

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, July 17, 2007, at 7:00 P.M. The following people were present:

Mayor Cornelia P. Olive	Council Member Linwood S. Mann, Sr.
Mayor Pro Tem Walter H. McNeil, Jr.	Council Member James G. Williams
Council Member Dan Harrington	Council Member Joseph Martin
Council Member Mike Stone	Council Member Steve Brewer
City Manager Hal Hegwer	City Attorney Susan C. Patterson
City Clerk Bonnie D. White	

Mayor Olive called the meeting to order and delivered the invocation.

**APPROVAL OF AGENDA**

On motion of Council Member James Williams, seconded by Mayor Pro Tem Walter McNeil, Jr., the agenda was approved.

**CONSENT AGENDA**

Approval of May 23, 2007, Reconvened City Council Minutes - (Filed in Minute Book 67)

Approval of May 29, 2007, City Council Minutes - (Filed in Minute Book 67)

Approval of July 3, 2007, City Council Minutes - (Filed in Minute Book 67)

The consent agenda items were approved upon motion of Council Member Steve Brewer. Seconded by Council Member Dan Harrington, the motion carried unanimously.

**SPECIAL AGENDA**

Presentation of Proclamation for National Night Out – (Exhibit A)

Mayor Olive read the proclamation proclaiming August 7, 2007, as National Night Out in Sanford. Mayor Pro Tem McNeil thanked the citizens of Sanford for their continued support of National Night Out and added that this year, there are twenty-four groups that will be participating in the city. He added that Lee County will also be hosting events in the county.

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

Petition by Lee County - to rezone from R-6 Residential Mixed district to OI Office & Institutional district 3.34 +/- acres of land addressed as 900 S. Vance Street. The property is the same as depicted on Tax Map 9642.11, Tax Parcel 9642-57-7202-00 Lee County Land Records Office.- (Exhibit B)

Planner II Amy Bean advised that Lee County has submitted a petition to rezone 900 S. Vance Street from Residential Mixed (R-6) to Office and Institutional (O&I). The site is a 3.34 acre parcel and is developed with the gymnasium on it, which is part of the W. B. Wicker

Business Campus. The surrounding zoning is Office and Institutional (O&I). The 2020 Land Use Plan Map does not identify a specific land use for the subject property. When considering the zoning of this property, current development trends and the surrounding zoning of the neighborhood should be considered.

Ms. Bean explained that staff recommends that the Planning Board and City Council support this petition. The recommendation is based on the availability of public utilities, the proximity of existing office and institutional zoning, and the fact that this site is already developed as part of the W. B. Wicker Business Campus.

Mayor Olive opened the public hearing. Lee County Attorney K. R. Hoyle spoke in favor of the petition. He stated that the County owns the property and with the recent development of the Wicker Business Campus by the Brick Capital Community Development Corporation, they felt the change of classification to Office and Institutional (O&I) would improve the area and be a property classification for future development of land.

No one spoke in opposition. The public hearing was closed.

Petition by the City of Sanford, a Municipal Corporation, successor in interest to Sanford Redevelopment Commission - to rezone from R-6 Residential Mixed district to OI Office & Institutional district two tracts of land totaling 0.047 +/- acres, located southeast and southwest of 900 S. Vance Street. The property is the same as depicted on Tax Map 9642.11, Tax Parcels 9642-57-3099-00 and 9642-57-7009-00 Lee County Land Records Office. – (Exhibit C)

Planner II Amy Bean explained that the City of Sanford is requesting to rezone two tracts of land, totaling 0.047 acre that adjoins the property that was just previously discussed to be rezoned. This would make the zoning in the area harmonious and consistent with what is around it. The 2020 Land Use Plan Map has not specified a specific land use for this property. Staff recommends that the Planning Board and City Council support this rezoning petition based on the existing development in the area and the existing Office and Institutional zoning.

