1. MEETING CALLED TO ORDER

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. PUBLIC COMMENT

5. APPROVAL OF AGENDA

6. CONSENT AGENDA

7. SPECIAL AGENDA
   Proclamation Recognizing Fred Bennett Murchison, Sr. on the Occasion of His 100th Birthday – (Page 5)

8. CASES FOR PUBLIC HEARING
   A. Consider Public Hearing on Modification to Grant Agreement for a Previously Approved Economic Development Project – Caterpillar, Inc. – (Page 6)

   - Consider Adoption of Resolution Modifying an Economic Development Project and Approving the Expenditure of Funds and an Amended Agreement with Caterpillar, Inc.- (Pages 7 – 10)

   *Items 8B & 8C will be held jointly with the Planning Board:

   B. Application by Keller Investment, LLC to rezone 35 acres + off of / accessed via Commerce Drive from General Commercial (C-2) and Barrington Park Conditional Zoning District #4 to the South Park Multi-Family Apartment Home & Independent Living Community Conditional Zoning District to allow for the development of a residential community with a mixed of housing types. The subject property is depicted on Lee County Tax Map 9660.01 as the following Lee County Land Records Tax Parcels:
Tract 1: 9660-37-7933-00 is an 8.0 ± acre portion of a vacant 25.45-acre tract of land with frontage on Commerce Drive and NC 87 Hwy, illustrated as an existing 25.45-acre lot on a 2007 plat labeled Survey for CRD Investors, LLC, Barrington Park recorded as Plat Cabinet 2007, Slide 265 in the Lee County Land Register of Deeds Office, and zoned General Commercial (C-2).

Tract 2: 9660-38-1040-00 is a vacant 5.5 ± acre tract of land with frontage on Commerce Drive, illustrated as Lot 1 on a 2000 plat labeled Survey for Southpark recorded as Plat Cabinet 9, Slide 45G in the Lee County Land Register of Deeds Office, and zoned General Commercial (C-2).

Tract 3: 9660-27-6999-00 is a vacant 4.0 ± acre tract of land with frontage on Commerce Drive, illustrated as Lot 2 on a 2000 plat labeled Survey for Southpark recorded as PC 9, Slide 45G in the Lee County Land Register of Deeds Office, and zoned General Commercial (C-2).

This tract of land is illustrated as being included within Lee County Tax Parcel 9660-27-6303-00 on the GIS software accessed by the public on the City of Sanford website.

Tract 4: 9660-27-6006-00 is a 17.25 ± acre portion of a vacant 86 acre tract of land with the frontage on Commerce Drive, illustrated as Tract 5 on a 2007 plat labeled Survey for CRD Investors, LLC, Barrington Park recorded as Plat Cabinet 2007, Slide 265 in the Lee County Land Register of Deeds Office, with the front of the parcel along Commerce Drive being zoned General Commercial (C-2) and the remaining balance to the rear being zoned Barrington Park Conditional Zoning District #4. This tract of land is identified as being included within Lee County Tax Parcel 9660-27-6303-00 on the GIS software accessed by the public on the City of Sanford website.

Tract 5: 9660-16-4729-00 is a 0.25 ± acre portion of a vacant 19.5-acre tract of land with no road frontage, illustrated as Tract 2 on a 2007 plat labeled Survey for CRD Investors, LLC, Barrington Park recorded as Plat Cabinet 2017, Slide 97 in the Lee County Land Register of Deeds Office, with the front of the parcel along Commerce Drive being zoned General Commercial (C-2) and the remaining balance to the rear being zoned Barrington Park Conditional Zoning District #4. – (Pages 11 – 52)

C. Application by Wynnefield Properties, Inc. to rezone a 2.36 acre ± portion of a 15 acre ± tract of land addressed as 1732 Westover Drive, from General Commercial (C-2) to the Kendall Creek Multi-family Conditional Zoning District to allow for the development of an apartment community. The property is the same as depicted on Lee County Tax Maps 9631.02 and 9631.01 as Tax Parcel 9631-56-2403-00 Lee County Land Records and is illustrated as Tract 3 on a 2001 plat labeled Survey for Roy E. Mashburn recorded as Plat Cabinet 9, Slide 79E of the Lee County Register of Deeds) – (Pages 53 – 82)

The Planning Board shall retire to the West End Conference Room.

D. Consider Public Hearing on Carthage Street Sewer Extension
   • Consider Adoption of Resolution Directing that the Project be Undertaken Carthage Street Sewer Extension – (Pages 83 - 84)
E. Consider Public Hearing on the Closing of an Unopened Portion of Cone Street from Intersection of Fry Street Eastward 150 Feet
   - Consider Adoption of Resolution Ordering the Closing of an Unopened Portion of Cone Street from Intersection of Fry Street Eastward 150 Feet – (Pages 85 - 87)

9. DECISIONS ON PUBLIC HEARINGS
   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 (R-12) to Residential-Mixed (R-6) Conditional Zoning District to allow the development of an 87-lot residential single-family home subdivision. 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 currently within the City of Sanford’s Extraterritorial Jurisdiction (ETJ); therefore, the City may rezone it, but in order to develop the site in the manner proposed, the property owner must request to annex the property into the corporate City limits prior to final plat approval. – (Pages 88 – 95)
   - Vote to Approve a Statement on Long Range Plan Consistency as it Relates to this Rezoning Request
   - Consider Vote to Approve or Deny the Rezoning Request – Consider Adoption of Ordinance Amending the Official Zoning Map of the City of Sanford, North Carolina – (Pages 96 - 114)

10. REGULAR AGENDA
    Consider Consulting Services Agreement with Southern Benefit Systems – (Pages 115 - 128)

11. NEW BUSINESS (Items for discussion and action will only be taken if necessary. Otherwise, these items will be placed on the next agenda for approval.
    A. Consider Resolution in Support of the Temporary Closure of a Portion of North Avenue for the Purpose of an Outreach Celebration by East Sanford Baptist Church – (Pages 129 – 131)
    B. Consider Resolution to Temporarily Close Streets in Support of the Sanford Cleanup and Block Party – (Pages 132 – 134)
    C. Consider Revision to Disability Eligible Benefits – (Page 135)
    D. Consider Preliminary Assessment Resolution – Carr Creek Sewer Extension Area D – (Pages 136 - 137)
    E. Consider Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2018-2019 – (Carr Creek Lift Station) – (Pages 138 – 139)
    F. Consider Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2018-2019 – (Contribution to NC Highway 42 Waterline Relocate and Contribution to Sewer Line Extension to Raleigh Exec Jetport) - (Pages 140 - 141)
G. Consider Community Development Project Ordinance Amendment – (Emergency Shelter) - (Page 142)

H. Consider Ordinance Amending the Annual Operating Budget of the City of Sanford FY 2018-2019 – (Parks Capital Project Number B1602) – (Pages 143 - 144)

I. Consider Capital Project Ordinance Amendment – (Parks and Recreation Project #B1602) – (Page 145)

J. Consider Resolution of the Sanford City Council in Support of Legislation Removing a Restriction on Voluntary Satellite Annexations – (Page 146)

12. OTHER BUSINESS

13. ADJOURNMENT
RECOGNIZING FRED BENNETT MURCHISON, SR.
ON THE OCCASION OF HIS 100TH BIRTHDAY

WHEREAS, Fred Bennett Murchison, Sr. has spent most of his adult life in Lee County where he is well known by many as charming and friendly; and

WHEREAS, Mr. Murchison made his family here, including his son Fred, daughter Vanessa, deceased son Ronald, as well as three grandchildren, five great grandchildren, and one great-great grandchild; and

WHEREAS, Mr. Murchison is the oldest living veteran of World War II in Lee County and served in Africa and Europe through the United States Army before being honorably discharged upon completion of duty; and

WHEREAS, Mr. Murchison is a longtime member of New Zion Missionary Baptist Church where he sang in the choir and male chorus, as well as taught Sunday School; and

WHEREAS, Mr. Murchison worked for many years for the City of Sanford and eventually retired from J.T. Davenport; and

WHEREAS, Mr. Murchison’s family and friends wish to honor him on this special occasion and to congratulate him on the momentous occasion of his centennial birthday;

NOW, THEREFORE, I, Chet Mann, Mayor of the City of Sanford, North Carolina, do hereby extend best wishes to Fred Bennett Murchison, Sr. on the occasion of his 100th birthday, with sincere congratulations for many more happy and productive years.

PROCLAIMED this 19th day of March 2019.

T. CHET MANN, MAYOR
CITY PUBLIC HEARING NOTICE

Pursuant to North Carolina General Statute 158-7.1, the Sanford City Council (the Council) proposes to modify an incentive grant agreement for a previously approved economic development project regarding an expansion at Caterpillar, Inc. (the Company). This modification will stimulate the local economy, promote additional business activity, create jobs and increase payroll in Sanford, North Carolina.

In February 2018, the Council approved an economic development incentive grant to participate in the cost of a project, which consisted of building renovations and the purchase of machinery and equipment in the amount of $29,500,000 (Twenty-nine Million Five Hundred Thousand Dollars) in new taxable investment in Sanford, Lee County, North Carolina. The City of Sanford was offering an economic development incentive grant of up to $311,241 (Three Hundred Eleven Thousand Two Hundred Forty-one Dollars) over the five (5) year life of the project with revenues from the City’s General Fund. This grant required certain conditions be met prior to any disbursement of funds.

In the modified agreement, the Company proposes to invest an additional $1,300,000 (One Million Three Hundred Thousand Dollars) for a total of $30,800,000 (Thirty Million Eight Hundred Thousand Dollars) in new taxable investment in Sanford, Lee County, North Carolina, with Sanford offering an additional economic development incentive grant of up to $1,035 (One Thousand Thirty-five Dollars) with a total of up to $312,276 (Three Hundred Twelve Thousand Two Hundred Seventy-six Dollars) over the five (5) years of the project. The project will create at least forty (40) new jobs with an average annual wage of $41,526 (Forty-one Thousand Five Hundred Twenty-six Dollars) over the five (5) year length of the project. Based on its projected investment in Sanford, the current tax rate and assessed values in the proposal, Caterpillar will pay estimated ad valorem taxes of $521,767 (Five Hundred Twenty-one Thousand Seven Hundred Sixty-seven Dollars) over the grant period. The modification will require the same conditions as the original approved agreement.

A public hearing on the proposed modification of this economic development incentive investment will be held on Tuesday, March 19, 2019 at 6:00 p.m., or as soon thereafter as the matter can be reached on the meeting agenda, in the Council Chambers, Sanford City Hall at 225 E. Weatherspoon Street, Sanford, N.C. All interested persons are invited to attend and present their views.
RESOLUTION MODIFYING AN ECONOMIC DEVELOPMENT PROJECT AND APPROVING THE EXPENDITURE OF FUNDS AND AN AMENDED AGREEMENT WITH CATERPILLAR, INC.

WHEREAS, on February 20, 2018 after a duly advertised public hearing the Sanford City Council voted to approve the economic development incentive agreement for Project Eagle, now known as Caterpillar, Inc.; and,

WHEREAS, notice of a public hearing was published on March 7, 2019 that the Sanford City Council proposed to modify the economic development agreement to increase the amount of new taxable investment by an additional One Million Three Hundred Thousand Dollars ($1,300,000), from Twenty-nine Million Five Hundred Thousand Dollars ($29,500,000) to Thirty Million Eight Hundred Thousand Dollars ($30,800,000) and as a result to increase the amount of the City incentive grant from the original amount in the agreement of up to Three Hundred Eleven Thousand Two Hundred Forty-one Dollars ($311,241) to an amount of up to Three Hundred Twelve Thousand Two Hundred Seventy-six Dollars ($312,276), which is an increase of up to One Thousand Thirty-five Dollars ($1,035); and

WHEREAS, the original project consisted of building renovations and the purchase of machinery and equipment, and the creation of up to forty (40) new jobs with an annual wage of Forty-one Thousand Five Hundred Twenty-six Dollars ($41,526); and

WHEREAS, a new public hearing for the amendment was held on March 19, 2019 at the regular meeting of the Sanford City Council and a new Schedule A will be incorporated into the Agreement and replace the originally adopted Schedule A.

NOW, THEREFORE, BE IT RESOLVED by the Sanford City Council that the Council finds that the amended agreement supports the original project that will stimulate the local economy, promote business, and result in the creation of a substantial number of jobs that will pay at or above the median average wage in the City; and estimates that the City will recover its consideration for the project within five (5) years or less taking into account prospective tax revenues from improvements on the property, sales tax revenues generated in the area, as well as other prospective tax revenues or income coming to the City as a result of the project.

BE IT FURTHER RESOLVED by the Sanford City Council that it hereby approves the expenditure of funds and the attached amended agreement between the City of Sanford and Caterpillar, Inc. The Mayor and Clerk are hereby authorized to execute the amended agreement on behalf of the City.

ADOPTED this 19th day of March 2019.

T. Chet Mann, Mayor,
City of Sanford

ATTEST:

Bonnie Davis, City Clerk
AMENDMENT TO THE
STATE OF NORTH CAROLINA
) AGREEMENT REGARDING
) INCENTIVE FUNDS FOR
COUNTY OF LEE ) CATERPILLAR, INC.

THIS AMENDMENT, made and entered into this the ____ day of _______________, 2019, by and between the CITY OF SANFORD, NORTH CAROLINA, a North Carolina Municipal Corporation (hereinafter referred to as CITY) and Caterpillar, Inc., a company with an office and place of business in Sanford, North Carolina, (hereinafter referred to as COMPANY);

WITNESSETH:

WHEREAS, on February 20, 2018, after a duly advertised public hearing, the Sanford City Council voted to approve the economic development incentive agreement for Project Eagle, now known as Caterpillar, Inc; and,

WHEREAS, the original agreement consisted of building renovations and the purchase of machinery and equipment in the amount of $29,500,000.00 (Twenty-nine Million Five Hundred Thousand Dollars) in net new taxable investment, with the City offering an incentive grant of up to $311,241 (Three Hundred Eleven Thousand Two Hundred Forty-one Dollars) with the creation of up to forty (40) new jobs with an annual wage of $41,526.00 (Forty-one Thousand Five Hundred Twenty-six Dollars); and,

WHEREAS, it is the intent of both parties to amend the original agreement that was approved by the City on February 20, 2018 by increasing the amount of new net taxable investment of the Company from $29,500,000 (Twenty-nine Million Five Hundred Thousand Dollars) to $30,800,000 (Thirty Million Eight Hundred Thousand Dollars) and as a result, increase the amount of the City incentive grant from the original amount in the agreement of up to $311,241 (Three Hundred Eleven Thousand Two Hundred Forty-one Dollars) to of up to $312,276 (Three Hundred Twelve Thousand Two Hundred Seventy-six Dollars); and,

WHEREAS, a new public hearing for the amendment was held on March 19, 2019 at the Regular Meeting of the Sanford City Council, whereby the Council then took a vote to approve the incentive; and,

WHEREAS, a new amended Schedule A, attached hereto, will be incorporated into the agreement and replace the originally adopted Schedule A.

NOW THEREFORE, in consideration of the representations set forth herein and in the original agreement, the COMPANY and the CITY agree to amend the original agreement with the following:

1. Increase the amount of new net taxable investment of the Company from $29,500,000 (Twenty-nine Million Five Hundred Thousand Dollars) to $30,800,000 (Thirty Million Eight Hundred Thousand Dollars).
2. Increase the amount of the City incentive grant from the original amount in the agreement of up to $311,241 (Three Hundred Eleven Thousand Two Hundred Forty-one Dollars) to up to $312,276 (Three Hundred Twelve Thousand Two Hundred Seventy-six Dollars).

3. Replace the original Exhibit A with the amended Exhibit A, which is attached hereto.

4. All other terms and conditions as set forth in the original agreement remain in full force and effect.

IN WITNESS WHEREOF, CITY has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed, and the COMPANY has caused this instrument to be executed in its company name by its duly authorized manager, both the day and year first above written.

CITY OF SANFORD

(Seal) By: ________________________________
T. Chet Mann, Mayor

ATTEST:

________________________
Bonnie Davis, Clerk

CATERPILLAR, INC.

(Corporate Seal) By: ________________________________
Name
Title

ATTEST:

________________________
Secretary

This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act.

________________________
Beth Kelly, Finance Director
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$ 257,499 $ 54,777 $ 312,276 $ 521,767

*Proposed EDIG Calculation
This calculation includes the total previous years value instead of the 2018 value being used each year.

Amended County EDIG
Zoning Map Amendment (Rezoning) Application

City of Sanford

1. Applicant Name: Keller Investment, LLC

2. Applicant Address: 1600 Colon Road (PO Box 130) Sanford, NC 27330

3. Applicant Telephone: (919) 776-4641

4. Name and Address of Property Owner(s) if different than applicant:
   - AGA Corporation 144 S. Steele Street (PO Box 819) Sanford, NC 27330
   - Sanford South Park LLC PO Box 2825 Sanford, NC 27311

5. Location of Subject Property: Commerce Drive Sanford, NC

6. Total Area included in Rezoning Request: 34.979 Acres

7. Zoning Classification: Current: General Commercial (C-2) & CZD #4 Requested: CZ Type 1.

8. Existing Land Use(s): Vacant

9. Reason(s) for Requesting a Zoning Map Amendment (Rezoning): To allow for development of a mixed use community including apartments and residential units.

10. Signature(s) of Applicant (and Property Owners if different from Applicant).

   I hereby acknowledge that the information contained herein is true. It is further understood that this application will be reviewed for completeness and accuracy and that it shall not be scheduled for official consideration until all required contents are submitted in proper form to the City of Sanford/Lee County Community Development Department.

   Owner: V.P. AGA Co 2/11/19
   Owner: R.A. Keller 2/11/19
   Applicant: Oscar A. Keller III 2/11/19

Required Attachments/Submittals

A. A copy of a current Lee County Tax Map illustrating the location of the area to be rezoned. If the exterior boundary of the area to be rezoned does not follow along existing property boundaries, then the applicant shall be required to submit a metes and bounds (legal) description describing the area requested for rezoning.

B. *If the requested rezoning is for a Conditional Zoning District, a Supplemental Application for Conditional Zoning District must also be included, along with an additional $120.00 fee ($360 total fee for Conditional Zoning).

C. A $240.00 Application fee, payable to the City of Sanford is required before processing the application.

D. The application submission deadline is the second Friday of each month for the rezoning to be heard the following month.

STAFF USE ONLY

Date Received: Fee Paid: Application No.: Energov Case No.:

L:\Forms & Certifications\Rezoning Appl (Updated 2013-06-28)
Supplemental Application for Conditional Zoning District
(To be submitted with an Application for Zoning Amendment)

Circle Jurisdiction That Applies:

City of Sanford  Lee County  Town of Broadway

1. Type of Conditional Zoning District (Type 1 or Type 2)  Type 1

2. Describe in detail the use(s) requested as part of the Conditional Zoning District (use separate sheet if necessary):
   Multi-family Apartment Home Community & Independent Living Community

3. Describe in detail any additional conditions of development proposed as part of the Conditional Zoning District. Such conditions should include (as applicable):
   - The location on the property of the proposed use(s);
   - The number of dwelling units;
   - The location and extent of supporting facilities such as parking lots, driveways, and access streets;
   - The location and extent of all landscaping areas, buffer areas and other special purpose areas
   - The timing of development;
   - The location and extent of rights-of-way and other areas to be dedicated for public purposes;
   - Details on architectural features and scale of proposed structures; and
   - The location and extent of any pedestrian elements (sidewalks, trails, etc.).

   Conditions may be listed on additional, separate sheets if necessary. Additionally, a scaled site plan shall be submitted illustrating all conditions as described in the text.

   1) Project will be developed in 3 phases (Ph1 Apartments, Ph2 Independent Living Apartments, Ph3 Independent living residences).
   2) Clubhouse, swimming pool, and Pump Station will be provided in Phase 1. Density for the Phase 1 shall not exceed 120 Apartment Units. Density for Phase 2 shall not exceed 100 Independent living apartment units. Density for Phase 3 shall not exceed 40 residential units.
   3) All Utility lines will be placed underground unless evidence can be provided to City that it is physically impossible and an undue hardship.
   4) Site lighting will be provided for security as outlined in City of Sanford UDO 10.3.2.4.2.
   5) The perimeter setback for the entire site will have a 30-foot front building setback and 20-foot side and rear building setback.

4. Signature(s) of Applicant (and Property Owners if different from Applicant).

   I hereby acknowledge that by submitting this Conditional Zoning application, I am voluntarily requesting that restrictions on the use of land and/or zoning conditions of development be placed upon the subject property as included in this petition. An application fee in the amount of $360.00, payable to The City of Sanford is required before processing the application. The application submission deadline is the second Friday of the month. The petition will be heard the following month at the scheduled public hearing.

   Owner

   Applicant

   Signature (Sign & Print)  Date

Lee & Certifications/ CZ Supplemental Appl (Updated 2012-06-28)
LAND DESCRIPTION FOR REZONING:
AGA CORPORATION & SANFORD SOUTH PARK, LLC
LYING AND BEING IN JONESBORO TOWNSHIP, LEE COUNTY, NORTH CAROLINA

COMMENCING AT A POINT, SAID POINT BEING PUBLISHED IN THE NATIONAL GEODETIC SURVEY AS “SANFORD COR ARP” (PID: AM7024) AND HAVING NC GRID COORDINATES OF NORTHING: 627,302.98 FEET & EASTING: 1,952,943.44 FEET, HAVING A COMBINED SCALE FACTOR OF 0.999863157;
THENCE S 30° 23' 58" E A GRID DISTANCE OF 21,737.57 FEET TO A 60D MAG HUB; CE POINT #2 WITH NC GRID COORDINATES OF NORTHING: 608,553.92 FEET AND EASTING: 1,963,943.20 FEET; THENCE S 69° 06' 47" W FOR A DISTANCE OF 375.48 FEET TO A POINT; SAID POINT BEING A NEW CORNER LYING ON THE SOUTHERN MARGIN OF COMMERCE DRIVE; HEREBY KNOWN AS THE POINT OF BEGINNING.

THENCE ALONG A NEW LINE S 04° 21' 40" E FOR A DISTANCE OF 405.93 FEET TO A POINT; THENCE S 14° 48' 41" W FOR A DISTANCE OF 808.34 FEET TO A POINT; THENCE S 46° 26' 29" W FOR A DISTANCE OF 550.32 FEET TO A POINT; THENCE N 55° 13' 09" W FOR A DISTANCE OF 1097.93 FEET TO A POINT; THENCE N 22° 32' 06" FOR A DISTANCE OF 864.12 FEET TO A POINT, SAID POINT LYING ON THE SOUTHERN MARGIN OF COMMERCE DRIVE; THENCE WITH SAID MARGIN THE FOLLOWING SEVEN CALLS A CURVE TO THE LEFT HAVING A CHORD BEARING AND DISTANCE OF S 85° 43' 23" E FOR A DISTANCE OF 376.36 FEET WITH A RADIUS OF 1445.00 FEET TO A POINT, SAID POINT BEING A COMMON CORNER WITH RESEARCH DRIVE; THENCE N 84° 38' 58" E FOR A DISTANCE OF 109.94 FEET TO AN EXISTING 5/8 IRON REBAR FOUND; THENCE WITH A CURVE TO THE LEFT HAVING A CHORD BEARING AND DISTANCE OF N 81° 10' 45" E FOR A DISTANCE OF 65.12 FEET WITH A RADIUS OF 1445.00 FEET TO A POINT; THENCE WITH A CURVE TO THE LEFT HAVING A CHORD BEARING AND DISTANCE OF N 74° 22' 44" E FOR A DISTANCE OF 274.43 FEET WITH A RADIUS OF 1445.00 FEET TO A POINT; THENCE S 21° 05' 01" E FOR A DISTANCE OF 24.83 FEET TO A POINT; THENCE N 68° 58' 03" E FOR A DISTANCE OF 192.13 FEET TO A POINT; THENCE WITH A CURVE TO THE RIGHT HAVING A CHORD BEARING AND DISTANCE OF N 78° 30' 41" E FOR A DISTANCE OF 146.42 FEET WITH A RADIUS OF 440.00 FEET TO A POINT; SAID POINT HEREBY KNOWN AS THE POINT AND PLACE OF BEGINNING, HAVING AN AREA OF 1,523,666 SQUARE FEET OR 34.979 ACRES MORE OR LESS.

