1. MEETING CALLED TO ORDER

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. PUBLIC COMMENT

5. APPROVAL OF AGENDA

6. CONSENT AGENDA

7. SPECIAL AGENDA
   A. Proclamation Proclaiming April 7 – 13, 2019 as Week of the Young Child – (Page 4)

   B. Presentation by Grand Master Richard Vincent – Global Open Tae Kwon-Do – (Page 5)

8. CASES FOR PUBLIC HEARING:
   Public Hearing on Cemetery Road Waterline Extension
   • Consider Resolution Directing that the Project be Undertaken – (Pages 6-7)

9. DECISIONS ON PUBLIC HEARINGS
   A. 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 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 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. – (Pages 8 - 14)

  • **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 15 - 38)**

  B. **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 39 - 43)

  • **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 44 - 54)**
10. REGULAR AGENDA

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 of the City of Sanford, North Carolina, Directing the Application to the Local Government Commission for Approval of Enterprise Systems Revenue and Revenue Refunding Bonds; Requesting Local Government Commission Approval of the City’s Enterprise Systems Revenue and Revenue Refunding Bonds, Series 2019 and Certain Related Matters – (Pages 55 - 58)
   B. Consider Post-Issuance Compliance Policies and Procedures – (Pages 59 - 66)
   C. Consider Approval of Fireworks Display for the Annual “Downtown StreetFest” – (Page 67)

12. OTHER BUSINESS

13. ADJOURNMENT
Office of the Mayor
City of Sanford

Proclamation --

WEEK OF THE YOUNG CHILD

WHEREAS, investment in our youngest children helps build bright futures for children and families, and creates significant economic benefits for Sanford and Lee County; and

WHEREAS, all children must enter school ready to succeed, and the best interest of our children must be a priority for leaders and policymakers; and

WHEREAS, Lee County Partnership for Children and the Coalition for Families in Lee County are working to promote and inspire high quality early childhood experiences for our community’s youngest citizens that can provide a foundation of learning and success for children in Sanford and Lee County; and

WHEREAS, these organizations, in conjunction with the North Carolina Association for the Education of Young Children (NCAEYC) and National Association for the Education of Young Children (NAEYC), are celebrating the Week of the Young Child from April 7, 2019 through April 13, 2019; and

WHEREAS, teachers and others who work with or on behalf of young children from birth through age eight, who make a difference in the lives of young children in Sanford, deserve thanks and recognition; and

WHEREAS, residents of Sanford and Lee County are encouraged to celebrate child care providers throughout the county for their dedication to providing care for the children of working parents and providing them with quality early childhood experiences; and

WHEREAS, public policies that support early learning for all young children are crucial to young children’s futures and to the prosperity of our society,

NOW, THEREFORE, by virtue of the authority vested in me as Mayor of the City of Sanford, I, T. Chet Mann, do hereby proclaim April 7-13, 2019 as the Week of the Young Child in Sanford and encourage everyone to work to support and invest in early childhood in our city.

PROCLAIMED this 2nd day of April, 2019.

T. CHET MANN, MAYOR
GLOBAL OPEN

2019
Presenting the best of
Kukkiwon Hanmadang and WT Sparring

4 MAY
Dennis Wicker
Civic Center
1801 Nash Street
Sanford, NC 27330 USA

Lake Chunji, a symbolic landscape of
Korea for peace and unification

INFO: 919-217-1555 • www.bbwglobalfestival.com
facebook.com/Global-Open-Taekwondo-Festival-2066670710244455/
RESOLUTION DIRECTING THAT THE PROJECT BE UNDERTAKEN

CEMETERY ROAD WATER LINE EXTENSION

WHEREAS, on the 5th day of March, 2019 the City Council of the City of Sanford adopted a Preliminary Assessment Resolution providing for the extension of a 6” water line of approximately 753 linear feet along Cemetery Road to be financed by assessment of 100% 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 water system of the City shall be extended by constructing a 6” water line approximately 753 linear feet along Cemetery Road, 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. 100% 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 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 eight percent (8%) per annum.

   Adopted this 2nd day of April, 2019.

