

**MINUTES OF SPECIAL CALLED MEETING –
CITY COUNCIL OF THE CITY OF SANFORD
SANFORD, NORTH CAROLINA**

The City Council met on Monday, July 13, 2020, at 6:00 in the Exhibition Hall of the Dennis Wicker Civic Center, 1801 Nash Street, Sanford, North Carolina. The following people were present:

Mayor T. Chet Mann
Council Member Sam Gaskins
Council Member Charles Taylor
Council Member Rebecca Wyhof Salmon
City Manager Hal Hegwer
Deputy City Clerk Vicki Cannady

Mayor Pro Tem Byron Buckels
Council Member Jimmy Haire
Council Member Norman Charles Post, III
Council Member James Williams
City Attorney Susan Patterson
Management Analyst Holly Marosites

Absent:
City Clerk Bonnie Davis

CALL TO ORDER

Mayor Mann called the meeting to order. Council Member Williams led the invocation and the Pledge of Allegiance was recited.

APPROVAL OF AGENDA

Council Member Gaskins made the motion to approve the agenda. Seconded by Mayor Pro Tem Buckels, the motion carried unanimously.

CONSENT AGENDA

There were no items on the consent agenda.

SPECIAL AGENDA

There were no items on the special agenda.

CASES FOR PUBLIC HEARING

Application by Beacon Management Corporation for property owned by Winding Brook Limited Partnership to rezone one 8.63 + acre tract of land addressed as 2107 Woodland Avenue from the current zoning of Winding Brook Apartments Conditional Zoning District (Revision #1) to Winding Brook Apartments Conditional Zoning District (Revision #2), with the intent being to revise the site plan design associated with this specific conditional zoning district. The subject property was formerly developed with several structures addressed as 2111, 2113, and 2201 Woodland Avenue and is depicted on Lee County Tax Maps 9652.18 and 9652.14 as Tax Parcel 9652-32-3205-00, Lee County Land Records – Exhibit A

Zoning Administrator Amy McNeill explained that Planning staff received this request to revise the site plan for an 8.6 acre tract located on the eastern side of the intersection of Harkey Road and Woodland Avenue. The site was rezoned in 2010 from Residential Mixed (R-12) to the Covington Place Elderly Housing Conditional Zoning District to allow development of a 50-unit multi-family community comprised of ten single-story apartment buildings for seniors aged 55 and older with a density of six units per acre. In 2015, the site was rezoned to Winding Brooks Apartments Conditional Zoning District (Revision #1) to remove age restrictions; allow 60 apartment units in ten single-story apartment buildings with one type of apartment building (rather than two); and revise the site plan to accommodate the larger building: the approved density was seven units per acre. The applicant would now like to revise the site

plan and replace it with three three-story buildings and a total of 72 units with each building containing 24 units: nine 1-bedroom units, twelve 2-bedroom units, and three 3-bedroom units. There would still be two entrances off Woodland Avenue and the interior layout has been redesigned to accommodate three buildings rather than ten, with a density of eight units per acre. Ms. McNeill noted that the applicant has expressed interest in retaining as many mature trees along the perimeter of the site as possible and the design site must comply with UDO landscaping standards for landscape buffer yards, parking lot landscaping and street trees. She also noted that stormwater retention ponds/basins are proposed to help manage storm water on the site.

Ms. McNeill explained that the main concerns expressed at the two 2020 public information hearings were stormwater, traffic, and crime. Neighborhood residents are concerned that stormwater problems in the area, particularly along Woodland Avenue, cause water to backup and flood adjoining properties; that additional development will add impervious surfaces that may worsen these problems; that existing stormwater ponds at Autumn Oaks and Elite Storage overflow when there are heavy rains; and the fact that the City has no stormwater regulations. They noted that traffic along this section of Woodland Avenue and Harkey Road is already busy and a new apartment community will only add to that problem, creating the potential for more wrecks and problems related to increased pedestrian traffic. They also have concerns with increased crime in the area since the Autumn Oaks apartments were developed: automobiles have been broken into, police have had to chase people through residents' yards and the subject property is being frequented by homeless people. Another concern is that the proposed three-story buildings would be taller than existing homes in the area.