BEING PORTIONS OF PROPERTY ACQUIRED BY AGA CORPORATION IN DEED BOOK 604 PAGE 235 KNOWN AS TRACT 5, TRACT 3, AND AN UNNAMED 25.45 ACRES TRACT SHOWN ON PLAT CABINET 2007 SLIDE 237; ALONG WITH THE PROPERTY OF SANFORD SOUTH PARK, LLC OBTAINED IN DEED BOOK 1445 PAGE 793 & DEED BOOK 1517 PAGE 92 RESPECTIVELY KNOWN AS LOT #1 & #2 SHOWN ON PLAT CABINET 9 PAGE 45G OF THE LEE COUNTY REGISTRY.
SOUTH PARK MIXED USE COMMUNITY

The proposed project is located on +/- 34.98 AC adjacent to Commerce Drive. This mixed use project consists of (2) uses. Phase 1 will include 120 market rate apartments with amenity. The project will be like the existing South Park Village Apartments across the street. Phase 2 and 3 will be an age restricted independent living community which will include +/- 110 Independent Living apartments and up to 48 single story residential units.

The project will be walkable throughout with connection to proposed sidewalks on Commerce Drive and within the mix of uses interior to the project. An existing Pond will be retained with walking trail access. Additional pocket parks are planned within each phase. As other development occurs in the area pedestrian connectivity will be available via our proposed improvements.

We are proposing 278 units on 34.98 acres. The proposed density for the development is just under 8 units per acre. This density fits well and makes sense for this location for the following reasons:

- The site itself is conducive to allowing the number of planned units due to the relatively flat to rolling topography.
- One of the main differences which allows the greater density on this site is that all apartment buildings will contain 3-stories.
- The density makes sense in order to take advantage of the City’s existing utility infrastructure.
- The proposed density requires less linear footage of City utilities to serve the number of units proposed.
- The location is directly off a Major Thoroughfare which makes access easy and convenient to any part of the Sanford area and surrounding areas.

There is a need for apartments and independent living community in this area of Town.
SOUTH PARK MIXED USE
APARTMENTS
CONCEPT PLANS

SANFORD, NORTH CAROLINA
FEBRUARY 1, 2019
(REVISED MARCH 8, 2019)

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PROPERTY OWNER
AGA CORPORATION
144 S. STEELE STREET
PO BOX 819
SANFORD, NC 27330

SANFORD SOUTH PARK LLC
PO BOX 2825
SANFORD, NC 27331

DEVELOPER
KELLER INVESTMENT, LLC
1600 COLON ROAD
PO BOX 130
SANFORD, NC 27330
TEL: 919 776-4641

1. REVISED PER TOWN OF SANFORD COMMENTS. 03/08/19
CITY OF SANFORD
CITY COUNCIL AND PLANNING BOARD
PUBLIC HEARING INFORMATION
MARCH 19, 2019

APPLICATION# 2019-0301 TO AMEND THE SANFORD ZONING MAP

Applicant: Keller Investment, LLC
Owners: AGA Corporation and Sanford South Park, LLC
Request: Rezone from General Commercial (C-2) and Barrington Park Conditional Zoning District #4 to the South Park Multi-family Apartment Home & Independent Living Community Conditional Zoning District to allow for the development of a residential community with a mixed of housing types.
This is a site plan/subdivision specific conditional zoning district with unique conditions that are legally binding on the land even in the event of a transfer of ownership.
Location: Off of /accessed via Commerce Drive, opposite the South Park Village Apartments
Township: Jonesboro
Tax Parcels: 9660-37-7933-00 (8.0 acre portion), 9660-38-1040-00, 9660-27-6999-00*, 9660-27-6006-00 (17.25 acre portion)*, and 9660-16-4729-00 (0.25 acre portion)*
*These tracts of land are illustrated as being included within Lee County Tax Parcel 9660-27-6303-00 on the GIS software accessed by the public on the City of Sanford website.

Adjacent Zoning: North: General Commercial (C-2), South Park Apartment Home Community Conditional Zoning District, and Office & Institutional (O&I)
South: South Park High Density Conditional Zoning District and Barrington Park Conditional Zoning District #4
East: Barrington Park Conditional Zoning District #4 and General Commercial (C-2)
West: South Park High Density Conditional Zoning District

Introduction: Planning staff has received a rezoning application from Keller Investment, LLC as the first step in the proposed development of a residential community with a mixed of housing types that would be served by public water, public sewer and private internal drives/streets.

Area and Site Description: Commerce Drive is located in the southeastern area of the City of Sanford off of NC Hwy 87 South and was originally proposed to be developed as the South Park Industrial Park, which evolved into the South Park Business Park, and has continued to evolve into what now an area developed with the Park at Southpark Village apartment community, an assisted living facility, and a day treatment center. The evolution of this area appears to have been market driven, with residential development being what is currently in demand in this area.

The subject property to be rezoned is described as follows:
Tract 1: 9660-37-7933-00 is an 8.0 ± acre portion of a vacant 25.45 acre tract of land with frontage on Commerce Drive and NC 87 Hwy, illustrated as an existing 25.45 acre lot on a 2007 plat labeled Survey
for CRD Investors, LLC, Barrington Park recorded as Plat Cabinet 2007, Slide 265 in the Lee County Land Register of Deeds Office, and zoned General Commercial (C-2).

Tract 2: 9660-38-1040-00 is a vacant 5.5 ± acre tract of land with frontage on Commerce Drive, illustrated as Lot 1 on a 2000 plat labeled Survey For Southpark recorded as Plat Cabinet 9, Slide 45G in the Lee County Land Register of Deeds Office, and zoned General Commercial (C-2).

Tract 3: 9660-27-6999-00 is a vacant 4.0 ± acre tract of land with frontage on Commerce Drive, illustrated as Lot 2 on a 2000 plat labeled Survey For Southpark recorded as PC 9, Slide 45G in the Lee County Land Register of Deeds Office, and zoned General Commercial (C-2).

This tract of land is illustrated as being included within Lee County Tax Parcel 9660-27-6303-00 on the GIS software accessed by the public on the City of Sanford website.

Tract 4: 9660-27-6006-00 is a 17.25 ± acre portion of a vacant 86 acre tract of land with the frontage on Commerce Drive, illustrated as Tract 5 on a 2007 plat labeled Survey for CRD Investors, LLC, Barrington Park recorded as Plat Cabinet 2007, Slide 265 in the Lee County Land Register of Deeds Office, with the front of the parcel along Commerce Drive being zoned General Commercial (C-2) and the remaining balance to the rear being zoned Barrington Park Conditional Zoning District #4.

This tract of land is identified as being included within Lee County Tax Parcel 9660-27-6303-00 on the GIS software accessed by the public on the City of Sanford website.

Tract 5: 9660-16-4729-00 is a 0.25 ± acre portion of a vacant 19.5 acre tract of land with no road frontage, illustrated as Tract 2 on a 2017 plat labeled Survey for CRD Investors, LLC, Barrington Park recorded as Plat Cabinet 2017, Slide 97 in the Lee County Land Register of Deeds Office, with the front of the parcel along Commerce Drive being zoned General Commercial (C-2) and the remaining balance to the rear being zoned Barrington Park Conditional Zoning District #4.

Surrounding Land Uses: North of the site, opposite Commerce Drive, is the Park at Southpark Village apartment community, vacant land, an assisted living facility, and a day treatment facility. South of the site is vacant land that is part of the Barrington Park Conditional Zoning District – South, which does not appear to be moving forward. East of the site is vacant land, that front NC Hwy 87 South and is zoned C-2 General Commercial. West of the site is a vacant land that was rezoned to South Park High Density Conditional Zoning District in December of 2018.

Zoning District Information

Existing Zoning: A portion of the subject property is zoned C-2 General Commercial, which is established to provide areas for general commercial activities designed to serve the community such as shopping centers, repair shops, wholesale businesses, and retail sales with limited outdoor display of goods and limited outdoor operations. This district promotes a broad range of commercial operations and services necessary for large regions of the County, providing community balance. C-2 zones should be located on or within proximity to major thoroughfares.

A list of permitted uses in the C-2 zoning district is provided for your reference.

The minimum lot width is 50ft with a minimum lot depth of 100ft, which creates a minimum lot size of 5,000sf, and no maximum building height.

The minimum building setbacks for a principal structure or house is as follows:

Front: 10 feet, as measured from the right-of-way line of the proposed public street
Rear: 0 (zero) feet, measured from the rear property line
Side(s): 0 (zero) feet, measured from the side property lines

The minimum building setbacks for commercial property do not take into consideration the landscape buffers, building code, or fire code that may be required.
Existing Zoning: A portion of the subject property is zoned Barrington Park Conditional Zoning District (Design#4), which was approved in 2009. Under this conditional zoning application, the petitioner submitted a site-specific development plan in an attempt to refine an already approved design which created a large planned community with a mix of uses, but with a focus on residential housing units. This plan and conditional zoning represented a redesign for the northern portion of this development only. In 2009, the overall vision for this development - that both the northern portion and the southern portion would be perceived as one community even though it will be reviewed/approved as two separate projects - remained intact. As noted in the prior approvals, this project represented a continued shift towards a mix of residential and professional office/ institutional uses along Commerce Drive with a concentration of retail commercial at the intersection of Commerce Drive and NC Highway 87.

Proposed Zoning: Keller Investment’s proposal is to rezone to the South Park Multi-family Apartment Home & Independent Living Community Conditional Zoning District to allow for the development of a residential community with a mixed of housing types.

Conditional Zoning Districts are zoning districts in which the development and use of the property is subject to predetermined standards and rules, regulations, or other conditions imposed as part of the legislative decision creating the district and applying it to the particular property. A conditional zoning district allows particular uses to be established only in accordance with specific standards and conditions pertaining to each individual development project. Some land uses are of such a nature or scale that they have significant impacts on both the immediate surrounding area and on the entire community, which cannot be predetermined and controlled by general district standards. There are also circumstances in which a general district designation allowing such a use by right would not be appropriate for a particular property even though the use itself could, if properly planned, be appropriate for the property consistent with the objectives of these regulations, the adopted comprehensive plan, and adopted district and area plans.

The Conditional Zoning District Type 1 is defined as a conditional zoning district created as a stand-alone district with its own unique conditions. Under a Conditional Zoning District Type 1, an owner would have the freedom to develop his/her own unique list of permitted uses and design standards. It is also understood that such a district would need to be designed so as to maintain the integrity and characteristics of the surrounding community as well as conform to the spirit and intent of the Zoning Ordinance. A Conditional Zoning District Type 1 would be most suitable in situations where none of the current conventional Zoning Districts accommodate the desired use(s), such as a large mixed-use planned development in which the owner/developer has a clear vision as to how the property is to be developed. 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. It is required that applicants consult with the Community Development staff prior to submission of an application for a Conditional Zoning District so that staff can assist the applicant in determining preliminary assessments regarding the appropriateness of the proposed conditions with respect to existing zoning and surrounding land use.

Only the property owner(s) of a proposed Conditional Zoning District Type 1 shall be eligible to apply for rezoning to a Conditional Zoning District. The owner shall specify the use(s) of the property and shall propose additional conditions to ensure compatibility between the development and the surrounding neighborhood. The conditions shall include all of the following (as applicable):
- The location on the property of the proposed use(s);
- The number of dwelling units;
• The location and extent of supporting facilities (parking lots, driveways, and access streets);
• The location and extent of buffer areas and other special purpose areas;
• The timing of development;
• The location and extent of rights-of-way and other areas to be dedicated for public purposes;
• And any other such conditions the applicant may wish to propose.

The application shall include a site plan/subdivision 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.

As reminder, the conditional zoning process is a negotiated zoning process and, as such, the City Council and/or Planning Board may request that certain conditions be considered or altered. However, the petitioner must accept such conditions before inclusion in the conditional zoning district. Also, the conceptual plans and conditions that are approved in conjunction with this project must comply with the technical specifications and requirements of all regulatory agencies.

The following design standards are applicable for the proposed South Park Multi-family Apartment Home & Independent Living Community Conditional Zoning District:
The minimum lot width is 60ft, with a minimum lot size of 6,000sf, and a max building height of 40ft. The minimum lot size within this subdivision is 6,000sf (Lots 21, 22, 50, 51, 52, and 77), the average lot size is 7,855sf, and the largest lot size is 15,406sf (Lot 81). There is 7.27 acres or 25% of the site is included as open space.

The minimum building setbacks for a principal structure or house is as follows:
Front: 30 feet, as measured from the right-of-way line of the public street
Rear: 20 feet, measured from the rear property line
Side(s): 20 feet, measured from the side property lines

Reference the Southpark Mixed-Use Concept Plan of the civil drawing set, which illustrates the proposed minimum building setbacks and lists the housing types.

Specific conditions for this subdivision include the following:
• Phase 1 will include 120 market rate apartments with amenities and will be similar to the South Park Village Apartments community located on the opposite side of Commerce Drive.
• The apartment buildings will be three-story buildings.
• Phases 2 and 3 will be an age restricted independent living community, which will include approximately 110 independent living apartments and up to 48 single-story residential units.
• The site plan illustrates 43 units within the independent living area; however the developer is requesting to allow up to 48 units in this area. Currently illustrated are 3 single-family homes, 12 duplexes, and 4 four-plexes.
• A total of 278 units are proposed on the approximately 35 acre site, which creates a density of just under eight units per acre.
• The project will be walkable throughout with connection to proposed sidewalks on Commerce Drive and within the interior of the project. As other development occurs in the area, pedestrian connectivity will be available via the proposed improvements.
• An existing pond will be retained and walking trail access will be added.
• Pocket parks are planned within each phase.

Reference the plans labeled South Park Mixed-Use Concept Plan (an illustrative site plan), South Park Mixed Use Apartments Concept Plans (civil set), and South Park Apartments, Phase 3 (architectural drawings) which illustrate the overall design and building design for this project.

Please reference the attached subdivision plan and the conceptual architectural elevations provided for this project. If this rezoning request is approved and the project moves forward, an actual preliminary subdivision plat will need to be reviewed/approved by the Sanford Planning Board and City Council in the future, prior to the final plat being recorded. The preliminary subdivision plat should be substantially the same as the concept that was presented as part of this rezoning request. Also, the subject property is currently within the City of Sanford’s Extraterritorial Jurisdiction (ETJ), therefore, the City may rezone it; however in order to develop the site in the manner proposed, the property owner must request to annex the property into the corporate City limits prior to final plat approval.

The conceptual subdivision plan for this rezoning request was reviewed by the Technical Review Committee (TRC) on February 28, 2019 and the board was agreeable with the rezoning request moving forward for review/approval by the Sanford Planning Board and the City Council. If approved, the drawings must reviewed/approved by the TRC and all outstanding TRC revisions must be addressed prior to the development of the site in the manner proposed.

Overlay Districts & Area Plans
Per GIS, the parcels are not located within an overlay district or a designated historic district.

**Long Range Plan:** The Plan SanLee Land Use Plan identifies the future land use place type for the subject property as “Mixed Use Activity Center”, which has the following characteristics:
- Facilitate development of large scale integrated mix of uses
- Single master-planned unit, but contextually integrated into surrounding development pattern including strong mobility linkages
- Close proximity to highway interchanges and major arterials
- A local example is the US 1 /Spring Lane interchange area in Sanford

Land use designations include civic, open space, employment, commercial, and residential. Forms of transportation include automobiles and public transit with sidewalks and on-street bike lanes and transit routes accommodating trucking. The proposed zoning districts are General Commercial, O&I Office & Institutional, and Multi-family residential. Suggested infrastructure is public water and wastewater/sewer. The preferred character is a two to four land urban street network, core grid street network, 3,500ft block length sidewalks & street trees, on street & rear parking, and landscaped off-street parking. Reference the attached information from the Plan SanLee Land Use Plan.

Sanford, Lee County and Broadway do not have local grading permits and rely on the NC Department of Environmental Quality to regulate land-disturbing activities. For questions or concerns regarding land disturbing activities, contact the NC Division of Energy, Mineral, and Land Resources Sediment Program at 1612 Mail Service Center, Raleigh, NC 27699-1612 or call 919-707-9220 or visit the NCDEQ website at http://deq.nc.gov.
Utilities
This development would be served by public water and public sewer. There is public water along Commerce Drive and the developer would need to extend public sewer. All public utilities must comply with the City of Sanford Public Works Department standards.

Transportation
The overall development is planned to gain access via two points along the existing Commerce Drive, this portion of which is City maintained. Commerce Drive is accessed via NC Highway 87. NCDOT may require the petitioners to submit a Traffic Impact Analysis (TIA) to determine how traffic from the project may affect NC Highway 87. The developer will continue to work with NCDOT regarding any additional traffic study information for specific locations in the area of the project that may be required.

Conformance with the Long Range Plan
This request appears to comply with the Mixed Use Activity Center proposed zoning district of multi-family residential and the residential land use designation with public water and public sewer serving the proposed development.

Staff Recommendation
Staff recommends that the Council and Planning Board support the petition for South Park Multi-family Apartment Home & Independent Living Community Conditional Zoning District as it appears to comply with the long range plan and the current development trends in this area. The request also appears to be reasonable and in the public interest based on the information/conditions as presented in the conditional zoning petition. However, information as presented at the public hearing may provide additional information that should be considered regarding a final decision on the requested zoning map amendment.

Staff Information Regarding a Recommendation from the Planning Board
The recommendation from the Planning Board should include language describing whether its action is consistent with an adopted long range plan and any other officially adopted plan that is applicable and other matters as deemed appropriate by the board. The board may also include language briefly explaining why it considers the recommendation to be reasonable and in the public interest.
REZONING APPLICATION
Application by Keller Investment, LLC to rezone 35+/- acres off of Commerce Drive to the South Park Multi-family Apartment Home & Independent Living Community Conditional Zoning District.

This is a graphic illustration and not a legal document.
REZONING APPLICATION
Application by Keller Investment, LLC to rezone 35+/- acres off of Commerce Drive to the South Park Multi-family Apartment Home & Independent Living Community Conditional Zoning District.

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REZONING APPLICATION
Application by Keller Investment, LLC to rezone
35+/- acres off of Commerce Drive to the
South Park Multi-family Apartment Home & Independent Living Community
Conditional Zoning District.

This is a graphic illustration and not a legal document.
**MIXED USE ACTIVITY CENTER**

- Facilitate development of large scale integrated mix of uses
- Single master-planned unit, but contextually integrated into surrounding development pattern including strong mobility linkages
- Within close proximity to highway interchanges and major arterials

*Local Example - US 1 / Spring Lane Interchange Area in Sanford*

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**Development Density**
- Mixed Commercial Lot Sizes
- MF 16+ dwelling units / acre
- Shallow to Moderate Building Setbacks
- 50 Foot Height Limit

**Utility Infrastructure**
- Public Water
- Public Wastewater

**Preferred Character**
- 2-4 Lane Urban Street Network
- Core Grid Street Network
- 3-500 Foot Block Length
- Sidewalks + Street Trees
- On-Street + Rear Parking
- Landscaped Off-Street Parking

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**Current Districts**
- HC /C-2/C-1 (Primary)
- OI (Primary)
- MF-12 (Primary)

**Proposed Districts**
- General Commercial
- Office & Institutional
- Multi-Family Residential
C-2, GENERAL COMMERCIAL ZONING DISTRICT
This list was created by Sanford/Lee County Planning & Development staff as a summary of the permitted land uses within a specific zoning district and is intended for general informational purposes. Staff makes every effort to ensure that the information provided is accurate and up-to-date; however, it is recommended that you verify with Planning & Development staff that the proposed use is permitted within the specific zoning district and discuss any/all development requirements prior to pursuing a project. This information is applicable for the jurisdictions of the City of Sanford, Lee County and the Town of Broadway in North Carolina.

USES PERMITTED BY RIGHT
The uses listed below are permitted by right, subject to any/all other applicable standards of the Unified Development Ordinance (for example, parking requirements).