   ____________________________________________
   T. Chet Mann, Mayor

ATTEST:

__________________________________________
Vicki Cannady, Deputy City Clerk

__________________________________________
Susan C. Patterson, City Attorney
Cemetery Road Water Line Extension - 8 Lots

753 Feet of Proposed Water Line

- Proposed Waterline
- Existing Water Line
- Parcels selection
- Parcels
CITY OF SANFORD
PLANNING BOARD RECOMMENDATION REGARDING A ZONING MAP AMENDMENT /REZONING
APRIL 2, 2019
APPLICATION# 2019-0301 TO AMEND THE SANFORD ZONING MAP

RECOMMENDATION FROM PLANNING BOARD:
The Planning Board recommends that the City Council support the petition by Keller Investment, LLC to rezone 35 acres ± off of 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 as this request appears to comply with the long range plan place type designation of Mixed Use Activity Center, which includes multi-family residential zoning as a current & proposed zoning district, multi-family dwellings & attached single-family dwellings as land uses. The request also appears to be reasonable and in the public interest give the existing access to public water, sewer, and streets.

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 “Mixed Use Activity Center” place type, such as multi-family residential zoning as a current & proposed zoning district, multi-family dwellings & attached single-family dwellings as land uses and public water & sewer as utility infrastructure; 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 has existing access to public water, sewer, and streets; therefore, I move to APPROVE the request to rezone 35 ± acres with frontage/access off of 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.”

Motion Option 2: “I make a motion that the proposed zoning map amendment is not reasonable and not in the public interest because, even though there is still commercially zoned property at the intersection
of NC Hwy 87 & Commerce Drive, the project associated with this rezoning request does not include a commercial component within the mix of uses; therefore, I move to DENY the request to rezone 35 ± acres with frontage/access off of 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.”

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 MARCH 19, 2019 AGENDA**

**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 CZ District, and O&I
South: South Park High Density Conditional Zoning District and Barrington Park CZ 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).

- **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. 

- **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 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.

The conceptual site 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:
  o Facilitate development of large scale integrated mix of uses
  o Single master-planned unit, but contextually integrated into surrounding development pattern including strong mobility linkages
  o Close proximity to highway interchanges and major arterials
  o 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 much 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.
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 Keller Investment, LLC to rezone 35 acres ± off of 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 as 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 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; 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 March 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 35 acres ±, previously identified as Tracts 1-5, off of 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 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-E.

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 it is consistent with the adopted land use plan in that the proposed design includes many of the components included within the Plan SanLee “Mixed Use Activity Center” place type, such as multi-family residential zoning as a current & proposed zoning district, multi-family dwellings & attached single-family dwellings as land uses and has existing access to public water, sewer, and streets.

ADOPTED this the 2nd day of April 2019.

T. Chet Mann, Mayor

ATTEST:

Bonnie Davis, City Clerk

APPROVED AS TO FORM:

Susan Patterson, City Attorney
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.
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)

INDEX TO DRAWINGS

COVER
EX CONDITIONS - DEMO PLAN
CONCEPT SITE PLAN
CONCEPT UTILITY PLAN
CONCEPT GRADING PLAN
CONCEPT LANDSCAPE PLAN
BUILDING TYPE 1 FIRST FLOOR
BUILDING TYPE 1 ELEVATIONS
BUILDING TYPE 2 FIRST FLOOR
BUILDING TYPE 2 ELEVATIONS
BUILDING TYPE 3 FIRST FLOOR
BUILDING TYPE 3 ELEVATIONS
GARAGE TYPE 1 FLOOR PLAN
GARAGE TYPE 1 ELEVATIONS
GARAGE TYPE 2 PLAN & ELEVATIONS
MAIL KIOSK PLANS & ELEVATIONS
ENCLOSURE PLAN & ELEVATIONS

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

SITE VICINITY MAP

COMMERCIAL DRIVE

PRELIMINARY FOR REVIEW ONLY NOT RELEASED FOR CONSTRUCTION
CITY OF SANFORD
PLANNING BOARD RECOMMENDATION
REGARDING A ZONING MAP AMENDMENT/REZONING
APRIL 2, 2019

APPLICATION# 2019-0301 TO AMEND THE SANFORD ZONING MAP

RECOMMENDATION FROM PLANNING BOARD:
The Planning Board recommends that the City Council support the petition 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 as this request appears to comply with the long range plan place type designation of Mixed Use Activity Center, which includes multi-family residential zoning as a current & proposed zoning district and multi-family dwellings as land uses. The request also appears to be reasonable and in the public interest given the existing access to public water, sewer (via a main line extension), and streets and it takes into consideration the current development trends in the area.

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 “Mixed Use Activity Center” place type, such as multi-family residential zoning as a current & proposed zoning district and multi-family dwellings as a land use and public water & sewer as utility infrastructure; therefore, I make a motion that the request IS consistent with the adopted long-range plan.”