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

Petition by William B. Hood of Jerry Turner and Associates - to rezone 239.32 acres from the current City of Sanford (LI) Light Industrial and R-10/MH Residential Mixed/Manufactured Home to a conditional zoning district to be known as the South Park Conditional Zoning district and located along the southwest side of Commerce Drive in the South Point business park. The conditional zoning district will include a mix of single-family detached homes, town homes, apartments, as well as non-residential uses such as office-institutional and retail commercial uses. The property is the same as depicted on Tax Maps 9660-38-1012-00, 9660-27-8490-00 (part of), 9660-27-6977-00, 9660-27-3949-00, 9660-18-9090-00, 9660-18-6308-00, 9660-18-1630-00, 9660-07-2268-00 and 9650-98-6366 (part of), Lee County Land Records Office. - (Exhibit D)

Assistant Community Development Director Marshall Downey explained that this petition is to rezone from Light Industrial (LI) and Residential-10/MH Residential Mixed/Manufactured Home to a large, mixed-use conditional zoning project to be titled The South Park Conditional Zoning District. The area is within the City of Sanford corporate limits and is part of the South Park Industrial Park. Under the conditional zoning application, the petitioner has submitted a site-specific plan in an attempt to create a large-planned community with a predominance of residential land uses along with the current commercial and multi-family type uses. The current property owners desire a change in the direction of the park primarily because of the lack of interest in development of the site as light industrial.

Mr. Downey displayed a map of what the petitioner is requesting. The petitioner is requesting approval of the overall zoning concept plan, which would establish the uses and densities, and at the same time, consider Phase I for the actual specific development. They will be coming back to Council in the future with subdivision plats and/or site plans, as each of these tracts develop. They are requesting concurrent approval for Phase I along with this concept plan.

Mr. Downey explained how each tract is proposed to be developed (see Exhibit D). He stated that Phase I would cover 86 single-family detached homes of different sizes. It includes three of the four open-space tracts. The site will be served with City water and sewer. The developer is working with the North Carolina Department of Transportation. They will be required to submit a traffic study and are under the acceptance of the condition that they will be willing to do any requirements as required by the NCDOT such as traffic lights, etc. The 2020 Land Use Plan has identified this area for "Industrial-Commercial-Office" and "Industrial Park." Portions of this site plan would conform to the plan; however, there is a substantial amount of the development that is being requested for residential. Staff has asked that Council take into consideration the market and the inability to sell it or develop this site as industrial. Staff recommended the Planning Board and Council support this petition. The recommendation comes from the fact of the lack of interest in the industrial development, and with the provision of the conditional zoning, you have the controls and design standards in place that the mixed-use project would be an asset to that area. The conditional zoning appears to be reasonable and appears to be the highest and best use for that particular area.

Council Member Mann asked about what their plans are for fire protection. Mr. Downey replied the development has two points of access off of Commerce Drive. Mr. Mann asked about the response time for the fire department. Fire Chief Wayne Barber replied that the Fire Department currently responds to Liberty Commons, and the response time is about 6 to 6.5 minutes from the Number 2 Station in Jonesboro. Chief Barber stated that once the response time reaches seven minutes, you are going downhill, and we are approaching that figure fast. Mr. Mann asked about the Carolina Trace Fire Department. Chief Barber replied that they are a volunteer fire department, and they possibly have one man on duty during the weekday. Mr. Mann asked about police protection and if there are ample officers to cover it. Police Major Kevin Gray replied that right now every officer stays busy and they could always use more officers, but they will do with what the Council allows them to have.

Mayor Olive opened the public hearing. Norman Block, representing the developers, Castle Ridge Development, spoke in favor. He stated that his partners are Mark Lyczkowski and Jason Womble. He stated that he has been in the real estate business for thirty years and has been active on the Sanford board for over a decade. In talking with his fellow realtors and the professionals that deal with the buyers, they say that one of the things they would love for somebody to do in Sanford is to create a true neighborhood – a place where families can have a lifestyle that would include sidewalks, curb and gutter, and a recreational facility with a large enough pool to have a swim team. Their goal is to create a community over a long period of time. Because of the way the new UDO works, they need to bring Council the zoning concept and share with them their vision. This project will not happen overnight. He noted that it would probably be 2014 before they sell the last lot. They are acquiring the property from local developers, and they want to be as transparent as they can be. They have worked with the town staff very openly and harmoniously. Castle Ridge is doing a number of projects in town now -- the most recent project is on Cool Springs Road called Carrington.