<table>
<thead>
<tr>
<th>Accessory Uses</th>
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<tbody>
<tr>
<td>Accessory uses (See Section 5.1)</td>
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<table>
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<tr>
<th>Accommodations and Group Living</th>
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<tbody>
<tr>
<td>Boarding House/Room Renting</td>
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<tr>
<td>Dormitories for the students of colleges, commercial schools, staff of hospitals</td>
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<tr>
<td>Group Home/Residential Care Facility, Level I</td>
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<tr>
<td>Group Home/Residential Care Facility, Level II</td>
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<tr>
<td>Nursing, Supervision, Adult Care Homes, Group Care Facilities and other rehabilitative services</td>
</tr>
</tbody>
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<tr>
<th>General Sales or Service</th>
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<tbody>
<tr>
<td>ABC Store (liquor sales), incorporated area only</td>
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<tr>
<td>Administrative Services, Travel Arrangement and Reservation Services, Investigation and Security Services (locksmiths)</td>
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<tr>
<td>Agricultural equipment, sales and service</td>
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<tr>
<td>Antique Shops</td>
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<tr>
<td>Appliance Sales, Repair and Maintenance (no outside storage)</td>
</tr>
<tr>
<td>Art dealers, supplies, sales and services</td>
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<tr>
<td>Auction sales, general merchandise (no vehicular sales)</td>
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<tr>
<td>Bakeries, retail, including manufacturing of goods for sale on the premises only</td>
</tr>
<tr>
<td>Bicycle (non motorized) Sales and/or Repair</td>
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<tr>
<td>Books, Magazines, music, etc.</td>
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<tr>
<td>Camera and Photographic Supplies</td>
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<tr>
<td>Clothing, Jewelry, Luggage, Shoes, etc.</td>
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<tr>
<td>Computer and Software Sales</td>
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<tr>
<td>Consumer goods, not otherwise listed</td>
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<tr>
<td>Convenience stores, without gas sales</td>
</tr>
<tr>
<td>Convenience stores, with gas sales</td>
</tr>
<tr>
<td>Consignment Shops, Used Merchandise Store (not otherwise listed)</td>
</tr>
<tr>
<td>Dry cleaning and laundry</td>
</tr>
<tr>
<td>Service Description</td>
</tr>
<tr>
<td>---------------------</td>
</tr>
<tr>
<td>Electronic equipment (small), sales and service</td>
</tr>
<tr>
<td>Farm, Landscape, and Garden Supply Sales (feed, seed, fertilizer, farm hardware, lawn furniture, mulch, fencing, fountains, statuaries, and other incidental sales of products or related items) (with indoor storage)</td>
</tr>
<tr>
<td>Farm, Landscape, and Garden Supply Sales (feed, seed, fertilizer, farm hardware, lawn furniture, mulch, fencing, fountains, statuaries, and other incidental sales of products or related items) (with outdoor storage)</td>
</tr>
<tr>
<td>Farmers Markets and market shops, including open markets</td>
</tr>
<tr>
<td>Finance and Insurance Services (Bank, Credit and Finance, Insurance-related)</td>
</tr>
<tr>
<td>Flea markets (indoors)</td>
</tr>
<tr>
<td>Florist</td>
</tr>
<tr>
<td>Furniture or home furnishing sales</td>
</tr>
<tr>
<td>Gasoline stations</td>
</tr>
<tr>
<td>Grocery stores and Supermarkets (less than 25,000 sq. ft. GFA)</td>
</tr>
<tr>
<td>Grocery stores and Supermarkets (more than 25,000 sq. ft. GFA)</td>
</tr>
<tr>
<td>Hardware, home centers, lumber yard, heating and plumbing etc., outside storage</td>
</tr>
<tr>
<td>Hardware, home centers, lumber yard, heating and plumbing etc., inside storage</td>
</tr>
<tr>
<td>Heavy Equipment, sales and service</td>
</tr>
<tr>
<td>Leasing/Rental Recreational Goods (Furniture, Party Supplies, Sporting Goods)</td>
</tr>
<tr>
<td>Leasing, Commercial and Industrial Machinery and Equipment</td>
</tr>
<tr>
<td>Gun shops and Gunsmiths</td>
</tr>
<tr>
<td>Mail order or direct selling establishments / Electronic Shopping and Mail-Order Houses</td>
</tr>
<tr>
<td>Medical equipment sales, rental or leasing</td>
</tr>
<tr>
<td>Monument and cut stone sales</td>
</tr>
<tr>
<td>Motion picture, Video and Audio Production</td>
</tr>
<tr>
<td>Motorcycle, Motorized Scooters, ATV Sales and/or Leasing/Rental (Indoor display)</td>
</tr>
<tr>
<td>Motorcycle, Motorized Scooters, ATV Sales and/or Leasing/Rental (Outdoor display)</td>
</tr>
<tr>
<td>Motor Vehicle Parts, Accessories, Tire Sales, enclosed building only</td>
</tr>
<tr>
<td>Motor Vehicle, Motorcycle, ATVs, Boats, RVs, etc., repair and service</td>
</tr>
<tr>
<td>Nurseries and greenhouses, commercial (See Section 5.25)</td>
</tr>
<tr>
<td>Office building (general)</td>
</tr>
<tr>
<td>Palmistry services, Fortune Tellers, Astrologers</td>
</tr>
<tr>
<td>Pawnshops (as defined by NCGS 91A-2)</td>
</tr>
<tr>
<td>Personal Services (e.g. nail salons, barbers, shoe repair, and similar establishments), not otherwise listed</td>
</tr>
<tr>
<td>Pet store or pet supply store</td>
</tr>
<tr>
<td>Pharmacy or drugstore, without drive through facility</td>
</tr>
<tr>
<td>Pharmacy or drugstore, with drive through facility</td>
</tr>
<tr>
<td>Printing and Publishing Services</td>
</tr>
<tr>
<td>Professional Services (Legal, Accounting, Architectural, Graphic, Consulting Services, Research and Development, Advertising, etc.)</td>
</tr>
<tr>
<td>Real Estate, Sales, Rental &amp; Leasing</td>
</tr>
<tr>
<td>Repair of any goods, equipment or vehicles, the manufacture, assembly or sales of which are permitted in that zoning district</td>
</tr>
<tr>
<td>Restaurants, with drive-in or drive-through facilities</td>
</tr>
<tr>
<td>Restaurants, no drive-in or drive-through facilities</td>
</tr>
<tr>
<td>Retail sales or service establishments, not listed elsewhere, and conducted within an enclosed building</td>
</tr>
<tr>
<td>Services to buildings and dwellings (Extermination, Janitorial, Landscaping, Carpet and Upholstery cleaning, Packing and crating, etc.), no outside storage</td>
</tr>
<tr>
<td>Services to buildings and dwellings (Extermination, Janitorial, Landscaping, Carpet and Upholstery cleaning, Packing and crating, etc.), with outside storage</td>
</tr>
<tr>
<td>Shopping Center, less than 25,000 sq. ft.</td>
</tr>
<tr>
<td>Sporting goods, toys, and hobby sales, excluding guns and gunsmiths</td>
</tr>
<tr>
<td>Tattoo Parlor/Tattoo Studio and/or Body Piercing</td>
</tr>
<tr>
<td>Tobacco or Tobacconist</td>
</tr>
<tr>
<td>Upholstery and furniture refinishing</td>
</tr>
<tr>
<td>Wholesale trade, generally, with operations conducted and merchandise stored entirely within a building and not otherwise listed</td>
</tr>
</tbody>
</table>

**Industrial & Manufacturing Uses**

| Contractors’ offices/shop without outdoor storage areas |
| Paper and Printing materials manufacturing |
| Pottery Manufacturing & Sales |
| Sign manufacturing |
| Warehouse structures, generally |

**Arts, Recreation & Entertainment**

<p>| Aquarium or Planetarium |
| Amphitheater |
| Art galleries |
| Botanical gardens &amp; arboreta |
| Bowling alley |
| Exhibition, convention, or conference structure |
| Fitness and recreational sports, gym, health spa, reducing salon, swimming pool/auditorium, racquet club or athletic club (not otherwise listed) |
| Golf driving ranges |
| Golf, miniature |
| Movie Theater |
| Museums and art galleries |
| Outdoor stage, bandstand, or similar structure (maximum 3,000 sq. ft.) |
| Parks, playgrounds, and athletic fields, operated on a noncommercial basis |
| Performance Theaters (outdoor) |
| Performance Theaters or auditoria (indoor) |
| Recreation activities, commercial indoor, not otherwise listed |
| Skating Rink – Ice or Roller Skating |
| Sports stadiums or arenas |
| Studios for artists, designers, musicians, photographers, sculptors, woodworking (not as home occupation) |
| Zoos |</p>
<table>
<thead>
<tr>
<th><strong>Education, Public Administration, Health Care, and Institutional</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Civic, Social, and Fraternal Organizations, including community centers, meeting halls, community halls, reception halls, wedding halls, for assembly and recreation</td>
</tr>
<tr>
<td>Crematorium &amp; Embalming</td>
</tr>
<tr>
<td>Day Care facility, Adult (See Section 5.38)</td>
</tr>
<tr>
<td>Fire, sheriff, and emergency services</td>
</tr>
<tr>
<td>Funeral homes</td>
</tr>
<tr>
<td>Governmental Functions, not otherwise listed</td>
</tr>
<tr>
<td>Hospitals</td>
</tr>
<tr>
<td>Libraries</td>
</tr>
<tr>
<td>Medical and dental clinics or offices, ambulatory or outpatient care, family planning and care, and blood or organ banks</td>
</tr>
<tr>
<td>Post office</td>
</tr>
<tr>
<td>Religious Complex (less than 350 seats), new site</td>
</tr>
<tr>
<td>Religious Complex (more than 350 seats), new site</td>
</tr>
<tr>
<td>Religious Complex (any size), addition to existing complex/site</td>
</tr>
<tr>
<td>Schools, Continuing Education (alternative, adult, colleges and universities, and technical, trade and other specialty schools)</td>
</tr>
<tr>
<td>Schools, Pre-K-Secondary (nursery and preschool, grade schools, elementary, middle, and high school), new site</td>
</tr>
<tr>
<td>Schools, Pre-K-Secondary (nursery and preschool, grade schools, elementary, middle, and high school), addition to existing site</td>
</tr>
<tr>
<td>Schools, Fine and Performing Arts</td>
</tr>
<tr>
<td>Social assistance, welfare and charitable services</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Transportation, Communication, and Utilities</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Bus passenger stations/terminals/shelters</td>
</tr>
<tr>
<td>Parking lots, parking structures or underground parking areas (commercial or governmental)</td>
</tr>
<tr>
<td>Radio and TV stations and studios (excluding transmission tower)</td>
</tr>
<tr>
<td>Taxi and Limousine Service</td>
</tr>
<tr>
<td>Utility lines (including, electric lines, phone/cable lines, distribution circuits, gas/fuel lines, water lines, steam/air conditioning lines, irrigation channels, and sewer/waste water lines)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Agriculture</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal Production and Support Services, (unincorporated Lee County)</td>
</tr>
<tr>
<td>Crop Production and Support Functions, (unincorporated Lee County)</td>
</tr>
<tr>
<td>Crop Production and Support Functions, (Sanford and Broadway)</td>
</tr>
<tr>
<td>Forestry and Logging and Support Services, (unincorporated Lee County)</td>
</tr>
</tbody>
</table>
USES PERMITTED WITH DEVELOPMENT REGULATIONS
The uses listed below may either be permitted by right or upon approval of a Special Use Permit, but are also subject to the requirements of Article 5 Supplemental Development Regulations of the Unified Development Ordinance (for example, daycares are required to install a fence around outdoor play areas).

<table>
<thead>
<tr>
<th>Residential Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Home Occupations (See Section 5.16)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Accommodations and Group Living</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed and breakfast inn (See Section 5.4)</td>
</tr>
<tr>
<td>Hotel, Motel, and tourist court (See Section 5.17)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>General Sales or Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal Hospitals, Veterinary services, Animal Shelters, Kennels / Animal Pet Services (See Section 5.3)</td>
</tr>
<tr>
<td>Car Washes and Car Care Centers (See Section 5.5)</td>
</tr>
<tr>
<td>Flea markets (outdoors) (See Section 5.14)</td>
</tr>
<tr>
<td>Freestanding Ice Vending Unit (See Section 5.37)</td>
</tr>
<tr>
<td>Manufactured home and/or storage building sales (See Section 5.21)</td>
</tr>
<tr>
<td>Mini-warehousing/Self-service storage leasing (See Section 5.22)</td>
</tr>
<tr>
<td>Motor Vehicles (automobiles), Boats, RVs Sales and/or Leasing/Rental (See Section 5.24)</td>
</tr>
<tr>
<td>Shopping Center/Superstore, 25,000 – 100,000 sq. ft. (See Section 10.2)</td>
</tr>
<tr>
<td>Shopping Center/Superstore, over 100,000 sq. ft. (See Section 10.2)</td>
</tr>
<tr>
<td>Wine Shop (See Section 5.43)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Industrial &amp; Manufacturing Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brewery (Microbrewery, See Section 5.42)</td>
</tr>
<tr>
<td>Landfills, LCID (2 acres or less in size) (See Section 5.19)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Arts, Recreation &amp; Entertainment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drive-in theaters (See Section 5.11)</td>
</tr>
<tr>
<td>Entertainment Establishment (lounges, discos, nightclubs, pool halls and/or private clubs) (See Section 5.26)</td>
</tr>
<tr>
<td>Recreation activities, commercial outdoor (defined in Article 5), not otherwise listed (See Section 5.28)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Education, Public, Administration, Health Care, and Institutional</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cemeteries, public and private (does not include individual family plots) (See Section 5.6)</td>
</tr>
<tr>
<td>Community food services (See Section 5.7)</td>
</tr>
<tr>
<td>Day Care facility, Child Care Center (See Section 5.10)</td>
</tr>
<tr>
<td>Day Care facility, Home Child Care (See Section 5.10)</td>
</tr>
</tbody>
</table>
USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT
The uses listed below are permitted in the respective zoning district only after review and approval of a Special Use Permit by the Board of Adjustment for the applicable jurisdiction in accordance with Article 3 Zoning and Permitting Procedures, Section 3.5 Special Use Permits of the Unified Development Ordinance. Special uses are subject to any/all applicable general design standards, any development regulations that apply to the specific use and those requirements that may reasonably be imposed by the respective board as per the Unified Development Ordinance.

<table>
<thead>
<tr>
<th>Accommodations and Group Living</th>
</tr>
</thead>
<tbody>
<tr>
<td>Group Home/Residential Care Facility, Level III</td>
</tr>
<tr>
<td>Group Home/Residential Care Facility, Level IV</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Industrial &amp; Manufacturing Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contractors’ offices/shop with outdoor storage areas</td>
</tr>
<tr>
<td>Manufacturing, excluding others uses listed in this table</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Arts, Recreation &amp; Entertainment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amusement or Theme Park Establishment</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Transportation, Communication, and Utilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public utility storage and service yards</td>
</tr>
<tr>
<td>Sewage treatment and Water treatment plants</td>
</tr>
</tbody>
</table>

USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT
THAT HAVE SPECIFIC DEVELOPMENT REGULATIONS
The uses listed below are permitted in the respective zoning district only after review and approval of a Special Use Permit by the Board of Adjustment for the applicable jurisdiction in accordance with Article 3 Zoning and Permitting Procedures, Section 3.5 Special Use Permits of the Unified Development Ordinance. In addition to any/all applicable general design standards and those requirements that may reasonably be imposed by the respective board, these uses have specific standards that must be adhered to as per the Unified Development Ordinance (for example, fencing is required around the base of telecommunication towers, including any structures or guy wires).

<table>
<thead>
<tr>
<th>Industrial &amp; Manufacturing Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Landfills, C&amp;D or LCID (greater than 2 acres in size) (See Section 5.20)</td>
</tr>
<tr>
<td>Mining and Quarries, Unincorporated Lee County and City of Sanford Only (See Section 5.23)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Transportation, Communications, and Utilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Telecommunication towers (See Section 5.33)</td>
</tr>
<tr>
<td>Solar Collectors, Commercial (See Section 5.39)</td>
</tr>
<tr>
<td>Telecommunications towers (See Section 5.33)</td>
</tr>
</tbody>
</table>
ADJOINING PROPERTY OWNERS LIST
PETITION BY: Keller Investment, LLC
REQUEST: Rezone 35+ acres from Barrington Park CZ District to the South Park Multi-family Apartment Home & Independent Living Community Conditional Zoning District
LOCATION: Vacant land off/south of/accessed via Commerce Drive, Sanford, NC 27332
PIN: See legal notice

<table>
<thead>
<tr>
<th>No.</th>
<th>PIN</th>
<th>PROP ADDR</th>
<th>OWNER 1</th>
<th>OWNER2</th>
<th>M #</th>
<th>MAIL ST</th>
<th>MAILCITY</th>
<th>ST</th>
<th>ZIP</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>9660-27-6303-00</td>
<td>0 COMMERCE DR</td>
<td>AGA CORPORATION</td>
<td>-</td>
<td>-</td>
<td>PO BOX 2825</td>
<td>SANFORD</td>
<td>NC</td>
<td>27331</td>
</tr>
<tr>
<td>02</td>
<td>9660-36-8707-00</td>
<td>4870 NC 87 HWY</td>
<td>BROADWELL, CAROLYN B</td>
<td>BROADWELL, COY L</td>
<td>7110</td>
<td>OLD STAGE LANE</td>
<td>ANGIER</td>
<td>NC</td>
<td>27501</td>
</tr>
<tr>
<td>03</td>
<td>9660-15-0253-00</td>
<td>0 COMMERCE DR</td>
<td>BOLES, CHARLES</td>
<td>WILLIAM &amp; CHRISLEY, CLARA</td>
<td>TRUSTEES OF BOLES-CHRISLEY REVOC TRUST</td>
<td>200</td>
<td>CLAREMONT AVE</td>
<td>HARRISONBURG</td>
<td>VA</td>
</tr>
<tr>
<td>04</td>
<td>9650-73-6974-00</td>
<td>0 ST ANDREWS CHURCH RD</td>
<td>BRANTLEY, ELIZABETH E (HEIRS)</td>
<td>-</td>
<td>649</td>
<td>BROUGHTON ST</td>
<td>TROY</td>
<td>NC</td>
<td>27371</td>
</tr>
<tr>
<td>05</td>
<td>9650-96-8137-00</td>
<td>0 LEE AVE</td>
<td>AGA CORPORATION</td>
<td>-</td>
<td>-</td>
<td>PO BOX 2825</td>
<td>SANFORD</td>
<td>NC</td>
<td>27331</td>
</tr>
<tr>
<td>06</td>
<td>9650-97-8129-00</td>
<td>0 LOCHMERE DR</td>
<td>CRD INVESTORS LLC</td>
<td>-</td>
<td>312</td>
<td>MOUNT EDEN PL</td>
<td>CARY</td>
<td>NC</td>
<td>27518</td>
</tr>
<tr>
<td>07</td>
<td>9660-07-7574-00</td>
<td>0 LOCHMERE DR</td>
<td>CRD INVESTORS LLC</td>
<td>-</td>
<td>312</td>
<td>MOUNT EDEN PL</td>
<td>CARY</td>
<td>NC</td>
<td>27518</td>
</tr>
<tr>
<td>08</td>
<td>9660-17-4596-00</td>
<td>0 COMMERCE DR</td>
<td>CRD INVESTORS LLC</td>
<td>-</td>
<td>312</td>
<td>MOUNT EDEN PL</td>
<td>CARY</td>
<td>NC</td>
<td>27518</td>
</tr>
<tr>
<td>09</td>
<td>9660-18-6263-00</td>
<td>0 COMMERCE DR</td>
<td>CRD INVESTORS LLC</td>
<td>-</td>
<td>312</td>
<td>MOUNT EDEN PL</td>
<td>CARY</td>
<td>NC</td>
<td>27518</td>
</tr>
<tr>
<td>10</td>
<td>9660-29-1016-00</td>
<td>0 COMMERCE DR</td>
<td>BIG OAKS SNF LLC</td>
<td>-</td>
<td>1973</td>
<td>FARRELL ROAD</td>
<td>SANFORD</td>
<td>NC</td>
<td>27330</td>
</tr>
<tr>
<td>11</td>
<td>9660-28-6632-00</td>
<td>310 COMMERCE DR</td>
<td>BIG OAKS SNF LLC</td>
<td>-</td>
<td>1973</td>
<td>FARRELL ROAD</td>
<td>SANFORD</td>
<td>NC</td>
<td>27330</td>
</tr>
<tr>
<td>12</td>
<td>9660-38-3896-00</td>
<td>1300 SOUTH PARK WAY</td>
<td>SOUTH PARK VILLAGE LLC</td>
<td>-</td>
<td>1600</td>
<td>COLON RD</td>
<td>SANFORD</td>
<td>NC</td>
<td>27330</td>
</tr>
<tr>
<td>13</td>
<td>9660-38-3896-00</td>
<td>1300 SOUTH PARK WAY</td>
<td>SOUTH PARK VILLAGE LLC</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>14</td>
<td>PROPERTY OWNER</td>
<td>-</td>
<td>SANFORD SOUTH PARK, LLC</td>
<td>-</td>
<td>-</td>
<td>PO BOX 2825</td>
<td>SANFORD</td>
<td>NC</td>
<td>27331</td>
</tr>
<tr>
<td>15</td>
<td>PROPERTY OWNER</td>
<td>-</td>
<td>AGA CORPORATION</td>
<td>-</td>
<td>-</td>
<td>PO BOX 2825</td>
<td>SANFORD</td>
<td>NC</td>
<td>27331</td>
</tr>
<tr>
<td>16</td>
<td>APPLICANT</td>
<td>-</td>
<td>KELLER INVESTMENTS, LLC</td>
<td>-</td>
<td>-</td>
<td>PO BOX 130</td>
<td>SANFORD</td>
<td>NC</td>
<td>27331</td>
</tr>
</tbody>
</table>

(0) = Vacant, no addressed structures on the parcel.
Zoning Map Amendment (Rezoning) Application

City of Sanford

Lee County

Town of Broadway

1. Applicant Name: Wynnefield Properties, Inc.
2. Applicant Address: PO Box 395, Jamestown, NC 27282
3. Applicant Telephone: 336-454-6134
4. Name and Address of Property Owner(s) if different than applicant:
   Roy E. Mashburn
   PO Box 130, Cary, NC 27512
5. Location of Subject Property: Pendergrass Road, Sanford, NC
   Lee Co. P.I.N. 9631-56-2403.00
6. Total Area included in Rezoning Request: 2.36 +/- Acres
8. Existing Land Use(s): VACANT
9. Reason(s) for Requesting a Zoning Map Amendment (Rezoning): Our firm respectfully requests the rezoning of this property from C-2 (Commercial) to the Conditional District to permit the proposed 72 unit apartment community we are proposing. The attached plans, submitted with this application details our proposal for this property.
10. Signature(s) of Applicant (and Property Owners if different from Applicant).

   I hereby acknowledge that the information contained herein is true. It is further understood that this application will be reviewed for completeness and accuracy and that it shall not be scheduled for official consideration until all required contents are submitted in proper form to the Sanford/Lee Zoning & Design Review Department.

   Wynnefield Properties, Inc.

   C. Craig Stone, President

   Signature of Property Owner(s) (Sign & Print)

   January 28, 2019

   Date

Required Attachments/Submittals

A. A completed rezoning application (incomplete applications/submittals will not be accepted or processed.
B. A copy of a current Lee County Tax Map illustrating the location of the area to be rezoned. If the exterior boundary of the area to be rezoned does not follow along existing property boundaries, then the applicant shall be required to submit a metes and bounds (legal) description describing the area requested for rezoning.
C. A copy of the latest deed for the subject property as recorded at the Lee County Register of Deeds Office.
D. A $500.00 Application fee, payable to the City of Sanford is required before processing the application.
E. *If the requested rezoning is for a Conditional Zoning District, a Supplemental Application for Conditional Zoning District must also be included, along with an additional $250.00 fee ($750 total fee for Conditional Zoning).
F. The submission deadline is the 2nd Friday of each month at 12:00pm/noon for the rezoning to be heard the following month.

STAFF USE ONLY

Date Received: __________________ Fee Paid: __________________ Application No.: __________________

Staff Signature: __________________ Energov Case No.: __________________

I/Worms & Certification/Rezoning App (Updated 2018-07-03 by AMD)
Supplemental Application for Conditional Zoning District
(To be submitted with an Application for Zoning Amendment)

Circle Jurisdiction That Applies:

City of Sanford  Lee County  Town of Broadway

1. Type of Conditional Zoning District (Type 1 or Type 2)  Type 1

2. Describe in detail the use(s) requested as part of the Conditional Zoning District (use separate sheet if necessary):  Our firm is requesting rezoning this to the Conditional Zoning district to allow for the 72 unit multifamily community we are proposing. We are currently working with all departments to provide a positive outcome to any questions that may arise during the process. Our plan will include one 4-story building with a mix of one and two bedroom apartments as well as a community room, exercise facility, computer center and manager's office. Our construction design consists of mostly brick veneer construction with hardi board accents. The attached plans detail our design further.

3. Describe in detail any additional conditions of development proposed as part of the Conditional Zoning District. Such conditions should include (as applicable):
   • The location on the property of the proposed use(s); Please refer to attached plan set
   • The number of dwelling units; Please refer to attached plan set
   • The location and extent of supporting facilities such as parking lots, driveways, and access streets; Please refer to attached plan set
   • The location and extent of all landscaping areas, buffer areas and other special purpose areas Please refer to attached plan set
   • The timing of development;
   • The location and extent of rights-of-way and other areas to be dedicated for public purposes; Please refer to attached plan set
   • Details on architectural features and scale of proposed structures; and Please refer to attached plan set
   • The location and extent of any pedestrian elements (sidewalks, trails, etc.). Please refer to attached plan set

Conditions may be listed on additional, separate sheets if necessary. Additionally, a scaled site plan shall be submitted illustrating all conditions as described in the text.

- If noted above, the details and requirements are detailed in our plan set provided at submittal.

- Project Timeline - If financing is successful, our project would start construction early 2020 with a completion date in the fall of 2020. As the developer, general contractor and property management agent of this project our firm will handle the process from beginning to end.