Motion Option 2: “I make a motion that the request IS NOT 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 has existing access to public water, sewer (via a proposed main line extension), and streets; therefore, I move to APPROVE the request 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.”

Motion Option 2: “I make a motion that the proposed zoning map amendment is not reasonable and not in the public interest because, even though there is still commercially zoned property at the
intersection of NC Hwy 87 & Commerce Drive, the project associated with this rezoning request does not include a commercial component within the mix of uses and the sewer main line would need to be extended to serve the site; therefore, I move to **DENY** the request 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.”

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.

---

**REZONING REPORT FROM MARCH 19, 2019 AGENDA**

**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:** Multi-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 its 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](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.
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 Wynnefield Properties, Inc. to rezone a 2.36 acre ± portion of a 15 acre ± tract of land addressed as 1732 Westover Drive and access/frontage off of Pendergrass Road as depicted on Lee County Tax Maps 9631.02 and 9631.01 as Tax Parcel 9631-56-2403-00 from General Commercial (C-2) to the Kendall Creek Multi-family Conditional Zoning District to allow for the development of an apartment community; 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 March 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 a 2.36 acre ± portion of a 15 acre ± tract of land addressed as 1732 Westover Drive and access/frontage off of Pendergrass Road as depicted on Lee County Tax Maps 9631.02 and 9631.01 as Tax Parcel 9631-56-2403-00 from General Commercial (C-2) to the Kendall Creek Multi-family Conditional Zoning District to allow for the development of an apartment community. The 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-C.

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 it is consistent with the adopted land use plan and the site has existing access to public water, sewer (via a proposed main line extension), and it takes into consideration the current development trends in the area.

ADOPTED this the 2nd day of April 2019.

_________________________________________
T. Chet Mann, Mayor

ATTEST:
___________________________________
Bonnie Davis, City Clerk

APPROVED AS TO FORM:
___________________________________
Susan Patterson, City Attorney
SITE INFORMATION:
SITE: 2.96 +/- ACRES
DENSITY: 31.90 UNITS/ACRES
ZONING: C-2
BUILDING: (1) 4-STORY SENIOR APARTMENT BUILDING
SPRINKLERS: 258
PARKING SPACES: 79 REQUIRED @ 1 PER UNIT / 70 PROVIDED

UNIT INFORMATION:
UNIT MIX: 1+ BR (A UNITS) 2+ BR (B UNITS) TOTAL

SPG/UNIT PROG. REQ.
1+ BR (A UNITS) = 36 1.0 36
2+ BR (B UNITS) = 36 1.0 36
TOTAL = 72 UNITS 72

SQ. FT. INFORMATION:
36 (1 BR) x 688 P.S. SQ. FT. = 24,168 P.S. SQ. FT.
36 (2 BR) x 794 P.S. SQ. FT. = 28,584 P.S. SQ. FT.
14,778 NET SQ. FT. x 4 STORIES = 59,112 TOTAL NET SQ. FT.

REQUIRED AMENITIES:
- INDOOR/OUTDOOR SITTING AREAS - (W/ MIN. 1 BENCH, 3 LOCATIONS)
- MULTI-PURPOSE ROOM (MIN. 290 SQ. FT.)
- TENANT STORAGE AREAS

ADDITIONAL AMENITIES:
- COVERED DRIVE-THRU AT ENTRY
- EXERCISE ROOM - (W/ 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
Extract of Minutes of a regular meeting of the City Council of the City of Sanford, North Carolina held at the Municipal Building, 225 E. Weatherspoon Street, Sanford, North Carolina, at 6:00 p.m. on April 2, 2019.

The following members were present:

The following members were absent:

Council Member _________________moved that the following resolution, copies of which having been made available to the City Council, be adopted:

RESOLUTION OF THE CITY OF SANFORD, NORTH CAROLINA,
DIRECTING THE APPLICATION TO THE LOCAL GOVERNMENT COMMISSION
FOR APPROVAL OF ENTERPRISE SYSTEMS REVENUE AND REVENUE REFUNDING BONDS;
REQUESTING LOCAL GOVERNMENT COMMISSION APPROVAL OF
THE CITY’S ENTERPRISE SYSTEMS REVENUE AND REVENUE REFUNDING BONDS,
SERIES 2019 AND CERTAIN RELATED MATTERS

