At the end of the five-year lease, which was May of 2004, we extended the lease one year, which ended May of 2005. Since that time, we have been operating on a month-to-month contract which has not, and does not, include a maintenance contract on the equipment. During this extended time, we have been working with Sprint and with Carolina Recording Systems on securing a new contract on each.

Mayor Hester asked if this would bring in up-to-date equipment-- the latest technology in equipment. Mr. Garner responded yes.

Council Member Linwood Mann made the motion to enter into the new contract with Sprint/GE Capital and Carolina Recording Systems and to approve the Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2005-2006. Seconded by Council Member Walter McNeil, Jr., the motion carried unanimously.

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

OTHER BUSINESS

City Manager Leonard Barefoot explained that he has a personal conflict with the Law & Finance meeting scheduled next Wednesday, September 28, 2005. He asked if Council wished to move the meeting to Tuesday, September 27 or hold it on Wednesday at the scheduled time with Public Works Director Larry Thomas sitting in. He said he would prefer to be in attendance, but understood if council wanted to continue on the regularly scheduled day. Council Member Olive said she had a conflict with Tuesday. It was agreed to keep the meeting scheduled on Wednesday.

ADJOURNMENT

With no further business to come before the council, the meeting was adjourned on motion of Council Member James Williams; seconded by Council Member Linwood Mann, the motion carried unanimously.

Respectfully submitted,

WINSTON C. HESTER, MAYOR

ATTEST:

BONNIE D. WHITE, CITY CLERK