4. Signature(s) of Applicant (and Property Owners if different from Applicant).

I hereby acknowledge that by submitting this Conditional Zoning application, I am voluntarily requesting that restrictions on the use of land and/or zoning conditions of development be placed upon the subject property as included in this petition. An application fee in the amount of $750.00 (see Fee Schedule), payable to The City of Sanford is required before processing the application. The application submission deadline is the second Friday of the month. The petition will be heard the following month at the scheduled public hearing.

Signature (Sign & Print)

Date

L:\Forms & Certifications\CZ Supplemental Appl (Updated 2018-07-02)
Zoning Map Amendment (Rezoning) Application

City of Sanford

Lee County

Town of Broadway

1. Applicant Name: Wynnefield Properties, Inc.

2. Applicant Address: PO Box 395, Jamestown, NC 27282

3. Applicant Telephone: 336-454-6134

4. Name and Address of Property Owner(s) if different than applicant:
   - Roy E. Mashburn
   - PO Box 130, Cary, NC 27512

5. Location of Subject Property: Pendergrass Road, Sanford, NC
   - Lee Co. P.I.N.: 963156240300

6. Total Area included in Rezoning Request: 2.36 +/- Acres


8. Existing Land Use(s): VACANT

9. Reason(s) for Requesting a Zoning Map Amendment (Rezoning): Our firm respectfully requests the rezoning of this property from C-2 (Commercial) to the Conditional District to permit the proposed 72 unit apartment community we are proposing.

   The attached plans, submitted with this application details our proposal for this property.

10. Signature(s) of Applicant (and Property Owners if different from Applicant).

   I hereby acknowledge that the information contained herein is true. It is further understood that this application will be reviewed for completeness and accuracy and that it shall not be scheduled for official consideration until all required contents are submitted in proper form to the Sanford/Lee Zoning & Design Review Department.

   [Signature]

   Date: 1/28/19

   Signature of Property Owner(s) (Sign & Print)

Required Attachments/Submittals

A. A completed rezoning application (incomplete applications/submittals will not be accepted or processed.

B. A copy of a current Lee County Tax Map illustrating the location of the area to be rezoned. If the exterior boundary of the area to be rezoned does not follow along existing property boundaries, then the applicant shall be required to submit a metes and bounds (legal) description describing the area requested for rezoning.

C. A copy of the latest deed for the subject property as recorded at the Lee County Register of Deeds Office.

D. A $500.00 Application fee, payable to the City of Sanford is required before processing the application.

E. *If the requested rezoning is for a Conditional Zoning District, a Supplemental Application for Conditional Zoning District must also be included, along with an additional $250.00 fee ($750 total fee for Conditional Zoning).

F. The submission deadline is the 2nd Friday of each month at 12:00pm/noon for the rezoning to be heard the following month.

STAFF USE ONLY

Date Received: ____________ Fee Paid: ____________ Application No.: ____________

Staff Signature: ____________ Energov Case No.: ____________
Supplemental Application for Conditional Zoning District
(To be submitted with an Application for Zoning Amendment)

Circle Jurisdiction That Applies:

City of Sanford

Lee County

Town of Broadway

1. Type of Conditional Zoning District (Type 1 or Type 2)  Type 1

2. Describe in detail the use(s) requested as part of the Conditional Zoning District (use separate sheet if necessary):
   Our firm is requesting rezoning this to the Conditional Zoning district to allow for the 72 unit multifamily community we are proposing. We are currently working with all departments to provide a positive outcome to any questions that may arise during the process. Our plan will include one 4-story building with a mix of one and two bedroom apartments as well as a community room, exercise facility, computer center and manager’s office. Our construction design consists of mostly brick veneer construction with hardi board accents. The attached plans detail our design further.

3. Describe in detail any additional conditions of development proposed as part of the Conditional Zoning District. Such conditions should include (as applicable):
   - The location on the property of the proposed use(s); Please refer to attached plan set
   - The number of dwelling units; Please refer to attached plan set
   - The location and extent of supporting facilities such as parking lots, driveways, and access streets; Please refer to attached plan set
   - The location and extent of all landscaping areas, buffer areas and other special purpose areas Please refer to attached plan set
   - The timing of development;
   - The location and extent of rights-of-way and other areas to be dedicated for public purposes; Please refer to attached plan set
   - Details on architectural features and scale of proposed structures; and Please refer to attached plan set
   - The location and extent of any pedestrian elements (sidewalks, trails, etc.). Please refer to attached plan set

Conditions may be listed on additional, separate sheets if necessary. Additionally, a scaled site plan shall be submitted illustrating all conditions as described in the text.

- If noted above, the details and requirements are detailed in our plan set provided at submittal.
- Project Timeline - If financing is successful, our project would start construction early 2020 with a completion date in the fall of 2020. As the developer, general contractor and property management agent of this project our firm will handle the process from beginning to end.

4. Signature(s) of Applicant (and Property Owners if different from Applicant).

I hereby acknowledge that by submitting this Conditional Zoning application, I am voluntarily requesting that restrictions on the use of land and/or zoning conditions of development be placed upon the subject property as included in this petition. An application fee in the amount of $750.00 (see Fee Schedule), payable to The City of Sanford is required before processing the application. The application submission deadline is the second Friday of the month. The petition will be heard the following month at the scheduled public hearing.

Wynnefield Properties, Inc.

C. Craig Stone, President

Signature (Sign & Print)

January 28, 2019

Date
KENDALL CREEK
PENDERGRASS ROAD
WEST SANFORD TOWNSHIP, LEE COUNTY
SANFORD, NORTH CAROLINA

CONCEPT PLANS

DATE:
JANUARY 31, 2019

OWNER:
WYNNEFIELD PROPERTIES, INC.
PO BOX 316
5654 PENDERGRASS DRIVE
JIMMIEHL, NORTH CAROLINA 27282
PHONE: (910) 664-6334
CONTACT: DARWIN RAY

ENGINEER:

SHEET INDEX

C-1: CONCEPT SITE PLAN
C-2: CONCEPT UTILITY PLAN
C-3: CONCEPT GRADING PLAN
C-4: CONCEPT LANDSCAPE PLAN

811
Know where below.
Call before you dig.
SITE INFORMATION:
SITE: 2.25 +/- ACRES
DENSITY: 30.50 UNITS/ACRE
ZONING: C-2
BUILDING: (3)-4-STORY SENIOR APARTMENT BUILDING
SPRINKLERS: 138
PARKING SPACES: 70 REQUIRED @ 1 PER UNIT / 70 PROVIDED

UNIT INFORMATION:
UNIT MIX: 1-BR (A UNITS)
2-BR (B UNITS)
TOTAL
SQR. FT. INFORMATION:
39 (1-BR) x 668 F.P. SQ. FT. = 24,972 F.P. SQ. FT.
30 (2-BR) x 974 F.P. SQ. FT. = 29,220 F.P. SQ. FT.
14,778 NET SQ. FT. x 4 STORIES = 59,112 TOTAL NET SQ. FT.

REQUIRED AMENITIES:
- INDOOR/OUTDOOR SITTING AREAS - (9) WITH 1 BENCH, 3 LOCATIONS
- MULTI-PURPOSE ROOM (MIN. 250 SQ. FT.)
- TENANT STORAGE AREAS

ADDITIONAL AMENITIES:
- COVERED DRIVE-THRU AT ENTRANCE
- EXERCISE ROOM - (9) WITH NEW EQUIPMENT
- RESIDENT COMPUTER CENTER - (MIN. 3 COMPUTERS)

NO FLOOD PLAINS ON SITE
NO RETAINING WALLS ON SITE

KENDALL CREEK
SANFORD, NC
12-28-2018
APPLICATION# 2019-0302 TO AMEND THE SANFORD ZONING MAP

Applicant: Wynnefield Properties, Inc
Owner: Mashburn Estate, LLC
Request: Rezone from General Commercial (C-2) to Kendall Creek Multi-family Conditional Zoning District to allow for the development of a multi-family apartment community.
Location: The subject property is a 2.36 acre ± portion of a 15 acre ± tract of land addressed as 1732 Westover Drive.
Township: West Sanford
Tax Parcel: 9631-56-2403-00, portion of
Adjacent Zoning: North: Mashburn Property Multi-family Conditional Zoning District
South: Muti-family (MF-12), opposite Pendergrass Rd
East: General Commercial (C-2) and Residential Restricted (RR),
West: Residential-Mixed (R-12)

Introduction: Planning staff has received a rezoning application from Wynnefield Properties, Inc. as the first step in the proposed development of a multi-family apartment community that would be served by public water, public sewer and private internal drives/streets.

Area and Site Description: The parcel is located in the northwestern quadrant of Pendergrass Road and Westover Drive in the Tramway area. The subject property is a vacant 2.36 ± acre portion of a 15 acre ± tract of land. A 5.0 acre portion of this tract was rezoned to the Mashburn Property Multi-family Conditional Zoning District in May of 2018 as illustrated on the civil set included with the rezoning application. The balance of the land not included within the rezoning request is currently developed as the Shed Depot at 1732 Westover Drive.

Surrounding Land Uses: The adjoining property to the north is zoned Mashburn Property Multi-family Conditional Zoning District, but is still undeveloped. Still further north, the adjoining parcel is zoned Residential Single-family (R-20) and is part of the Dogwood Acres residential subdivision with one lot being developed with a single-family home addressed as 1660 Dogwood Acres Drive and one lot being undeveloped. The adjoining property to the west is zoned Residential-Mixed (R-12) and is developed as Woodland Heights apartment community. The adjoining property to the east that is the balance of the same parcel is zoned General Commercial (C-2) and is developed with a commercial building addressed as 1732 Westover Drive that is occupied by the Shed Depot, an accessory building sales business. The property opposite Westover Drive and US Hwy 1/ Jefferson Davis Hwy from the entire 15 acre parcel is located within the jurisdiction of Lee County, is zoned Highway Commercial (HC), and is developed with a
small office building occupied by McLeod Realty. The property located opposite Pendergrass Road that is within the City of Sanford is zoned Multi-family (MF-12), vacant, and currently posted with a For Sale sign. The property located opposite Pendergrass Road that is within Lee County is zoned Residential Restricted (RR) and is developed with single-family homes addressed as 1852 and 1900 Pendergrass Road. There is also a 0.29 acre lot that adjoins the large 15 acre parcel that is within Lee County that is zoned Residential Restricted (RR) and is vacant.

**Zoning District Information**

**Existing Zoning:** General Commercial (C-2) district is established to provide areas for general commercial activities designed to serve the community such as shopping centers, repair shops, wholesale businesses, and retail sales with limited outdoor display of goods and limited outdoor operations. This district promotes a broad range of commercial operations and services necessary for large regions of the County, providing community balance. C-2 zones should be located on or within proximity to major thoroughfares. The dimensional requirements of the C-2 district include a minimum lot width of 50 feet, a minimum lot depth of 100 feet (which creates a minimum lot size of 5,000 square feet), with principal building setbacks of 10 feet from any street right-of-way and the required landscape buffer yard width determining the required rear and side yard setbacks as measured from the property lines. There is no maximum building height in C-2. A list of permitted uses for the C-2 district is included within the agenda for your reference.

**Proposed Zoning:** The Kendall Creek Multi-family Conditional Zoning District is a Type 1 Conditional Zoning District, which is a stand-alone district with it’s own unique conditions. This type of zoning district is most suitable in situations where the current zoning districts do not accommodate the desired use(s) and where the owner/developer has a clear vision as to how the property is to be developed. As such, applications for a Type 1 district require that a site plan and architectural elevations be included and the information is legally binding on the land; therefore, the site has to be developed as per the approved plans even if a property transfer were to take place.

The minimum building setbacks for a principal structure or house is as follows:
- **Front:** 20 feet, as measured from the right-of-way line of the public street
- **Rear:** 20 feet, measured from the rear property line
- **Side(s):** 20 feet, measured from the side property lines

*Reference the Concept Site Plan of the civil drawing set, which illustrates the proposed minimum building setbacks and layout.*

The following conditions/information has been included as part of the rezoning application:
- One four-story apartment building is proposed with 72 total units.
- Associated site improvements, such as parking & landscaping are illustrated on the plans in the civil set.
- The front of the building will face the interior of the site with a porte-cochere drop off area (see architectural illustrations.

Please reference the attached conceptual civil drawing set and the architectural elevations for this project for additional information regarding this project/conditional rezoning request.
**Overlay Districts and Area Plans:**
Per GIS, the parcels are not located within an overlay district or a designated historic district. There are no environmentally sensitive areas illustrated on the site plan for this project. The developer is responsible for complying with any/all state and federal regulations regarding existing environmental conditions.

**Long Range Plan:** The Plan SanLee Land Use Plan identifies the future land use place type for the subject property as “Mixed Use Activity Center”, which has the following characteristics:
- Facilitate development of large scale integrated mix of uses
- Single master-planned unit, but contextually integrated into surrounding development pattern including strong mobility linkages
- Close proximity to highway interchanges and major arterials
- A local example is the US 1 /Spring Lane interchange area in Sanford

Land use designations include civic, open space, employment, commercial, and residential. Forms of transportation include automobiles and public transit with sidewalks and on-street bike lanes and transit routes accommodating trucking. The proposed zoning districts are General Commercial, O&I Office & Institutional, and Multi-family residential. Suggested infrastructure is public water and wastewater/sewer. The preferred character is a two to four land urban street network, core grid street network, 3.500ft block length sidewalks & street trees, on street & rear parking, and landscaped off-street parking. Reference the attached information from the Plan SanLee Land Use Plan.

Sanford, Lee County and Broadway do not have local grading permits and rely on the NC Department of Environmental Quality to regulate land-disturbing activities. For questions or concerns regarding land disturbing activities, contact the NC Division of Energy, Mineral, and Land Resources Sediment Program at 1612 Mail Service Center, Raleigh, NC 27699-1612 or call 919-707-9220 or visit the NCDEQ website at http://deq.nc.gov.

**Utilities:** This site has access to public water, but public sanitary sewer must be extended in order to serve the site. The proposed apartment community will utilize both public water and sewer. As a general rule, any/all new development must comply with the rules & regulations of the Sanford Public Works Department regarding the extension of and/or connection to public utilities.

**Transportation:** The project will have one main point of access off of Pendergrass Road that will be designed to be a main driveway with a parallel emergency fire access. This is the same driveway that will serve the previously approved multi-family project to the rear. Pendergrass Road (SR 1334) is an NCDOT maintained public road with a 60ft right-of-way in the area of the subject property. The developer must comply with the rules & regulations of the appropriate governing agency regarding the driveway connections to the public streets. Per the NCDOT TRC review comments, the proposed driveway connection location is acceptable. At this time, no roadway improvements would be warranted for this development based on the current Annual Average Daily Traffic counts on Pendergrass Road. However, if the project is not developed within the near future, then NCDOT will need to take another look at the traffic in the area at that time of development to determine if improvements are warranted. A Driveway Permit and any necessary encroachments for work in DOT right-of-way will be required.

Regarding current transportation plans:
• The 2007 Lee County Comprehensive Transportation Plan Highway Map illustrates Pendergrass Road as an existing boulevard that needs improvement.
• The NCDOT 2012 Traffic Study reports 4,000 vehicle trips per day on Pendergrass Road, approximately 750 feet southeast of the site (between Westover Drive and the McDonalds Driveway on Pendergrass Road).

Development Standards: If the conditional zoning district is approved, the site must be developed in the manner approved by the boards and only the uses permitted in the Kendall Creek Multi-family Conditional Zoning District and other uses typically associated with multi-family development would be permitted.

Conformance with the Long Range Plan: This request appears to comply with the Mixed Use Activity Center proposed zoning district of multi-family residential and the residential land use designation with public water and public sewer serving the proposed development. It should, however, be noted that staff would not recommend the continuation of multi-family zoning northwestward along Pendergrass Road, as there will need to be a buffer between the commercial area near the intersection of Pendergrass Road and US Hwy 1/Jefferson Davis Hwy and the residential area.

Staff Recommendation:
Staff recommends that the Council and Planning Board support the petition for Kendall Creek Multi-family Conditional Zoning District as it appears to comply with the long range plan and the current development trends in this area. The request also appears to be reasonable and in the public interest based on the information/conditions as presented in the conditional zoning petition. However, information as presented at the public hearing may provide additional information that should be considered regarding a final decision on the requested zoning map amendment.

Staff Information Regarding a Recommendation from the Planning Board
The recommendation from the Planning Board should include language describing whether its action is consistent with an adopted long range plan and any other officially adopted plan that is applicable and other matters as deemed appropriate by the board. The board may also include language briefly explaining why it considers the recommendation to be reasonable and in the public interest.
REZONING APPLICATION
Application by Wynnefield Properties, LLC to rezone 2.36+/- acre portion of a 15 +/- acre tract of land off of Commerce Drive to the Kendall Creek Multi-family Conditional Zoning District.

This is a graphic illustration and not a legal document.
REZONING APPLICATION

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This is a graphic illustration and not a legal document.
MIXED USE ACTIVITY CENTER

- Facilitate development of large scale integrated mix of uses
- Single master-planned unit, but contextually integrated into surrounding development pattern including strong mobility linkages
- Within close proximity to highway interchanges and major arterials

Local Example - US 1 / Spring Lane Interchange Area in Sanford
**C-2, GENERAL COMMERCIAL ZONING DISTRICT**
This list was created by Sanford/Lee County Planning & Development staff as a summary of the permitted land uses within a specific zoning district and is intended for general informational purposes. Staff makes every effort to ensure that the information provided is accurate and up-to-date; however, it is recommended that you verify with Planning & Development staff that the proposed use is permitted within the specific zoning district and discuss any/all development requirements prior to pursuing a project. This information is applicable for the jurisdictions of the City of Sanford, Lee County and the Town of Broadway in North Carolina.

**USES PERMITTED BY RIGHT**
The uses listed below are permitted by right, subject to any/all other applicable standards of the Unified Development Ordinance (for example, parking requirements).

<table>
<thead>
<tr>
<th>Accessory Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accessory uses (See Section 5.1)</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Accommodations and Group Living</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boarding House/Room Renting</td>
</tr>
<tr>
<td>Dormitories for the students of colleges, commercial schools, staff of hospitals</td>
</tr>
<tr>
<td>Group Home/Residential Care Facility, Level I</td>
</tr>
<tr>
<td>Group Home/Residential Care Facility, Level II</td>
</tr>
<tr>
<td>Nursing, Supervision, Adult Care Homes, Group Care Facilities and other rehabilitative services</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>General Sales or Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>ABC Store (liquor sales), incorporated area only</td>
</tr>
<tr>
<td>Administrative Services, Travel Arrangement and Reservation Services, Investigation and Security Services (locksmiths)</td>
</tr>
<tr>
<td>Agricultural equipment, sales and service</td>
</tr>
<tr>
<td>Antique Shops</td>
</tr>
<tr>
<td>Appliance Sales, Repair and Maintenance (no outside storage)</td>
</tr>
<tr>
<td>Art dealers, supplies, sales and services</td>
</tr>
<tr>
<td>Auction sales, general merchandise (no vehicular sales)</td>
</tr>
<tr>
<td>Bakeries, retail, including manufacturing of goods for sale on the premises only</td>
</tr>
<tr>
<td>Bicycle (non motorized) Sales and/or Repair</td>
</tr>
<tr>
<td>Books, Magazines, music, etc.</td>
</tr>
<tr>
<td>Camera and Photographic Supplies</td>
</tr>
<tr>
<td>Clothing, Jewelry, Luggage, Shoes, etc.</td>
</tr>
<tr>
<td>Computer and Software Sales</td>
</tr>
<tr>
<td>Consumer goods, not otherwise listed</td>
</tr>
<tr>
<td>Convenience stores, without gas sales</td>
</tr>
<tr>
<td>Convenience stores, with gas sales</td>
</tr>
<tr>
<td>Consignment Shops, Used Merchandise Store (not otherwise listed)</td>
</tr>
<tr>
<td>Dry cleaning and laundry</td>
</tr>
<tr>
<td>Electronic equipment (small), sales and service</td>
</tr>
<tr>
<td>------------------------------------------------</td>
</tr>
<tr>
<td>Farm, Landscape, and Garden Supply Sales (feed, seed, fertilizer, farm hardware, lawn furniture, mulch, fencing, fountains, statuaries, and other incidental sales of products or related items) (with indoor storage)</td>
</tr>
<tr>
<td>Farm, Landscape, and Garden Supply Sales (feed, seed, fertilizer, farm hardware, lawn furniture, mulch, fencing, fountains, statuaries, and other incidental sales of products or related items) (with outdoor storage)</td>
</tr>
<tr>
<td>Farmers Markets and market shops, including open markets</td>
</tr>
<tr>
<td>Finance and Insurance Services (Bank, Credit and Finance, Insurance-related)</td>
</tr>
<tr>
<td>Flea markets (indoors)</td>
</tr>
<tr>
<td>Florist</td>
</tr>
<tr>
<td>Furniture or home furnishing sales</td>
</tr>
<tr>
<td>Gasoline stations</td>
</tr>
<tr>
<td>Grocery stores and Supermarkets (less than 25,000 sq. ft. GFA)</td>
</tr>
<tr>
<td>Grocery stores and Supermarkets (more than 25,000 sq. ft. GFA)</td>
</tr>
<tr>
<td>Hardware, home centers, lumber yard, heating and plumbing etc., outside storage</td>
</tr>
<tr>
<td>Hardware, home centers, lumber yard, heating and plumbing etc., inside storage</td>
</tr>
<tr>
<td>Heavy Equipment, sales and service</td>
</tr>
<tr>
<td>Leasing/Rental Recreational Goods (Furniture, Party Supplies, Sporting Goods)</td>
</tr>
<tr>
<td>Leasing, Commercial and Industrial Machinery and Equipment</td>
</tr>
<tr>
<td>Gun shops and Gunsmiths</td>
</tr>
<tr>
<td>Mail order or direct selling establishments / Electronic Shopping and Mail-Order Houses</td>
</tr>
<tr>
<td>Medical equipment sales, rental or leasing</td>
</tr>
<tr>
<td>Monument and cut stone sales</td>
</tr>
<tr>
<td>Motion picture, Video and Audio Production</td>
</tr>
<tr>
<td>Motorcycle, Motorized Scooters, ATV Sales and/or Leasing/Rental (Indoor display)</td>
</tr>
<tr>
<td>Motorcycle, Motorized Scooters, ATV Sales and/or Leasing/Rental (Outdoor display)</td>
</tr>
<tr>
<td>Motor Vehicle Parts, Accessories, Tire Sales, enclosed building only</td>
</tr>
<tr>
<td>Motor Vehicle, Motorcycle, ATVs, Boats, RVs, etc., repair and service</td>
</tr>
<tr>
<td>Nurseries and greenhouses, commercial (See Section 5.25)</td>
</tr>
<tr>
<td>Office building (general)</td>
</tr>
<tr>
<td>Palmistry services, Fortune Tellers, Astrologers</td>
</tr>
<tr>
<td>Pawnshops (as defined by NCGS 91A-2)</td>
</tr>
<tr>
<td>Personal Services (e.g. nail salons, barbers, shoe repair, and similar establishments), not otherwise listed</td>
</tr>
<tr>
<td>Pet store or pet supply store</td>
</tr>
<tr>
<td>Pharmacy or drugstore, without drive through facility</td>
</tr>
<tr>
<td>Pharmacy or drugstore, with drive through facility</td>
</tr>
<tr>
<td>Printing and Publishing Services</td>
</tr>
<tr>
<td>Professional Services (Legal, Accounting, Architectural, Graphic, Consulting Services, Research and Development, Advertising, etc.)</td>
</tr>
<tr>
<td>Real Estate, Sales, Rental &amp; Leasing</td>
</tr>
<tr>
<td>Repair of any goods, equipment or vehicles, the manufacture, assembly or sales of which are permitted in that zoning district</td>
</tr>
<tr>
<td>Restaurants, with drive-in or drive-through facilities</td>
</tr>
<tr>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td>Restaurants, no drive-in or drive-through facilities</td>
</tr>
<tr>
<td>Retail sales or service establishments, not listed elsewhere, and conducted within an enclosed building</td>
</tr>
<tr>
<td>Services to buildings and dwellings (Extermination, Janitorial, Landscaping, Carpet and Upholstery cleaning, Packing and crating, etc.), no outside storage</td>
</tr>
<tr>
<td>Services to buildings and dwellings (Extermination, Janitorial, Landscaping, Carpet and Upholstery cleaning, Packing and crating, etc.), with outside storage</td>
</tr>
<tr>
<td>Shopping Center, less than 25,000 sq. ft.</td>
</tr>
<tr>
<td>Sporting goods, toys, and hobby sales, excluding guns and gunsmiths</td>
</tr>
<tr>
<td>Tattoo Parlor/Tattoo Studio and/or Body Piercing</td>
</tr>
<tr>
<td>Tobacco or Tobacconist</td>
</tr>
<tr>
<td>Upholstery and furniture refinishing</td>
</tr>
<tr>
<td>Wholesale trade, generally, with operations conducted and merchandise stored entirely within a building and not otherwise listed</td>
</tr>
</tbody>
</table>