Regarding the overlay district and area plans, Ms. McNeill explained that the subject property is not located within a Watershed Conservation Overlay District or Flood Hazard Area; however, there are environmentally sensitive wetlands illustrated on the site plan, which the overall project design appears to have taken into consideration. She noted that the developer is responsible for complying with any and all state and federal regulations regarding existing environmental conditions. The site is not located within a Historic Preservation Overlay District but does adjoin the Lee Avenue Historic District to the east, which is on the National Register of Historic Places. The *Plan SanLee* Land Use Plan identifies the future land use place type as "Urban Neighborhood" which has higher density residential neighborhoods and a grid street network, is walkable to adjacent urban commercial districts and development density for multi-family housing of 10 to 16 units per acre. The site is currently served by public water and sewer, which the proposed development will utilize.

Ms. McNeill stated that if the conditional zoning district amendment request is allowed, the site must be developed in the manner approved with proposed changes and existing applicable conditions remaining in effect; only the uses permitted in the Winding Brooks Apartments Conditional Zoning District Revision #2 and other uses typically associated with multi-family development would be permitted. Revisions to the site plan and project scope appear to be in keeping with the *Plan SanLee* "Urban Neighborhood" land use designation, given that it is a multi-family apartment community with a density of eight units per acre proposed to be served by public water and sewer. Overall, the revised design does have a lower impervious surface area with stormwater retention ponds/basins incorporated into the site. She noted that additional information presented at this public hearing should also be considered in the recommendation and final decision on the requested zoning map amendment.

Mayor Mann opened the public hearing.

George Carr, founder and CEO of Beacon Management (the applicant), who is a resident of Greensboro, North Carolina, informed Council that his company has done more than 30 developments in the Carolinas and Connecticut and provided photos on the company and its projects as shown on the attached Exhibit A-2. He explained that their approach is long-term, with the company building and holding properties. The units will cost about \$160,000 each to construct (very good quality) and provided information on square footage: 1-bedrooms will range from 800 to 1055 square feet; 2-bedrooms will range from 1054 to 1302; and 3-bedrooms will be 1452 square feet. The newly proposed design will have less ground coverage with far more greenery and retention ponds to improve drainage in the area. He also stated that their goal is to stabilize and strengthen the neighborhood and noted that a 2018 study of the Jonesboro area recommended higher density residential housing and a more walkable community to help revitalize the area. He suggested that Winding Brook would help spur revitalization, be a community that Sanford can be proud of, and help existing water runoff problems on Woodland Avenue by ensuring that appropriate retention and grades are developed to mitigate runoff.

Tim Shaw, an Engineer in Training with Hagen Engineering (3859 Battleground Avenue, Greensboro, NC 27410), explained that although Lee County has no stormwater requirements, the developer plans to install retention ponds to ensure that this project does not increase water runoff in the area. The two ponds would ensure that runoff is reduced for a given rain event and will be sized to store water for release at a slower rate. This design would be much less intensive on the environment, avoid wetlands located on the site and run off much quicker to collect in the ponds and reduce excessive drainage and flooding. Mr. Carr also noted that the currently proposed building site plan would occupy a smaller area than originally proposed and it is far better structured for site conditions.

Council Member Rebecca Salmon noted that Council has had many discussions about the fact that we are experiencing more frequent severe rain events (50- and 100-year floods) that release much more water and cause more issues. Mr. Shaw explained they typically use 25-year storm events (as required by most municipalities) and they always analyze 100-year storm events but they would include a design for any contingency requested. He noted that rain events change constantly but they will use the latest software to ensure that their design meets requirements. There will be a stormwater pipe infrastructure throughout the site to transport water through the parking lot to the ponds for release into the creek, diverting it from the roadway. Ms. Salmon questioned what would be done to mitigate the impact on downstream properties. Mr. Shaw responded that their study will analyze the furthest point on the site downstream and the impact will be lessened. As far as mitigating existing problems, he explained that there appear to be issues with current infrastructure on Woodland Avenue and they could analyze the size of those storm pipes to determine whether they could be upgraded; however, that would have to be addressed with the developer.

