

TOWN OF BROADWAY
BOARD OF COMMISSIONERS
PLANNING BOARD
PUBLIC HEARING MINUTES
SEPTEMBER 28, 2020

A Joint Public Hearing was held with the Broadway Board of Commissioners and Planning Board on Monday, September 28, at 6:00 p.m. in the Community Building, 111 N. Main Street, Broadway, North Carolina.

Mayor Donald Andrews called the Public Hearing to order. He introduced Town Board members who were present: Commissioners Tommy Beal, Lynne Green, Janet Harrington, Teresa Kelly, and Jim Paschal. The Mayor acknowledged Broadway Planning Board members: Jerry Bradley, Sue Tipton, Rebecca Hunter, Justin Rosser, Wilson Cox, Paul Thomas, and Betsy Kelly. Representatives for Weaver Development in attendance were: Frank Weaver and Dustin Blackwell. Jim Chandler, Project Designer of the Timmons Group, was also present.

Mayor Andrews advised that Amy McNeill will make the first presentation followed by representatives for Weaver Development Company. After the presentations, the Town Board and Planning Board may ask questions. Then public comments may be made and should adhere to a three minute limit.

Amy McNeill, Zoning Administrator for Sanford-Lee County Community Development, reviewed the purpose of the Public Hearing. Weaver Development Co, Inc. is requesting rezoning approval for a 50-lot residential single-family subdivision to be located between Main Street and Vernon Street within Broadway corporate limits. All lots are proposed to be served by public water, public sewer, and paved public streets. Therefore, the subject property is being proposed for a rezoning from its current zoning of Residential Single-Family (R-20) to Residential-Mixed Conditional Zoning District (R-6-C) with its own unique site plan/subdivision design and architectural standards illustrating how the site is proposed to be developed. If approved, the information submitted with the rezoning application would be legally binding on the land even in the event of a property transfer.

The location is a vacant 10 acre tract with frontage on South Main Street between Main Street and Vernon Street. 50 residential lots are proposed with two open space areas. The minimum lot size is 5,000 sf, and the smallest lot size would be 5,000 sf. The largest lot size is 17,768 sf. The streets proposed are to be public streets and maintained by the Town of Broadway. Proposed public water and public sanitary sewer are also to be maintained by the Town. The development is proposed in two phases. There is a 0.67 acre of open space. Ms. McNeill explained the surrounding land uses -

north, southeast, southwest, east, and west of the subject property. All of the surrounding housing is zoned R-20 except Off Broadway, which is zoned R-6.

The existing zoning of R-20 is established to provide areas for low-density single-family uses, with a maximum of two dwelling units per acre. This may serve as a buffer between the agricultural classifications and the higher density areas of Lee County. It includes density and minimum lot size requirements in order to allow for market and design flexibility while preserving the neighborhood character. The minimum lot width is 100ft. The minimum lot size is 20,000sf. The maximum building height is 40ft. The minimum building setbacks for a principal structure or house are as follows: 30ft from the front, 30ft from the rear, 15ft from the left and right side, and corner lots have two fronts.

The proposed zoning district of R-6-C is a conditional zoning district, which allows a property owner to place additional conditions upon an existing, equivalent conventional, general use zoning district. The application shall include a site plan and detailed narrative text that specifies the conditions that will govern the development and use of the property. If approved, this information is legally binding on the land; therefore, the site has to be developed as per the approved plans and conditions even if a property transfer were to take place. Any item not specifically addressed in the rezoning process must comply with the UDO standards.

The conditional zoning process is a negotiated process and, as such, the Planning Board and/or Commissioners may request that certain conditions be considered or altered. However, the petitioner must accept the conditions before inclusion in the conditional zoning district.

The applicant is requesting to rezone to allow for a reduction in the minimum lot size requirements and to limit the type of housing to single-family dwellings only. The existing zoning of Residential Single-Family (R-20) has a minimum lot size of 20,000sf and allows single-family dwellings only. The standard Residential-Mixed (R-6) zoning district allows a mix of housing types (single-family duplexes, townhomes, and apartments) and has a minimum lot size of 6,000sf. The requested R-6-C Conditional Zoning district would allow a lot size smaller than 6,000sf, and they're asking for 5,000sf. R-6-C would limit the type of housing to single-family dwellings only. The proposed density would be five units per acre. The minimum lot width requested is 35ft. The minimum lot size proposed is 5,000sf, the maximum building height is 40ft per the UDO. The minimum building setbacks for a principal structure or house are as follows: front - 20ft measured from the right-of-way of the public street, rear - 20ft measured from the rear property line, side - 8ft measured from the side property line. The side yard setback for a corner lot would be 15ft.