**Industrial & Manufacturing Uses**

- Contractors’ offices/shop without outdoor storage areas
- Paper and Printing materials manufacturing
- Pottery Manufacturing & Sales
- Sign manufacturing
- Warehouse structures, generally

**Arts, Recreation & Entertainment**

- Aquarium or Planetarium
- Amphitheater
- Art galleries
- Botanical gardens & arboreta
- Bowling alley
- Exhibition, convention, or conference structure
- Fitness and recreational sports, gym, health spa, reducing salon, swimming pool/auditorium, racquet club or athletic club (not otherwise listed)
- Golf driving ranges
- Golf, miniature
- Movie Theater
- Museums and art galleries
- Outdoor stage, bandstand, or similar structure (maximum 3,000 sq. ft.)
- Parks, playgrounds, and athletic fields, operated on a noncommercial basis
- Performance Theaters (outdoor)
- Performance Theaters or auditoria (indoor)
- Recreation activities, commercial indoor, not otherwise listed
- Skating Rink – Ice or Roller Skating
- Sports stadiums or arenas
- Studios for artists, designers, musicians, photographers, sculptors, woodworking (not as home occupation)
- Zoos
<table>
<thead>
<tr>
<th><strong>Education, Public Administration, Health Care, and Institutional</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Civic, Social, and Fraternal Organizations, including community centers, meeting halls, community halls, reception halls, wedding halls, for assembly and recreation</td>
</tr>
<tr>
<td>Crematorium &amp; Embalming</td>
</tr>
<tr>
<td>Day Care facility, Adult (See Section 5.38)</td>
</tr>
<tr>
<td>Fire, sheriff, and emergency services</td>
</tr>
<tr>
<td>Funeral homes</td>
</tr>
<tr>
<td>Governmental Functions, not otherwise listed</td>
</tr>
<tr>
<td>Hospitals</td>
</tr>
<tr>
<td>Libraries</td>
</tr>
<tr>
<td>Medical and dental clinics or offices, ambulatory or outpatient care, family planning and care, and blood or organ banks</td>
</tr>
<tr>
<td>Post office</td>
</tr>
<tr>
<td>Religious Complex (less than 350 seats), new site</td>
</tr>
<tr>
<td>Religious Complex (more than 350 seats), new site</td>
</tr>
<tr>
<td>Religious Complex (any size), addition to existing complex/site</td>
</tr>
<tr>
<td>Schools, Continuing Education (alternative, adult, colleges and universities, and technical, trade and other specialty schools)</td>
</tr>
<tr>
<td>Schools, Pre-K-Secondary (nursery and preschool, grade schools, elementary, middle, and high school), new site</td>
</tr>
<tr>
<td>Schools, Pre-K-Secondary (nursery and preschool, grade schools, elementary, middle, and high school), addition to existing site</td>
</tr>
<tr>
<td>Schools, Fine and Performing Arts</td>
</tr>
<tr>
<td>Social assistance, welfare and charitable services</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th><strong>Transportation, Communication, and Utilities</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Bus passenger stations/terminals/shelters</td>
</tr>
<tr>
<td>Parking lots, parking structures or underground parking areas (commercial or governmental)</td>
</tr>
<tr>
<td>Radio and TV stations and studios (excluding transmission tower)</td>
</tr>
<tr>
<td>Taxi and Limousine Service</td>
</tr>
<tr>
<td>Utility lines (including, electric lines, phone/cable lines, distribution circuits, gas/fuel lines, water lines, steam/air conditioning lines, irrigation channels, and sewer/waste water lines)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Agriculture</strong></th>
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</thead>
<tbody>
<tr>
<td>Animal Production and Support Services, (unincorporated Lee County)</td>
</tr>
<tr>
<td>Crop Production and Support Functions, (unincorporated Lee County)</td>
</tr>
<tr>
<td>Crop Production and Support Functions, (Sanford and Broadway)</td>
</tr>
<tr>
<td>Forestry and Logging and Support Services, (unincorporated Lee County)</td>
</tr>
</tbody>
</table>
USES PERMITTED WITH DEVELOPMENT REGULATIONS

The uses listed below may either be permitted by right or upon approval of a Special Use Permit, but are also subject to the requirements of Article 5 Supplemental Development Regulations of the Unified Development Ordinance (for example, daycares are required to install a fence around outdoor play areas).

<table>
<thead>
<tr>
<th>Residential Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Home Occupations (See Section 5.16)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Accommodations and Group Living</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bed and breakfast inn (See Section 5.4)</td>
</tr>
<tr>
<td>Hotel, Motel, and tourist court (See Section 5.17)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>General Sales or Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>Animal Hospitals, Veterinary services, Animal Shelters, Kennels / Animal Pet Services (See Section 5.3)</td>
</tr>
<tr>
<td>Car Washes and Car Care Centers (See Section 5.5)</td>
</tr>
<tr>
<td>Flea markets (outdoors) (See Section 5.14)</td>
</tr>
<tr>
<td>Freestanding Ice Vending Unit (See Section 5.37)</td>
</tr>
<tr>
<td>Manufactured home and/or storage building sales (See Section 5.21)</td>
</tr>
<tr>
<td>Mini-warehousing/Self-service storage leasing (See Section 5.22)</td>
</tr>
<tr>
<td>Motor Vehicles (automobiles), Boats, RVs Sales and/or Leasing/Rental (See Section 5.24)</td>
</tr>
<tr>
<td>Shopping Center/Superstore, 25,000 – 100,000 sq. ft. (See Section 10.2)</td>
</tr>
<tr>
<td>Shopping Center/Superstore, over 100,000 sq. ft. (See Section 10.2)</td>
</tr>
<tr>
<td>Wine Shop (See Section 5.43)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Industrial &amp; Manufacturing Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brewery (Microbrewery, See Section 5.42)</td>
</tr>
<tr>
<td>Landfills, LCID (2 acres or less in size) (See Section 5.19)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Arts, Recreation &amp; Entertainment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drive-in theaters (See Section 5.11)</td>
</tr>
<tr>
<td>Entertainment Establishment (lounges, discos, nightclubs, pool halls and/or private clubs) (See Section 5.26)</td>
</tr>
<tr>
<td>Recreation activities, commercial outdoor (defined in Article 5), not otherwise listed (See Section 5.28)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Education, Public, Administration, Health Care, and Institutional</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cemeteries, public and private (does not include individual family plots) (See Section 5.6)</td>
</tr>
<tr>
<td>Community food services (See Section 5.7)</td>
</tr>
<tr>
<td>Day Care facility, Child Care Center (See Section 5.10)</td>
</tr>
<tr>
<td>Day Care facility, Home Child Care (See Section 5.10)</td>
</tr>
</tbody>
</table>
USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT

The uses listed below are permitted in the respective zoning district only after review and approval of a Special Use Permit by the Board of Adjustment for the applicable jurisdiction in accordance with Article 3 Zoning and Permitting Procedures, Section 3.5 Special Use Permits of the Unified Development Ordinance. Special uses are subject to any/all applicable general design standards, any development regulations that apply to the specific use and those requirements that may reasonably be imposed by the respective board as per the Unified Development Ordinance.

Accommodations and Group Living
Group Home/Residential Care Facility, Level III
Group Home/Residential Care Facility, Level IV

Industrial & Manufacturing Uses
Contractors’ offices/shop with outdoor storage areas
Manufacturing, excluding others uses listed in this table

Arts, Recreation & Entertainment
Amusement or Theme Park Establishment

Transportation, Communication, and Utilities
Public utility storage and service yards
Sewage treatment and Water treatment plants

USES PERMITTED UPON ISSUANCE OF A SPECIAL USE PERMIT
THAT HAVE SPECIFIC DEVELOPMENT REGULATIONS

The uses listed below are permitted in the respective zoning district only after review and approval of a Special Use Permit by the Board of Adjustment for the applicable jurisdiction in accordance with Article 3 Zoning and Permitting Procedures, Section 3.5 Special Use Permits of the Unified Development Ordinance. In addition to any/all applicable general design standards and those requirements that may reasonably be imposed by the respective board, these uses have specific standards that must be adhered to as per the Unified Development Ordinance (for example, fencing is required around the base of telecommunication towers, including any structures or guy wires).

Industrial & Manufacturing Uses
Landfills, C&D or LCID (greater than 2 acres in size) (See Section 5.20)
Mining and Quarries, Unincorporated Lee County and City of Sanford Only (See Section 5.23)

Transportation, Communications, and Utilities
Telecommunication towers (See Section 5.33)
Solar Collectors, Commercial (See Section 5.39)
Telecommunications towers (See Section 5.33)
ADJOINING PROPERTY OWNERS LIST

PETITION BY: Wynnefield Properties, Inc. | C. Craig Stone, President
REQUEST: Rezone from General Commercial (C-2) to Mashburn Property Multi-family
Conditional Zoning District
LOCATION: 1732 Westover Drive, Sanford, NC 27330 (to be subdivided & a new address assigned)
PIN: 9631-56-2403-00 (portion of)

<table>
<thead>
<tr>
<th>No.</th>
<th>PIN</th>
<th>PROP ADDR</th>
<th>OWNER 1</th>
<th>OWNER2</th>
<th>M #</th>
<th>MAIL ST</th>
<th>MAILCITY</th>
<th>ST</th>
<th>ZIP</th>
</tr>
</thead>
<tbody>
<tr>
<td>01A</td>
<td>9631-56-6654-00</td>
<td>1724 WESTOVER DR</td>
<td>COLE, WILLIAM GENE JR</td>
<td>COLE, CANDY S</td>
<td>3735</td>
<td>HENLEY RD</td>
<td>SANFORD</td>
<td>NC</td>
<td>27330</td>
</tr>
<tr>
<td>01B</td>
<td>9631-56-6654-00</td>
<td>1724 WESTOVER DR</td>
<td>DAVISON-WESTOVER, LLC</td>
<td>-</td>
<td>1512</td>
<td>OWLS NEST</td>
<td>SANFORD</td>
<td>NC</td>
<td>27330</td>
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<tr>
<td>01B</td>
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<td>1724 WESTOVER DR</td>
<td>DAVISON-WESTOVER, LLC</td>
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<tr>
<td>02</td>
<td>9631-56-3905-00</td>
<td>0 DOGWOOD ACRES DR</td>
<td>MCSWAIN, RUBY CRUMPLER (ESTATE)</td>
<td>-</td>
<td>-</td>
<td>O BOX 2280</td>
<td>SANFORD</td>
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<td>03</td>
<td>9631-57-1199-00</td>
<td>1600 DOGWOOD ACRES DR</td>
<td>WOMACK, MICHAEL CLINTON</td>
<td>-</td>
<td>1600</td>
<td>DOGWOOD ACRES DR</td>
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<tr>
<td>04</td>
<td>9631-46-6973-00</td>
<td>700 WOODLAND HEIGHTS DR</td>
<td>WOODLAND HEIGHTS OF SANFORD LLC</td>
<td>-</td>
<td>810</td>
<td>LAWNDALE DR</td>
<td>REIDSVILLE</td>
<td>NC</td>
<td>27320</td>
</tr>
<tr>
<td>05</td>
<td>9631-46-5301-00</td>
<td>2001 BELFORD DR</td>
<td>WILLIAMS-OATES, FLORIA E</td>
<td>-</td>
<td>2001</td>
<td>BELFORD DR</td>
<td>SANFORD</td>
<td>NC</td>
<td>27330</td>
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<tr>
<td>06</td>
<td>9631-46-6134-00</td>
<td>0 PENDERGRASS RD</td>
<td>COGGINS, JOHN W</td>
<td>COGGINS, MADGE H</td>
<td>1820</td>
<td>PENDERGRASS RD</td>
<td>SANFORD</td>
<td>NC</td>
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<tr>
<td>07</td>
<td>9631-45-8898-00</td>
<td>1820 PENDERGRASS RD</td>
<td>COGGINS, JOHN W</td>
<td>COGGINS, MADGE H</td>
<td>1820</td>
<td>PENDERGRASS RD</td>
<td>SANFORD</td>
<td>NC</td>
<td>27330</td>
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<tr>
<td>08</td>
<td>9631-55-0716-00</td>
<td>0 PENDERGRASS RD</td>
<td>JOHNSON, TAMMY C</td>
<td>-</td>
<td>1900</td>
<td>PENDERGRASS RD</td>
<td>SANFORD</td>
<td>NC</td>
<td>27330</td>
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<tr>
<td>09</td>
<td>9631-55-0784-00</td>
<td>1900 PENDERGRASS RD</td>
<td>JOHNSON, CLYDE P</td>
<td>JOHNSON, TAMMY C</td>
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<td>PENDERGRASS RD</td>
<td>SANFORD</td>
<td>NC</td>
<td>27330</td>
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<tr>
<td>10</td>
<td>9631-55-1919-00</td>
<td>1901 PENDERGRASS RD</td>
<td>MASHBURN ESTATE LLC</td>
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<td>-</td>
<td>PO BOX 130</td>
<td>CARY</td>
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<td>9631-55-2915-00</td>
<td>0 PENDERGRASS RD</td>
<td>MASHBURN ESTATE LLC</td>
<td>-</td>
<td>-</td>
<td>PO BOX 130</td>
<td>CARY</td>
<td>NC</td>
<td>27512</td>
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<td>12</td>
<td>9631-55-4981-00</td>
<td>1909 PENDERGRASS RD</td>
<td>MCDONALD'S USA LLC</td>
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<td>-</td>
<td>PO BOX 182571</td>
<td>COLUMBUS</td>
<td>OH</td>
<td>43218</td>
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<tr>
<td>13</td>
<td>9631-55-8795-00</td>
<td>2117 JEFFERSON DAVIS HWY</td>
<td>STEWART LLC</td>
<td>-</td>
<td>9301</td>
<td>SMART DR</td>
<td>RALEIGH</td>
<td>OH</td>
<td>27603</td>
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<tr>
<td>14</td>
<td>9631-66-0271-00</td>
<td>2107 JEFFERSON DAVIS HWY</td>
<td>MCLEOD, GERALD G</td>
<td>MCLEOD, BETTY O</td>
<td>3707</td>
<td>WICKER ST</td>
<td>SANFORD</td>
<td>NC</td>
<td>27330</td>
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<tr>
<td>15</td>
<td>9631-55-2530-00</td>
<td>2206 JEFFERSON DAVIS HWY</td>
<td>COMMERICAL NET LEASE REALTY LP</td>
<td>-</td>
<td>450</td>
<td>S ORANGE AVE</td>
<td>ORLANDO</td>
<td>FL</td>
<td>32801</td>
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<tr>
<td>16</td>
<td>9631-47-9234-00</td>
<td>0 PALOMINO DR</td>
<td>IT'S HEALING HOUSE MINISTRIES INC</td>
<td>-</td>
<td>293</td>
<td>HOLLYBERRY LN</td>
<td>SANFORD</td>
<td>NC</td>
<td>27330</td>
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<td>17</td>
<td>9631-35-8700-00</td>
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<td>COGGINS, JOHN W</td>
<td>COGGINS, MADGE H</td>
<td>1820</td>
<td>PENDERGRASS RD</td>
<td>SANFORD</td>
<td>NC</td>
<td>27330</td>
</tr>
</tbody>
</table>

APPLICANT: 1732 Westover Drive (to be subdivides & new address assigned)  
Wynnefield Properties, Inc. | C. Craig Stone, President
PROPERTY OWNER: 1732 Westover Drive (to be subdivides & new address assigned)  
Mashburn Estate, LLC  
C/O: Mr. Roy Mashburn, Registered Agent
PROPERTY OWNER: 1732 Westover Drive (to be subdivides & new address assigned)  
Mashburn Estate, LLC  
C/O: Mr. Roy Mashburn, Registered Agent

(o) = No address assigned to this parcel. Typically, it is vacant
RESOLUTION DIRECTING THAT THE PROJECT BE UNDERTAKEN

CARTHAGE STREET SEWER EXTENSION

WHEREAS, on the 19th day of February, 2019, the City Council of the City of Sanford adopted a Preliminary Assessment Resolution providing for the extension of an 8” sewer line of approximately 1,365 linear feet along Carthage Street to be financed by assessment of 25% of the cost against the benefited real property; and

WHEREAS, the required public hearing has been held after due notice to the public and the owners of the affected real property;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sanford that:

1. The sewer system of the City shall be extended by constructing an 8” sewer line approximately 1,365 linear feet along Carthage Street, under and by virtue of Article 10, Chapter 160A of the General Statutes of North Carolina and the procedure therein established, and said project is hereby directed to be undertaken.

2. 25% of the total cost of said extension be hereafter assessed upon the benefited properties on the basis of the number of lots served or subject to being served at an equal rate per lot.

3. The cost to install sewer laterals during construction shall not be assessed to the benefiting properties. Sewer lateral is defined as the portion between the sewer main and the cleanout located at or near the right of way line.

4. The assessments herein provided for shall be payable within thirty (30) days after the publication of the notice that the assessment roll has been confirmed. The owners of assessed property may pay the assessment in full, or exercise the option of paying the assessment in not more than ten (10) annual installments which shall bear interest at the rate of five percent (5%) per annum.

Adopted this 19th day of March, 2019.

____________________________________
T. Chet Mann, Mayor

ATTEST:

_________________________________
Vicki R. Cannady, Deputy City Clerk

_________________________________
Susan C. Patterson, City Attorney
A RESOLUTION ORDERING THE CLOSING OF 
AN UNOPENED PORTION OF CONE STREET 
FROM INTERSECTION OF FRY STREET EASTWARD 150 FEET

WHEREAS, on the 19th day of February, 2019, the Sanford City Council directed the City Clerk to publish the Resolution of Intent of the City Council to consider closing certain streets in the City of Sanford in the Sanford Herald newspaper once each week for four successive weeks, such resolution advising the public that a meeting would be conducted in the Sanford Municipal Building on March 19, 2019; and

WHEREAS, the Sanford City Council, on the 19th day of February, 2019, ordered the City Clerk to notify all persons owning property adjoining the unopened portion of Cone Street; and

WHEREAS, the City Clerk has advised the City Council that on the date directed, she sent a letter to each of said adjoining property owners advising them of the day, time, and place of the meeting, enclosing a copy of the Resolution of Intent, and advising said adjoining property owners that the question as to closing of Cone Street, would be acted upon at the March 19, 2019, Sanford City Council meeting, said letters having been mailed by registered mail with return receipt requested; and

WHEREAS, the City Clerk has advised the Sanford City Council that none of the letters so sent have been returned undelivered; and

WHEREAS the City Clerk has published the resolution as directed in the Sanford Herald once a week for four consecutive weeks; and

WHEREAS, after full and complete consideration of the matter and after having granted full and complete opportunity for all interested persons to appear and register any objections that they might have with respect to the closings of said street; and

WHEREAS, it now appears to the satisfaction of the Sanford City Council the closing of said street is not contrary to the public interest and that no individual owning property, either adjoining or in the vicinity
of said street or in the subdivision in which said streets are located, will as a result of said closings, be thereby deprived of a reasonable means of ingress and egress to the properties; and

WHEREAS, the City reserves its right, title, and interest in any utility improvement or easement within the streets, if any; and

WHEREAS, it appears to the satisfaction of the Sanford City Council that the closing of said streets will be in the public interest.

NOW THEREFORE, BE IT RESOLVED by the Sanford City Council, meeting in regular session that all of the unopened portion of Cone Street from intersection of Fry Street Eastward 150 feet are hereby ordered closed, and all right, title, and interest that may be vested in the public to said areas for street purposes are hereby released and quit-claimed to the adjoining property owners in accordance with the provisions of Section 160A-299 of the General Statutes of North Carolina.

The Deputy City Clerk is hereby ordered and directed to file in the office of the Register of Deeds of Lee County a certified copy of this resolution; and copy of the published Resolution of Intent with publisher’s affidavit attached; and a notarized copy of each and every letter mailed to the adjoining property owners with return receipt attached thereto.

Adopted this the 19th day of March, 2019.

________________________________________
T. Chet Mann, Mayor

Attest:

________________________________________
Vicki R. Cannady, Deputy City Clerk

STATE OF NORTH CAROLINA
COUNTY OF _______________

I, ____________________________, a Notary Public of the County and State aforesaid, certify that Vicki R. Cannady came before me this day and acknowledged that she is the Deputy Clerk of the City of Sanford and that by authority duly given and as the act of the Sanford City Council, the foregoing instrument was signed in its name by its Mayor, sealed with its corporate seal and attested by her as its Deputy Clerk.

Witness my hand and stamp and seal, this ______ day of ______________, 2019.

________________________________________
Notary Public

My Commission expires: ________________________
CITY OF SANFORD
PLANNING BOARD RECOMMENDATION
REGARDING A ZONING MAP AMENDMENT /REZONING
MARCH 5, 2019

APPLICATION# 2019-0201 TO AMEND THE SANFORD ZONING MAP

RECOMMENDATION FROM PLANNING BOARD:
The Planning Board recommends that the City Council support the petition to rezone two vacant tracts of land totaling 29.04 ± acres with frontage/access off of Fire Tower Road from Residential-Mixed (R-12) to Residential-Mixed (R-6) Conditional Zoning District to allow the development of a 87 lot residential single-family home subdivision as the subdivision design incorporates many of the components included within the Plan SanLee “Suburban Neighborhood” place type, such as detached single-family dwellings, a connection to an existing stub street (North Ridge Drive) on an adjoining lot, interconnected curvilinear streets, valley curb, public streets, public water, public wastewater (via a private lift station connection to public City sewer), and sidewalks on both sides of all public streets. The density of 3 dwelling units per acre exceeds the recommended 4-7 dwelling units per acre, but 25% of the site being dedicated as common open space appears to accommodate the needs of the collective residents within the subdivision and offsets the higher density.

The Planning Board makes this recommendation subject to the following suggestions/recommendations:

- To encourage diversity of housing styles, staff strongly encourages limiting the number of the same style of house that can be built consecutively along each street within this subdivision.
- To encourage architectural interest, staff suggest that a carriage-style garage door be incorporated in the design of the homes and that additional exterior elements be added to the facades in an attempt to avoid an abundance of horizontal vinyl siding creating a monotonous visual effect.
- The subject property is currently within the City of Sanford’s Extraterritorial Jurisdiction (ETJ); therefore, the City may rezone it, but, in order to develop the site in the manner proposed, the property owner must request to annex the property into the corporate City limits prior to final plat approval.