* * *

The motion to adopt the aforementioned resolution titled “RESOLUTION OF THE CITY OF SANFORD, NORTH CAROLINA, DIRECTING THE APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF ENTERPRISE SYSTEMS REVENUE AND REVENUE REFUNDING BONDS; REQUESTING LOCAL GOVERNMENT COMMISSION APPROVAL OF THE CITY’S ENTERPRISE SYSTEMS REVENUE AND REVENUE REFUNDING BONDS, SERIES 2019 AND CERTAIN RELATED MATTERS” was seconded by Council Member ________________ and was adopted by the City Council on the following vote:

YES:

NO:

PASSED, ADOPTED AND APPROVED this 2nd day of April, 2019.

CITY COUNCIL OF THE CITY OF SANFORD, NORTH CAROLINA

BY: _________________________________________

Bonnie D. Davis
City Clerk
I, BONNIE D. DAVIS, CITY CLERK of the CITY OF SANFORD, NORTH CAROLINA (the “City”), a municipal corporation, validly organized and existing under the Constitution and laws of the State of North Carolina, HEREBY CERTIFY that the foregoing is a true, correct and complete copy of a resolution adopted by a majority of the City Council of the City present and voting at a meeting duly called and held on April 2, 2019, in accordance with law, and that such resolution has not been repealed, revoked, rescinded or amended but is in full force and effect as of the date hereof.

WITNESS the following signature and seal of the City, this 2nd day of April, 2019.

(SEAL)

____________________________________
Bonnie D. Davis, City Clerk
City of Sanford, North Carolina
RESOLUTION OF THE CITY OF SANFORD, NORTH CAROLINA,
DIRECTING THE APPLICATION TO THE LOCAL GOVERNMENT COMMISSION
FOR APPROVAL OF ENTERPRISE SYSTEMS REVENUE BONDS;
REQUESTING LOCAL GOVERNMENT COMMISSION APPROVAL OF
THE CITY’S ENTERPRISE SYSTEMS REVENUE AND REVENUE REFUNDING BONDS,
SERIES 2019 AND CERTAIN RELATED MATTERS

WHEREAS, the City Council (the “City Council”) of the City of Sanford, North Carolina (the
“City”) hereby determines that it is necessary to improve its water and sanitary sewer systems
(collectively, the “Enterprise Systems”); and

WHEREAS, the City Council is considering the issuance of not to exceed $45,000,000 Enterprise
Systems Revenue and Revenue Refunding Bonds, Series 2019 of the City (the “2019 Bonds”) to
(1) finance the costs of extensions, additions and capital improvements to, or the renewal and replacement
of capital assets of, or purchasing and installing new equipment for, the City’s Enterprise Systems
(collectively, the “Projects”), (2) refund certain of the City’s outstanding enterprise systems revenue
bonds (the “Refunded Bonds”), and (3) pay the costs of issuing the 2019 Bonds; and

WHEREAS, the City Council wishes to (A) retain Parker Poe Adams & Bernstein LLP of
Raleigh, North Carolina, as bond counsel; (B) retain Hilltop Securities of Charlotte, North Carolina, as
financial advisor; (C) retain Wells Fargo Bank, National Association of Charlotte, North Carolina and, if
necessary, any additional financial institution identified by the Director of Financial Services, as
underwriters of the 2019 Bonds (collectively, the “Underwriters”), (D) approve the selection by the
Underwriters of Womble Bond Dickinson (US) LLP, as underwriters’ counsel; (E) retain Regions Bank,
as trustee and escrow agent for the 2019 Bonds and (F) retain Raftelis Financial Consultants, Inc., as
feasibility consultant (collectively, the “Financing Team”); and

WHEREAS, the City Council desires that the Director of Financial Services of the City file with
the Local Government Commission of North Carolina (the “Commission”) an application for its approval
of the 2019 Bonds, on a form prescribed by the Commission, and (1) request in such application that the
Commission approve (A) the negotiation of the sale of the 2019 Bonds to the Underwriters and (B) the
City’s use of the Financing Team and (2) state in such application such facts and to attach thereto such
exhibits in regard to the 2019 Bonds and to the City and its financial condition as may be required by the
Commission, and to take all other action necessary to the issuance of the 2019 Bonds;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
SANFORD, NORTH CAROLINA, AS FOLLOWS:

Section 1. That the 2019 Bonds are to be issued by the City for the purpose of providing
funds to (1) finance the costs of the Projects, (2) refinance the Refunded Bonds, and (3) pay the costs of
issuing the 2019 Bonds. The use of the proceeds of the 2019 Bonds, as described, is necessary to meet
the expanding needs of the users of the Enterprise Systems and to assure that the Enterprise Systems
remain in full compliance with all state and federal requirements for the provision of water and sanitary
sewer services.