Larry Cameron, of 600 West Main Street, expressed opposition to the project.

Brian Mitchell, of 2114 Lee Avenue, stated that he was originally opposed to the project but after speaking with Zoning Administrator Amy McNeill and receiving additional information, he now supports it. He also suggested that trash along Woodland Avenue contributes to flooding problems.

Attorney Eddie Winstead (1410 Elm Street, Sanford, NC) explained that he had been retained by citizens who reside near the proposed project. He reviewed a topographical map (included in the attached Exhibit A-3) and noted that two creeks flow through the subject property and while Mr. Shaw indicated that their only requirement for water runoff problems is not to increase problems on Woodland Avenue; however, that is on the downstream side and the retention ponds on the subject are on the downslope

flow off Woodland. He questioned their plan to reduce the problem on Woodland Avenue, a low spot where flooding is a significant problem, and suggested they propose to basically dam the two creeks with ponds to hold water and reduce the flow, which will exacerbate the Woodland Avenue problem. He noted that adding 72 apartments proposed at Winding Brook to the 75 at McKenzie Park, 120 at Autumn Oaks, and 100 at Paige Mill Court will produce a total of 367 apartment units over 85 acres, concentrating multi-family housing in a small area served essentially by two two-lane streets (Woodland Avenue, Harkey Road). There are also about 40 houses in the immediate area, for a total of more than 400 dwelling units in that area, as well as apartments at Courtland Village and San-Hills Manor and the Bayberry (a small residential facility). He explained that the purpose of R-12 zoning as defined in the UDO is to preserve neighborhood character and environmentally sensitive and agricultural land areas. He suggested the area is environmentally sensitive because it floods when there is as little as ½ inch of rain in a short time and that is occurring more often. He noted that Mr. Shaw suggested they will analyze 25- to 50-year storm flood records but we have had two 500-year floods in this area in the last two years. Regarding crime, there was a fatal shooting in August 2018 and a fatal stabbing in April 2019 at Autumn Oaks, along with numerous complaints of gunfire, foot chases through yards, and several hit-and-run accidents in the area and there were no problems with these types of activity until about seven years ago. He reviewed photos of flooding along Woodland Avenue in front of the property and suggested that runoff cannot be managed. He also displayed photos of transfer trucks parked along Woodland Avenue.

Mr. Winstead stated that this project would significantly and forever change the character of the neighborhood. Many residents didn't complain when this project was originally presented with single-story buildings for senior living but they see problems with the current proposal. The three-story buildings will be the tallest in the neighborhood and increase density in an area that already has traffic control problems. Many of those he represents have lived in this neighborhood all their lives and while they acknowledge that nothing is wrong with growth and Lee County needs affordable housing, it doesn't need to be on 85 acres in an area served by two two-lane streets. Most importantly, residents don't understand how anything done on the site can alleviate problems on Woodland Avenue.

Mark Way, of 1805 Woodland Avenue, expressed opposition to the project, citing problems with crime that came with increased multi-family housing.

Mr. Carr acknowledged residents' concerns but stated that his company performs crime and credit checks on applicants and they don't have crime-ridden developments at any of their communities. Regarding increased traffic, he noted that the development is currently zoned for 60 apartments and they are seeking 72. He suggested that having more one- and two-bedroom units (rather than three- or four-bedrooms) means there would be fewer people in each apartment and generate less traffic. He also stressed that they are designing the site to mitigate flooding and reduce problems. Rent for one-bedroom units will range from \$810 to \$855; \$1050 to \$1,300 for two-bedroom units; and \$1452 for three-bedroom units (not including utilities). Council Member Salmon requested a list of area residents represented by Mr. Winstead and contact information (as shown on the attached Exhibit A-4).

Sherry Thomas, of 407 Hughes Street, expressed opposition to the project, citing problems with crime in the area.

Aubrey Cox and Joy Cox, of 2024 Woodland Avenue, expressed opposition to the project.

Becky Tillman, of 610 Hughes Street, expressed opposition to the project, citing flooding and subsequent moisture and mold issues at her home.