VOTE #1: APPROVE A STATEMENT ON LONG RANGE PLAN CONSISTENCY AS IT RELATES TO THIS REZONING REQUEST:

Motion Option 1: “The proposed design includes many of the components included within the Plan SanLee “Suburban Neighborhood” place type, such as detached single-family dwellings, a connection to an existing stub street on an adjoining lot, interconnected curvilinear streets, valley curb, public streets, public water, public wastewater, and sidewalks on both sides of all public streets; therefore, I make a motion that that the request IS consistent with the adopted long-range plan.”

Motion Option 2: “I make a motion that that the request IS NOT is consistent with the adopted comprehensive plan.”
Option 3 - Unique motion: The suggested motions above are provided based on the recommendation and findings of the Planning Board. The City Council members are free to create a unique motion based on different articulated findings.

VOTE #2: TO APPROVE OR DENY THE REZONING REQUEST:

Motion Option 1: “I make a motion that the proposed zoning map amendment is reasonable and in the public interest because it is consistent with the adopted land use plan and the availability of public water and sewer, via a sewer main line extension; therefore, I move to APPROVE the request to rezone two vacant tracts of land totaling 29.04 ± acres with frontage/access off of Fire Tower Road from Residential-Mixed (R-12) to Residential-Mixed (R-6) Conditional Zoning District.”

Motion Option 2: “I make a motion that the proposed zoning map amendment is not reasonable and not in the public interest because the public sewer main line would have to be extended in order to serve the site and the lot sizes are smaller than what is existing within the area; therefore, I move to DENY the request to rezone two vacant tracts of land totaling 29.04 ± acres with frontage/access off of Fire Tower Road from Residential-Mixed (R-12) to Residential-Mixed (R-6) Conditional Zoning District.”

Option 3 - Unique motion: The suggested motions above are provided based on the recommendation and findings of the Planning Board. The City Council members are free to create a unique motion based on different articulated findings.

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**REZONING REPORT FROM FEBRUARY 25, 2019 AGENDA**

**Applicant:** Esplanade Communities of Florida, LLC | Contact: Mr. Mark Lyczkowski  
**Owners:** Donnie Ray Pettus and David Wilson Pettus  
**Request:** Rezone from Residential-Mixed (R-12) to Residential-Mixed (R-6-C) Conditional Zoning District for the purpose of developing an 87 lot residential single-family home subdivision with an additional acreage dedicated as open space. This is a site plan/subdivision specific conditional zoning district with unique conditions that are legally binding on the land even in the event of a transfer of ownership.  
**Location:** Vacant lot accessed via & on the eastern side of Fire Tower Road, approximately 240ft northeast of the Fire Tower Road and Tramway Road intersection.  
**Township:** Jonesboro  
**Tax Parcels:** 9641-45-5299-00 and 9641-55-0952-00  
**Adjacent Zoning:**  
- North-ETJ: Residential Mixed (R-12) and Residential Single-Family (R-20)  
- South-ETJ: Residential Mixed (R-12)  
- East-ETJ: Residential Mixed (R-12)  
- West-Lee Co.: Residential Agricultural (RA), opposite Fire Tower Road  

**Introduction:** Planning staff has received a rezoning application from Mr. Mark Lyczkowski of Esplanade Communities of Florida, LLC as the first step in the proposed development of a new 87-lot residential single-family home subdivision off of Fire Tower Road. The plan is to develop a subdivision that would be served by public water, public sanitary sewer and public streets.
Area and Site Description: Fire Tower Road is located between Tramway Road and Carthage Street, with the site being approximately 240ft north of the Fire Tower Road/Tramway Road intersection. The site is comprised of two vacant tracts of land that total 29.04 ± acres.

Surrounding Land Uses: South of the site are R-12 zoned lots ranging in size from 0.44 of an acre to 1.2 acres that front Tramway Road and, with the exception of one vacant lot, are developed with single-family homes. North of the site are R-12 zoned lots ranging in size from 0.77 of an acre to 3.5 acres that front/access Fire Tower Road and are developed with single-family homes or vacant and one R-20 zoned lot that is one acre in size and developed with a single-family home. East of the site is Brookhaven, a 56-lot subdivision zoned R-12 and developed with 42 single-family homes served by public NCDOT maintained streets, public City water, and private septic systems. West of the site, opposite Fire Tower Road, is a 231 acre agricultural tract of land zoned RA, an 8.12 acre tract of land developed with an old abandoned store building, and a 1.0 acre tract of land developed with a single-family home.

Zoning District Information

Existing Zoning: The subject property is zoned Residential Mixed (R-12), which is established to provide areas for a mix of residential dwelling types with a maximum of 3.5 dwelling units per acre, in areas where large-lot development is discouraged and adequate public facilities and services are available. This district provides minimum lot size and density requirements in order to allow for market and design flexibility while preserving the neighborhood character. Examples of uses permitted by right within the R-12 zoning district include single-family dwellings, duplexes, multi-family dwellings (max density 3.5 units per acre), churches, and home child care centers. A list of the permitted uses for the R-12 district is included within the agenda for your reference.

The minimum lot width is 75ft, with a minimum lot size of 12,000sf, and a max building height of 40ft. The minimum building setbacks for a principal structure or house is as follows:
- Front: 30 feet, as measured from the right-of-way line of the public street
- Rear: 20 feet, measured from the rear property line
- Side(s): 12 feet, measured from the side property lines
A corner lot has two 30ft front yard setbacks, measured from the right-of-way line of the public streets.

Proposed Zoning: Esplanade Communities’ proposal is a conditional zoning district created for the purpose of allowing a property owner to place additional conditions upon an existing, equivalent conventional, general use zoning district. Conditional Zoning District Type 2 would be the preferred zoning approach if a petitioner desired to (a) reduce or narrow the number of permitted uses and/or (b) impose higher level design standards than that which exists within an equivalent general use zoning district. Conditional Zoning District Type 2 would also be practical in situations where a petitioner desires to install or construct additional buffers or other physical features that would serve to increase the protection afforded neighboring properties and/or the appearance of the proposed development.

Only the property owner(s) of a proposed Conditional Zoning District Type 2 shall be eligible to apply for rezoning to a Conditional Zoning District. The owner shall specify the use(s) of the property and shall propose additional conditions to ensure compatibility between the development and the surrounding neighborhood. The conditions shall include all of the following (as applicable):
- The location on the property of the proposed use(s);
- The number of dwelling units;
• The location and extent of supporting facilities (parking lots, driveways, and access streets);
• The location and extent of buffer areas and other special purpose areas;
• The timing of development;
• The location and extent of rights-of-way and other areas to be dedicated for public purposes;
• And any other such conditions the applicant may wish to propose.

The application shall include a site plan/subdivision 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.

As reminder, the conditional zoning process is a negotiated zoning process and, as such, the City Council and/or Planning Board may request that certain conditions be considered or altered. However, the petitioner must accept such conditions before inclusion in the conditional zoning district. Also, the conceptual plans and conditions that are approved in conjunction with this project must comply with the technical specifications and requirements of all regulatory agencies.

The following design standards are applicable for the proposed Residential-Mixed (R-6-C) Conditional Zoning District:
The minimum lot width is 60ft, with a minimum lot size of 6,000sf, and a max building height of 40ft. The minimum lot size within this subdivision is 6,000sf (Lots 21, 22, 50, 51, 52, and 77), the average lot size is 7,855sf, and the largest lot size is 15,406sf (Lot 81). There is 7.27 acres or 25% of the site is included as open space.

The minimum building setbacks for a principal structure or house is as follows:
Front: 20 feet, as measured from the right-of-way line of the proposed public street
Rear: 20 feet, measured from the rear property line
Side(s): 5 feet, measured from the side property lines
The side yard setback for a corner lot is 12ft, measured from the right-of-way line of the proposed street.
Reference the Lot Typical detail and the Setbacks Table on Sheet C2.0, Subdivision Plan of the conceptual civil drawing set, which illustrates/lists the proposed minimum building setbacks

Specific conditions for this subdivision include the following:
• Land usage will be restricted to not more than 87 single-family lots and common areas as illustrated on the conceptual site plan/subdivision plat.
• The community will have a Homeowner’s Association (HOA).
• The community will have concrete valley curb along all public streets. Reference the Typical Cross Section street detail on Sheet C2.0 Subdivision Plan of the conceptual civil drawing set, which illustrates 30” valley curb and shoulder. Valley curb is a more curv
• The community will have 4-foot sidewalks on both sides of all public streets.
• All homes within the community will be served by City public water.
• All homes within the community will be served by private internal sewer lines/force main that will connect to a private lift station (owned/operated/maintained by the HOA), which will
connect to City public sewer lines that are being extended by the developer to serve this subdivision.

Reference Sheet C3.0 On-Site Utilities Plan and Sheet 3.1 Off-Site Utility Plan of the conceptual civil drawing set, which illustrates the proposed water and sewer for the proposed subdivision.

- The HOA will own & maintain all open space parcels/areas.

Reference the Open Space Data chart on Sheet C2.0 Subdivision Plan of the conceptual civil drawing set, which provides information on the five open space area illustrated on this plan.

- The community will have a designated playground area.

- The community will have a designated dog park.

- Cluster mailboxes will be located within the open space area upon approval by the USPS and owned/maintained by the HOA.

- All homes within the community will have concrete drives

- Architectural features and style of the homes will be similar to the architectural elevations included in the rezoning application packet.

Reference the conceptual architectural elevations by Adams Homes, which illustrates the various housing styles that will be offered within this subdivision.

- The single-family homes within this community will range in size from 1,350sf to 3,500sf.

The conceptual architectural elevations by Adams Homes, illustrates floorplans from 1,602sf to 3,629sf; therefore, adjustments will need to be made to comply with the square footages of the homes offered within this subdivision, but the overall design must be substantially the same.

- The single-family homes within this community will have exteriors with vinyl siding with some brick or stone accents.

- The timing for this project is rezoning/annexation of the site in the first quarter of 2019; submittal/approval of subdivision construction drawings and securing permits in the second quarter of 2019; subdivision construction in the fourth quarter of 2019; with lots delivered in the first quarter of 2020.

Sheet C2.0 Subdivision Plan of the conceptual civil drawing set illustrates the subdivision design with the lot layout, street configuration, and the open space areas.

Per information provided by the developer, the single-family homes within this community will range in price from $200,000 to $300,000, but ultimately the price of housing is market driven – not dictated by the zoning.

Please reference the attached subdivision plan and the conceptual architectural elevations provided for this project. If this rezoning request is approved and the project moves forward, an actual preliminary subdivision plat will need to be reviewed/approved by the Sanford Planning Board and City Council in the future, prior to the final plat being recorded. The preliminary subdivision plat should be substantially the same as the concept that was presented as part of this rezoning request. Also, the subject property is currently within the City of Sanford’s Extraterritorial Jurisdiction (ETJ), therefore, the City may rezone it; however in order to develop the site in the manner proposed, the property owner must request to annex the property into the corporate City limits prior to final plat approval.

The conceptual subdivision plan for this rezoning request was reviewed by the Technical Review Committee (TRC) on October 25, 2018 and the board was agreeable with the rezoning request moving forward for review/ approval by the Sanford Planning Board and the City Council. If approved, the
subdivision construction drawings must be reviewed/approved by the TRC and all outstanding TRC revisions must be addressed prior to the development of the site in the manner proposed.

**Overlay Districts & Area Plans**

**Plan SanLee Land Use Plan:** The plan identifies the future land use place type for this tract of land as “Suburban Neighborhood”, which has the following characteristics:
- Residential areas on the outskirts of a core urbanized area
- Facilitates large scale development of single-family residential
- Walkable, with a high degree of transportation connectivity between neighborhoods and surrounding network thoroughfares
- A local example is the Westlake Valley neighborhood in Sanford

Land uses categories include open space (undeveloped open space & forests), civic (schools, churches, and neighborhood parks), and residential (detached & attached single family dwellings). Transportation categories range from a low priority mode to a high priority mode, with the following transit types listed in order: public transit, on-street bike lanes, off-trail system, sidewalks, off-street trails, transit & commercial area connections, and vehicular connectivity. Context is described as a development density of four to seven units per acre with moderate building setbacks and a 35ft height limit, utility infrastructure of public water & public wastewater with a preferred character of interconnected curvilinear streets, 600ft block lengths, curb & gutter/sidewalks, and street trees. Zoning information includes the current districts of R-20, R-14, R-12SF (primary) and R-12 (secondary) and the proposed districts of Medium Density Residential (primary) and Low Density Residential (secondary). Please reference the “Suburban Neighborhood” information from the Plan SanLee that is included within the agenda for additional information and illustrations.

**Local Overlay District Notes:** Per GIS, the site is not located within an established Flood Hazard Area/Floodplain, a Watershed Conservation Overlay District, or a Historic Preservation Overlay District. Sheet C1.0, Existing Conditions, of the conceptual civil set illustrates a wetland area and stream, which will be included within an open space area. There will be a 30ft buffer area on each side of the stream centerline within this area.

Sanford, Lee County and Broadway do not have local grading permits and rely on the NC Department of Environmental Quality to regulate land-disturbing activities. For questions or concerns regarding land disturbing activities, contact the NC Division of Energy, Mineral, and Land Resources Sediment Program at 1612 Mail Service Center, Raleigh, NC 27699-1612 or call 919-707-9220 or visit the NCDEQ website at http://deq.nc.gov.

**Utilities:** The subject property appears to have access to public water via an 8-inch public water main located in the right-of-way of North Ridge Drive. The subject property does not currently have access to public sewer and the developer is proposing that all homes within the community will be served by private internal sewer lines/force main that will connect to a private lift station (owned/operated/maintained by the HOA), which will connect to City public sewer lines that are being extended by the developer to serve this subdivision. As a general rule, any/all new development must comply with the rules and regulations of the Sanford Public Works Department regarding the extension of and/or connection to public City maintained utilities.
**Transportation:** Per the applicant, a Traffic Impact Analysis (TIA) that recommends a turn lane be constructed at the subdivision entrance off of Fire Tower Road has been submitted to NCDOT for review/approval. If a turn lane is required by NCDOT, it must be illustrated on the subdivision construction drawings reviewed/approved by the TRC prior to the development of the site in the manner proposed.

The subject property has approximately 650ft of frontage on Fire Tower Road, which is a NCDOT maintained roadway with a 60ft right-of-way. The 2007 Lee County Comprehensive Transportation Plan Highway Map illustrates Fire Tower Road as an existing minor thoroughfare, with no recommendations. Draft STIP is recommending removal of the Tramway Road widening project. There is a 2012 traffic count of 3,500 vehicle per day along Fire Tower Road in front of Lots 2 and 3.

**Public Information Meeting:** A public information was held on January 31st with a total of eleven people in attendance, including Planning staff, the applicant, the project designer, one of the property owners, and seven adjoining property owners/area residents. The major topics of conversation were as follows:

- **Traffic, in general** – there are existing traffic problems in the area due to the high volume of traffic associated with Southern Lee High School and SanLee Middle School, especially with regard to entering & exiting Tramway Road during the morning drop-off and afternoon pick-up times for the schools, and concern was expressed that the additional traffic generated by this subdivision might exacerbate the problem.
- **Traffic, in Brookhaven subdivision** – there is concern that proposed street connection to North Ridge Drive will create additional vehicular & pedestrian traffic through Brookhaven that may disrupt the quiet neighborhood and invite crime into the neighborhood.
- **Brookhaven subdivision** – residents expressed frustration over the lack of amenities within the existing adjoining Brookhaven subdivision, specifically that there are narrow streets, no sidewalks, and no street lights and expressed concern that a roadway connection to this neighborhood may encourage more people to enter the neighborhood –which will make the lack of existing amenities more problematic for the residents.
- **Brookhaven subdivision** – residents would like to have access to public sanitary sewer if the cost is not unreasonable.
- **Buffer** – the adjoining property owners would like as much of a buffer as possible between their properties and the proposed subdivision, preferably a buffer area containing landscaping and/or fencing.

**Staff Information Regarding a Recommendation from the Planning Board**

The recommendation from the Planning Board should include language describing whether its action is consistent with the Plan SanLee long range land use plan, any other officially adopted plan for this area, and other matters as deemed appropriate by the board. The board may also include language briefly explaining why it considers the recommendation to be reasonable and in the public interest.

**Staff Recommendation**

Staff recommends that the Boards support the request to rezone this site from Residential Mixed (R-12) to Residential-Mixed (R-6-C) Conditional Zoning District as the subdivision design incorporates many of the components included within the Plan SanLee “Suburban Neighborhood” place type, such as detached single-family dwellings, a connection to an existing stub street (North Ridge Drive) on an adjoining lot, interconnected curvilinear streets, valley curb, public streets, public water, public
wastewater (via a private lift station connection to public City sewer), and sidewalks on both sides of all public streets. The density of 3 dwelling units per acre exceeds the recommended 4-7 dwelling units per acre, but 25% of the site being dedicated as common open space appears to accommodate the needs of the collective residents within the subdivision and offsets the higher density.

Staff makes this recommendation subject to the following suggestions/recommendations:

- To promote connectivity, staff suggests extending North Ridge Drive through Lots 50 and 51 to create a stub street that extends to the perimeter property line and strongly encourages extending the sidewalk along the proposed main entrance road into the subdivision (Road A) out onto/parallel to Fire Tower Road to the perimeter of the subdivision property, both north & south of the entrance drive.
- To encourage diversity of housing styles, staff strongly encourages limiting the number of the same style of house that can be built consecutively along each street within this subdivision.
- To encourage architectural interest, staff suggest that a carriage-style garage door be incorporated in the design of the homes and that additional exterior elements be added to the facades in an attempt to avoid an abundance of horizontal vinyl siding creating a monotonous visual effect.

Please note that the information presented at the public hearing should also be considered regarding a final decision on the requested zoning map amendment.
AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP
OF THE CITY OF SANFORD, NORTH CAROLINA

WHEREAS, a request to amend the Official Zoning Map has been received from Esplanade Communities of Florida, LLC to rezone two vacant tracts of land totaling 29.04 ± acres with frontage/access off of Fire Tower Road as depicted on Lee County Tax Maps 9641.01 and 9641.02 as Tax Parcels 9641-55-0952-00 and 9641-45-5299-00 from Residential-Mixed (R-12) to Residential-Mixed (R-6) Conditional Zoning District to allow the development of a 87 lot residential single-family home subdivision; and

WHEREAS, said request has been presented to the Planning Board of the City of Sanford; and

WHEREAS, the City Council of the City of Sanford conducted a public hearing on February 19, 2019 to receive citizen input on the requested zoning map amendment; and

WHEREAS, the City Council of the City of Sanford approves the request to amend the Official Zoning Map of the City of Sanford;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANFORD:

The Official Zoning Map is hereby amended to rezone to rezone two vacant tracts of land totaling 29.04 ± acres with frontage/access off of Fire Tower Road as depicted on Lee County Tax Maps 9641.01 and 9641.02 as Tax Parcels 9641-55-0952-00 and 9641-45-5299-00 from Residential-Mixed (R-12) to Residential-Mixed (R-6) Conditional Zoning District to allow the development of a 87 lot residential single-family home subdivision. The conditions, conceptual civil drawing set, and the conceptual architectural elevations included within the agenda are included as part of this conditional rezoning request are attached as Exhibits A.

In making this decision, the City Council of the City of Sanford hereby finds that the proposed zoning map amendment is reasonable and in the public interest because the subdivision design incorporates many of the components included within the Plan SanLee “Suburban Neighborhood” place type, such as detached single-family dwellings, a connection to an existing stub street (North Ridge Drive) on an adjoining lot, interconnected curvilinear streets, valley curb, public streets, public water, public wastewater (via a private lift station connection to public City sewer), and sidewalks on both sides of all public streets. The density of 3 dwelling units per acre exceeds the recommended 4-7 dwelling units per acre, but 25% of the site being dedicated as common open space appears to accommodate the needs of the collective residents within the subdivision and offsets the higher density.

The City Council includes that following conditions as part of this approval, in addition to the conditions and information (conceptual site plan/subdivision plat and conceptual architectural elevations) included within the agenda:

•
•
• To encourage diversity of housing styles, staff strongly encourages limiting the number of the same style of house that can be built consecutively along each street within this subdivision.
• To encourage architectural interest, staff suggest that a carriage-style garage door be incorporated in the design of the homes and that additional exterior elements be added to the facades in an attempt to avoid an abundance of horizontal vinyl siding creating a monotonous visual effect.
• The subject property is currently within the City of Sanford’s Extraterritorial Jurisdiction (ETJ); therefore, the City may rezone it, but, in order to develop the site in the manner proposed, the property owner must request to annex the property into the corporate City limits prior to final plat approval.

ADOPTED this the 5th day of March 2019.

_________________________________________
T. Chet Mann, Mayor

ATTEST:

Bonnie Davis, City Clerk

APPROVED AS TO FORM:

___________________________________
Susan Patterson, City Attorney
SOUTHERN ESTATES INFORMATION SHEET

- Proposed 87 single family lots
- Community will have concrete valley curb
- Community will have 4-foot sidewalks on both sides of the street
- Community will have a centrally located bus stop and mail kiosk with parking
- All homes will have public water
- All homes will have concrete drives
- Community has a designated playground area
- Community has a doggie park
- Community will have a Home Owner’s Association (HOA)
- Single family homes will be from 1350 square feet to 3500 square feet
- Price point for the homes will range from $200k to $300k
- Homes will be vinyl siding with some brick or stone accents
- A traffic impact analysis has been completed and recommends a turn lane on Fire Tower Road
- Community will be served with a private lift station and maintained by the HOA
- Timing of the development will be rezoning and annexation first quarter of 2019; construction drawings and permitting second quarter of 2019; and construction in the fourth quarter of 2019 with lots being delivered in the first quarter of 2020
- A link with the proposed plans and elevations will be submitted for review as well as submitting hard copies
SOUTHERN ESTATES
CONDITIONAL USE REZONING PLAN
CITY OF SANDFORD, LEE COUNTY, NORTH CAROLINA

SITE DATA

PROJECT: SOUTHERN ESTATES
ENGINEER: TIMMONS GROUP
5410 TRINITY ROAD, SUITE 102
RALEIGH, NC 27607
PHONE: 919-866-4507
EMAIL: JIM.CHANDLER@TIMMONS.COM
DEVELOPER: ESPLANADE COMMUNITIES
148 US HWY 70
GARNER, NC 27529
PHONE: 919-422-2753
EMAIL: MLYCZKOWSKA@ESPLANADECOMMUNITIES.COM
PROPERTY LOCATION: FIRE TOWER ROAD
PINS: 9641-55-0952, 9641-45-5299
TOWNSHIP: JONESBORO
REQUESTED ZONING: R-6 CONDITIONAL USE
PROPOSED USE: SINGLE FAMILY RESIDENTIAL
TOTAL TRACT AREA: 29.04 ACRES

PROPERTY LOCATION:

Sheet List Table

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1. BOUNDARY & TOPOGRAPHIC INFORMATION TAKEN FROM LEE COUNTY GIS.