The long-range plan is based on The Plan SanLee land use plan that identifies future land use place type for this tract of land as "Village Neighborhood," and has the following characteristics: low density single-family dwellings and interconnected street network, an area surrounding Village Center place types, pedestrian connectivity and access to Village Center place types, local example – 1st Street Neighborhood in Broadway.

The subject property is not located in a Historic District, a Watershed Conversation Overlay District, or a Flood Hazard Area/Floodplain.

The subdivision is proposed to be served by new sanitary sewer lines via a connection to an existing 8-inch public sewer line along Vernon Street. The subdivision is proposed to be served via a new water line connection to the existing 8-inch public water line along S. Main Street. If the subdivision is approved, the design of the public water and public sewer extensions must be approved by the Town of Broadway, the Lee County Fire Marshal's Office and all other applicable regulatory agencies to verify compliance with all applicable regulations.

The site has 476ft of road frontage on S. Main Street, a NCDOT maintained paved public highway with a 60ft right-of-way. The site also has 700ft of road frontage along Vernon Street, an NCDOT maintained public street with 60ft right-of-way.

It is the understanding of staff that no roadway improvements would be required for S. Main Street or Vernon Street as part of the development of this subdivision.

Upon review of the subdivision design, the Lee County Schools Transportation Director has advised that buses will not be able to travel through the proposed development until Vernon and S. Main Streets are connected, and that buses will not travel down the street that terminates in a cul-de-sac. Areas along S. Main Street will be improved with public sidewalk construction that can be utilized for bus stop locations. No sidewalks are proposed along Vernon Street.

The new 50-lot residential single-family home subdivision would be accessed via two new public streets that the developer would construct to Town of Broadway standards and submit for acceptance/maintenance by the Town of Broadway as a condition of final plat approval. A copy of the NCDOT approval for the connections of the new public streets to S. Main Street and Vernon Street must be on file with the Planning Department prior to the recordation of the final subdivision plat, which legally creates the lots. Pedestrian sidewalks and curb & gutter are required since the lots are smaller than 20,000sf, and street trees are proposed along all public streets. The street trees would be planted on the individual lots, not within the street right-of-way and would need to be protected/regulated within the covenants and restrictions for this subdivision and maintained by the individual property owners. The 8ft wide landscape buffer is proposed along the perimeter of the subdivision, which would also be on the individual lots and would need to be protected within the covenants and restrictions and maintained by the individual property owners. At this time, the specific details of the landscape buffer (type of plants, size of plant material at installation, whether the plants are evergreen or deciduous, etc.) has not been determined.

The topography slopes slightly downward from the east to the west, towards Vernon Street, however, there does not appear to be any water features (streams, wetlands, or ponds) in the immediate area that may be impacted. It has been brought to the attention of staff that the southwest corner of the site along Vernon Street has drainage issues during storm events and prolonged wet weather. This information has

been forwarded to the project designer and developer so that they can incorporate features into the subdivision design that, at a minimum, should not add to the existing drainage problems.

If rezoned, the site must be developed in the manner proposed as illustrated on the site plan/subdivision plat associated with this request. Single-family homes and uses typically associated with a residential single-family home land use per the UDO would be allowed.

Regarding staff recommendation: The Plan SanLee land use plan identifies the future land use place type for this tract as "Village Neighborhood," which is a low density residential area; therefore, a standard rezoning where the subdivision would simply have to comply with the current UDO subdivision regulations would not be encouraged. The developer has opted to submit a conditional rezoning request, which is a site plan/subdivision plan specific request in an effort to provide more information than is typically required and the proposed design standards exceed the current UDO subdivision design standards, which are conditions that would be legally binding on the land. The level of detail provided, in conjunction with the fact that there is an existing residential subdivision zoned R-6 on adjoining property, gives staff a comfort level with this project moving forward as designed, even though it does not correspond with the long range plan. Ultimately, it is up to the Board of Commissioners to determine how the Town should grow and if they are comfortable with the proposed design of the project.

Mayor Andrews opened the Public Hearing. He advised the Town Board and Planning Board that they may address any questions to Amy.

Planning Board members asked questions about the rezoning. Paul Thomas asked Ms. McNeill to explain the difference between R-6 and R-6-C. She explained that R-6 has a minimum lot size of 6,000sf and allows a mix of residential types, and R-6-C has a smaller lot size of 5,000sf but is restricted to single-family homes only.

Rebecca Hunter asked if Off Broadway was approved and started in the early 2000's. Ms. McNeill did not have that information with her.

Wilson Cox asked about the 8ft buffer behind being part of the setback on the houses. Ms. McNeill advised there will be an 8ft landscape buffer on private property with an easement around it. The setback of the home would be from the rear property line.