Mayor Pro Tem Buckels asked whether the landlord would be accepting Section Eight vouchers and questioned the developer's comment that the \$160,000 cost per unit would produce a "very good" product. Mr. Carr responded that they would not be accepting Section Eight vouchers at this development and that the units will have high-quality design and materials, such as brick and hardboard exteriors. They just completed a complex in Wilmington where the cost per unit was \$108,000 and these units would be nicer in comparison.

With no other requests to speak, Mayor Mann closed the public hearing.

Application by Esplanade Communities of Florida, LLC to rezone two vacant tracts of land totaling 29.04 + acres with frontage/access off of Fire Tower Road (SR 1152) from Residential-Mixed Conditional Zoning District (R-6-C) to Residential-Mixed Conditional Zoning District (R-6-C) (Revision #1), with the intent being to revise the subdivision design associated with this specific conditional zoning district. The subject property is identified as Tax Parcels 9641-55-0952-00 and 9641-45-5299-00 as depicted on Lee County Tax Maps 9641.01 and 9641.02. The subject property is illustrated as a 27.9 acre tract of land and an adjoining lot owned by Donnie Ray Pettus on a 2019 plat labeled Boundary Survey for Esplanade Communities of Florida, LLC created by Timmons Group and recorded at Plat Cabinet 2019, Slide 60 of the Lee County Register of Deeds Office – Exhibit B

Zoning Administrator Amy McNeill explained that staff received this application to revise the site plan associated with a conditional zoning district which was triggered by the wetland delineation along an existing creek within the proposed Southern Estates subdivision. She reviewed surrounding land uses, including the Brookhaven subdivision which is zoned R-12, with 42 single family homes served by public water and private septic tank systems. The subject site was rezoned from Residential-Mixed (R-12) to Residential-Mixed (R-6-C) in 2019 to allow a residential single-family subdivision with most lots having a minimum lot frontage of 60 feet (typical for R-6); however, several lots were approved with less than 60 feet of frontage. She noted that the developer had a rough idea in 2019 of the wetlands' location but now have a more exact delineation. She explained that the rezoning request was approved based on the rationale that the subdivision design incorporates many of the components included in the *Plan SanLee* "Suburban Neighborhood" place type, such as detached single-family dwellings; connection to an existing stub street (North Ridge Drive in the Brookhaven subdivision) on an adjoining lot; interconnected curvilinear streets; valley curb; public streets; sidewalks on both sides of all public streets; and public water and wastewater service, with wastewater service through a proposed private lift station connected to the City sewer system.

The current request is based on the wetlands delineation as shown on the map labelled "Wetland Delineation Map" (page three of Exhibit B). As part of the overall redesign, the number of lots was increased from 87 to 92 with the average lot increasing from 7,855 square feet to 8,386 square feet and a decrease of open space from 7.27 acres (25 percent of the site) to 6.48 acres (22.3 percent of the overall site), which still exceeds the five percent minimum required. The proposed density would be three units per acre (92 lots on 29.04 acres). Ms. McNeill explained that no public information meetings were held for the current revisions since they are relatively minor changes but adjoining owners' notices were mailed as required by statute, signs were posted on the subject property, and legal notices were published in *The Sanford Herald*. She concluded by stating that staff recommends Council support the request to rezone this site from Residential-Mixed (R-6-C) Conditional Zoning District to Residential-Mixed (R-6-C) Conditional Zoning District Revision #1, as the subdivision design incorporates many of the components included in the *PlanSanLee* "Suburban Neighborhood" place type. She noted that the density has not changed significantly and 22 percent of the site is dedicated as common open space, which appears to accommodate the needs of residents within the subdivision and offsets the higher

density. She also noted that information presented at this public hearing should also be considered in the final decision.

Mayor Mann opened the public hearing.

Nadella Wilson, of 2813 Brookhaven Drive, asked whether the sewer system for the new subdivision would connect to Brookhaven or allow them to connect to the City's system. She also noted that traffic from the new development will increase traffic and affect their neighborhood.