Section 2. That the Financing Team is hereby retained and approved.

Section 3. That the Director of Financial Services of the City, with advice from the financial
advisor and bond counsel, is hereby authorized, directed and designated to file an application with the
Commission for its approval of the issuance of the 2019 Bonds.
Section 4. That the City Council finds and determines, and asks the Commission to find and determine, from the City’s application and supporting documentation the following:

(a) that the issuance of the 2019 Bonds is necessary or expedient;

(b) that the not to exceed stated principal amount of the 2019 Bonds will be sufficient but is not excessive to finance the Projects and to refinance the Refunded Bonds;

(c) that the Enterprise Systems as now constituted, and as they will be constituted after the completion of the Projects, is feasible;

(d) that the City’s debt management procedure and policies are good; and

(e) that the 2019 Bonds can be marketed at a reasonable interest cost to the City.

Section 5. That the City Council requests that the Commission sell the 2019 Bonds through negotiation to the Underwriters on such terms as may be agreed on but at a true interest cost not exceeding 5.00%.

Section 6. This Resolution shall be in full force and effective from and after the date of its adoption.

Adopted this, the 2nd day of April, 2019.

T. Chet Mann, Mayor

ATTEST:

Bonnie D. Davis, City Clerk

Susan C. Patterson, City Attorney
City of Sanford, North Carolina

Post-Issuance Compliance Policies and Procedures for complying with Continuing Disclosure Obligations (Rule 15c2-12)

Adopted April 2, 2019
Part I.  Purpose.

In connection with the issuance of securities in the public markets, the City of Sanford, North Carolina (the “Issuer”) has entered into agreements obligating the Issuer to provide continuing disclosure on certain information related to the Issuer. The continuing disclosure obligations are entered into by the Issuer to allow the underwriter(s) of the securities offered to comply with Rule 15c2-12 (the “Rule”) promulgated by the Securities and Exchange Commission (the “SEC”). Given the increasing complexity of the Rule and scrutiny with respect to compliance with the Rule that will be undertaken by underwriters of future issuance of securities by or on behalf of the Issuer and the desire by the Issuer to ensure adherence with the Issuer’s continuing disclosure obligations, the Issuer hereby adopts the following policies and procedures (the “Policies and Procedures”). These Policies and Procedures are intended to serve as a guide for the Issuer to facilitate compliance with its continuing disclosure obligations in accordance with the Rule.

Part II.  Responsibility of Issuer Officials.

Except as otherwise described herein, the Issuer’s Finance Department (the “Department”) has primary responsibility for ensuring that the Issuer complies with its continuing disclosure obligations outstanding. The Department will consult with other departments within the Issuer, as well as third-party professionals (e.g., the Issuer’s bond counsel and financial advisor), as necessary, to ensure compliance with these Policies and Procedures.

The Director of Financial Services will review these Policies and Procedures no less frequently than on the issuance of any securities for which the Issuer agrees to additional continuing disclosure obligations to ensure that the terms and conditions of these Policies and Procedures are up to date and that the Issuer remains in compliance.

Part III.  Securities Subject to Continuing Disclosure Obligations.

The Issuer has entered into continuing disclosure obligations for the securities listed on Exhibit A hereto. The Issuer will update Exhibit A each time that securities are issued for which the Issuer agrees to continuing disclosure and each time that securities are no longer outstanding and subject to continuing disclosure in accordance with the Rule.

Part IV.  Continuing Disclosure Obligations.

(A) As part of its continuing disclosure obligations, the Issuer has agreed to provide the following information related to each of the securities listed on Exhibit A to the Municipal Securities Rulemaking Board (the “MSRB”).