Dustin Blackwell spoke for Weaver Development. They have been in business 40 years, and this is their fourth project for this product type. Two projects have been completed in Smithfield, and one is getting ready to start in Dunn. He referred to pictures of actual homes that have been built in their projects. If the rezoning is approved, East Park subdivision would have similar homes. There are sidewalks in this project, a mail kiosk, and a designated bus stop within the subdivision. The first phase of the project will connect both the roads so that the Town will accept the streets for maintenance.

Planning Board members asked questions about the project. Justin Rosser asked how close the homes are from exterior wall to exterior wall. Mr. Blackwell stated there is an 8ft setback on each side, making 16ft between homes. Mr. Rosser also inquired as to the size of the holding pond area. Mr. Blackwell responded their civil engineer would have to address that specifically. Jim Chandler, with the Timmons Group, explained that storm management is not actually required in Broadway, but they are offering it as good neighbors. The Weavers do this by default to help control erosion during construction especially since neighbors have mentioned water issues already exist. The retention pond hasn't been sized yet but will be sized as if permitted by the state. After the project is finished, the neighbors should not see any more runoff than they currently see. The culverts will be properly sized according to DOT input so that the runoff will not be worse but better. Mr. Chandler stated the holding pond area will be roughly a half acre. It will hold water temporarily until it is drained at a slow rate.

Rebecca Hunter asked a question of Mr. Blackwell regarding the school bus coming in from Main Street traveling all the way to Vernon Street. She wonders about the children living on the cul-de-sac. The project will have a path going from the cul-de-sac to the other side. A sidewalk leads all the way around. There will be an internal sidewalk connection. She also inquired about the type of parking available. Mr. Chandler advised there will be a substantial parking lot, but naturally there will not be enough room for everybody. Ten parking spaces are required.

Jerry Bradley inquired about the 20ft public utility easement. Mr. Chandler advised the gravel path will be used for kids, living in the cul-de-sac, to go to the bus stop.

Betsy Kelly asked about the driveway capacity for cars. Mr. Chandler advised there will be parking for two cars in the driveway, plus the single car garage, and enough space in the back for one car.

Rebecca Hunter wanted to have a clear understanding of the lot size. Mr. Chandler agreed they are 1/10 acre lots.

Jerry Bradley asked another question about parking: Is parking on the street allowed should a homeowner have 10 cars. Mr. Blackwell explained covenants and restrictions of the HOA would address this issue. They brought draft copies of the covenants and restrictions so that all Board members could review them.

Betsy Kelly inquired about the price range of the proposed homes. Mr. Blackwell stated the price range is from \$190,000 to \$225,000.

Paul Thomas asked what the size of the lots are in Off Broadway. They are an average size of 4,928sf per the plat. Homes are duplexes with property lines going through the middle of each unit.

Mayor Andrews read the written public comments that were submitted to the Town Clerk.

Rebecca Brambila, 501 S. Main Street, is not in favor of the rezoning. As an adjacent property owner to East Park, she is concerned about overcrowding, changing the look of Broadway, and neighborhood compatibility. She prefers keeping the property zoned as R-20 so that Broadway will keep its lovely appeal.

Donald Provan, 303 Vernon Street, is not in favor of the rezoning. He is concerned about overcrowding, increased flooding, increased number of cars and people in that small area. He doesn't want Broadway to lose its small town feel.

Pastor Kenneth Swann, Cameron Grove AME Zion Church, 309 Vernon Street, has concerns about the rezoning. Rev. Swann voiced the congregation's apprehensions about the rezoning. They are concerned about the impact of the subdivision on their property and the streets. There have been problems with the culverts on Vernon and Prince Streets and water runoff from Off Broadway, causing flooding on church property. They are concerned about the East Park retention pond, which will always have a trickle of water flowing from it. The excess water is not welcomed on church property. If DOT replaces the culvert on Vernon Street and the Town of Broadway replaces the culvert on Prince Street, then Cameron Grove welcomes the project. However, they will not dig a trench across the front of their property. The church does not feel they should be financially responsible for problems caused by a project that they deem not necessary.

Tommy Rosser, 500 S. Main Street, is concerned about the Town's sewer capacity, potential fire hazard due to homes being so close together, and the additional traffic generated on Main Street by the proposed East Park subdivision. He feels that 25-30 homes in that location would be much better than 50.

Justin Rosser asked whether public safety employees have concerns about the development. As the Town has grown, their resources haven't grown very much. Town Manager Eddie Thomas responded that public safety is always a concern. Our police department is very small. With an increase in growth, increasing staff will need to be reviewed. However, at this time it has not been discussed.