Mark Lyzkowski, of 3018 Carrington Lane, representing the developer on this project, stated that their engineers verified the wetlands and noted that the approved 2019 design shown on page 3 of Exhibit B was the original delineation presented for approval but construction drawings were prepared and permitting for erosion control was sought with the Army Corps of Engineers ("Corps"). Their engineer met with the Corps and unfortunately, the Corps did not agree with the consultant who analyzed the wetlands. The 2020 design on the right side of page 3 of Exhibit B illustrates what the Army Corps' considers environmentally sensitive wetlands, so the plan was redesigned to move the crossing to the north. Because they are impacting wetlands, they will have to obtain permits and pay impact fees that can range up to \$66,000 per acre, and the additional five lots will help offset some of that cost.

Regarding the sewer system for the development, Mr. Lyzkowski explained that the public lift station that the developer will install will be constructed to City standards and inspected by the City. Originally, it was to service only the 90 lots in the subdivision but it may be large enough to serve additional properties located upstream. Downstream properties cannot be served unless the lift station is moved further downstream, on the other side of Brookhaven. Council Member Taylor questioned the cost difference to locate it downstream from Brookhaven and whether that could be recouped in assessments. Mr. Lyzkowski explained that it wouldn't cost any more but the difference would be the cost of the outfall line running through the middle of Brookhaven. There would be costs for one essential outfall line and collector lines that would have to run through the streets, as well as servicing them and repairing damage to streets. Mr. Taylor questioned whether these expenses could be handled through assessments. Mr. Hegwer confirmed this would open a larger area for potential sewer service and move sewer nearer to Brookhaven; however, Brookhaven residents would have to request sewer service and annexation is typically required to receive City sewer service. He stated that staff could analyze costs and determine whether there is community interest. Mr. Lyzkowski noted this situation may be similar to the Brownstone development where the lift station was eventually relocated downstream to provide opportunities for other developments. He also commented that the lift station may benefit property across Fire Tower Road owned by the Ruby McSwain Estate that may be used as an agriculture center for Central Carolina Community College (200 to 300 acres) that has been restricted for educational purposes. Mr. Taylor questioned whether any provision could be made to the developer if they allow the lift station to be relocated to benefit Brookhaven and Mr. Hegwer confirmed that may be possible. Mr. Lyzkowski agreed that the developer may be receptive to that option, but only if there are no delays with the project. Regarding the process for Brookhaven residents who want City sewer service, Mr. Hegwer explained that the level of neighborhood interest in annexation must be determined but City staff can help with this process.

Mayor Pro Tem Buckels agreed that Council should not delay the project but we should investigate what can be done to offer sewer service to Brookhaven residents if preliminary cost estimates appear feasible. Mr. Hegwer explained that staff could present information on this issue at a subsequent Council meeting and Mayor Mann suggested that Ms. Wilson begin communicating with fellow

Brookhaven residents to gauge interest. Mr. Hegwer explained that if there appears to be interest, neighborhood meetings could be considered.

Robert Wilson, of 2813 Brookhaven Drive, noted that Brookhaven residents will need cost estimates to make decisions on whether they would support City sewer service. Mayor Mann agreed and requested that the Engineering Department research preliminary cost estimates.

With no additional speakers, Mayor Mann closed the public hearing.

OTHER BUSINESS

Council Member Taylor stated that he has heard concerns about traffic and would like Council to consider erecting stop signs on Valley Road, at its intersections with Lakeland and Rockwood. He also requested traffic studies in areas not covered in the recent speed limit reduction to 25 miles per hour in Westlake Valley. Mayor Mann noted there was an accident recently in the Valley Road area and suggested a presentation be given soon on the pros and cons of speed bumps and other traffic calming measures.

ADJOURNMENT

Council Member Taylor made the motion to adjourn the meeting; seconded by Council Member Salmon, the motion carried unanimously.

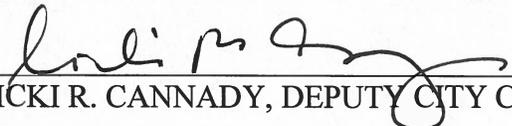
ALL EXHIBITS CONTAINED HEREIN ARE HEREBY INCORPORATED BY REFERENCE AND MADE A PART OF THESE MINUTES.

Respectfully Submitted,



T. CHET MANN, MAYOR

ATTEST:



VICKI R. CANNADY, DEPUTY CITY CLERK