    (1) by not later than seven months after the end of each Fiscal Year, the audited financial statements of the Issuer for the preceding Fiscal Year, if available, prepared in accordance with Section 159-34 of the General Statutes of North Carolina, as it may be amended from time to time, or any successor statute, or if such audited financial statements are not then available, unaudited financial statements of the Issuer for such Fiscal Year to be
replaced subsequently by audited financial statements of the Issuer to be delivered within 15 days after such audited financial statements become available for distribution;

(2) by not later than seven months after the end of each Fiscal Year, the financial and statistical data as of a date not earlier than the end of the preceding Fiscal Year for the type of information included under the captions in the Official Statement related to each of the securities subject to and specified in each agreement to undertake continuing disclosure;

(3) in a timely manner not in excess of 10 Business Days after the occurrence of the event, notice of any of the following events with respect to the securities subject to continuing disclosure:

(a) principal and interest payment delinquencies;

(b) non-payment related defaults, if material;

(c) unscheduled draws on the debt service reserves reflecting financial difficulties;

(d) unscheduled draws on any credit enhancements reflecting financial difficulties;

(e) substitution of any credit or liquidity providers, or their failure to perform;

(f) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the securities, or other material events affecting the tax status of the securities;

(g) modification of the rights of the Beneficial Owners of the securities, if material;

(h) call of any of the securities, other than mandatory sinking fund redemptions, if material, and tender offers;

(i) defeasance of any of the securities;

(j) release, substitution or sale of any property securing repayment of the securities, if material;

(k) rating changes;

(l) bankruptcy, insolvency, receivership or similar event of the Issuer;
(m) the consummation of a merger, consolidation, or acquisition involving the Issuer or the sale of all or substantially all of the assets of the obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to such actions, other than pursuant to its terms, if material; and

(n) appointment of a successor or additional trustee or the change of name of a trustee, if material;

(o) incurrence of a financial obligation of the issuer or obligated person, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of the issuer or obligated person, any of which affect security holders, if material; and

(p) default, event of acceleration, termination event, modification of terms, or other similar events under the terms of the financial obligation of the issuer or obligated person, any of which reflect financial difficulties.

The term “financial obligation” as used in items (o) and (p) above means a (i) debt obligation; (ii) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (iii) guarantee of (i) or (ii). The term financial obligation shall not include municipal securities as to which a final official statement has been provided to the Municipal Securities Rulemaking Board consistent with Rule 15c2-12.

(4) in a timely manner, notice of a failure of the Issuer to provide required annual financial information described in (1) or (2) above on or before the date specified.

(B) The type of information to be provided under (A)(2) above is set forth in Exhibit B.

(C) All documents provided to the MSRB as described above are to be provided in an electronic format as prescribed by the MSRB (pdf, word-searchable) and accompanied by identifying information as prescribed by the MSRB.

(D) “Financial Obligations” will be identified by the Department, in consultation with bond counsel and the financial advisor, prior to being entered into by the Issuer. A Financial Obligation will be considered “material” for purposes of the Rule if it exceeds $500,000. The Department will post the entire relevant documents related to the Financial Obligation (with acceptable redactions identified by the counterparty to the documents) in accordance with the Rule. Exhibit C includes a list of “Financial Obligations” as identified in accordance with a materiality standard identified by the Issuer. Such list should be reviewed annually and updated, as needed.
Part V.  Continuing Disclosure Obligations Control.

Notwithstanding anything in these Policies and Procedures, the terms of each continuing disclosure obligation made at the time the Issuer issued or executed and delivered the related debt obligation controls. The Department will maintain records of each continuing disclosure agreement.

Part VI.  Recordkeeping and Review of Policy.

The Issuer will maintain all records related to its compliance with its continuing disclosure obligations in such form and for such time period in accordance with the Issuer's recordkeeping policies. In addition, the Issuer will review this policy in January of each calendar year, including a review of Exhibit to ensure they are complete, and update as necessary.

Part VII.  Continuing Education.

The Issuer will continue to consult regularly with its bond counsel and financial advisor regarding its continuing disclosure obligations and any changes to the Rule. The Issuer will regularly update these Policies and Procedures to reflect any changes. The Issuer will conduct training sessions within the Department and with any other appropriate employees of the Issuer every two years.
EXHIBIT A

Securities Subject to Continuing Disclosure Obligation
EXHIBIT B

Annual Information to be Updated from Official Statements
EXHIBIT C

Financial Obligations for which Material Events (15) and (16) Apply
March 4, 2019

Mr. Hal Hegwer
225 E. Weatherspoon St.
Sanford NC 27330

Re: Fireworks Display

Dear Mr. Hegwer,

I am writing to request that the Fire Department be added to the next available City Council’s agenda so that we may request approval for a fireworks display for the annual “Downtown Street Fest”

Please feel free to contact me with any questions or concerns.

Respectfully,

[Signature]

Captain Alex Collazo, Deputy Fire Marshal, SFD