NOTES

LEGEND

PROPERTY LINE
ADJACENT PROPERTY LINE
EXISTING WETLANDS
STREAM BUFFER

EXISTING CONDITIONS

ALL CONSTRUCTION TO BE IN ACCORDANCE WITH ALL CITY OF SANFORD AND NCDOT STANDARDS, SPECIFICATIONS, AND DETAILS.
Regardless of price, size, or location, all buyers want their builder to deliver value. 
Wayne Adams - Company Founder

1602
1,602 s.f. (Approx.)
3 Bedroom / 2 Baths
2 Car Garage
Covered Lanai
Recessed Lighting

Elevation "A"

Covered Lanai
15'-10" x 5'-4"

Family Room

Opt. Fireplace

Opt. Owner's Bath

Elevation "B"

First Floor

2-Car Garage
19'-5" x 10'-10"

Bedroom 1
13'-11" x 10'-3"

Bedroom 2
13'-0" x 10'-0"

Bedroom 3
13'-0" x 9'-11"

Entry
13'-0" x 9'-11"

Foyer

Breakfast
11'-7" x 9'-7"

Kitchen
11'-10" x 16'-2"

Family Room
15'-10" x 20'-7"

Master Bedroom
18'-11" x 11'-0"

Opt. Owner's Bath

Important Disclaimer: This floor plan is not to scale. Square footage and room dimensions are approximate. Square footage calculations are based on foundation dimensions only and may vary from finished square footage of the home as constructed. Variations of this floor plan exist that may not be represented in this image. Please contact us for more information.

11/30/18
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1709
1,709 s.f. (Approx.)
3 Bedroom / 2 Baths
2 Car Garage
Covered Lanai
Recessed Lighting

“Regardless of price, size, or location, all buyers want their builder to deliver value.”
Wayne Adams - Company Founder

Elevation “A”

Elevation “B”

First Floor

Opt. Owner’s Bath

Opt. Fireplace

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Wayne Adams - Company Founder
“Regardless of price, size, or location, all buyers want their builder to deliver value.”
Wayne Adams - Company Founder

2100
2,100 s.f. (Approx.)
4 Bedroom / 2 Baths
2 Car Garage
Recessed Lighting

Elevation "A"

Elevation "B"

Opt. Owner's Bath

FAMILY ROOM

Opt. Fireplace

BEDROOM 2
11'-7" x 12'-3"

BATH 2
W.L.C.

M. BATH

BEDROOM 3
11'-7" x 12'-3"

M. BATH

W.L.C.

KITCHEN
14'-3" x 14'-2"

UPPER LEVEL

STUDY / BEDROOM 4
11'-7" x 12'-3"

ENTRY
16'-2" x 5'-0"

FAMILY ROOM
15'-13" x 16'-0"

MASTER BEDROOM
16'-4" x 14'-5"
UPPER LEVEL

First Floor

Important Disclaimer: This floor plan is not to scale. Square footage and room dimensions are approximate. Square footage calculations are based on foundation dimensions only and may vary from finished square footage of the home as constructed. Variations of this floor plan exist that may not be represented in this image.
2316
2,316 s.f. (Approx.)
4 Bedroom / 3 Baths
2 Car Garage
Covered Lanai
Recessed Lighting

“Regardless of price, size, or location, all buyers want their builder to deliver value.”
Wayne Adams - Company Founder

Elevation “A”

Elevation “B”

Opt. Owner’s Bath

Opt. Fireplace

First Floor

Important Disclaimer: This floor plan is not to scale. Square footage and room dimensions are approximate. Square footage calculations are based on foundation dimensions only and may vary from finished square footage of the home as constructed. Variations of this floor plan exist that may not be represented in this image.

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2518
2,518 s.f. (Approx.)
5 Bedroom / 3 Baths
2 Car Garage
Covered Lanai
Recessed Lighting

"Regardless of price, size, or location, all buyers want their builder to deliver value."
Wayne Adams - Company Founder

2518
2,518 s.f. (Approx.)
5 Bedroom / 3 Baths
2 Car Garage
Covered Lanai
Recessed Lighting

Important Disclaimer: This floor plan is not to scale. Square footage and room dimensions are approximate. Square footage calculations are based on foundation dimensions only and may vary from finished square footage of the home as constructed. Variations of this floor plan exist that may not be represented in this image. Follow us on Facebook or http://www.adamshomes.com

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2721
2,709 s.f. (Approx.)
4 Bedroom / 3.5 Baths
2 Car Garage
Covered Lanai
Recessed Lighting

“Regardless of price, size, or location, all buyers want their builder to deliver value.”
Wayne Adams - Company Founder

2721
2,709 s.f. (Approx.)
4 Bedroom / 3.5 Baths
2 Car Garage
Covered Lanai
Recessed Lighting

Elevation "A"

Elevation "B"

Opt. Owner's Bath

Opt. Bump Out Fireplace

Opt. Corner Fireplace

Important Disclaimer: This floor plan is not to scale. Square footage and room dimensions are approximate. Square footage calculations are based on foundation dimensions only and may vary from finished square footage of the home as constructed. Variations of this floor plan exist that may not be represented in this image.

Continuing a policy of constant research and improvement, Adams Homes reserves the right of price, plan, or specification change without notice or prior obligation. Optional feature may be shown. Artist’s rendering may vary from actual scale. All dimensions are approximate. © Copyright 2018 Adams Homes
Regardless of price, size, or location, all buyers want their builder to deliver value.

Wayne Adams - Company Founder

2913
2,908 s.f. (Approx.)
5 Bedroom / 4 Baths
2 Car Garage
Recessed Lighting

Elevation "A"

Elevation "B"

Opt. Owner's Bath

Opt. Bump Out Fireplace

Opt. Fireplace

Important Disclaimer: This floor plan is not to scale. Square footage and room dimensions are approximate. Square footage calculations are based on foundation dimensions only and may vary from finished square footage of the home as constructed. Variations of this floor plan exist that may not be represented in this image.
3130
3,129 s.f. (Approx.)
6 Bedroom / 3.5 Baths
2 Car Garage
Recessed Lighting

“Regardless of price, size, or location, all buyers want their builder to deliver value.”
Wayne Adams - Company Founder

Important Disclaimer: This floor plan is not to scale. Square footage and room dimensions are approximate. Square footage calculations are based on foundation dimensions only and may vary from finished square footage of the home as constructed. Variations of this floor plan exist that may not be represented in this image.

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3320
3,320 s.f. (Approx.)
5 Bedroom / 3.5 Baths
2 Car Garage
Recessed Lighting

“Regardless of price, size, or location, all buyers want their builder to deliver value.”
Wayne Adams - Company Founder

Elevation "A"

Elevation "B"

Opt. Owner's Bath
Opt. Bump Out Fireplace
Opt. Fireplace

Important Disclaimer: This floor plan is not to scale. Square footage and room dimensions are approximate. Square footage calculations are based on foundation dimensions only and may vary from finished square footage of the home as constructed. Variations of this floor plan exist that may not be represented in this image.

Follow Us:  on Facebook or http://www.adamshomes.com
3629
3,629 s.f. (Approx.)
5 Bedroom / 3.5 Baths
2 Car Garage
Recessed Lighting

"Regardless of price, size, or location, all buyers want their builder to deliver value."
Wayne Adams - Company Founder

Elevation "A"

Elevation "B"

Opt. Owner's Bath

Opt. Bump Out Fireplace

Opt. Fireplace

Important Disclaimer: This floor plan is not to scale. Square footage and room dimensions are approximate. Square footage calculations are based on foundation dimensions only and may vary from finished square footage of the home as constructed. Variations of this floor plan exist that may not be represented in this image.
CONSULTING SERVICES AGREEMENT

This Consulting Services Agreement (the “Agreement”) made and entered into effective as of March 1, 2019 (“Effective Date”), by and between CITY OF SANFORD (“Client”) and SOUTHERN BENEFIT SYSTEMS (“SBS”). In consideration of the mutual promises contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

SERVICES:

SPECIALIZING IN PROTECTING PROFITS AND EMERGING RISK PREVENTION

Our business model is based on differentiation through a diagnosis and prescription approach. As a result, many of the solutions SBS delivers are designed to solve real business challenges facing employers and their staff today – from the CEO, CFO and VPs of HR, Comp & Benefits and Total Rewards managers to the employees, as each person throughout an organization has specific concerns and priorities that need to be addressed.

Following is an overview of SBS’s services and tools geared to help CEOs, CFOs, Human Resources, and Employees with their objectives and goals. In many cases, the value Client receives has little or nothing to do with the products of insurance.

• A CEO is looking to improve the quality of decisions that require expertise and discretion, protect the profits of the business, improve the competitive position for new talent, and earmark capital for M&A and new market possibilities.

• A CFO is looking to prevent emerging risks to the business, reduce operating expense, earn a higher ROI on invested capital, increase the productivity of HR, protect the company when making key decisions, and outsource transaction intensive non-core activities.

• A Benefits Manager is looking to optimize the delivery of medicine and pharmacy, leverage resources, improve the quality of medicine, improve the employee experience, implement strategies to improve the health of the workforce, retain the best talent and attempt to control health plan claims and expenses.

• Employees want greater opportunity for advancement with training, a manager they respect, to be part of an organization with a purpose, to feel heard, opportunities to save money, time and stress with benefits and higher pay.
Project Deliverables
Following is a list of project deliverables:

<table>
<thead>
<tr>
<th>Deliverable</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>SWOT Analysis</td>
<td>Review plan performance, what is working and what needs to be amended.</td>
</tr>
<tr>
<td>Action Plan and Task List</td>
<td>Working document that outlines responsibilities and timelines to implement the Action Plan for the recommended strategies.</td>
</tr>
<tr>
<td>Medical Claims Analysis</td>
<td>Review of Medical Claims report.</td>
</tr>
<tr>
<td>Pharmacy Analysis</td>
<td>Review of Pharmacy Claims report on but not limited to specialty medication and therapy programs.</td>
</tr>
<tr>
<td>Case Management</td>
<td>Provide recommendation and projections for the highest quality of care to employees with medical conditions.</td>
</tr>
</tbody>
</table>

A. SBS will facilitate and partner with Client in an effort to develop a strategic benefits plan, which will include the following tasks, and may culminate in a formal presentation of recommended benefits plans and programs:

i. Discovery: Interviews and/or conference calls with your management and staff, review of existing benefits program and the previous three years’ programs and coverage.

ii. Analysis: Services will be set and determined through the discovery process, but a subset may include: loss trend analysis, review of Client’s current and previous healthcare renewals, a complete census, large claims report and details if available. Expected business growth plans and locations.

iii. Plan Design: Recommendations of specific benefits plan features and products, as well as enrollment and implementation planning recommendations.

iv. Marketing: Provide project management oversight and support to ensure the timely marketing of selected benefits programs.

v. Ongoing Measurement and Support: In the event we are retained to implement the performance-based options identified in our analysis we will execute a new consulting agreement for a minimum of one year.
B. SBS will have sole discretion to determine the methodology, approach, and details of delivering the services listed above, and will perform such services consistent with the professional standards of personnel in the benefits field.

C. SBS’s responsibilities to deliver the work listed above shall not be construed to imply authority to act on behalf of Client, except as has been specified in any overriding agreement of amendment. Services shall be performed in this agreement in a non-fiduciary capacity.

D. SBS provides various modeling and/or data analytics services to its clients and may provide such services to Client. Client authorizes SBS to 1) to disclose information it receives from Client, its insurers and/or third-party administrators to SBS’s affiliates, employees, and/or to third parties as necessary to perform such modeling and analytics. Modeling and analytics services will be based upon a number of assumptions, conditions and factors, as well as information provided by third parties. If any such information provided to or utilized by SBS is inaccurate, incomplete or should change, the modeling and analytics services provided by could be materially affected. As modeling and analytics services are subject to inherent uncertainty and involve variables beyond SBS’s control, actual results may differ materially from SBS’s projections. The parties agree that SBS shall have no liability to Client if 1) SBS is provided inaccurate or incomplete information, or 2) actual results differ from SBS’s projections. Modeling and analytics services do not constitute, and are not intended to be a substitute for, independent actuarial, accounting or tax advice.

E. Client authorizes SBS to utilize the services of intermediaries or other appropriate outside vendors when in the professional opinion of SBS it is necessary and appropriate.

DESCRIPTION OF CLIENT RESPONSIBILITIES:

Client agrees to support the efforts of this project and provide necessary data in a timely manner and assist in securing time with appropriate resources. This includes, but is not limited to:

- Making stakeholders available to participate in interviews and meetings per the project timeline
- Providing data necessary for analysis; all data should be delivered within the first two weeks of the project at the latest
- Providing key decisions in a timely manner, following receipt of key deliverables or occurrence of final presentations/meetings

SBS understands that Client’s time is limited and will exercise judgment in our use of internal resources to execute the tasks defined.
Supplied Material
The following materials are to be supplied by City of Sanford for this project. For SBS to meet project milestones, this material must be supplied on schedule. The due dates included in the following table represent our best guess based on current proposed project dates:

<table>
<thead>
<tr>
<th>Materials to be supplied by City of Sanford</th>
<th>Due Date*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full medical claims report to include ICD10 codes; 3/1/2016 to 3/1/2019 or as close to that date as possible (template will be provided upon contract execution)</td>
<td>Within two weeks of agreement</td>
</tr>
<tr>
<td>Full pharmacy claims report to include Full NDC and GCN codes as well as additional necessary information (template will be provided upon contract execution)</td>
<td>Within two weeks of agreement</td>
</tr>
<tr>
<td>All Summary Plan Descriptions</td>
<td>Within two weeks of agreement</td>
</tr>
<tr>
<td>All vendor Contracts – ASO or Third-Party Administrator (TPA), Pharmacy Benefits Manager (PBM), Stop Loss</td>
<td>Within two weeks of agreement</td>
</tr>
<tr>
<td>Any additional or relevant materials</td>
<td>As Necessary</td>
</tr>
</tbody>
</table>

*We cannot be responsible for delays caused by client’s failure to deliver materials by agreed-upon due dates.

CONFIDENTIALITY:
All information obtained from Client is confidential and SBS shall not disclose such information to any third parties without the express written consent of Client unless such disclosure is reasonably necessary for purposes of researching options for Client’s employee benefits or is required to be disclosed by law. Notwithstanding the preceding or anything herein to the contrary, the parties will comply with the terms of the Business Associate Agreement set forth in Exhibit A, and to the extent there is any conflict between any other provision of the Agreement and Exhibit A, Exhibit A shall control.
TERM AND TERMINATION:

1. The term of this Agreement shall commence when signed by both parties and shall continue in effect until July 1, 2019, (“Initial Term”) unless terminated in accordance with the termination provisions contained herein. Thereafter, termination of this agreement will be effective if either party gives notice to the other, not less than (30) days prior to the end of the then current term.

2. If either party breaches any material provision hereof or otherwise substantially fails to perform, the non-breaching party shall have the right to terminate this Agreement upon thirty (30) days prior written notice to the breaching party of such breach, provided that such breach has not been cured by the breaching party (or such breaching party has not taken reasonable steps to effect the cure of such breach) within such thirty (30) day period.

3. Termination of the Agreement shall have no effect on Client’s obligation to pay the compensation provided in Sections Payment and Compensation Terms through the termination date.

SUMMARY AND SCHEDULE OF KEY DELIVERABLES:

<table>
<thead>
<tr>
<th>Key Deliverable</th>
<th>Description</th>
<th>Target Completion Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phase 1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Discovery</td>
<td>Interviews and data collection, preparation</td>
<td>May 2019</td>
</tr>
<tr>
<td>Strategic Analysis</td>
<td>As prioritized by Client for phased-in review and possible implementation</td>
<td>July 1, 2019</td>
</tr>
<tr>
<td>Phase 2</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Client establishes opportunity priorities for SBS to explore and review based on July 1, 2019 open enrollment plans.
PERIOD OF TIME WORK PERFORMED:

We anticipate a project of this scope as outlined above will be ongoing as the Client establishes its timeline for either a Pilot or national rollout of the findings provided by SBS. There is expected to be an ongoing prioritization by CITY OF SANFORD of the health care supply chain strategies on which SBS is to focus. Therefore, the structure of this contract anticipates an ongoing relationship and need for work product by SBS. Consequently, there are several options for compensation and payment terms to be determined by CITY OF SANFORD.

PAYMENT AND COMPENSATION TERMS:

All consulting services provided by SBS will be performed for the following compensation as mutually agreed to by Client and SBS:

A $6,000 fee paid at contract execution. The fee is payable regardless of whether CITY OF SANFORD implements or executes the strategies and tactics researched for CITY OF SANFORD by SBS.
There are no performance fees unless savings are produced and the measurement of said savings is agreed to in advance of program installation.

Relationship Between the Parties:

The Client acknowledges and agrees that in no event shall SBS owe any enhanced or special duties to the Client, express or implied, in fact or by law, whether referred to as a special relationship or fiduciary relationship or otherwise, except to the extent required by applicable law.

Notices:

City of Sanford
225 E Weatherspoon St
P. O. Box 3729
Sanford, NC 27331

Southern Benefit Systems
207 S. Main St
Fountain Inn, SC 29644
No Reliance:

Any reports or advice provided by SBS should not be relied upon as accounting, legal or tax advice. In all instances, SBS recommends that Client seek independent advice on such matters from professional accounting, legal and tax advisors.

Waiver and Amendment:

This Agreement may be amended, modified, superseded, cancelled, renewed or extended, and the terms and conditions hereof may be waived, only by a written instrument signed by the parties or, in the case of a waiver, by the party waiving compliance. The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach.

Governing Law/Venue:

This Agreement shall be governed for all purposes by the laws of the state of North Carolina.

SOUTHERN BENEFIT SYSTEMS

By: __________________________________________________________

Name: __________________________________________________________

Date: ___________________________________________________________

Title: ___________________________________________________________

CITY OF SANFORD

By: __________________________________________________________

Name: __________________________________________________________

Date: ___________________________________________________________

Title: ___________________________________________________________

(Please Print)
EXHIBIT A: BUSINESS ASSOCIATE AGREEMENT

This Business Associate Contract (Agreement) is entered into by and between CITY OF SANFORD and SOUTHERN BENEFIT SYSTEMS, effective as of ________________.

WHEREAS, Covered Entity is a group health plan as defined in the administrative simplification provisions within the Health Insurance Portability and Accountability Act of 1996 (HIPAA Privacy and Security Rules).

WHEREAS, Business Associate is a consultant that provides consulting services to plan sponsors and group health plans on matters related to employee benefits.

WHEREAS, Business Associate has been retained by the Covered Entity and/or broker/consultant to perform a function or activity on behalf of the Covered Entity that requires that the Business Associate have access to Protected Health Information (PHI).

WHEREAS, Covered Entity desires to receive satisfactory assurances from the Business Associate that it will comply with the obligations required of business associates by the HIPAA Privacy and Security Rules.

WHEREAS, the parties wish to set forth their understandings with regard to the use and disclosure of PHI by the Business Associate in performance of its obligations.

NOW, THEREFORE, in consideration of the mutual promises set forth below, the parties hereby agree as follows:

A. DEFINITIONS

Terms used, but not otherwise defined, in this Agreement shall have the same meaning as those terms in the HIPAA Privacy, Security, Breach Notification and Enforcement Rules at 45 CFR Part 160 and 164.

B. USE AND DISCLOSURE OF PHI

Covered Entity hereby grants Business Associate permission to use, disclose, and request from third parties PHI on behalf of Covered Entity or an organized health care arrangement in which the Covered Entity is a member in order to:

1. Perform or assist in performing a function or activity regulated by the HIPAA Privacy or Security Rules, including, but not limited to, claims processing or administration,
data analysis, utilization review, quality assurance, billing, benefit management, practice management, repricing, renewal or replacement of a contract, conducting planning-related analysis related to managing the employee benefit plans, and customer service.

2. Assist the Covered Entity's other business associates retained to provide legal advice, accounting, actuarial, consulting, data aggregation, management, administration, accreditation, or financial services to the Covered Entity or to an organized health care arrangement in which the Covered Entity participates.

3. Allow Business Associate to properly manage and administer the Business Associate's organization or to carry out the legal responsibilities of the Business Associate.

4. Perform functions, activities, or services for, or on behalf of, Covered Entity as specified above, except as otherwise limited by this Agreement or if such use or disclosure would violate the HIPAA Privacy or Security Rules if done by the Covered Entity.

C. OBLIGATIONS AND ACTIVITIES OF BUSINESS ASSOCIATE

1. **Use and Disclosure of PHI.** Business Associate shall not use or further disclose PHI other than as permitted by this Agreement or as required by law. To the extent practicable, Business Associate shall limit its use or disclosure of PHI or requests for PHI to a limited data set, or if necessary, to the minimum necessary to accomplish the intended purpose of such use, disclosure or request.

2. **Safeguards.** Business Associate shall use appropriate safeguards to prevent the use or disclosure of PHI other than pursuant to the terms and conditions of this Agreement, including establishing procedures that limit access to PHI within its organization to those employees with a need to know the information. Business Associate agrees that it will implement appropriate administrative, physical and technical safeguards to protect the confidentiality, integrity and availability of electronic PHI that it creates, receives, maintains or transmits on behalf of the Covered Entity, as required by the HIPAA Security Rule.

   Business Associate acknowledges that the requirements of 45 C.F.R. Sections 164.308, 164.310 and 164.312 applicable to such administrative, physical and technical safeguards apply to Business Associate in the same manner that such sections apply to Covered Entity. Further, Business Associate shall implement, and maintain in written form, reasonable and appropriate policies and procedures to comply with the standards, implementation specifications or other requirements of the HIPAA Security Rule, in accordance with 45 C.F.R. Section 164.316, which applies to Business Associate in the same manner that such section applies to Covered Entity.
3. **Unauthorized Disclosures of PHI.** Business Associate shall, within ten (10) business days of becoming aware of a disclosure of PHI in violation of this Agreement by Business Associate, its officers, directors, employees, contractors, or agents or by a third party to which Business Associate disclosed PHI (including a subcontractor), report to Covered Entity any such disclosure. Business Associate agrees to mitigate, to the extent practicable, any harmful effect of the unauthorized disclosure.

   This section shall also apply to any breach of unsecured PHI, as defined by the applicable regulations. Notice of any such breach shall include the identification of any individual whose unsecured PHI has been, or is reasonably believed by Business Associate, to have been accessed, acquired or disclosed during such breach and any other information required by the applicable regulations.

4. **Security Incidents.** Business Associate shall promptly report to Covered Entity any Security Incident of which it becomes aware, in accordance with the HIPAA Security Rule.

5. **Agreements with Third Parties.** Business Associate agrees to ensure that any agents and subcontractors that create, receive, maintain or transmit PHI on behalf of Business Associate with respect to Business Associate’s relationship with Covered Entity agree to the same restrictions and conditions that apply to Business Associate with respect to such information.

6. **Access to Information.** Within ten (10) business days of a request by the Covered Entity for access to PHI about an individual contained in a Designated Record Set, Business Associate shall make available to the Covered Entity such PHI for so long as such information is maintained in a Designated Record Set and in accordance with the requirements of 45 C.F.R. Section 164.524. In the event any individual requests access to PHI directly from the Business Associate, Business Associate shall respond to the request for PHI within ten (10) business days. Any denials of access to the PHI requested shall be the responsibility of the Business Associate.

7. **Availability of PHI for Amendment.** Business Associate agrees to make any amendments to PHI in a Designated Record Set that the Covered Entity directs or agrees to pursuant to 45 CFR Section 164.526 at the request of the Covered Entity or an individual, and in the time and manner designated by Covered Entity.