Mr. Block said there is a difference in creating a neighborhood and putting lots on the ground. The agreement with the sellers is that they will take this land down over the next four to five years; they do not see any development between Phase I and Phase II for twenty-four months. Phase I will be the largest phase and will include 82 lots. The multi-family sites will not be developed all at one time. There is a lot of conversation about big lots and small lots, but the fact is that as construction becomes more expensive and in order to pay for sidewalks, curb and gutter, street trees, and still be able to deliver a home at an affordable price range, you have to construct them on smaller lots. As they plan out to 2014, it is hard to know what the world will be like that far out. Council will see each section, phase by phase, and each time they come back to Council, they have to satisfy the fire protection, police, and school requirements, just any other subdivision.

Mr. Block advised that several months ago, Jacob Gaster's remains were moved to the courthouse from Tract C of the property. The creek that runs to the back of the project was named for him, and they intend to name the park in Tract C after him. There is a nursing home and a charter school close by which are not industrial uses.

Mr. Block explained that Tract G along Gaster's Creek is 8 to 10 feet wide and their goal is to create a linear park with walking trails. Tract I is four acres and their intent is to build a clubhouse and an Olympic-size pool there. Tract H consists of almost two acres, and it is going to be open space. Stockade fencing will not be allowed. He stated that the least expensive single-family home will be \$175,000 - \$200,000 in Tract B. Tract C will be from \$200,000 - \$260,000; the patio homes in Tract D would probably be \$185,000 - \$250,000. Over time, these price points will increase. Tract F would be a wonderful place for an assisted living community where you have care beyond what you would need in a patio home or apartment and to have a lifestyle community where people did not have to leave their neighborhood just because of age. They will probably not begin construction on the project before next fall. It is big in concept but long in time to be developed. Jerry Turner and Willie Hood, who helped develop this plan, sought out the most experienced developers of mixed-use projects that they could find, and Council will find him to be of a partnering spirit as they are. With the BRAC impact from Fayetteville, the growth with the industries in town, and the impact with the new bypass, this is

a logical place to do an intelligent plan and build a neighborhood and not just put lots on the ground.

Mayor Olive opened the public hearing. Albert Adcock, who resides at 1414 Gormly Circle and representing AGA Corporation, who is the seller of the property, spoke in favor. He stated that they purchased the property and put it together over a number of years and thought they would make it a first-class industrial park. They tried, but had no prospects. When the Committee of 100 had Colonel Aycock at the meeting to explain BRAC, Paul Adcock and he stated that they need to change South Park to residential. He said Mr. Block is good at his word, and he knows what he is doing. Mr. Adcock continued that Mr. Block has been all over North Carolina doing developments, and they are very glad that Mr. Block is the one that approached them about the property. They feel it is the right thing to do, or they would not be doing it. At some point in the future, Commerce Drive is to be extended over to Lee Avenue. Mr. Adcock stated that they will still have some property left for light industrial. They will be helping Mr. Block, and they feel he has an excellent plan and that is the reason they are selling it.

Gary Wilson, a local realtor in Sanford, who is also a retired army veteran from Fort Bragg with 21 years in the military, stated that he gets a lot of feedback from soldiers being deployed. With this concept, there is a great need for it as people call in looking for town homes and patio homes. As soldiers deploy and come back home, they would have recreational facilities available to them; they can come and go as they see fit and not worry about the extra stress of their home. He added that Mr. Block does good, quality work.

Craig Sturdivant, who resides at 3006 Wildwood Drive, spoke in favor. He stated that he just saw this plan and felt it was a great idea. The plan is just like the Winding River development in Southport – Brunswick County on Highway 211. Winding River did just about the same thing as this development, and it has turned out really good. He added that what he could tell about the density levels they have set for home sites and lot sizes, it is pretty much the same within 22 acres. Mr. Sturdivant commented that the Council in Brunswick got together with the Winding River developers, and Winding River constructed an elementary school on the property. He stated that Tract E would be perfect for an elementary school. When fully developed, this development will bring about 1,200 potential children to our school district. He stated that you could even put in a fire station or police substation on Tract E.

No one spoke in opposition. The public hearing was closed.

*The Planning Board retired to the West End Conference Room.*

## **REGULAR AGENDA**

### **Consider Guarantee for Public Improvements to St. James Place Subdivision – (Exhibit E)**

Assistant Community Development Director Marshall Downey stated that this is a guarantee for public improvements by Mr. James Siler, for St. James Place Subdivision, Phase I, Section 1, a single-family subdivision, located off of Cemetery Road. Mr. Siler is requesting for acceptance by City Council, two Letters of Credit from First Bank for two items. The first item is a Letter of Credit in the amount of \$93,360 to cover completion of 910 LF of asphalt-paved streets within the subdivision, and the second being a Letter of Credit in the amount of \$10,800 to guarantee completion of 145 LF of sanitary sewer within the subdivision. The cost estimates were generated by the City Engineering Department.