Wilson Cox asked if the fire truck can go down the cul-de-sac and turn around. According to the Lee County Fire Marshal's office, it can, and the cul-de-sac does meet the radius requirements.

Rebecca Hunter requested clarification on street maintenance. She asked whether the Town of Broadway will accept responsibility for maintaining the streets. Ms. McNeill confirmed as long as the streets are designed to meet DOT standards, the Town will accept them and be responsible for maintenance. Ms. Hunter also asked about sewer lines. Ms. McNeill advised the developer would construct sanitary sewer lines according to Town standards then the Town would accept the sewer lines for maintenance and the waste for treatment.

Ms. Hunter mentioned that she understood the Broadway Board of Commissioners approved the Land Use SanLee Plan in 2018. She asked Ms. McNeill to clarify the characteristics of a village neighborhood and compare how East Park will be

different. Ms. McNeill reviewed the Long Range Plan referred to as SanLee. This land use plan identifies the future land use place type for this tract of land as “Village Neighborhood,” which has the following characteristics: low density single-family dwellings and interconnected street network, area surrounding Village Center place types, pedestrian connectivity and access to Village Center place types, and First Street in Broadway is a local example. Land use designations include undeveloped open space, schools, churches, neighborhood parks, as well as detached single-family dwellings. Forms of transportation include automobiles (vehicular connectivity is encouraged in new development) that share the roads with pedestrian uses like sidewalks, off-street trails, and transit and commercial area connections. Also, included in transportation is on-street bike lanes and off trail bicycle systems, and public transit. The current zoning districts for this area are residential single-family (RR, R-20, R-14, and R-12SF). The proposed zoning district is Low Density Residential. The maximum development density is four units per acre with moderate building setbacks and a 35ft height limit. Utility infrastructure is public water and public wastewater. The preferred character is interconnected grid networks streets, 6-800ft block lengths, and tree-lined streets with sidewalks. It’s a fancy, lengthy way of saying single-family residential neighborhoods. They have streets with a lot of pedestrian connectivity, also. Low density means smaller lot size with four units per acre.

Betsy Kelly remarked that through the years when development has been proposed, the sewer capacity has always been a concern. She feels the WWTP has to be nearing capacity and would like to know how it can handle an additional 50 houses. The Town of Broadway is licensed for 145,000 gallons daily capacity. Through the end of August, the Town has averaged 108,000 per day. It can go up to as much as 160,000 gallons daily. Fifty houses at roughly 360 gallons per day would be an additional 18,000 per day. The Town has researched the issue of a development being turned down, but none has been found that was turned down due to sewer capacity. The Town has applied for a \$50,000 feasibility grant to start studying options with the sewer system. Options may be to expand our system or connect with the City of Sanford.

A question was asked by the property owner at 401 S. Main Street. He wanted to know if all landmarks distinguishing property lines are up to date on surrounding properties next to East Park. Mr. Blackwell advised the property line runs from the PVC pipe next to the road straight back to the PVC pipe at the barn.

A member of Cameron Grove asked about the pipes running together from Vernon Street to Prince Street. If the subdivision is approved, Cameron Grove needs to know what the Town is willing to do about joining these two pipes together. Mayor Andrews advised this is private property. DOT advised the church to run a ditch across its property, but the member stated that will not suffice. Mayor Andrews stated the developer has to apply for a driveway permit from NC DOT. Vernon Street is maintained by DOT. When they give their findings on the upgrade, then the Town would look at Prince Street. As far as private property is concerned, the Town is not allowed to do anything. The Town has reached out to DOT about the issues on Vernon Street. DOT has done some work in front of the low spot on Vernon back towards Off Broadway. They have cleaned the ditch out.

Mr. Donald Provan mentioned concerns with more traffic and asked about HOA restrictions. Weaver Development has draft documents of the covenants and restrictions that will govern East Park subdivision. An HOA document has been recorded with the Lee County Register of Deeds office that will regulate what can and cannot be. The deed states: By accepting this deed, you agree to the covenants and restrictions associated with this property. Whenever someone purchases a home and signs the deed, they agree they are bound by the terms of those covenants and restrictions.

Mr. Weaver stated this project will add about \$10 million in property tax value within 18 months to two years after beginning.

Mayor Andrews closed the Public Hearing. The Planning Board will meet and make a recommendation concerning the rezoning at the October 26 Town Board Meeting.

With no further business to discuss, Mayor Pro Tem Beal made the motion to adjourn the joint meeting of the Town Board and Planning Board. The motion was seconded by Commissioner Paschal. Motion carried unanimously to adjourn.

Donald F. Andrews
Mayor

Laura K. Duval, Town Clerk