8. **Inspection of Books and Records.** Business Associate agrees to make its internal practices, books, and records relating to the use and disclosure of PHI received from, or created or received by Business Associate on behalf of Covered Entity, available to the Covered Entity, or at the request of the Covered Entity, to the Secretary of the U.S. Department of Health and Human Services or its designee (the “Secretary”), in a time and manner designated by the Covered Entity or the Secretary, for purposes of the Secretary determining Covered Entity's compliance with HIPAA.
9. **Accounting of Disclosures**. Business Associate agrees to maintain and make available to the Covered Entity an accounting of disclosures of PHI as would be required for Covered Entity to respond to a request by an individual made in accordance with 45 CFR Section 164.528. Business Associate shall provide an accounting of disclosures made during the six (6) years prior to the date on which the accounting is requested (or during the three (3) years prior to the date the accounting is requested for PHI maintained in an electronic health record, beginning on the applicable effective date pursuant to the American Recovery and Reinvestment Act of 2009). At a minimum, the accounting of disclosures shall include the following information:

   a. Date of disclosure,

   b. The name of the person or entity who received the PHI, and if known, the address of such entity or person,

   c. A brief description of the PHI disclosed, and

   d. A brief statement of the purpose of such disclosure which includes an explanation of the basis of such disclosure.

   In the event the request for an accounting is delivered directly to the Business Associate, the Business Associate shall respond to the request within ten (10) business days. Any denials of a request for an accounting shall be the responsibility of the Business Associate. Business Associate agrees to implement an appropriate recordkeeping process to enable it to comply with the requirements of this section.

10. **Remuneration in Exchange for PHI**. Effective Sept. 23, 2013, the effective date of the final HIPAA regulations pursuant to the American Recovery and Reinvestment Act of 2009, and subject to the transition provision of 45 CFR Section 164.532 regarding prior data use agreements, Business Associate shall not directly or indirectly receive remuneration in exchange for any PHI without a valid authorization permitting such remuneration, except as permitted by law.

D. **OBLIGATIONS OF COVERED ENTITY**

1. Covered Entity shall comply with each applicable requirement of the HIPAA Privacy and Security Rules.

2. Covered Entity shall provide Business Associate with the notice of privacy practices that Covered Entity produces in accordance with 45 CFR Section 164.520, as well as any changes to such notice.

3. Covered Entity shall provide Business Associate with any changes in, or revocation of, permission by individual to use or disclose PHI, if such changes affect Business Associate's permitted or required uses and disclosures.
4. Covered Entity shall notify Business Associate of any restriction to the use or disclosure of PHI that Covered Entity has agreed to in accordance with 45 CFR Section 164.522.

E. PERMISSIBLE REQUESTS BY COVERED ENTITY

Covered Entity shall not request Business Associate to use or disclose PHI in any manner that would not be permissible under HIPAA if done by the Covered Entity.

F. TERMINATION

1. Term. The term of this Agreement shall begin on the Effective Date and shall remain in effect until terminated under Section F(2) of this Agreement.

2. Termination. This Agreement shall be terminated only as follows:

a. Termination for Cause by Covered Entity

   This Agreement may be terminated by the Covered Entity upon fifteen (15) business days written notice to the Business Associate in the event that the Business Associate breaches any provision contained in Paragraph C of this Agreement and such breach is not cured within such fifteen (15) day period.

b. Termination for Cause by Business Associate

   This Agreement may be terminated by the Business Associate upon fifteen (15) business days written notice to the Covered Entity in the event that the Covered Entity breaches any provision contained in Paragraphs D or E of this Agreement and such breach is not cured within such fifteen (15) day period.

c. Termination Due To Change in Law

   Either party may terminate this Agreement effective upon thirty (30) days advance written notice to the other party in the event that the terminating party has sought amendment of this Agreement pursuant to Paragraph G(1) and no amendment has been agreed upon.

d. Termination Without Cause

   Either may terminate this Agreement effective upon thirty (30) days advance written notice to the other party given with or without any reason.

3. Return or Destruction of PHI

   Upon termination of this Agreement, Business Associate shall return or destroy all PHI received from Covered Entity, or created, maintained or received by Business
Associate on behalf of Covered Entity that the Business Associate maintains in any form. Business Associate shall retain no copies of the PHI.

Notwithstanding the above, to the extent that the Business Associate determines that it is not feasible to return or destroy such PHI, the terms and provisions of Paragraphs A, B, C and D shall survive termination of this Agreement and such PHI shall be used or disclosed solely for such purpose or purposes which prevented the return or destruction of such PHI. When the PHI is no longer needed by the Business Associate, the Business associate shall return the PHI to Covered Entity or shall destroy it.

G. GENERAL PROVISIONS

1. Amendment. This Agreement may be amended only by the mutual written agreement of the parties. The parties agree to take such action to amend this Agreement from time to time as is necessary for the Covered Entity or Business Associate to comply with the requirements of HIPAA.

2. Hold Harmless. Business Associate shall release and hold Covered Entity harmless from and against any claims, fees, and costs which are related to Business Associate's failure to perform its obligations under this Agreement. Covered Entity shall release and hold Business Associate harmless from and against any claims, fees, and costs which are related to Covered Entity's alleged improper use or disclosure of PHI or other breach of this Agreement.

3. Remedies. The parties acknowledge that breach of Paragraphs B, C, D or E of this Agreement may cause irreparable harm for which there is no adequate remedy at law. In the event of a breach, or if either party has actual notice of an intended breach, such party shall be entitled to a remedy of specific performance and/or injunction enjoining the other party from violating or further violating this Agreement. The parties agree the election of the party to seek injunctive relief and or specific performance of this Agreement does not foreclose or have any effect on any right such party may have to recover damages.

4. Survival. Business Associate's obligation to limit its use and disclosure of PHI as set out in Paragraph C survive the termination of this Agreement so long as Business Associate has PHI received during the performance of its services as described in this Agreement.

5. Governing Law. This Agreement shall be construed and enforced in accordance with the laws of the State of North Carolina.

6. Assigns. Neither this Agreement nor any of the rights, benefits, duties, or obligations provided herein may be assigned by any party to this Agreement without the prior written consent of the other party.

7. Third Party Beneficiaries. Nothing in this Agreement shall be deemed to create any rights or remedies in any third party.
8. **Interpretation.** Any ambiguity in this Agreement shall be resolved in favor of a meaning that permits the Covered Entity and/or Business Associate, as applicable, to comply with HIPAA.

9. **Notices.** Any notice given under this Agreement must be in writing and delivered via first class mail, via reputable overnight courier service, or in person to the parties' respective addresses as first written above or to such other address as the parties may from time to time designate.
RESOLUTION IN SUPPORT OF THE TEMPORARY CLOSURE OF A
PORTION OF NORTH AVENUE FOR THE PURPOSE OF AN OUTREACH
CELEBRATION BY EAST SANFORD BAPTIST CHURCH

WHEREAS, Betty Baxley, Outreach Director and spokesperson for and acting on
behalf of East Sanford Baptist Church formally request the temporary closure of a portion
of North Avenue from Third Street to Fourth Street for the purpose of an Outreach
Celebration;

WHEREAS, said temporary closure would occur on Saturday, May 18th 2019,
between the hours of 3:00 PM and 7:00 PM; and

WHEREAS, General Statute 160A-296 (a) (4) authorizes the Council for the City
of Sanford to temporarily close streets for such purposes, and

WHEREAS, the City of Sanford, has no objection to said event occurring
between the stated hours on said date;

NOW THEREFORE BE IT RESOLVED, THAT the City of Sanford Police
and Public Works Departments are directed to close the above said street on Saturday
May 18th 2019 between the hours of 3:00 PM and 7:00 PM.

Adopted this 19th day of March, 2019.

_________________________________
T. Chet Mann, Mayor

ATTEST:

_________________________________
Bonnie Davis, City Clerk

_________________________________
Susan C. Patterson, City Attorney
February 26, 2019

City of Sanford
225 East Weatherspoon Street
Sanford, North Carolina
27330

To Whom It May Concern:

East Sanford Baptist Church is planning an outreach celebration for our church and community on Saturday, May 18, 2019, on our open lot next to our parking area, across North Avenue from our main Sanctuary and our Educational Building. We request that North Avenue be closed between Third and Fourth Streets from 3:00 p.m. until 7:00 p.m. There will be a free hot dog supper, music, and games, and for the safety of all concerned, we believe it would be best to have the street closed. Rev. Jim Wright, our Pastor to Hispanics, spoke with the only neighbor who lives on North Avenue on this block, Beliza Gerónimo Cruz, this evening and received her permission to proceed with this process for closing the street.

Attached is the Certificate of Liability from our insurance company and a map indicating the proposed area of closure.

Thank you for your assistance with this matter. Please let me know if further information is required.

In His Service,

Betty C. Baxley
Evangelism Team Leader
919-776-3341

Now to Him who is able to do exceedingly abundant above all that we ask or think, according to the power that works in us, to Him be glory in the church by Christ Jesus to all generations, forever and ever. Amen. (Ephesians 3:20-21)
RESOLUTION TO TEMPORARILY CLOSE STREETS IN SUPPORT OF THE SANFORD CLEANUP AND BLOCK PARTY

WHEREAS, the Housing Task Force, Jonesboro United Methodist Church, Saint Mark United Church of God, several community groups and other area churches are requesting the closure of several streets for the purpose of a Sanford Cleanup and Block Party:

N. Eighth Street from Midland Avenue to Hickory Avenue;
Charlotte Avenue from S. Seventh Street to S. Ninth Street;
McIver Street from S. Seventh Street to S. Ninth Street;
Maple Avenue from S. Seventh Street to S. Ninth Street;
Bragg Street from McIver Street to S. Ninth Street; and

WHEREAS, said temporary closures would occur on Saturday April 27th 2019 between the hours of 7:00 AM and 4:00 PM; and

WHEREAS, General Statute 160A-296 (a) (4) authorizes the Council for the City of Sanford to temporarily close streets for such purposes,

WHEREAS, the City of Sanford, has no objection to said event occurring between the stated hours on said date;

NOW, THEREFORE, BE IT RESOLVED that the City of Sanford Police and Public Works Departments are directed to close the above said streets on Saturday April 27th 2019 between the hours of 7:00 AM and 4:00 PM.

ADOPTED this 19th day of March, 2019.

T. Chet Mann, Mayor

ATTEST:

Bonnie Davis, City Clerk

Susan C. Patterson, City Attorney
To: Street Division  
City of Sanford

From: Bill Huggins

Subject: Street Closure for 2019 Sanford Block Party

Dear Sirs,

The 2019 Sanford Block Party will take place on Saturday April 27, 2019 from 8am until 4pm. The Block Party is an annual event in which the City of Sanford partners with volunteers from churches, civic organizations and the community to clean up and beautify a selected neighborhood in the city limits of Sanford. My organization, Jonesboro United Methodist Church, is the lead sponsor for the 2019 Block Party.

This year the area selected for the Block Party is the neighborhood adjacent to the Temple Ball Park, specifically Maple Ave., McIver St., Bragg St., Charlotte Ave. and Eighth St. all between Seventh St. and Ninth St. In order to enable the volunteers (we expect between 200 and 250 people), vehicles and equipment to move freely in this area, we are requesting the closure of 1) Maple Ave. and Bragg St/McIver St. between Seventh and Ninth St. 2) Eighth St. between Maple Ave. and Midland Ave between 8am and 4pm on April 27. We have submitted a request to the NCDOT for the closure of Charlotte Ave. between Seventh St. and Ninth St. during this same time period.

Some of the property owners and residents in this area have already been contacted about this event in person by way of a mailing from the City of Sanford. Our volunteers will be in the area several times prior to April 27 to make sure all area property owners and residents are aware of the event and the road closures.

If you have any questions or need additional information, please feel free to contact me.

Yours truly,

Bill Huggins
(919) 356-5109
sanhug@gmail.com
TO: Hal Hegwer, City Manager
FROM: Christy Pickens, SPHR, SHRM-SCP, Human Resources & Risk Management Director
DATE: March 13, 2019
RE: Consider Revisions to Disability Eligible Benefits

The City provides health insurance coverage under the group health plan for an employee who retires with the NC Local Governmental Employees’ Retirement System (NCLGERS) with a disability, who has 15 years continuous service with the City immediately preceding retirement.

Management is recommending that the city continue health insurance coverage for up to 36 months, for an employee who retires with NCLGERS with a disability, but who doesn’t have 15 years of continuous service with the City immediately preceding retirement, if the employee has applied for Social Security Disability Insurance Benefits, to cover the gap until Medicare coverage begins.
PRELIMINARY ASSESSMENT RESOLUTION
CARR CREEK SEWER EXTENSION AREA D

WHEREAS, the City Council of the City of Sanford has determined that it may be in the best interest of the City to extend its Sewer system and that in order to provide such extensions it would be necessary to assess part of the cost thereof upon the real property benefited thereby;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sanford, North Carolina, that:

1. It is intended that the sewer system of the City of Sanford be extended by construction of approximately 2,420 linear feet of 8” sewer line along or near a portion of Carr Creek Drive, Evers Avenue, a portion of Hope Street and Tyrone Drive; and including those laterals so indicated on the petition, pursuant to Article 10, Chapter 160A of the General Statutes;

2. Twenty five percent (25%) of the total cost of said extension shall hereafter be assessed upon the benefited properties on the basis of the number of lots served or subject to be served at an equal rate per lot;

3. The cost to install sewer laterals during construction shall not be assessed to the benefiting properties. The sewer lateral is defined as that section of line from the main to the cleanout.

4. The assessment herein provided for shall be payable in cash, or if any property owner shall so elect, such owner shall have the option of paying the assessment in 10 equal annual installments, or monthly installments for an equivalent period, said installments to bear interest at the rate of five percent (5%) per annum;

5. A public hearing on all matters covered by this resolution will be held at 6:00 p.m. on the 16th day of April, 2019, at the City of Sanford Municipal Center.

Adopted this 19th day of March, 2019.

________________________________________
T. Chet Mann, Mayor

ATTEST:

________________________________________
Vicki R. Cannady, Deputy City Clerk
AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET
OF THE CITY OF SANFORD FY 2018-2019

BE IT ORDAINED by the City Council of the City of Sanford, North Carolina in regular session assembled.

Section 1: The following amounts are hereby amended to ordinance 2018-29 per G. S. 159-15 for the continued operation of the City of Sanford, its government, and activities for the balance of the fiscal year 2018-2019.

<table>
<thead>
<tr>
<th>REVENUES</th>
<th>EXPENDITURES</th>
</tr>
</thead>
<tbody>
<tr>
<td>300945 54000 Retained Earnings</td>
<td>207,179</td>
</tr>
<tr>
<td>30098130 00000 Distribution and Collection</td>
<td>207,179</td>
</tr>
<tr>
<td><strong>Total Appropriation</strong></td>
<td><strong>$ 207,179</strong></td>
</tr>
</tbody>
</table>

Section 2. This ordinance shall be in full force and effective from and after the date of its adoption.

ADOPTED this, the 19th day of March, 2019.

____________________________________
T. Chet Mann, Mayor

ATTEST:

____________________________________
Vicki R. Cannady, Deputy City Clerk
## 2018-2019 BUDGET ORDINANCE AMENDMENT

### UTILITY FUND

**Appropriation of Funds** - results in increasing of budget

<table>
<thead>
<tr>
<th>Revenues</th>
<th>207,179</th>
<th>To appropriate retained earnings for item described below</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retained Earnings</td>
<td>207,179</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Expenditures</th>
<th>207,179</th>
<th>Repairs to 18&quot; force main at the Water Reclamation Plant and pump replacement at Carr Creek lift station</th>
</tr>
</thead>
<tbody>
<tr>
<td>Distribution and Collection</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>


AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET
OF THE CITY OF SANFORD FY 2018-2019

BE IT ORDAINED by the City Council of the City of Sanford, North Carolina in regular session assembled.

Section 1: The following amounts are hereby amended to ordinance 2018-29 per G. S. 159-15 for the continued operation of the City of Sanford, its government, and activities for the balance of the fiscal year 2018-2019.

<table>
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<tr>
<th>REVENUES</th>
<th>EXPENDITURES</th>
</tr>
</thead>
<tbody>
<tr>
<td>300945 54000</td>
<td>Retained Earnings 798,508</td>
</tr>
<tr>
<td></td>
<td>30096650 66033 Contribution-Capital Projects 792,730</td>
</tr>
<tr>
<td></td>
<td>30096650 66010 Contribution-Lee County 5,778</td>
</tr>
</tbody>
</table>

Total Appropriation $798,508

Section 2. This ordinance shall be in full force and effective from and after the date of its adoption.

ADOPTED this, the 19th day of March, 2019.

T. Chet Mann, Mayor

ATTEST:

Vicki R. Cannady, Deputy City Clerk
**2018-2019 BUDGET ORDINANCE AMENDMENT**

**UTILITY FUND**

**Appropriation of Funds** - results in increasing of budget

<table>
<thead>
<tr>
<th>Revenues</th>
<th>798,508</th>
<th>To re-appropriate funds earmarked for expenditures that were not complete or received by June 30, 2018.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Retained Earnings</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Expenditures</th>
<th>792,730</th>
<th>Contribution to NC Highway 42 Waterline Relocate (Project No. W1802) $292,730; and contribution to Sewer Line Extension to the Raleigh Exec Jetport (Project No. S1801) $500,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contribution - Capital Projects</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Contribution - Lee County</th>
<th>5,778</th>
<th>Contribution to Lee County for completion of the Colon Road waterline</th>
</tr>
</thead>
</table>
CITY OF SANFORD

COMMUNITY DEVELOPMENT PROJECT ORDINANCE AMENDMENT

BE IT ORDAINED by the City Council of the City of Sanford, North Carolina that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following project ordinance is hereby amended:

Section 1: The project authorized is for housing rehabilitation.

Section 2: The following amounts are appropriated for this project.

| Shelter | $ 33,014 |

Section 3: The following revenues are anticipated to be available for this project:

| 96 CDBG | $ 33,014 |

Section 4: The Finance Officer is hereby directed to maintain within the Project Fund sufficient specific detailed accounting records to provide the accounting required by the agreements(s) and federal and state regulations.

Section 5: Funds may be advanced from the General Fund for the purpose of making payments as due. Reimbursement to the General Fund should be made from proceeds in an orderly and timely manner.

Section 6: The Finance Officer is directed to report, on a quarterly basis, on the financial status of each project element in Section 2 and on the total revenues received and claimed.

Section 7: The Finance Officer is directed to include in the annual budget information projects authorized by previously adopted project ordinances which will have appropriations available for expenditure during the budget year.

Section 8: Copies of this Community Development Project Ordinance shall be furnished to the Clerk to the City Council and the Finance Officer for direction in carrying out this project.

ADOPTED this, the 19th day of March, 2019.

_______________________________
T. Chet Mann, Mayor

ATTEST:

________________________________
Vicki R. Cannady, Deputy City Clerk
AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET
OF THE CITY OF SANFORD FY 2018-2019

BE IT ORDAINED by the City Council of the City of Sanford, North Carolina in regular session assembled.

Section 1: The following amounts are hereby amended to ordinance 2018-29 per G. S. 159-15 for the continued operation of the City of Sanford, its government, and activities for the balance of the fiscal year 2018-2019.

GENERAL FUND
TRANSFER OF FUNDS

<table>
<thead>
<tr>
<th>Transfer from the Following Accounts:</th>
<th>Transfer to the Following Accounts:</th>
</tr>
</thead>
<tbody>
<tr>
<td>10066800 00000 Parks 150,000</td>
<td>10016650 00000 Contribution - Capital Project 210,000</td>
</tr>
<tr>
<td>10016650 66028 Contribution - CCEP 60,000</td>
<td></td>
</tr>
</tbody>
</table>

Total Appropriation $210,000

Section 2. This ordinance shall be in full force and effective from and after the date of its adoption.

ADOPTED this, the 19th day of March, 2019.

____________________________________
T. Chet Mann, Mayor

ATTEST:

____________________________________
Vicki R. Cannady, Deputy City Clerk
### 2018-2019 BUDGET ORDINANCE AMENDMENT

#### GENERAL FUND

**Transfer from the Following Funds** - results in decreasing of budget

<table>
<thead>
<tr>
<th>Fund</th>
<th>Transfer Amount</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parks</td>
<td>150,000</td>
<td>Funds transfer to offset expenditures as described below</td>
</tr>
<tr>
<td>Contribution - CCEP</td>
<td>60,000</td>
<td>Funds transfer to offset expenditures as described below</td>
</tr>
</tbody>
</table>

**Transfer to the Following Funds** - results in increasing of budget

<table>
<thead>
<tr>
<th>Fund</th>
<th>Transfer Amount</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contribution - Capital Project</td>
<td>210,000</td>
<td>To move funds into the Parks Capital Project Number B1602</td>
</tr>
</tbody>
</table>
CAPITAL PROJECT ORDINANCE AMENDMENT
PARKS AND RECREATION PROJECT #B1602

BE IT ORDAINED by the City Council of the City of Sanford, North Carolina that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance numbers 2016-22, 2017-33, 2018-28, 2018-42 are hereby amended:

Section 1: The project authorized is for the costs of the acquisition, renovation and construction of parks and recreation facilities, including related parking, utility relocates, restrooms, acquisition of land and rights-of-way in land required and any other related expenses.

Section 2: The officers of this unit are hereby directed to proceed with the capital project within the terms of the bond proceeds and the budget contained herein.

Section 3: The following amounts are appropriated for the project:

| Parks and Recreation | $ 210,000 |

Section 4: The following revenues are anticipated to be available to complete this project:

| Transfer from General Fund | $ 210,000 |

Section 5: The Finance Officer is hereby directed to maintain within the Capital Project Fund sufficient specific detailed accounting records to satisfy the requirements of the bond agency, the grantor agency, the grant agreements, and state and federal regulations.

Section 6: Funds may be advanced from the General Fund for the purpose of making payments as due. Reimbursement request should be made to the bond agency, the grantor agency, or the lending institution in an orderly and timely manner.

Section 7: The Finance Officer is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and on the total revenues received and claimed.

Section 8: The Finance Officer is directed to include in the annual budget information projects authorized by previously adopted project ordinances which will have appropriations available for expenditure during the budget year.

Section 9: Copies of this capital project ordinance shall be furnished to the Clerk to the City Council and the Finance Officer for direction in carrying out this project.

ADOPTED this, the 19th day of March, 2019.

__________________________________
T. Chet Mann, Mayor

ATTEST:

__________________________________
Vicki R. Cannady, Deputy City Clerk
RESOLUTION OF THE
SANFORD CITY COUNCIL
IN SUPPORT OF LEGISLATION REMOVING A RESTRICTION
ON VOLUNTARY SATELLITE ANNEXATIONS

WHEREAS, the City of Sanford is extending sanitary sewer to the airport and northern section of Lee County towards the Moncure Megasite; and

WHEREAS, the Sanford City Council anticipates that residential and industrial developers will desire to connect to said sewer to facilitate development in this area and will seek voluntary annexation to receive said city services; and

WHEREAS, current law restricts a city from fulfilling voluntary annexation requests if the parcel is more than three miles from the city corporate limits; and

WHEREAS, in order to facilitate economic development, the City of Sanford is seeking legislation to remove this restriction.

NOW, THEREFORE, BE IT RESOLVED, that the Sanford City Council hereby supports the proposed legislation to remove the restriction for voluntary satellite annexations which required that the nearest point on the proposed satellite corporate limits be not more than three miles from the primary corporate limits of the annexing city.

Adopted this 19th day of March, 2019.

CITY OF SANFORD

BY

T. Chet Mann, Mayor

ATTEST:

Bonnie Davis, City Clerk