Council Member Linwood Mann made the motion to accept the guarantees. Seconded by Mayor Pro Tem Walter McNeil, Jr., the motion carried unanimously.

Consider Resolution Directing the Clerk to Investigate a Petition by Castleridge Development, LLC, for Contiguous Annexation of Approximately 12.21 acres of Property Located on Cool Springs Road.- (Exhibit F)

Planner I Elizabeth Whitmore explained that this resolution directs the city clerk to investigate a petition by Castleridge Development, LLC, for contiguous annexation of approximately 12.21 acres located on Cool Springs Road.

Council Member Joseph Martin made the motion to adopt the Resolution Directing the Clerk to Investigate a Petition by Development, LLC, for Contiguous Annexation of Approximately 12.21 acres of Property Located on Cool Springs Road. Seconded by Council Member Steve Brewer, the motion carried unanimously.

Consider Resolution Authorizing Conveyance of Two City-Owned Lots to Brick Capital Community Development Corporation – (Exhibit G)

City Manager Hal Hegwer advised that the resolution conveys two vacant lots located within the Brick Capital Community Development redevelopment area to the Brick Capital Community Development Corporation. Brick Capital intended to acquire this property in the past, and it was the City's intention to convey this property. They never requested these lots, and staff would like to clear it up now and convey the tracts to Brick Capital. It does not require a public hearing, but the conveyance has to be advertised. The resolution allows the mayor and city clerk to execute the deed of conveyance.

Council Member Linwood Mann made the motion to adopt the Resolution Authorizing Conveyance of Two City-Owned Lots to Brick Capital Community Development Corporation. Seconded by Council Member Mike Stone, the motion carried unanimously.

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

**OTHER BUSINESS**

Mayor Pro Tem McNeil asked about the status of a stoplight on Washington Avenue and Fields Drive. City Engineer Vic Czar replied that he wrote a letter to the Department of Transportation, and he has not heard back from them.

Mr. McNeil stated that it has been brought to his attention that the auditorium at the W. B. Wicker School has been broken into several times. They are installing new glass in the front of the auditorium today. He added that this is part of the City's investment, and they are working now on grants to refurbish the auditorium, and he would like to see us help secure that place.

Council Member Stone stated that he was able to see the unveiling of the pottery plates this week by the artist, Jerry Miller, and it is very beautiful work.

Mayor Olive mentioned that Progress Energy invited her to go to Pinehurst to the Women's' Open as their guest because she was the highest elected official in their eleven county region and when she went, Kenneth Nielson was gracious enough to give her a beautiful bowl to take and present to Sally Field, who was the guest speaker at the banquet.

Mayor Olive stated that Kinder Morgan, which is located at the end of Wilkins Drive, received the Department of Labor's star award for excellence in occupational safety and health. Commissioner Cherry Berry was present to make the presentation, and they had approximately two dozen officials from as far as Pennsylvania, Tennessee, and Georgia who participated in the ceremony.

Mayor Olive stated that in our Triangle J, it seems that we have succeeded in upgrading the completion date of the U. S. Highway 421. Some of the members of the Triangle J Regional Planning Organization were gracious enough to give her their votes so that the completion date could be moved up.

Mayor Olive stated that Council Member Brewer asked last week about the trees downtown. She said the trees that she was asked about were the trees that were going to be replanted downtown. Mayor Olive stated that she replied to the lady that she thought they were being recemented and covered over where the trees had been. She said they were not talking about the curb extensions and that did not come up in the conversation. She said she double-checked with the person with whom they both spoke, and the lady said she did not know anything about the extensions until Mr. Brewer mentioned it.

**ADJOURNMENT**

With no further business to come before the council, the meeting was adjourned on motion of Council Member Mike Stone; seconded by Council Member Steve Brewer, the motion carried unanimously.

Respectfully submitted,

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CORNELIA P. OLIVE, MAYOR

ATTEST:

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BONNIE D. WHITE, CITY CLERK

